

# Sentencing Bill

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## RUNNING LIST OF ALL AMENDMENTS ON REPORT

*Tabled up to and including  
16 December 2025*

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[Amendments marked ★ are new or have been altered]

### After Clause 10

LORD TIMPSON

★ After Clause 10, insert the following new Clause—

*“Whole life order: murder of police, prison or probation officer*

### **Whole life order: murder of police, prison or probation officer**

In paragraph 2(2) of Schedule 21 to the Sentencing Code (mandatory life sentences: starting point of whole life order), after paragraph (c) insert—

- “(ca) the murder of an officer of a provider of probation services in the course of his or her duty, where the offence was committed on or after the day on which section (*Whole life order: murder of police, prison or probation officer*) of the Sentencing Act 2026 came into force,
- (cb) the murder of a person who was serving or had ceased to serve as a police officer, a prison officer or an officer of a provider of probation services where—
  - (i) the offence was motivated wholly or partly by something done by the victim in the course of their duty as a police officer, a prison officer or an officer of a provider of probation services, and
  - (ii) the offence was committed on or after the day on which section (*Whole life order: murder of police, prison or probation officer*) of the Sentencing Act 2026 came into force.”

### ***Member's explanatory statement***

*This amendment would mean that a whole life order was the normal starting point for a life sentence in the case of the murder of a probation officer acting in the course of their duty or the murder of*

*a serving or former police, prison or probation officer motivated by something done by the officer in the course of their duty.*

### Clause 18

LORD TIMPSON

- ★ Clause 18, page 36, line 18, at end insert –

“(2A) As soon as practicable after receiving a business plan submitted under subsection (1), the Lord Chancellor must consider the plan and decide whether to approve it.”

***Member's explanatory statement***

*This amendment requires the Lord Chancellor to respond as soon as practicable to the Sentencing Council's request for approval of the Council's business plan for a financial year.*

LORD TIMPSON

- ★ Clause 18, page 36, line 21, at end insert –

“(4) If the Lord Chancellor decides not to approve the business plan for a financial year, the Lord Chancellor must –  
(a) notify the Council, and  
(b) as soon as practicable after doing so, lay before Parliament a document stating the reason for the decision.”

***Member's explanatory statement***

*This amendment sets out what the Lord Chancellor must do in the event that the Lord Chancellor decides not to approve a business plan that the Sentencing Council has submitted for approval.*

### Clause 19

LORD TIMPSON

- ★ Clause 19, page 36, line 33, at end insert –

“(c) after subsection (8) insert –

“(8A) The Lord Chief Justice and the Lord Chancellor must consider any request for consent under subsection (7) or (8) as soon as practicable after receiving the request.

(8B) The Lord Chief Justice or the Lord Chancellor may withhold consent under subsection (7) or (8) only if the Lord Chief Justice or (as the case may be) the Lord Chancellor considers that it is necessary to do so in order to maintain public confidence in the criminal justice system.

- (8C) If the Lord Chief Justice or the Lord Chancellor decides to withhold consent under subsection (7) or (8), the Lord Chief Justice or (as the case may be) the Lord Chancellor must, as soon as practicable after making the decision, lay before Parliament a document stating the reason for the decision.”;
- (d) in subsection (10), after “and (8)” insert “to (8C)”.

***Member's explanatory statement***

*This amendment provides that the Lord Chief Justice or Lord Chancellor may withhold consent to a request from the Sentencing Council to issue sentencing guidelines only if it is necessary to do so in order to maintain public confidence in the criminal justice system and requires the reason for withholding consent to be laid before Parliament.*

LORD TIMPSON

★ Clause 19, page 37, line 5, at end insert —

“(b) after subsection (5) insert —

“(5A) The Lord Chief Justice and the Lord Chancellor must consider any request for consent under subsection (5) as soon as practicable after receiving the request.

(5B) The Lord Chief Justice or the Lord Chancellor may withhold consent under subsection (5) only if the Lord Chief Justice or (as the case may be) the Lord Chancellor considers that it is necessary to do so in order to maintain public confidence in the criminal justice system.

(5C) If the Lord Chief Justice or the Lord Chancellor decides to withhold consent under subsection (5), the Lord Chief Justice or (as the case may be) the Lord Chancellor must, as soon as practicable after making the decision, lay before Parliament a document stating the reason for the decision.”;

(c) in subsection (7), for “(5)” substitute “(5C)”.

***Member's explanatory statement***

*This amendment provides that the Lord Chief Justice or Lord Chancellor may withhold consent to a request from the Sentencing Council to issue allocation guidelines only if it is necessary to do so in order to maintain public confidence in the criminal justice system and requires the reason for withholding consent to be laid before Parliament.*

**After Clause 19**

LORD TIMPSON

★ After Clause 19, insert the following new Clause —

*“Prison capacity report***Annual report relating to prison capacity**

- (1) The Secretary of State must, for each year, prepare and lay before Parliament a report relating to prison capacity.
- (2) The report for a year —
  - (a) must include information about —
    - (i) the number of people in prison and the number of prison places on a particular date or dates in that year, and
    - (ii) projected changes in the number of people in prison and the number of prison places, and
  - (b) may include any other information that the Secretary of State considers appropriate.
- (3) The Secretary of State must publish the report after it has been laid before Parliament.
- (4) “Prison” does not include a naval, military or air force prison.
- (5) In the Prison Act 1952 —
  - (a) omit section 5 (annual report on prisons);
  - (b) in section 43 (places for the detention of young offenders), in the table in subsection (4), in the second column for the entry for “secure training centres or secure colleges” omit “5,”.

***Member's explanatory statement***

*This amendment imposes a duty on the Secretary of State to prepare an annual report on prison capacity and repeals section 5 of the Prison Act 1952 which is about annual reports on prisons.*

LORD FOSTER OF BATH

After Clause 19, insert the following new Clause —

**“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. It also requires the publication of information on probation service staffing and caseloads.*

LORD KEEN OF ELIE  
LORD SANDHURST

After Clause 19, insert the following new Clause —

**“Whole life order: murder of a police or prison officer**

- (1) The Sentencing Code is amended as follows.
- (2) In paragraph 2 of Schedule 21 (determination of minimum term in relation to mandatory life sentence for murder etc), in sub-paragraph (2)(c), after “duty” insert “, if the motivation for the murder was connected to the police officer or prison officer’s current or former duties”.”

***Member's explanatory statement***

*This new clause would expand the circumstances in which it is appropriate to apply a whole life order for murdering a prison or police officer, to include murder motivated by the victim’s current or former duties.*

BARONESS SATER  
LORD PONSONBY OF SHULBREDE  
LORD GARNIER

After Clause 19, insert the following new Clause —

**“Sentencing of offenders for crimes committed as children**

Where a court is sentencing an offender for a crime committed before the age of 18 but at the time of the first court appearance the offender is older than 17 but younger than 21, the offender must be sentenced according to the sentencing guidelines that apply in a youth court.”

## BARONESS NEVILLE-ROLFE

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 may 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 may by regulations made by statutory instrument make provision ensuring that the requirement in subsection (1) applies to all or some 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, and the availability of such 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.”

## BARONESS NEVILLE-ROLFE

After Clause 19, insert the following new Clause —

**“Review: sentencing and prison education**

- (1) Within six months of the day on which this Act is passed, the Secretary of State must establish a committee to review and report on the subject in subsection (2).
- (2) The subject is the merits of —
  - (a) including —
    - (i) prison education, and
    - (ii) skills, employment and vocational training, requirements in a sentence of imprisonment,
  - (b) ensuring that a sentence cannot permit an offender to be released early unless they have participated in purposeful activity, and

- (c) prison governors publishing data on purposeful activity as it relates to paragraph (b).
- (3) The committee must report within six months of being established and update its report on each anniversary of first publication.
- (4) The Secretary of State must lay the report in subsection (1) before Parliament.”

**After Clause 23**

LORD THOMAS OF CWMGIEDD  
VISCOUNT HAILSHAM  
LORD MARKS OF HENLEY-ON-THAMES

★ After Clause 23, insert the following new Clause –

**“Provision for the Parole Board to direct release on licence 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 on licence 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.
- (6E) At any time before the expiration of an order for release on licence or direction made under subsection (6B) or an order for release on licence or direction made under this subsection, the Parole Board shall on the application of the Secretary of State, or as the Parole Board may otherwise determine, reconsider any order for release on licence at a specified future date or direction then in force and may direct that the order for release on licence or direction made be set aside and in its place extend the specified future date or order a new specified future date or make any further directions as to the licence conditions it considers necessary.”

***Member's explanatory statement***

*This amendment requires the Parole Board to release on licence at a fixed future release date post tariff IPPs (who has not been released on licence immediately), after the successful completion of directions designed to ensure the public will be adequately protected upon release, with residual powers for the Secretary of State to apply to the Parole Board to vary its Orders.*

**After Clause 25**

LORD BLUNKETT  
LORD MOYLAN  
BARONESS BURT OF SOLIHULL

After Clause 25, insert the following new Clause –

**“Imprisonment or detention for public protection: qualifying period for termination of licences**

- (1) Section 31A of the Crime (Sentences) Act 1997 (imprisonment or detention for public protection: termination of licences) is amended as follows.
- (2) In subsection (5), in the definition of “the qualifying period”, for paragraphs (a) and (b) substitute –
  - “(a) for prisoners over the age of 18 subject to imprisonment for public protection sentences, the period of two years beginning with the date of the prisoner’s release;
  - (b) for prisoners under the age of 18 subject to detention for public protection sentences, the period of one year beginning with the date of the prisoner’s release.”



LORD MOYLAN  
BARONESS FOX OF BUCKLEY  
LORD BLUNKETT

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.*

**Clause 29**

LORD BLUNKETT  
BARONESS CHAKRABARTI

Clause 29, page 56, line 39, at end insert –

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

LORD BLUNKETT  
BARONESS CHAKRABARTI

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

**Clause 35**

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

Leave out Clause 35

**After Clause 38**

LORD CARTER OF HASLEMERE

After Clause 38, insert the following new Clause –

**“Power to refer to the Parole Board a prisoner serving an Extended Determinate Sentence of detention once they have served half of the appropriate custodial term**

- (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,”.

***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 Extended Determinate Sentences at the half-way point of the custodial term. To reflect the serious nature of the offence(s), the Secretary of State would be empowered to exercise their discretion to refer the case to the Parole Board early on grounds of progression, rather than compliance.*

**Before Clause 40**

LORD TIMPSON

★ Before Clause 40, insert the following new Clause —

**“Imprisonment or detention for public protection: termination of licences**

- (1) The Crime (Sentences) Act 1997 is amended as follows.
- (2) In section 31A (imprisonment or detention for public protection: termination of licences) —
  - (a) after subsection (3) insert —
    - “(3A) Where —
      - (a) the prisoner has been released on licence under this Chapter (whether or not the prisoner has subsequently been recalled to prison under section 32),
      - (b) the qualifying period has expired,
      - (c) the prisoner’s licence has remained in force for a continuous period of one year beginning not before the qualifying period expired, and
      - (d) the prisoner requests that the Secretary of State refer their case to the Parole Board,
 the Secretary of State must refer the prisoner’s case to the Board under this subsection.
    - (3B) Only one request may be made under subsection (3A)(d) in any continuous period during which the prisoner’s licence remains in force.”;
  - (b) in subsection (4), after “(3)” insert “or (3A)”;
  - (c) in subsection (4D), for the words from “The reference under” to “that subsection” substitute “A reference under subsection (3) or (3A) must not be made, and a reference under either of those subsections”;
  - (d) in subsection (4E)(a), after “(3)” insert “or (3A)”;
  - (e) in subsection (5), in the definition of “the qualifying period”, for the words from “means —” to the end of the definition substitute “means the period of two years beginning with the date of the prisoner’s release.”;
  - (f) in subsection (6) —
    - (i) omit “paragraph (a) or (b) of”;
    - (ii) after “the definition of “the qualifying period”” insert “in relation to —
      - (a) a prisoner who was not at any time, in the period specified in the regulations beginning with the date of the prisoner’s release, serving any preventive sentence in respect of an offence for which the prisoner was convicted when aged 18 or over;
      - (b) any other prisoner.”

- (3) In section 32 (recall of life prisoners while on licence), in subsection (5C), after “for the purposes of” insert “paragraph (c) of section 31A(3A) (referral to Parole Board) or”.
- (4) In section 32ZZA (imprisonment or detention for public protection: powers in relation to release of recalled prisoners), in subsection (4), after “for the purposes of” insert “paragraph (c) of section 31A(3A) (referral to Parole Board) or”.

***Member's explanatory statement***

*This amendment provides for a further referral to the Parole Board of the case of a prisoner serving a sentence of imprisonment or detention for public protection who has been released on licence and shortens the existing period that certain persons must spend on licence before a referral is made or a licence terminated.*

**After Clause 41**

BARONESS CHAKRABARTI

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.*

**After Clause 42**

LORD FOSTER OF BATH

After Clause 42, insert the following new Clause —

**“Access to support measures to reduce reoffending**

- (1) Prison and probation services, as appropriate, must ensure that —
  - (a) all individuals held in custodial remand pending sentencing,
  - (b) all individuals subject to licence conditions, community orders or other court-imposed supervision, and
  - (c) all individuals subject to custodial sentences,
 have access to support measures designed to reduce reoffending.
- (2) Measures to reduce reoffending must include —

- (a) NHS, or NHS approved, 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.
- (3) The Secretary of State must lay before Parliament, each year, a report on the availability and use of the services provided under subsection (2)."

***Member's explanatory statement***

*This new clause would require the prison and probation services to ensure people under their 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.*

**Clause 46**

LORD TIMPSON

- ★ Clause 46, page 77, line 1, after "9," insert "(Whole life order: murder of police, prison or probation officer),"

***Member's explanatory statement***

*This amendment would provide for my new clause to be inserted after clause 10 to come into force at the end of two months beginning with the day on which the Bill is passed.*

LORD TIMPSON

- ★ Clause 46, page 77, line 1, leave out "and 38 to 40" and insert ", 38, 39 and 40"

***Member's explanatory statement***

*This amendment amends the commencement clause in the Bill and is consequential on my amendment inserting a new clause before clause 40.*

# Sentencing Bill

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