

Sentencing Bill

THIRD MARSHALLED LIST OF AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

The amendments have been marshalled in accordance with the Instruction of 12th November 2025, as follows –

Clause 1	Clauses 11 to 27
Schedule 1	Schedule 4
Clauses 2 to 9	Clauses 28 to 31
Schedule 2	Schedule 5
Clause 10	Clauses 32 to 47
Schedule 3	Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

After Clause 19

LORD FOSTER OF BATH

88 After Clause 19, insert the following new Clause –

“An annual report on prison capacity

- (1) The Lord Chancellor must, as soon as practicable after the end of each financial year, make a report on prison capacity.
- (2) When reporting on prison capacity under this section, the Lord Chancellor must include the available data on –
 - (a) prison population projections,
 - (b) projection for the supply of prison places,
 - (c) information on prison service staffing, and
 - (d) information on probation service staffing and caseloads.
- (3) The Lord Chancellor must lay a copy of the report before Parliament.
- (4) The Lord Chancellor must publish the report once a copy has been so laid.

- (5) If this section comes into force after the beginning of a financial year, the first report may relate to a period beginning with the day on which that section comes into force and ending with the end of the next financial year.”

Member's explanatory statement

This new clause would require the Lord Chancellor to publish an annual report on prison capacity, in line with the commitment in its Annual Statement on Prison Capacity: 2024 for a statutory annual statement. In line with the 2024 statement, it also requires the publication of information on probation service staffing and caseloads, given the importance of probation service capacity in managing offenders with community orders, suspended sentences and on licence.

LORD WOODLEY
BARONESS JONES OF MOULSECOOMB
BARONESS FOX OF BUCKLEY

89 After Clause 19, insert the following Clause –

“Re-sentencing those serving a sentence of imprisonment for public protection

- (1) The Lord Chancellor must make arrangements to ensure that every individual serving a sentence of imprisonment for public protection (“IPP sentence”), whether in prison or the community, has been re-sentenced within 24 months of the day on which this Act is passed.
- (2) The Lord Chancellor must establish a committee to provide advice regarding the discharge of the Lord Chancellor’s duty under subsection (1).
- (3) The committee established by virtue of subsection (2) must include a judge or retired judge –
 - (a) under the age of 75,
 - (b) authorised, or authorised immediately before retirement, to try cases of murder, and
 - (c) nominated by the Lady or Lord Chief Justice.
- (4) Within six months of being appointed, the committee must lay a report before Parliament on the process of re-sentencing individuals serving an IPP sentence.
- (5) After a report has been published under subsection (4), the Lord Chancellor may disband the committee established under subsection (2) whenever the Lord Chancellor considers appropriate.
- (6) The Lord Chancellor must disband the committee once all those serving IPP sentences have been re-sentenced.
- (7) A person (“P”) serving an IPP sentence must be re-sentenced in relation to the offence or offences for which P was originally sentenced at a Crown Court designated by the Lord Chancellor for that purpose.
- (8) The re-sentencing court –
 - (a) must not impose a sentence more severe than the notional determinate sentence upon the basis of which the tariff was specified as needing to be served before an application for release on licence might be made, and

- (b) may substitute for the IPP sentence a hospital order under section 37 of the Mental Health Act 1983, with or without a restriction order under section 41, but only if –
 - (i) the court is satisfied, on the evidence required by that Act, that appropriate in-patient treatment is available for P, and
 - (ii) in the case of a restriction order under section 41, the statutory criteria for making such an order are met.
- (9) The re-sentencing court may confirm the sentence of IPP only if –
 - (a) the re-sentencing judge determines that, at the date of the original sentencing, ignoring the alternative of an IPP sentence, P might appropriately have received a sentence of life imprisonment, and
 - (b) at the date of re-sentencing, there is a substantial risk of P committing a further serious offence resulting in substantial harm if released.
- (10) Cases falling within the scope of subsection (9) may only be re-sentenced by a judge authorised, or authorised immediately before retirement, to try cases of murder.
- (11) The re-sentencing court may recommend that P may be subject to an extended licence for a period of up to five years, incorporating such conditions as the re-sentencing court considers appropriate to minimise the risk of re-offending.
- (12) In relation to the exercise of the power in subsection (7) –
 - (a) the power is to be treated as a power to re-sentence under section 402(1) of the Sentencing Code, and
 - (b) the Sentencing Code applies for the purposes of this section (and, accordingly, it does not matter that a person serving an IPP sentence was convicted of an offence before 1 December 2020).
- (13) For the purposes of this section, “IPP sentence” means –
 - (a) a sentence of imprisonment or detention in a young offender institution for public protection under section 225 (since repealed) of the Criminal Justice Act 2003,
 - (b) a sentence of detention for public protection under section 226 (since repealed) of the Criminal Justice Act 2003, or
 - (c) a sentence of imprisonment or detention passed as a result of sections 219 or 221 of the Armed Forces Act 2006.”

Member's explanatory statement

This new clause would implement the recommendation of the Justice Committee's 2022 Report that there should be a re-sentencing exercise in relation to all IPP sentenced individuals, and to establish a time-limited expert committee, including a member of the judiciary, to advise on the practical implementation of such an exercise. It would also allow the court to substitute a hospital order, with or without a restriction on release for an IPP sentence in appropriate circumstances.

LORD MARKS OF HENLEY-ON-THAMES
THE LORD BISHOP OF GLOUCESTER
BARONESS HAMWEE

90 After Clause 19, insert the following new Clause –

“Independent advisory panel on sentencing and reducing reoffending

- (1) There is to be an independent advisory panel on sentencing and reducing reoffending.
- (2) The purpose of the panel is to facilitate greater scrutiny of the impacts of policy and legislation on prison and probation resources, helping to encourage a more sustainable criminal justice system in the long term.
- (3) The panel is to act as an authority on what works to reducing rates of reoffending, including but not limited to –
 - (a) championing and promoting the most authoritative evidence on what works to reduce and prevent reoffending;
 - (b) producing advice on the most effective methods to reduce reoffending drawing upon evidence from national data, international contexts and expertise within the sector;
 - (c) championing best practice examples of technological interventions to reduce reoffending, with consideration of the risks or ethical implications of using such technology.
- (4) The panel must, as soon as practicable after the end of each financial year, report to the Lord Chancellor on its work during the year.
- (5) The report specified in subsection (4) must include but is not limited to –
 - (a) a longer-term assessment of the cumulative impact of government policy and legislation on sentencing and prison and probation capacity;
 - (b) an assessment of the effectiveness of the government’s overall reducing reoffending strategy.
- (6) The Lord Chancellor must lay a copy of the report before Parliament and place copies in the Library of both Houses.
- (7) The panel must publish the report once a copy has been so laid.
- (8) The panel is to consist of at least 8 members appointed by the Lord Chancellor.
- (9) The Lord Chancellor must appoint a chair of the panel.
- (10) In exercising his or her responsibilities under subsection (9), the Lord Chancellor must seek approval for his or her choice of chair from the Justice Committee in the House of Commons.
- (11) A person is eligible to be a member of the advisory panel if the person appears to the Lord Chancellor to have experience in one or more of the following areas –
 - (a) judiciary;
 - (b) criminal defence or prosecution;
 - (c) sentencing policy and the administration of justice;

- (d) prisons and probation;
 - (e) psychology and psychiatry;
 - (f) academic study or research relating to criminal law or criminology;
 - (g) independent inspection and scrutiny of the criminal justice system;
 - (h) the investigation of complaints;
 - (i) the welfare of prisoners;
 - (j) criminal justice reform and rehabilitation charities.
- (12) The Lord Chancellor may by order make provision for –
- (a) The term of office, resignation, and reappointment of panel members,
 - (b) The remuneration of panel members, and
 - (c) The budget of the panel.
- (13) For the purposes of this section –
- (a) “legislation” means –
 - (i) an Act of Parliament if, or to the extent that, it extends to England and Wales;
 - (ii) subordinate legislation made under an Act of Parliament if, or to the extent that, the subordinate legislation extends to England and Wales;
 - (iii) a Measure or Act of the National Assembly for Wales or subordinate legislation made under such a Measure or Act;
 - (b) “policy” means –
 - (i) policy of the UK government;
 - (ii) policy of the Welsh ministers.”

Member’s explanatory statement

This new clause, along with others from Lord Marks to after Clause 19, would introduce an independent panel on sentencing and reducing reoffending, implementing recommendation 9.1 of the independent sentencing review.

LORD MARKS OF HENLEY-ON-THAMES
THE LORD BISHOP OF GLOUCESTER
BARONESS HAMWEE

91

After Clause 19, insert the following new Clause –

“Independent advisory panel on sentencing and reducing reoffending: duty to refer

- (1) The Lord Chancellor must refer to the panel any government policy proposal, or government proposal for legislation, which the Lord Chancellor considers may have a significant effect on one or more of the following –
 - (a) the resources required for the provision of prison places;
 - (b) the resources required for probation provision;
 - (c) the resources required for the provision of youth justice services.
- (2) For the purposes of subsection (1) –

- (a) “government policy proposal” includes a policy proposal of the Welsh Ministers;
 - (b) “government proposal for legislation” includes a proposal of the Welsh Ministers for legislation.
- (3) The panel must assess the likely effect of the proposal on the matters mentioned in paragraphs (a) to (c) of subsection (1).
- (4) The panel must also assess the extent to which the proposal –
 - (a) represents value for money, and
 - (b) is likely reduce rates of reoffending.
- (5) The panel must prepare a report of the assessment and send the report –
 - (a) to the Lord Chancellor, and
 - (b) if the report relates to a proposal of the Welsh Ministers, to the Welsh Ministers.
- (6) A single report may be prepared of the assessments relating to 2 or more proposals.
- (7) If the Lord Chancellor receives a report under subsection (5) the Lord Chancellor must, unless it relates only to a proposal of the Welsh Ministers, respond to the report.
- (8) The Lord Chancellor’s response must include but is not limited to –
 - (a) an assessment of whether the Lord Chancellor agrees or disagrees with the advice of the panel;
 - (b) an indication of whether or not the government intends to implement the proposal.
- (9) The Lord Chancellor must send a copy of the response to the chair of the panel within three months of receiving a report.
- (10) The Lord Chancellor must lay a copy of the panel’s report and the Lord Chancellor’s response before both Houses of Parliament.
- (11) If the Welsh Ministers receive a report under subsection (5) they must respond to the report.
- (12) The Welsh Ministers’ response must include but is not limited to –
 - (a) an assessment of whether the Welsh Ministers agree or disagree with the advice of the panel;
 - (b) an indication of whether or not the Welsh Ministers intend to implement the proposal.
- (13) The Welsh Ministers must send a copy of the response to the chair of the panel within three months of receiving a report.
- (14) The Welsh Ministers must lay a copy of the panel’s report and the Welsh Ministers’ response before the National Assembly for Wales.
- (15) The panel must publish a report and response which has been laid in accordance with subsections (10) and (14).

- (16) In this section “legislation” means –
- (a) an Act of Parliament if, or to the extent that, it extends to England and Wales;
 - (b) subordinate legislation made under an Act of Parliament if, or to the extent that, the subordinate legislation extends to England and Wales;
 - (c) a Measure or Act of the National Assembly for Wales or subordinate legislation made under such a Measure or Act.”

Member's explanatory statement

This new clause, along with others from Lord Marks to after Clause 19, would introduce an independent panel on sentencing and reducing reoffending, implementing recommendation 9.1 of the independent sentencing review.

LORD MARKS OF HENLEY-ON-THAMES
THE LORD BISHOP OF GLOUCESTER
BARONESS HAMWEE

92 After Clause 19, insert the following new Clause –

**“Independent advisory panel on sentencing and reducing reoffending:
consequential amendments**

- (1) The Coroners and Justice Act 2009 is amended as follows.
- (2) In section 120, after subsection (11)(f) insert –
 - “(g) any relevant advice from the independent advisory panel on sentencing and reducing reoffending.”.

Member's explanatory statement

This new clause, along with others from Lord Marks to after Clause 19, would introduce an independent panel on sentencing and reducing reoffending, implementing recommendation 9.1 of the independent sentencing review.

LORD MARKS OF HENLEY-ON-THAMES
LORD FOSTER OF BATH

93 After Clause 19, insert the following new Clause –

“Crown Court sitting days for the delivery of sentencing

- (1) The Secretary of State must, within a year of the day on which this Act is passed, undertake an assessment of the potential merits of removing the cap on sittings day in the Crown Court in so far as it limits the days available for sentencing hearings.
- (2) The Secretary of State must lay a copy of the assessment made under subsection (1) before Parliament.”

Member's explanatory statement

This new clause would require the Secretary of State to undertake an assessment of the potential merits of removing the cap on sitting days in the Crown Court in so far as it applies to sentencing hearings.

LORD JACKSON OF PETERBOROUGH

93A After Clause 19, insert the following new Clause —

“Report on the efficacy of reforms to community sentences and suspended sentence orders

- (1) The Secretary of State must, within 24 months of the day on which this Act is passed, publish and lay before Parliament a report evaluating the impact of this Act on re-offending outcomes for offenders given —
 - (a) community orders, and
 - (b) suspended sentence orders.
- (2) The report under subsection (1) must include —
 - (a) the re-offending rates for offenders to whom subsection (1) applies,
 - (b) a comparison of those re-offending rates with the equivalent period prior to commencement of this Act, and
 - (c) an assessment of whether the provisions of this Act have resulted in a reduction in re-offending of at least 10% compared with the equivalent period prior to commencement of this Act.
- (3) If the report under subsection (1) does not demonstrate a reduction in re-offending of at least 10% as specified in subsection (2)(c), sections 1, 2, 11, 12 and 20 of this Act shall cease to have effect at the end of the period of six months beginning with the day on which the report is laid before Parliament.”

Member's explanatory statement

This would require the Government to report, within two years of Royal Assent, on whether the reforms to community orders and suspended sentence orders have reduced re-offending by at least 10%. If this is not achieved, the relevant provisions would cease to operate after six months of the report being laid before Parliament.

BARONESS NEVILLE-ROLFE

93B After Clause 19, insert the following new Clause —

“Mandatory purposeful activity requirement for custodial sentences

- (1) A court sentencing an offender to a term of imprisonment must include, as a condition of that sentence, a requirement that the offender participate in one or more of the following —
 - (a) education,
 - (b) skills training, employment or vocational programmes, or
 - (c) other purposeful activity approved by the Governor of the prison.

- (2) For the purposes of subsection (1), “purposeful activity” includes –
 - (a) accredited educational courses,
 - (b) workplace or vocational training opportunities, and
 - (c) unpaid work or service contributing to the functioning of the prison.
- (3) The Secretary of State must by regulations made by statutory instrument make provision ensuring that the requirement in subsection (1) applies to all custodial sentences imposed in England and Wales, beginning with the day on which this Act is passed.
- (4) The Governor of each prison must, on an annual basis, publish a statement specifying the number and proportion of prisoners actively participating in activities under subsection (1).
- (5) The Secretary of State must lay before Parliament an annual consolidated report on the data submitted under subsection (4).
- (6) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Member's explanatory statement

This amendment would require mandatory participation in education, training, work or other purposeful activity as a condition of custodial sentences and requires annual reporting on prisoner participation.

LORD RUSSELL OF LIVERPOOL

93C After Clause 19, insert the following new Clause –

“Unduly lenient sentences scheme: extension to victims of technology-assisted child sexual abuse offences

- (1) The Criminal Justice Act 1988 is amended as follows.
- (2) In section 36 (reviews of sentencing), after subsection (2) insert –
 - “(2A) An application may be made to the Attorney General to review any sentence passed by either a Magistrates’ or Crown Court under the terms set out in this section.
 - (2B) An application can be made under subsection (2A) where a sentence has been passed for one or more offence under the following provisions, in either the Magistrates’ or Crown Court –
 - (a) section 1 of the Protection of Children Act 1978,
 - (b) section 160 of the Criminal Justice Act 1988, or
 - (c) section 62 of the Coroners and Justice Act 2009.
 - (2C) An application can be made under subsection (2A) by a victim, or their next of kin where the victim is a minor, of one of the specified offences under subsection (2B)(a) to (c).”

Member's explanatory statement

This new clause would extend the Unduly Lenient Sentence Scheme, allowing victims of technology assisted child sexual abuse offences, and their next of kin where the victim is a minor, to apply to the scheme regardless of where the sentence was passed.

LORD FOSTER OF BATH

93D After Clause 19, insert the following new Clause —

“Reporting on use of electronic monitoring requirements

- (1) The Sentencing Code is amended as follows.
- (2) In Part 14 of Schedule 9 (electronic monitoring), after paragraph 35 insert —
 - “36 (1) The Secretary of State must as soon as reasonably practicable after the end of each calendar year prepare a report on the imposition of the electronic monitoring requirements during that year.
 - (2) The report must include —
 - (a) the total number of electronic monitoring requirements imposed for each category of use;
 - (b) the number of electronic monitoring requirements imposed on offenders under 18;
 - (c) demographic data of those subject to electronic monitoring requirements;
 - (d) the rate of compliance;
 - (e) the cost of administration and the adequacy of the resources of the Probation Service with respect to those costs;
 - (f) the average time taken to fit and activate an electronic monitoring device for an individual subject to an electronic monitoring requirement, measured from the date the requirement is imposed;
 - (g) the number of devices that malfunctioned;
 - (h) any other matters that the Secretary of State deems appropriate.
 - (3) The Secretary of State must —
 - (a) publish the report, and
 - (b) lay a copy of the published report before Parliament.”.

Member's explanatory statement

This new clause requires the Secretary of State to prepare and publish a report each calendar year on the Probation Service's resources to implement electronic monitoring requirements, the frequency of use, the rate of compliance, the cost of administering and any operational failures of electronic monitoring requirements imposed as a requirement within a court sentence.

BARONESS HAMWEE

93E After Clause 19, insert the following new Clause—

“Report: access to educational and vocational activities for individuals subject to custodial sentences

The Lord Chancellor shall lay a report before Parliament annually regarding—

- (a) the availability within prisons of educational and vocational activities, and
- (b) the training of prison officers relating to the supervision of educational and vocational activities within prison and support for prisoners in undertaking such activities,

for individuals subject to custodial sentences.”

Member's explanatory statement

This amendment requires an annual report to be laid before Parliament regarding the availability of educational and vocational activities within prisons, and the training of prison officers to deliver such activities.

Clause 20

LORD KEEN OF ELIE
LORD SANDHURST

94 Clause 20, page 38, line 7, at end insert—

- “(ab) but sections 244ZA(8)(a) and (aa) do not apply to any person convicted of—
- (i) rape,
 - (ii) assault by penetration,
 - (iii) rape of a child under 13,
 - (iv) assault of a child under 13 by penetration,
 - (v) inciting a child under 13 to engage in sexual activity,
 - (vi) paying for the sexual services of a child aged under 13,
 - (vii) kidnapping or false imprisonment with the intention of committing a sexual offence,
 - (viii) creating or possessing indecent photographs of children,
 - (ix) grievous bodily harm,
 - (x) grooming,
 - (xi) stalking, or
 - (xii) causing or allowing the death of a vulnerable child or adult.
- (ac) but sections 244ZA(8)(a) and (aa) cannot come into force until the Secretary of State has consulted on and ensured exclusions for all offences considered to be serious violence, offences against children, sexual offences and domestic abuse offences.”

Member's explanatory statement

This amendment would disapply the clause 20 early release provisions of the Bill in relation to those convicted of the offences listed in the amendment, and would require the Secretary of State to consult on and ensure exclusions for those convicted of other serious violent and sexual offence categories.

LORD BACH

94A Clause 20, page 40, line 10, at end insert –

- “(17) The Secretary of State may by regulations modify the provisions of this section so as to provide that no prisoner is released after serving one-third of the sentence unless they have earned such early release through their participation in purposeful activity.
- (18) “Purposeful activity” means such activity for which the regulations under subsection (17) may provide.
- (19) The power to make regulations under subsection (17) include powers to make –
 - (a) supplementary, incidental, transitional or saving provision;
 - (b) different provision for different purposes or areas.
- (20) Regulations under subsection (17) are to be made by statutory instrument.
- (21) A statutory instrument containing regulations under subsection (17) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

After Clause 22

LORD CARTER OF HASLEMERE

95 After Clause 22, insert the following new Clause –

“Provision to refer to the Parole Board a prisoner serving a determinate sentence

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 244ZA (release on licence of certain violent or sexual offenders), after subsection (3) insert –
 - “(3A) The Secretary of State may refer the case of any prisoner to whom this section applies to the Board at any time after the prisoner has served one half of the full sentence (as calculated with reference to all relevant provisions in this part determining how a custodial term is calculated) if the Secretary of State is of the view that there is a reasonable prospect that the Board would direct release.
 - (3B) Where the Secretary of State has referred the case of a prisoner in accordance with subsection (3A), it is the duty of the Secretary of State to

release the prisoner on licence under this section as soon as the Board has directed the prisoner's release under this section.

- (3C) The Board must not give a direction under subsection (3B) unless –
- (a) the Secretary of State has referred the prisoner's case to the Board, and
 - (b) the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined.””

Member's explanatory statement

This amendment gives effect to the intention of the Independent Review on Sentencing's recommendation that a form of earned progression should apply to those serving Determinate Sentences at the half-way point of the sentence rather than them merely being automatically released at two-thirds with no incentive to reform. To reflect the serious nature of the offence(s), the Secretary of State would be empowered to exercise his or her discretion to refer the case to the Parole Board early on grounds of progression, rather than compliance.

Clause 24

LORD FOSTER OF BATH

96 [Withdrawn]

LORD FOSTER OF BATH

97 Clause 24, page 46, line 37, leave out “(7)” and insert “(7B)”

LORD BROOKE OF ALVERTHORPE

98 Clause 24, page 46, line 38, at end insert –

“(za) after subsection (4)(aa) insert –

“(ab) must include an addiction recovery condition (see section 250E) if the individual concerned is known to have a substance addiction at the time of sentencing.”;”

LORD FOSTER OF BATH

99 [Withdrawn]

LORD FOSTER OF BATH
LORD BOURNE OF ABERYSTWYTH
LORD GOLD
LORD NORTON OF LOUTH

100 Clause 24, page 47, line 15, at end insert –

“(v) after sub-paragraph (di) (inserted by sub-paragraph (iv) above), insert –

“(ei) a gambling premises entry prohibition condition (see section 250E),”;

(vi) after sub-paragraph (ei) (inserted by sub-paragraph (v) above), insert –

“(fi) a gambling treatment condition (see section 250F),”.

LORD BACH

101 Clause 24, page 47, line 15, at end insert –

“(aa) after subsection (4A) insert –

“(4B) In exercising any power under subsection (4)(b), the Secretary of State must have regard to any representations made by the offender.”;

Member's explanatory statement

This amendment introduces a right for those being made subject to licence conditions to make representations as to their necessity and proportionality.

BARONESS PRASHAR

101A Clause 24, page 47, line 15, at end insert –

“(aa) after subsection (4A) insert –

“(4B) The Secretary of State must not include a condition under subsection (4)(b)(ii) in a licence, either on release or subsequently, or vary or cancel any such condition included in a licence, unless the Board directs the Secretary of State to do so (and must, if the Board so directs, include, vary or cancel such a condition).”

Member's explanatory statement

This amendment seeks to introduce a requirement for the Parole Board to have oversight of new restriction zones which will confine offenders to specific areas in the community while on licence.

LORD JACKSON OF PETERBOROUGH

102 Clause 24, page 48, line 8, at end insert –

- “(3A) Where the court makes a relevant order imposing a public event attendance prohibition requirement, the court must specify in the order that the relevant supervising authority must notify all public events within a radius of 20 miles of the offender’s home address of –
- (a) the existence of the prohibition,
 - (b) the duration of the prohibition, and
 - (c) the date on which the prohibition comes into force.”

Member's explanatory statement

This probing amendment seeks to explore how the public event attendance prohibition requirement can be made enforceable and practicable and on whom the responsibility for compliance falls.

LORD FOSTER OF BATH

103 Clause 24, page 48, line 12, leave out first “subsection” and insert “section”

LORD JACKSON OF PETERBOROUGH

104 Clause 24, page 48, line 23, at end insert –

- “(3A) Where the court makes a relevant order imposing a drinking establishment entry prohibition requirement, the court must specify in the order that the relevant supervising authority must notify all licensed drinking establishments within a radius of 20 miles of the offender’s home address of –
- (a) the existence of the prohibition,
 - (b) the duration of the prohibition, and
 - (c) the date on which the prohibition comes into force.”

Member's explanatory statement

This probing amendment seeks to explore how the drinking establishment entry prohibition requirement can be made enforceable and practicable and on whom the responsibility for compliance falls.

LORD FOSTER OF BATH

105 [Withdrawn]

LORD MARKS OF HENLEY-ON-THAMES
BARONESS HAMWEE

106 Clause 24, page 49, line 9, at end insert –

- “(4) The court may provide for exemptions in a restriction zone condition to allow a person to attend employment, education or a rehabilitation programme.
- (5) A probation officer may vary a restriction zone condition imposed by the court to allow a person to attend employment, education or a rehabilitation programme.
- (6) The Secretary of State must lay before Parliament, each year, a report on –
 - (a) the number of people subject to a restriction zone condition,
 - (b) the number of cases where a restriction zone condition has included an exemption or modification to allow a person to attend employment, education or a rehabilitation programme, and
 - (c) evidence on the effects of restriction zone conditions on re-offending and rehabilitation.”

Member's explanatory statement

This amendment would allow for exemptions to restriction zone conditions, and require an annual report on their use and effectiveness.

LORD BROOKE OF ALVERTHORPE

107 Clause 24, page 49, line 9, at end insert –

“(7A) After section 250D (inserted by subsection (7)) insert –

“250E Addiction recovery condition

- (1) An addiction recovery condition is a condition requiring a person to engage with addiction recovery services.
- (2) The cost of subsection (1) must be met by the Ministry of Justice (or its successors).”.

LORD FOSTER OF BATH
LORD BOURNE OF ABERYSTWYTH
LORD GOLD
LORD NORTON OF LOUTH

108 Clause 24, page 49, line 9, at end insert –

“(7A) After section 250D (inserted by subsection (7)) insert –

“250E Gambling premises entry prohibition condition

- (1) A gambling premises entry prohibition condition is a condition prohibiting a person from entering gambling premises.

- (2) A gambling premises entry prohibition condition may prohibit a person from entering gambling premises at any time or at times specified in the condition.
 - (3) A gambling premises entry prohibition condition may prohibit a person from entering—
 - (a) particular gambling premises,
 - (b) gambling premises of a particular kind,
 - (c) gambling premises in a particular area or areas, or
 - (d) any gambling premises.
 - (4) In this section “gambling premises” means premises used for any of the activities specified in section 150(1) (a) to (e) of the Gambling Act 2005.”
- (7B) After section 250E (inserted by subsection (7A)) insert—

“250F Gambling treatment condition

- (1) A gambling treatment condition is a condition that during a specified period or specified periods a person must submit to gambling addiction treatment through the National Health Service.
- (2) In this section—
 - “gambling addiction treatment” means—
 - (a) treatment provided through or commissioned by a specialist NHS gambling service or gambling clinic;
 - (b) another form of NHS treatment determined by a qualified clinician to have the best chance of reducing or eliminating the person’s gambling addiction;
 - “qualified clinician” means an NHS clinical psychologist or a psychiatrist with appropriate professional qualifications.
- (3) A gambling treatment condition must specify the NHS gambling service or gambling clinic or the qualified clinician which is to be responsible for the person’s gambling addiction treatment.”

After Clause 25

LORD MOYLAN
BARONESS FOX OF BUCKLEY

109 After Clause 25, insert the following new clause—

“Provision for a prisoner to apply to the Parole Board for a licence termination review following expiry of the qualifying period on annual basis

- (1) The Crime (Sentences) Act 1997 is amended as follows.
- (2) In section 31A (imprisonment or detention for public protection: termination of licences), after subsection (3) insert—
 - “(3A) Where—

- (a) the prisoner has been released on licence under this Chapter,
- (b) the qualifying period has expired, and
- (c) the prisoner's case has been considered for termination previously by the Parole Board and a period of at least 12 months has elapsed since the disposal of that application,

the prisoner may make an application to the Parole Board under this subsection."

- (3) In subsection (4) –
 - (a) after "reference" insert "or application";
 - (b) after "subsection (3)" insert "or (3A)".

Member's explanatory statement

This would allow a prisoner whose licence has not been terminated by the Parole Board two or three years after their first release to make an application annually to the Parole Board for termination, reinstating the right to apply for an annual review that existed prior to changes made by the Police, Crime, Sentencing and Courts Act 2022.

LORD FOSTER OF BATH

110 [Withdrawn]

LORD FOSTER OF BATH

110ZA After Clause 25, insert the following new Clause –

"Necessity and proportionality of electronic monitoring requirements

In section 62 (release on licence etc: electronic monitoring conditions) of the Criminal Justice and Court Services Act 2000, after subsection (2B) insert –

- "(2C) Where an electronic monitoring requirement is imposed under this section the relevant authority must have regard to –
 - (a) whether the imposition of such requirement is necessary for the purposes of ensuring compliance with the order; and
 - (b) whether the requirement is proportionate, having regard to the person's individual circumstances."

Member's explanatory statement

This new clause requires the relevant authority, when considering whether to include an electronic monitoring requirement as part of a relevant order, to have regard to whether the requirement is necessary to ensure compliance with the order and whether the requirement is proportionate considering the individual's circumstances.

LORD FOSTER OF BATH

110ZB After Clause 25, insert the following new Clause –

“Electronic monitoring requirements: report

After section 62B (data from electronic monitoring: code of practice) of the Criminal Justice and Court Services Act 2000, insert –

“62C Reporting on use of electronic monitoring requirements

- (1) The Secretary of State must as soon as reasonably practicable after the end of each calendar year prepare a report on the imposition of the electronic monitoring requirements during that year.
- (2) The report must include –
 - (a) the total number of electronic monitoring requirements imposed for each category of use;
 - (b) the number of electronic monitoring requirements imposed on offenders under 18;
 - (c) demographic data of those subject to electronic monitoring requirements;
 - (d) the rate of compliance;
 - (e) the cost of administration and the adequacy of the resources of the Probation Service with respect to those costs;
 - (f) the average time taken to fit and activate an electronic monitoring device for an individual subject to an electronic monitoring requirement, measured from the date the requirement is imposed;
 - (g) the number of devices that malfunctioned;
 - (h) any other matters that the Secretary of State deems appropriate.
- (3) The Secretary of State must –
 - (a) publish the report, and
 - (b) lay a copy of the published report before Parliament.”.”

Member's explanatory statement

This new clause requires the Secretary of State to prepare and publish a report each calendar year on the Probation Service's resources to implement electronic monitoring requirements, the frequency of use, the rate of compliance, the cost of administering and any operational failures of electronic monitoring requirements imposed as a condition of release.

After Clause 26

BARONESS JONES OF MOULSECOOMB

110A After Clause 26, insert the following new Clause –**“Criteria for recall to prison**

- (1) Section 254 (recall of prisoners while on licence) of the Criminal Justice Act 2003 is amended as follows.
- (2) For subsection (1) substitute –
 - “(1) The Secretary of State may, in the case of any prisoner who has been released on licence under this Chapter, revoke his licence and recall him to prison, only if –
 - (a) there is evidence of consistent non-compliance with licence conditions, or
 - (b) there is credible evidence of a specific and imminent risk of harm.”.
- (3) For subsection (2B) substitute –
 - “(2B) The Secretary of State may cancel a revocation under subsection (2A) if satisfied that neither of the grounds for recall set out in subsection (1) applies to the person recalled to prison.””

Member's explanatory statement

This amendment gives effect to recommendation 4.3 of the Independent Sentencing Review to implement “stricter criteria and thresholds” for recall.

Clause 29LORD MARKS OF HENLEY-ON-THAMES
BARONESS HAMWEE**111** Clause 29, page 55, line 16, at beginning insert “Subject to section (Exclusion from automatic release following fixed-term recall for specified serious offences),”***Member's explanatory statement***

This is connected to Lord Marks’ amendment to after Clause 29, and his amendments to page 55, line 26 and page 55, line 30. Together they ensure that there is flexibility in the number of days a prisoner may be recalled for in relation to less serious offences, while also ensuring that those who had committed certain serious offences are not eligible for automatic release following a fixed term recall.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS HAMWEE**112** Clause 29, page 55, line 26, after second “of” insert “a maximum of”

Member's explanatory statement

This is connected to Lord Marks' amendment to after Clause 29, and his amendments to page 55, line 16 and page 55, line 30. Together they ensure that there is flexibility in the number of days a prisoner may be recalled for in relation to less serious offences, while also ensuring that those who had committed certain serious offences are not eligible for automatic release following a fixed term recall.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS HAMWEE

- 113 Clause 29, page 55, line 30, after “of” insert “a maximum of”

Member's explanatory statement

This is connected to Lord Marks' amendment to after Clause 29, and his amendments to page 55, line 16 and page 55, line 26. Together they ensure that there is flexibility in the number of days a prisoner may be recalled for in relation to less serious offences, while also ensuring that those who had committed certain serious offences are not eligible for automatic release following a fixed term recall.

LORD RUSSELL OF LIVERPOOL
LORD POLAK
BARONESS MAY OF MAIDENHEAD

- 114 Clause 29, page 56, line 5, leave out “both” and insert “more”

Member's explanatory statement

This amendment, linked to another in the name of Lord Russell of Liverpool, enables an additional condition to be added for consideration by the Secretary of State, when determining if an offender should not be released at the end of the section 255BA automatic release period.

LORD RUSSELL OF LIVERPOOL
LORD POLAK
BARONESS MAY OF MAIDENHEAD

- 115 Clause 29, page 56, line 27, at end insert —

“(8A) The third condition is that the basis for P’s recall is that P has breached a license condition, civil order, or criminal order in relation to the victim of the crime for which P is serving the sentence in question.”

Member's explanatory statement

This amendment adds a condition for consideration by the Secretary of State, when determining if an offender should not be released at the end of the section 255BA automatic release period, where the basis of the offender’s recall is that they breached a license condition or order in relation to their victim.

LORD BLUNKETT

116 Clause 29, page 56, line 39, at end insert —

“255BB Further release after recall: prisoners subject to Imprisonment for Public Protection (IPP) and Detention for Public Protection (DPP) sentences

The Secretary of State may by regulations make equivalent provision to those under section 255BA (Automatic release: other offenders) in relation to the recall of those subject to Imprisonment for Public Protection (IPP) and Detention for Public Protection (DPP) sentences.”

LORD BLUNKETT

117 Clause 29, page 56, line 42, at end insert “section 255BB”

After Clause 29

LORD RUSSELL OF LIVERPOOL
BARONESS JONES OF MOULSECOOMB
LORD POLAK
BARONESS MAY OF MAIDENHEAD

118 After Clause 29, insert the following new Clause —

“Further release after recall: offenders eligible for risk-assessed release

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 255C (prisoners not suitable for automatic release), after subsection (3) insert —
 - “(3A) Subsection (3B) applies if the basis for P’s recall is that P has breached a license condition, civil order, or criminal order in relation to the victim of a crime for which P is serving a sentence.
 - (3B) Where this subsection applies —
 - (a) at the end of the period of 56 days beginning with the day on which P returns to custody, P must be considered for referral for executive release as opposed to automatic release,
 - (b) if P is referred for consideration for executive release, the Secretary of State may release P again on licence, and
 - (c) if P is not referred for consideration for executive release, or if P is denied executive release, the Secretary of State must refer P’s case to the Board.”

Member's explanatory statement

This amendment ensures that offenders who have been recalled to prison on the basis of a breach of license condition or order related to their victim are risk-assessed to determine whether it is safe for them to be re-released into the community, rather than being automatically released after 56 days.

BARONESS HAMWEE
LORD MARKS OF HENLEY-ON-THAMES

119 After Clause 29, insert the following new Clause –

“Digital systems for tracking offender progress

- (1) The Secretary of State must, within one year of the passing of this Act, undertake an assessment of the benefits and costs of implementing a digital sentence management system for prisoners and individuals who are subject to supervision by the probation service.
- (2) The assessment must consider the following potential functions of a sentence management system –
 - (a) tracking offender progress,
 - (b) providing for the sharing of information between the courts, probation service, and other relevant agencies, subject to the UK General Data Protection Regulation and the Data Protection Act 2018,
 - (c) monitoring compliance with rehabilitation programmes, and
 - (d) any other functions that the Secretary of State deems appropriate.”

Member's explanatory statement

This new clause would require the Secretary of State to undertake an assessment of implementing a digital sentence management system for prisoners and individuals subject to supervision by the probation service.

Clause 30

LORD TIMPSON

120 Clause 30, page 57, line 17, at end insert –

- “(4A) In section 244(1A) (duty to release prisoners not subject to special provision for release), for “and”, in the second place it occurs, substitute “to”. ”

Member's explanatory statement

This amendment is consequential on the insertion by clause 29 of the new section 255BA of the Criminal Justice Act 2003 (automatic release from recall) and ensures that section 244(1A) of that Act, which cross refers to the recall provisions, includes a reference to this new section.

After Clause 30

LORD MARKS OF HENLEY-ON-THAMES
BARONESS HAMWEE

121 After Clause 30, insert the following new Clause –

“Exclusion from automatic release following fixed-term recall for specified serious offences

- (1) An offender shall not be eligible for automatic release following a fixed-term recall where they have been convicted of any of the following offences –
 - (a) rape,
 - (b) assault by penetration,
 - (c) rape of a child under 13,
 - (d) assault of a child under 13 by penetration,
 - (e) inciting a child under 13 to engage in sexual activity,
 - (f) paying for the sexual services of a child aged under 13,
 - (g) kidnapping or false imprisonment with the intention of committing a sexual offence,
 - (h) creating or possessing indecent photographs or pseudo-photographs of children,
 - (i) grievous bodily harm (under section 18 or section 20 of the Offences Against the Person Act 1861),
 - (j) grooming (under section 15 of the Sexual Offences Act 2003),
 - (k) stalking (under section 2A or 4A of the Protection from Harassment Act 1997),
 - (l) causing or allowing the death of a vulnerable child or adult (under section 5 of the Domestic Violence, Crime and Victims Act 2004), or
 - (m) causing death by dangerous driving (under section 1 of the Road Traffic Act 1988).
- (2) For the purposes of this section, a person shall also be ineligible for release following a fixed-term recall if they have been convicted of an attempt, conspiracy, or incitement to commit any of the offences listed in subsection (1).
- (3) The Secretary of State may by regulations add or remove offences from the list in subsection (1).”

Member’s explanatory statement

This new clause would mean offenders who had committed certain serious offences would not be eligible for automatic release following a fixed term recall. It is connected to Lord Marks’ amendments to Clause 29, page 55, line 16; page 55, line 26; and page 55, line 30.

After Clause 31**LORD MARKS OF HENLEY-ON-THAMES**

122 After Clause 31, insert the following new Clause –

“Powers of the probation service to impose and vary conditions of supervision

- (1) Where an offender is –
 - (a) subject to a community order, a suspended sentence order, or a period of probation supervision, and
 - (b) required to reside at a specified address as a condition of that order or supervision,the Probation Service may, in accordance with this section, direct that the offender reside at an alternative address.
- (2) A direction under subsection (1) may be given where –
 - (a) it is necessary to protect another person (including a partner, former partner, or family member) from risk of harm,
 - (b) it is necessary for the effective management or rehabilitation of the offender, or
 - (c) it is otherwise in the interests of justice.
- (3) Where the probation service has made a direction under subsection (1), it may recommend or determine other terms of supervision, including –
 - (a) restrictions on contact or association with specified individuals,
 - (b) requirements relating to participation in programmes addressing offending behaviour, or
 - (c) curfew or exclusion requirements, subject to approval by the sentencing court.
- (4) Where a direction or variation made under this section materially alters the conditions imposed by the sentencing court, the probation service must –
 - (a) notify the court and the offender as soon as possible, and
 - (b) seek approval by the sentencing court of the varied terms within 14 days, and in the absence of such approval the variation of the terms will not be effective.
- (5) Any direction or variation made under this section shall not have effect as if imposed by the sentencing court, until it has been approved by the court.
- (6) In this section, “the probation service” includes any person or body authorised to supervise offenders under the Offender Management Act 2007.”

Member's explanatory statement

This new clause would give the probation service the power to change the residence requirement of an individual subject to supervision in certain circumstances, and to make other changes to the terms of supervision, subject to confirmation by the sentencing court.

Clause 32

LORD VERDIRAME
LORD THOMAS OF CWMGIEDD

122A★ Clause 32, page 59, line 30, at end insert —

- “(1A) Subsection (1) of section 260 of the Criminal Justice Act 2003 does not apply when a fixed-term prisoner is sentenced to a term of imprisonment of more than three years.
- (1B) A fixed-term prisoner is not to be removed under section 260 of the Criminal Justice Act 2003 unless the Secretary of State has made arrangements for the prisoner to serve the remaining custodial period in the country to which the prisoner is to be removed.
- (1C) A fixed-term prisoner is not to be removed under section 260 of the Criminal Justice Act 2003 unless the Secretary of State is satisfied that the interests of justice are not defeated by the removal (having regard to the gravity of the offence and the impact of the offender’s criminal conduct on those affected by it).
- (1D) Subsection (1) of section 260 of the Criminal Justice Act 2003 does not apply in relation to a prisoner detained in accordance with subsection (4)(b) of that section after returning to the UK following a previous removal.”

Member's explanatory statement

This amendment is intended to add certain limits to early removals to ensure that the interests of justice and those of victims are taken into account, and that early removals do not result in impunity.

Clause 34

LORD TIMPSON

123 Clause 34, page 63, line 13, at end insert —

- “(d) in paragraph 13(1)(a) of Schedule 23 (power to amend maximum number of hours of unpaid work), for “paragraph 2(1)” substitute “paragraph 2(1A)”.”

Member's explanatory statement

This amendment updates a cross reference and is consequential on the amendment made by clause 34(2) (limits on the number of hours in an unpaid work requirement in a community order or suspended sentence order).

LORD TIMPSON

124 Clause 34, page 63, line 30, at end insert —

- “(ba) in paragraph 6, for “paragraph 3(5)” substitute “paragraph 3(5A)”.”

Member's explanatory statement

This amendment updates a cross reference and is consequential on the amendment made by clause 34(5)(b)(ii) (limits on the number of hours in an unpaid work requirement in a supervision default order).

Clause 35

BARONESS JONES OF MOULSECOOMB

124A Clause 35, page 65, leave out lines 22 to 34

Member's explanatory statement

This amendment, and others in the name of Baroness Jones of Moulsecoomb, seeks to remove the power of providers of probation services to publish photographs of the offender.

BARONESS JONES OF MOULSECOOMB

124B Clause 35, page 65, line 39, leave out “and 3C”

Member's explanatory statement

This amendment, and others in the name of Baroness Jones of Moulsecoomb, seeks to remove the power of providers of probation services to publish photographs of the offender.

BARONESS JONES OF MOULSECOOMB

124C Clause 35, page 66, line 3, leave out “and 3C”

Member's explanatory statement

This amendment, and others in the name of Baroness Jones of Moulsecoomb, seeks to remove the power of providers of probation services to publish photographs of the offender.

BARONESS JONES OF MOULSECOOMB

124D Clause 35, page 66, line 10, leave out “and 3C”

Member's explanatory statement

This amendment, and others in the name of Baroness Jones of Moulsecoomb, seeks to remove the power of providers of probation services to publish photographs of the offender.

BARONESS JONES OF MOULSECOOMB

124E Clause 35, page 66, line 16, leave out “and 3C”

Member's explanatory statement

This amendment, and others in the name of Baroness Jones of Moulsecoomb, seeks to remove the power of providers of probation services to publish photographs of the offender.

BARONESS JONES OF MOULSECOOMB

124F Clause 35, page 66, line 23, leave out “and 3C”

Member's explanatory statement

This amendment, and others in the name of Baroness Jones of Moulsecoomb, seeks to remove the power of providers of probation services to publish photographs of the offender.

LORD MARKS OF HENLEY-ON-THAMES
LORD BEITH

The above-named Lords give notice of their intention to oppose the Question that Clause 35 stand part of the Bill.

After Clause 36LORD KEEN OF ELIE
LORD SANDHURST

125 After Clause 36, insert the following new Clause —

“Minimum completion of rehabilitation activity days before early termination of community orders

- (1) A community order may not be brought to an early termination under section 36 unless the offender has completed at least a specified proportion of the rehabilitation activity days agreed under the probation requirement.
- (2) The proportion required under subsection (1) must be specified in guidance issued by the Secretary of State.”

After Clause 37LORD KEEN OF ELIE
LORD SANDHURST

126 After Clause 37, insert the following new Clause —

“Minimum completion of rehabilitation activity days before early termination of suspended sentence orders

- (1) A suspended sentence order may not be brought to an early termination under section 37 unless the offender has completed at least a specified proportion of the rehabilitation activity days agreed under the probation requirement.
- (2) The proportion required under subsection (1) must be specified in guidance issued by the Secretary of State.”

After Clause 38**LORD JACKSON OF PETERBOROUGH**

127 After Clause 38, insert the following new Clause –

“Parole board proceedings: enabling public scrutiny

- (1) The Secretary of State has a statutory duty to improve the openness and transparency of the work of the Parole Board and to facilitate a greater public understanding of its statutory framework, procedures and proceedings.
- (2) The Secretary of State must exercise their powers under section 239(5) of the Criminal Justice Act 2003, to require that Parole Board hearings should normally be open to the public unless there are exceptional circumstances for not doing so, as outlined in subsection (5).
- (3) The Secretary of State has the power to formally direct the Chair of the Parole Board to make arrangements for all Parole Board hearings to be heard in public, as set out in Parole Board (Amendment) Rules 2022 (SI 2022/717).
- (4) The Chair of the Parole Board may exercise their right to decline this request and direction from the Secretary of State and must outline their reasons for so doing in writing to the Secretary of State, within 28 days of a written direction being lodged with the Parole Board.
- (5) Such reasons in respect of subsection (4) must be evidence-based and include –
 - (a) where the Chair of the Parole Board believes that such a request and direction would, on the balance of probability and based on evidential information, indicate that the integrity of evidence presented to the Parole Board may be compromised and prevent a true and accurate assessment of the prisoner’s risk being provided by witnesses,
 - (b) that the presence of strong and valid objections from participants, including victims, their families or legal representatives, could jeopardise the cooperation of witnesses, should the hearing be in public, or
 - (c) that to hold a meeting in public might create an unacceptable risk of mental or physical harm to any of the participants.
- (6) The Secretary of State must formally consider any representations from the Chair of the Parole Board in a timely manner and if they choose to disregard the advice of the Chair of the Parole Board, they must outline their reasons within 28 days of receipt of such advice, taking into account all available evidence, including that provided by law enforcement, victims, their families or legal and other representatives.
- (7) The Secretary of State must, in exercising their powers, balance the need for openness, transparency and maintaining public faith in the efficacy of the criminal justice system with a commitment to the operational independence of the Parole Board and its members’ deliberations, and with an obligation to reduce recidivism and support rehabilitation and the prisoner’s ability to resettle in the community upon release from a custodial sentence.

- (8) This section applies only to offences as relevant to public protection decisions and outlined in Schedule 18B Parts 1 and 2 of the Criminal Justice Act 2003.
- (9) The Secretary of State must, within six months of the passing of this Act, and annually thereafter, publish an assessment of the efficacy of the policy of open Parole Board hearings and its impact upon openness, accountability, transparency and public support and whether it meets the interests of the justice test.”

Member's explanatory statement

This amendment seeks to consolidate the statutory instrument laid before Parliament on 30 June 2022 (SI 2022/717) to improve accountability and public trust in the Parole Board by (1) giving the Secretary of State powers to direct the Board that meetings should be routinely open to the public, with exceptions; whilst also, (2) safeguarding the Board's independence and the requirement to ensure rehabilitation and resettlement of prisoners.

LORD CARTER OF HASLEMERE

128 After Clause 38, insert the following new Clause—

“Power to refer to the Parole Board a prisoner serving an Extended Determinate Sentence of detention

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 246A (release on licence of prisoners serving extended sentence under section 254, 266 or 279 of the Sentencing Code etc) —
 - (a) after subsection (4) insert —
 - “(4A) The Secretary of State may refer P's case to the Board at any time after P has served one half of the appropriate custodial term if the Secretary of State is of the view that there is a reasonable prospect that the Board would direct release.”;
 - (b) in subsection (5)(a) after “period” insert “or, where the Secretary of State has made a reference under subsection (4A), P has served half of the appropriate custodial period,”.

After Clause 40

LORD THOMAS OF CWMGIEDD
 VISCOUNT HAILSHAM
 LORD MARKS OF HENLEY-ON-THAMES
 BARONESS FOX OF BUCKLEY

129 After Clause 40, insert the following new Clause—

“Provision for the Parole Board to direct release of an IPP prisoner at a specified future date

- (1) Section 28 (duty to release certain life prisoners) of the Crime (Sentences) Act 1997 is amended as follows.

- (2) In subsection (5)(b), at the end insert “or, in the case of a prisoner in respect of whom the Parole Board has made an order under subsection (6B), the prisoner has served the period ending on the future specified date,”.
- (3) In subsection (6)(b), at the end insert “or the Parole Board has made an order under subsection (6B)”.
- (4) In subsection (6A), at the end insert “but do not apply to a prisoner in respect of whom the Parole Board has made an order under subsection (6B)”.
- (5) After subsection (6A) insert —
 - “(6B) In the case of a prisoner serving one or more preventive sentences as defined by section 31A(5), and not serving any other life sentence, where the Board does not direct his or her immediate release under subsection (5), the Board must fix a date for the person’s release on licence (“a specified future date”) and may issue such directions to facilitate the prisoner’s release at the specified future date as it considers necessary having regard to its duty to protect the public.
 - (6C) Any date fixed under subsection (6B) must not be later than —
 - (a) the second anniversary of the date on which the decision is taken in the case of a prisoner serving a sentence of imprisonment or detention in a young offender institution for public protection under section 225 of the Criminal Justice Act 2003 (including one passed as a result of section 219 of the Armed Forces Act 2006);
 - (b) the first anniversary of the date on which the decision is taken in the case of a prisoner serving a sentence of detention for public protection under section 226 of the Criminal Justice Act 2003 (including one passed as a result of section 221 of the Armed Forces Act 2006).
 - (6D) A prisoner in respect of whom a direction has been made under subsection 6B may apply for the specified future date to be varied once six months have passed from the determination of the release date.”.

Member's explanatory statement

This amendment requires the Parole Board to fix a future release date for post-tariff IPPs who cannot be released immediately, following the successful completion of directions designed to ensure the public will be adequately protected upon release.

VISCOUNT HAILSHAM
As an amendment to Amendment 129

130

In subsection (5), after inserted subsection (6D), insert —

- “(6E) In respect of a prisoner of whom a direction has been made under subsection (6B), the Secretary of State may apply to the Parole Board, once six months have passed from the determination of the release dates for —
 - (a) that determination to be set aside,
 - (b) the release date to be extended, or

- (c) the determination to be otherwise varied.”

LORD FOSTER OF BATH
LORD BOURNE OF ABERYSTWYTH
LORD GOLD
LORD NORTON OF LOUTH

131 After Clause 40, insert the following new Clause –

“Probation Service supervision: access to rehabilitation and support services for individuals

- (1) The Probation Service must ensure all individuals subject to licence conditions, community orders, or other court-imposed supervision have access to –
 - (a) NHS mental health, and substance misuse and gambling disorder treatment support services,
 - (b) education, training and employment support, and
 - (c) approved behaviour change or offender behaviour programmes.
- (2) The Secretary of State must lay before Parliament, each year, a report on the availability and use of the services provided under subsection (1).”

Member's explanatory statement

This new clause would require the probation service to ensure people under its supervision can access mental health and substance misuse and gambling disorder treatment support services; education, training and support; and approved behaviour change or offender management programmes, and to report annually on the availability and uptake of those services.

LORD FOSTER OF BATH
LORD BOURNE OF ABERYSTWYTH
LORD GOLD
LORD NORTON OF LOUTH

132 After Clause 40 insert the following new Clause –

“Specialist teams for high-risk or complex offenders

- (1) The Probation Service must undertake an assessment of the potential benefits of establishing specialist probation teams to supervise –
 - (a) high-risk offenders,
 - (b) offenders with complex mental health needs,
 - (c) offenders with gambling disorder needs,
 - (d) offenders with substance misuse needs, and
 - (e) young offenders who are transitioning to adult supervision.
- (2) The assessment must consider the potential benefits of specialist probation teams having lower average caseloads per probation officer.
- (3) The assessment must consider the potential arrangements for specialist probation teams accessing support from other relevant agencies.

- (4) The Secretary of State must, within a year of the day on which this Act is passed, lay a copy of the assessment under this section before Parliament.”

Member's explanatory statement

This new clause would require the probation service to assess the potential benefits of establishing specialist probation teams to supervise offenders who are high-risk; have complex mental health, gambling disorder or substance misuse needs; and young offenders transitioning to adult supervision.

LORD FOSTER OF BATH
LORD BOURNE OF ABERYSTWYTH
LORD GOLD
LORD NORTON OF LOUTH

133 After Clause 40, insert the following new Clause –

“Custodial sentences: access to rehabilitation and support services for individuals

- (1) The HM Prison and Probation Service must ensure all individuals subject to custodial sentences have access to –
- (a) NHS mental health, and substance misuse and gambling disorder treatment support services,
 - (b) education, training and employment support, and
 - (c) approved behaviour change or offender behaviour programmes.
- (2) The Secretary of State must lay before Parliament, each year, a report on the availability and use of the services provided under subsection (1).”

Member's explanatory statement

This new clause would require the Prison Service to ensure people under its supervision can access mental health and substance misuse and gambling disorder treatment support services; education, training and support; and approved behaviour change or offender management programmes, and to report annually on the availability and uptake of those services.

LORD WOODLEY
BARONESS JONES OF MOULSECOOMB

134 After Clause 40, insert the following Clause –

“Probation capacity: independent report

- (1) Within three months of the day on which this Act is passed, a report must be published and laid before Parliament by HM Inspectorate of Probation (“the Inspectorate”) determining whether there is adequate capacity in the Probation Service to meet the provisions of this Act which are anticipated to increase levels of demand on the Probation Service.
- (2) If the report under subsection (1) determines that the capacity of the Probation Service is inadequate, provisions of this Act anticipated to increase levels of

demand on the Probation Service may not come into force until a further report determines that the Probation Service has adequate capacity.

- (3) Following a report under subsection (1), the Inspectorate must publish and lay before Parliament a further report, no less than once every 12 months, determining whether there is adequate capacity in the Probation Service.
- (4) If a report under subsections (1) or (3) determines that the capacity of the Probation Service is inadequate, the Inspectorate may direct that a prioritisation framework must be issued to the areas in which the capacity concerns apply, in order to provide local services with guidance about which activities to deprioritise.
- (5) The Secretary of State must, within two weeks of the laying of a report under subsections (1) or (3) with a finding of inadequate capacity, make a statement to Parliament setting out how probation capacity will be increased to an adequate level.”

Member's explanatory statement

This new clause would ensure that the provisions of this Bill likely to increase demand on the Probation Service cannot be implemented until HM Inspectorate of Probation determines that there is adequate capacity to address those demands, and would enable the Inspectorate to trigger the issuing of a prioritisation framework to help local areas to identify which activities to deprioritise.

LORD WOODLEY

135

After Clause 40, insert the following Clause —

“Electronic monitoring: oversight

- (1) The Sentencing Code is amended as follows.
- (2) In Part 14 of Schedule 9, in paragraph 31 (electronic monitoring: person responsible for monitoring), after sub-paragraph (2) insert —
 - “(3) Regulations under this section must ensure that —
 - (a) electronic monitoring is overseen by the Probation Service,
 - (b) the fitting of necessary apparatus for the purposes of electronic monitoring may only be undertaken by those in the employment of an organisation with responsibility for delivering electronic monitoring, and
 - (c) the fitting of necessary apparatus may not be undertaken by an employee of HM Prison and Probation Service unless the responsibility for the delivery of electronic monitoring is held solely by HM Prison and Probation Service.”.

Member's explanatory statement

This amendment would ensure that the probation service oversees electronic monitoring, and that prison officers would not be responsible for fitting tags unless tagging contracts are brought into the public sector.

LORD THOMAS OF CWMGIEDD

136 After Clause 40, insert the following new Clause –

“Management of offenders on probation: devolution to Wales

- (1) In paragraph 175 (prisons and offender management) of Schedule 7A of the Government of Wales Act 2006 –
 - (a) in sub-paragraph (3), omit “probation”;
 - (b) under the “Exceptions” insert “Probation in relation to offender management”.
- (2) The Secretary of State must by regulations make further provision under this section to facilitate the transfer of the provision of the probation service in Wales from the Secretary of State to Senedd Cymru and Welsh Ministers.”

Member's explanatory statement

This new clause seeks to devolve probation services to Wales, by removing it from the list of reserved matters in the Government of Wales Act 2006.

LORD FOSTER OF BATH

137 After Clause 40, insert the following new Clause –

“Probation: maximum caseloads limits

- (1) The Secretary of State must establish maximum caseload limits for probation officers supervising individuals subject to –
 - (a) licence conditions,
 - (b) community orders, and
 - (c) any other form of court-imposed supervision by the probation service.
- (2) The Secretary of State must, each year, lay before Parliament a report on compliance with the caseload limits set under this section.”

Member's explanatory statement

This amendment, connected with others in the name of Lord Foster of Bath, seeks to ensure that (1) the Secretary of State establishes maximum caseload limits for probation officers, and (2) the main provisions of the Bill can only be commenced once this has been achieved.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS HAMWEE

138 After Clause 40, insert the following new Clause –

“Review of sentence following a change in law

- (1) Where a person is serving or subject to a sentence imposed for an offence, and –
 - (a) the offence has been abolished, or

- (b) there has been a change in the law which materially alters the sentence that would be imposed for the same offence following that change in the law,
that person may apply to the sentencing court, or to such other court as may be prescribed, for a review of the sentence.
- (2) On such an application, the court may –
 - (a) quash the sentence and resentence the person in accordance with the law as so changed, or
 - (b) make such other order as necessary in the interests of justice.
- (3) The Secretary of State may by regulations make provision for the procedure and eligibility criteria for applications under this section.”

Member's explanatory statement

This new clause would allow a person still serving a sentence under a law that has changed to seek review or resentencing in line with the existing law.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS HAMWEE

139

After Clause 40, insert the following new Clause –

“Review of the impact of a change in the law on unspent convictions

- (1) The Secretary of State must, within 12 months of the passing of this Act, lay before Parliament a report reviewing –
 - (a) the effect of changes in the criminal law, whether legislative or judicial, on those serving sentences for offences that would attract a different sentence following the subsequent changes to the criminal law (altered sentences), and
 - (b) the adequacy of existing mechanisms for addressing any perceived injustice arising from such changes.
- (2) The Secretary of State must thereafter lay a further report under subsection (1) every three years.
- (3) A report made under this section must include –
 - (a) recommendations for legislative or administrative steps to prevent any instances of injustice arising from changes in the law, and
 - (b) data on the number of persons serving such altered and, of those, the number who remain imprisoned.”

Member's explanatory statement

This new clause would create a statutory duty for the Government to review, on a recurring basis, how changes to the law affect those already convicted or sentenced.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS HAMWEE

139A After Clause 40, insert the following new Clause –

“Probation resourcing

- (1) Within three months of the day on which this Act is passed, the Secretary of State must lay a report before Parliament on probation resources within England and Wales.
- (2) A report under subsection (1) must set out –
 - (a) the current demands on the Probation Service in each region,
 - (b) an analysis of whether there are sufficient resources within each region of the Probation Service to meet current demands, including access to treatment services, and
 - (c) what additional resources are required by the Probation Service to meet requirements under the provisions in this Act.”

Member's explanatory statement

This amendment requires a report to be laid before Parliament on the resources of the Probation Service, including regional resourcing.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS HAMWEE

139B After Clause 40, insert the following new Clause –

“Report on reoffending

Within two years of the implementation of this Act, and annually thereafter, the Secretary of State must lay a report before Parliament on the levels of reoffending by –

- (a) offenders who have completed a community sentence, and
- (b) offenders who have completed a custodial sentence.”

Member's explanatory statement

This amendment requires the Secretary of State to lay an annual report to Parliament on levels of reoffending by offenders who have completed a community or a custodial sentence.

BARONESS JONES OF MOULSECOOMB

139C★ After Clause 40, insert the following new Clause –

“Duty to review the Prison Adjudication system

- (1) The Secretary of State must, within a year of this Act receiving Royal Assent, appoint a person to review the operation of the prison adjudication system governed under the Prisoner Discipline Procedures (Adjudication) Policy Framework (2024), the Prison Rules 1999 and the Young Offender Institution

Rules 2000, as amended by the Prison and Young Offender Institution (Adjudication) (Amendment) Rules 2024.

- (2) The review must consider –
 - (a) the accessibility of legal representation for adjudication proceedings both before a Governor and before an Independent Adjudicator;
 - (b) an assessment of whether adjudication outcomes are proportionate, having regard to their impact on persons with vulnerabilities or protected characteristics as defined under section 4 Equality Act 2010;
 - (c) analysis of adjudication outcomes across all prisons in England and Wales;
 - (d) understanding of adjudication procedures amongst offenders, staff and the Parole Board;
 - (e) any other matters that the Secretary of State deems appropriate.
- (3) As soon as reasonably practicable after completing a review under this section, the reviewer must send to the Secretary of State a report on its outcome.
- (4) On receiving a report under subsection (3), the Secretary of State must lay a copy of it before Parliament.”

Member's explanatory statement

This amendment introduces a duty to review the current adjudication system of Prisons in England and Wales.

After Clause 41

BARONESS CHAKRABARTI
BARONESS HAMWEE

140 After Clause 41, insert the following new Clause –

“Removal of power to remand in custody for a person’s own protection or welfare

- (1) Schedule 1 to the Bail Act 1976 (persons entitled to bail: supplementary provisions) is amended as follows.
- (2) In Part 1 of that Schedule omit paragraph 3.
- (3) In Part 1A of that Schedule omit paragraph 5.
- (4) In Part 2 of that Schedule omit paragraph 3.”

Member's explanatory statement

The amendment would repeal the power of the courts to remand a person in custody for their own protection or, if they are a child or young person, for their welfare.

LORD MARKS OF HENLEY-ON-THAMES

141 After Clause 41, insert the following new Clause –

“Suspension of driving licences during bail for driving related offences

- (1) This section applies where an individual has been granted bail in respect of one of the following offences –
 - (a) an offence under section 1, 1A, 2B, 2C, 3ZB, 3ZC, 3ZD or 3A of the Road Traffic Act 1988;
 - (b) an offence under section 4, 5 or 5A of the Road Traffic 1998.
- (2) The court may, as a condition of bail, suspend the driving licence of the individual, pending the outcome of any criminal proceedings.”

Member's explanatory statement

This new clause would allow the court to suspend the driving licence of an individual charged for certain driving offences, pending the outcome of the trial.

Clause 42

BARONESS HAMWEE

141A Leave out Clause 42 and insert the following new Clause –

“Period of imprisonment: modern slavery or human trafficking

In section 117D(4) of the Nationality, Immigration and Asylum Act 2002 (meaning of “period of imprisonment” for the purposes of definition of “foreign criminal”) insert –

- “(aa) do not include a person who has a reasonable claim to be a victim of modern slavery or human trafficking (whether or not the person has received a “reasonable ground” decision) or of domestic abuse as defined in the Domestic Abuse Act 2021.”.”

Member's explanatory statement

This amendment is intended to probe the effect of Clause 42 on survivors of modern slavery or human trafficking.

After Clause 42

LORD JACKSON OF PETERBOROUGH

142 After Clause 42, insert the following new Clause –

“Deportation of foreign criminals

- (1) A foreign criminal who has been sentenced to –
 - (a) a custodial sentence of at least six months, or

- (b) a community sentence of at least six months, must be the subject of an immediate deportation order, subject to subsection (2) below.
- (2) The Secretary of State may determine, in exceptional cases, that a deportation order under subsection (1) does not apply.
- (3) In this section, “foreign criminal” means a person who –
 - (a) is not a British citizen or an Irish citizen, and
 - (b) is convicted in the United Kingdom of an offence.”

Member’s explanatory statement

This new clause would apply an automatic deportation order to foreign criminals sentenced to at least six months’ imprisonment or a six-month community sentence.

VISCOUNT HAILSHAM

143 [Withdrawn]

VISCOUNT HAILSHAM

144 [Withdrawn]

VISCOUNT HAILSHAM

145 [Withdrawn]

LORD JACKSON OF PETERBOROUGH
BARONESS HOEY
LORD DODDS OF DUNCAIRN

146 After Clause 42, insert the following new Clause –

“Deportation of foreign criminals: European Union (Withdrawal) Act 2018

- (1) Section 32 of the UK Borders Act 2007 is amended as follows.
- (2) At the start of subsection (5), insert “Notwithstanding the provisions of section 7A of the European Union Withdrawal Act 2018 and Article 2 of the Windsor Framework,”.

Member’s explanatory statement

This new clause would seek to disapply section 7A of the European Union (Withdrawal) Act 2018 (as amended under the Windsor Framework) to the deportation of foreign criminals, with the aim of preventing the courts from disapplying those provisions to Northern Ireland if they are deemed incompatible with the EU Charter of Fundamental Rights.

LORD FOSTER OF BATH
LORD MARKS OF HENLEY-ON-THAMES

147 After Clause 42, insert the following new Clause –

“Remand: access to rehabilitation programmes and education

- (1) Where an individual is held in custodial remand pending sentencing, the prison and probation services must provide access to the same or equivalent rehabilitative programmes that are available to prisoners after sentencing.
- (2) Where an individual is held in custodial remand pending trial, the prison and probation services must provide access to the same or equivalent –
 - (a) education,
 - (b) therapy,
 - (c) addiction support and gambling disorder support, and
 - (d) any other support that the probation service deems appropriate, that is available to prisoners after sentencing.”

Member’s explanatory statement

This new clause would allow prisoners held on remand to access rehabilitative programmes, education, therapy and other support.

BARONESS HAMWEE

148 After Clause 42, insert the following new Clause –

“Women’s Justice Board: annual report

The Secretary of State must lay a report annually before Parliament reporting on the work of the Women’s Justice Board including in particular actions taken in response to its recommendations.”

Member’s explanatory statement

This amendment requires the Secretary of State to lay an annual report before Parliament on the work of the Women’s Justice Board.

LORD KEEN OF ELIE
LORD SANDHURST

148A After Clause 42, insert the following new Clause –

“Impact on community and voluntary sector: duty to report

- (1) The Secretary of State must, within the period of 12 months beginning with the day on which this Act is passed, publish a report assessing –
 - (a) the impact of this Act on the community and voluntary sector, based on data collected in the period of six months beginning on the day on which this Act comes into force, and

- (b) the capacity of that sector to deliver services in response to any increase in demand arising from this Act.

(2) The Secretary of State must lay the report before both Houses of Parliament.”

Member's explanatory statement

This amendment requires the Government to publish, within 12 months of commencement, an assessment of the impact of the Act on the community and voluntary sector, drawing on data from the first six months of its operation.

Clause 46

LORD FOSTER OF BATH
LORD MARKS OF HENLEY-ON-THAMES
BARONESS HAMWEE

149 Clause 46, page 76, line 28, leave out “and (4)” and insert “to (4A)”

Member's explanatory statement

This amendment, connected with others in the name of Lord Foster of Bath, seeks to ensure that (1) the Secretary of State established maximum caseload limits for probation officers, and (2) the main provisions of the Bill can only be commenced once this has been achieved.

LORD WOODLEY

150 Clause 46, page 76, line 33, at end insert –
“(aa) section (*Probation capacity: independent report*);”

Member's explanatory statement

This is related to a new Clause proposed by Lord Woodley to ensure that the provisions of this Bill likely to increase demand on the Probation Service cannot be implemented until HM Inspectorate of Probation determines that there is adequate capacity to address those demands.

LORD WOODLEY

151 Clause 46, page 77, line 1, after “19” insert “, section (*Re-sentencing those serving a sentence of imprisonment for public protection*)”

LORD FOSTER OF BATH

152 Clause 46, page 77, line 3, at end insert “provided that the provision in subsection (4A) has been discharged.

- (4A) Apart from the provisions in subsection (3), no provision in this Act can come into force until the provision in section (*Probation: maximum caseloads limits*)(1) has been discharged.”

Member's explanatory statement

This amendment, connected with others in the name of Lord Foster of Bath, seeks to ensure that (1) the Secretary of State established maximum caseload limits for probation officers, and (2) the main provisions of the Bill can only be commenced once this has been achieved.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS HAMWEE

153 Clause 46, page 77, line 3, at end insert –

- “(4A) The Secretary of State must, before laying regulations commencing section 24(4), undertake an assessment of the potential effects of a driving prohibition condition on a person’s ability to attend –
- (a) employment,
 - (b) education, or
 - (c) a rehabilitation programme.
- (4B) The Secretary of State must lay before Parliament a report of the assessment carried out under subsection (4A) including relevant recommendations on –
- (a) offender rehabilitation,
 - (b) offender reintegration, and
 - (c) any other matters that the Secretary deems appropriate.”

Member's explanatory statement

This amendment would require the Secretary of State, before commencing the driving prohibition provisions in the Bill, to publish a report on their potential effects on the ability of ex-offenders to attend employment, education and rehabilitation providers.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS HAMWEE

154 Clause 46, page 77, line 3, at end insert –

- “(4A) The Secretary of State must, before laying regulations commencing section 24(7), undertake and publish an assessment of the potential effects of a restriction zone condition on a person’s ability to attend –
- (a) employment,
 - (b) education, or
 - (c) a rehabilitation programme.”

Member's explanatory statement

This amendment would require the Secretary of State, before implementing the relevant provisions, to assess the potential effects of a restriction zone condition on an ex-offender’s ability to attend education, employment or a rehabilitation programme.

LORD KEEN OF ELIE
LORD SANDHURST

155 Clause 46, page 77, line 3, at end insert —

“(4A) Section 16 may not be brought into effect until the day on which the report required by section (*Electronic monitoring: practicability of enforcing restriction zone requirements*) is laid before Parliament.”

Sentencing Bill

THIRD MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

2 December 2025

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