

Sentencing Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Instruction of 18th December 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.** **Clause 1**

LORD KEEN OF ELIE
LORD SANDHURST

1 Clause 1, page 1, line 14, after “months” insert “before any credit is given for a guilty plea”

Member's explanatory statement

This amendment would mean that the presumption for a suspended sentence would apply to sentences before credit is given for a guilty plea.

LORD EVANS OF RAINOW

2 Clause 1, page 1, line 17, after “order” insert “with the maximum operational period”

Member's explanatory statement

This would mean that all suspended sentences given in place of immediate custody would be suspended for the maximum period.

LORD EVANS OF RAINOW

3 Clause 1, page 3, line 9, after “individual” insert “or the public”

Member's explanatory statement

The presumption for a suspended sentence would not apply where the court was of the opinion that not imposing an immediate custodial sentence would put an individual or the public at significant risk of harm.

LORD EVANS OF RAINOW

4 Clause 1, page 3, line 9, leave out “significant”

Member's explanatory statement

The presumption for a suspended sentence would not apply where the court was of the opinion that not imposing an immediate custodial sentence would put an individual or the public at risk of harm, removing the requirement for the harm to be significant.

LORD EVANS OF RAINOW

5 Clause 1, page 3, line 10, at end insert –

“(i) the offender has been convicted of committing the same offence on three or more previous occasions.”

Member's explanatory statement

This amendment seeks to ensure that the presumption of a suspended sentence will not apply if the offender has already been convicted of committing the same offence three or more times before.

LORD EVANS OF RAINOW

6 Clause 1, page 3, line 10, at end insert –

“(i) the offender is not a British citizen or an Irish citizen.”

Member's explanatory statement

The presumption for a suspended sentence will not apply to foreign nationals.

LORD EVANS OF RAINOW

7 Clause 1, page 3, line 10, at end insert –

“(i) the offender has previously breached a suspended sentence order or orders three or more times either by failing to comply with the requirements of the order(s) or by committing a further offence.”

Member's explanatory statement

The presumption of a suspended sentence will not apply to offenders who have shown that they have a history of not complying with suspended sentence orders.

LORD EVANS OF RAINOW

8 Clause 1, page 3, line 10, at end insert—

- “(i) the offence, or an associated offence, was committed while the offender was on licence, or subject to supervision, under Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release, licences, supervision and recall).”

Member's explanatory statement

The presumption of a suspended sentence will not apply if the offence was committed whilst the offender was on licence having been released early from prison.

LORD EVANS OF RAINOW

9 Clause 1, page 3, line 10, at end insert—

- “(i) the offence, or an associated offence, is burglary.”

Member's explanatory statement

The presumption for a suspended sentence will not apply where the offence involves any kind of burglary.

LORD EVANS OF RAINOW

10 Clause 1, page 3, line 10, at end insert—

- “(i) the offence, or an associated offence, is one that is eligible for consideration under the Unduly Lenient Sentence Scheme under sections 35 and 36 of the Criminal Justice Act 1988.”

Member's explanatory statement

The presumption for a suspended sentence will not apply if the offence has been included as one of the sentences listed as being capable of appeal under the unduly lenient sentence scheme.

LORD EVANS OF RAINOW

11 Clause 1, page 3, line 10, at end insert—

- “(i) the offence, or an associated offence, is an offence involving terrorism.”

Member's explanatory statement

The presumption for a suspended sentence will not apply where the offence was terrorist related.

LORD EVANS OF RAINOW

12 Clause 1, page 3, line 10, at end insert –

- “(i) the offence, or an associated offence, is an offence under the Sexual Offences Act 2003.”

Member's explanatory statement

The presumption for a suspended sentence will not apply where the offence is a sexual offence.

LORD EVANS OF RAINOW

13 Clause 1, page 3, line 10, at end insert –

- “(i) the offence, or an associated offence, involves a firearm or ammunition including but not limited to the Firearms Act 1968 and the Violent Crime Reduction Act 2006.”

Member's explanatory statement

The presumption for a suspended sentence will not apply where the offence involves firearms or ammunition.

LORD EVANS OF RAINOW

14 Clause 1, page 3, line 10, at end insert –

- “(i) the offence, or an associated offence, has a mandatory minimum custodial sentence.”

Member's explanatory statement

The presumption for a suspended sentence will not apply where the offence carries a mandatory minimum sentence.

LORD EVANS OF RAINOW

15 Clause 1, page 3, line 10, at end insert –

- “(i) the offender has previously received a suspended sentence order or an immediate custodial sentence for the same offence.”

Member's explanatory statement

The presumption for a suspended sentence will not apply if the offender has been given a suspended sentence or immediate custodial sentence for the same offence previously.

LORD EVANS OF RAINOW

16 Clause 1, page 3, line 10, at end insert –

- “(i) the offender has been convicted of committing 10 or more other previous offences prior to the current offence.”

Member's explanatory statement

The presumption for a suspended sentence will not apply if the offender has previously committed 10 or more offences.

LORD EVANS OF RAINOW

17 Clause 1, page 3, line 10, at end insert –

- “(i) the offender has been convicted of three or more other offences in the 12 months preceding the offence.”

Member's explanatory statement

The presumption for a suspended sentence will not apply where the offender has committed 3 previous offences in 1 year.

LORD EVANS OF RAINOW

18 Clause 1, page 3, line 10, at end insert –

- “(i) the offence, or an associated offence, is aggravated by section 68A of the Sentencing Act 2020 (assaults on those providing a public service etc).”

Member's explanatory statement

The presumption for a suspended sentence will not apply where the offence involves an assault on someone providing a public service - including shop workers.

LORD EVANS OF RAINOW

19 Clause 1, page 3, line 10, at end insert –

- “(i) the offence, or an associated offence, involves an offensive weapon.”

Member's explanatory statement

The presumption for a suspended sentence will not apply to offences involving an offensive weapon.

LORD EVANS OF RAINOW

20 Clause 1, page 3, line 10, at end insert –

- “(i) the offence, or an associated offence, involves possession of or threatening with an article with a blade or point.”

Member's explanatory statement

The presumption for a suspended sentence will not apply to offences involving possessing or threatening with knives.

LORD EVANS OF RAINOW

21 Clause 1, page 3, line 10, at end insert—

- “(i) the offence, or an associated offence, is an offence under section 1 of the Assaults on Emergency Workers (Offences) Act 2018 (common assault and battery) or section 89(1) of the Police Act 1996 (assaults on constables).”

Member's explanatory statement

The presumption for a suspended sentence will not apply to assaults on emergency workers in the 2018 Act or the police under the earlier legislation.

LORD EVANS OF RAINOW

22 Clause 1, page 3, line 10, at end insert—

- “(i) the offender is being sentenced for three or more offences at the same time.”

Member's explanatory statement

The presumption of a suspended sentence will not apply if the offender is in court to be sentenced for three or more offences together.

LORD EVANS OF RAINOW

23 Clause 1, page 3, line 10, at end insert—

- “(i) the offender has a history of poor compliance with court orders.”

Member's explanatory statement

The presumption of a suspended sentence will not apply if the offender has a history of poor compliance with court orders.

LORD EVANS OF RAINOW

24 Clause 1, page 3, line 10, at end insert—

- “(i) the offence, or an associated offence, is an offence under section 6(1) or (2) of the Bail Act 1976 (failure to surrender to custody).”

Member's explanatory statement

The presumption of a suspended sentence will not apply if the offence is that of failing to surrender to custody.

LORD KEEN OF ELIE
LORD SANDHURST

25 Clause 1, page 3, line 10, at end insert –

- “(i) the offender has been convicted of a sexual offence, within the meaning of section 3 of the Sexual Offences Act 2003, or
- “(j) the offender has been convicted of an offence which constitutes domestic abuse within the meaning of section 1 of the Domestic Abuse Act 2021.”

LORD EVANS OF RAINOW

26 Clause 1, page 3, line 39, at end insert –

- “(8) All offenders given a suspended sentence order must be subject to an electronic monitoring requirement with a GPS tag for the duration of the order.”

Member's explanatory statement

Offenders not being sent to prison would be fitted with an electronic tag for the duration of the suspended sentence order.

LORD KEEN OF ELIE
LORD SANDHURST

27 Clause 1, page 4, line 4, after “months” insert “before any credit is given for a guilty plea”

Member's explanatory statement

This amendment would mean that the presumption for a suspended sentence would apply to sentences before credit is given for a guilty plea.

LORD EVANS OF RAINOW

28 Clause 1, page 4, line 7, after “order” insert “with the maximum operational period”

Member's explanatory statement

This would mean that all suspended sentences given in place of immediate custody would be suspended for the maximum period.

LORD EVANS OF RAINOW

29 Clause 1, page 5, line 20, after “individual” insert “or the public”

Member's explanatory statement

The presumption for a suspended sentence would not apply where the court was of the opinion that not imposing an immediate custodial sentence would put an individual or the public at significant risk of harm.

LORD EVANS OF RAINOW

30 Clause 1, page 5, line 20, leave out “significant”

Member's explanatory statement

The presumption for a suspended sentence would not apply where the court was of the opinion that not imposing an immediate custodial sentence would put an individual or the public at risk of harm, removing the requirement for the harm to be significant.

LORD EVANS OF RAINOW

31 Clause 1, page 5, line 21, at end insert –

“(i) the offender is not a British citizen or an Irish citizen.”

Member's explanatory statement

This amendment seeks to ensure that the presumption for a suspended sentence will not apply to foreign nationals.

LORD EVANS OF RAINOW

32 Clause 1, page 5, line 21, at end insert –

“(i) the offender is being sentenced for three or more offences at the same time.”

Member's explanatory statement

The presumption of a suspended sentence will not apply if the offender is in court to be sentenced for three or more offences together.

LORD EVANS OF RAINOW

33 Clause 1, page 5, line 21, at end insert –

“(i) the offence is that of failing to surrender to custody.”

Member's explanatory statement

This amendment seeks to ensure that the presumption of a suspended sentence does not apply where the offence or an associated offence, is an offence under section 6(1) or (2) of the Bail Act 1976 (failure to surrender to custody).

LORD EVANS OF RAINOW

34 Clause 1, page 5, line 21, at end insert –

“(i) the offender has a history of poor compliance with court orders.”

Member's explanatory statement

The presumption of a suspended sentence will not apply if the offender has a history of poor compliance with court orders.

LORD EVANS OF RAINOW

35 Clause 1, page 5, line 21, at end insert—

- “(i) the offence, or an associated offence, was committed while the offender was on licence, or subject to supervision, under Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release, licences, supervision and recall).”

Member's explanatory statement

The presumption of a suspended sentence will not apply if the offence was committed whilst the offender was on licence having been released early from prison.

LORD EVANS OF RAINOW

36 Clause 1, page 5, line 21, at end insert—

- “(i) the offender has previously breached a suspended sentence order or orders three or more times either by failing to comply with the requirements of the order(s) or by committing a further offence.”

Member's explanatory statement

The presumption of a suspended sentence will not apply to offenders who have shown that they have a history of not complying with suspended sentence orders.

LORD EVANS OF RAINOW

37 Clause 1, page 5, line 21, at end insert—

- “(i) the offence, or an associated offence, is one that is eligible for consideration under the Unduly Lenient Sentence Scheme under sections 35 and 36 of the Criminal Justice Act 1988.”

Member's explanatory statement

The presumption for a suspended sentence will not apply if the offence has been included as one of the sentences listed as being capable of appeal under the unduly lenient sentence scheme.

LORD EVANS OF RAINOW

38 Clause 1, page 5, line 21, at end insert—

- “(i) the offence, or an associated offence, is an offence under the Sexual Offences Act 2003.”

Member's explanatory statement

The presumption for a suspended sentence will not apply where the offence is a sexual offence.

LORD EVANS OF RAINOW

39 Clause 1, page 5, line 21, at end insert—

- “(i) the offence, or an associated offence, involves a firearm or ammunition including but not limited to the Firearms Act 1968 and the Violent Crime Reduction Act 2006.”

Member's explanatory statement

The presumption for a suspended sentence will not apply where the offence involves firearms or ammunition.

LORD EVANS OF RAINOW

40 Clause 1, page 5, line 21, at end insert—

- “(i) the offence, or an associated offence, is an offence involving terrorism.”

Member's explanatory statement

The presumption for a suspended sentence will not apply where the offence was terrorist related.

LORD EVANS OF RAINOW

41 Clause 1, page 5, line 21, at end insert—

- “(i) the offence, or an associated offence, is burglary.”

Member's explanatory statement

The presumption for a suspended sentence will not apply where the offence involves any kind of burglary.

LORD EVANS OF RAINOW

42 Clause 1, page 5, line 21, at end insert—

- “(i) the offence, or an associated offence, has a mandatory minimum custodial sentence.”

Member's explanatory statement

The presumption for a suspended sentence will not apply where the offence carries a mandatory minimum sentence.

LORD EVANS OF RAINOW

43 Clause 1, page 5, line 21, at end insert –

- “(i) the offender has previously received a suspended sentence order or an immediate custodial sentence for the same offence.”

Member's explanatory statement

The presumption for a suspended sentence will not apply if the offender has been given a suspended sentence or immediate custodial sentence for the same offence previously.

LORD EVANS OF RAINOW

44 Clause 1, page 5, line 21, at end insert –

- “(i) the offender has been convicted of committing 10 or more other previous offences prior to the current offence.”

Member's explanatory statement

The presumption for a suspended sentence will not apply if the offender has previously committed 10 or more offences.

LORD EVANS OF RAINOW

45 Clause 1, page 5, line 21, at end insert –

- “(i) the offender has been convicted of three or more other offences in the 12 months preceding the offence.”

Member's explanatory statement

The presumption for a suspended sentence will not apply where the offender has committed 3 previous offences in 1 year.

LORD EVANS OF RAINOW

46 Clause 1, page 5, line 21, at end insert –

- “(i) the offence, or an associated offence, is aggravated by section 68A of the Sentencing Act 2020 (assaults on those providing a public service etc).”

Member's explanatory statement

The presumption for a suspended sentence will not apply where the offence involves an assault on someone providing a public service – including shop workers.

LORD EVANS OF RAINOW

47 Clause 1, page 5, line 21, at end insert –

“(i) the offence, or an associated offence, involves an offensive weapon.”

Member's explanatory statement

The presumption for a suspended sentence will not apply to offences involving an offensive weapon.

LORD EVANS OF RAINOW

48 Clause 1, page 5, line 21, at end insert –

“(i) the offence, or an associated offence, involves possession of or threatening with an article with a blade or point.”

Member's explanatory statement

The presumption for a suspended sentence will not apply to offences involving possessing or threatening with knives.

LORD EVANS OF RAINOW

49 Clause 1, page 5, line 21, at end insert –

“(i) the offence, or an associated offence, is an offence under section 1 of the Assaults on Emergency Workers (Offences) Act 2018 (common assault and battery) or section 89(1) of the Police Act 1996 (assaults on constables).”

Member's explanatory statement

The presumption for a suspended sentence will not apply to assaults on emergency workers in the 2018 Act or the police under the earlier legislation.

LORD EVANS OF RAINOW

50 Clause 1, page 5, line 21, at end insert –

“(i) the offender has been convicted of committing the same offence on three or more previous occasions.”

Member's explanatory statement

The presumption of a suspended sentence will not apply if the offender has already been convicted of committing the same offence three or more times before.

LORD EVANS OF RAINOW

51 Clause 1, page 6, line 26, at end insert –

“(9) All offenders given a suspended sentence order must be subject to an electronic monitoring requirement with a GPS tag for the duration of the order.”

Member's explanatory statement

Offenders not being sent to prison would be fitted with an electronic tag for the duration of the suspended sentence order.

After Clause 4

THE LORD BISHOP OF GLOUCESTER
LORD MOYLAN

52 After Clause 4, insert the following new Clause –

“Purposes of imprisonment

- (1) Where a court is imposing sentence the court must have regard to the purposes of imprisonment.
- (2) The Secretary of State must have regard to the purposes of imprisonment when exercising the Secretary of State's duties under this Act.
- (3) For the purposes of subsections (1) and (2) the purposes of imprisonment are –
 - (a) the incapacitation of prisoners in order to restrict their ability to re-offend in the community,
 - (b) the rehabilitation of prisoners under safe and decent conditions to reduce re-offending,
 - (c) the deterrence of prisoners and others from committing further offences, and
 - (d) the just punishment of prisoners, including provision to achieve justice for the victims of crime.”

Member's explanatory statement

This new clause would define the purposes of imprisonment in law and require the courts and the Secretary of State to have regard to the purposes of imprisonment.

After Clause 10

LORD TIMPSON

53 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

54 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

55 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

56 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

57 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

58 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.

15 (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—

20 (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

As an amendment to Amendment 58

59 In subsection (1), at end insert “, prison staffing and probation service staffing.”

LORD FOSTER OF BATH

As an amendment to Amendment 58

60 In subsection (2), after paragraph (a)(ii), insert—

“(iii) information on prison service staffing, and
(iv) information on probation service staffing and caseloads.”

LORD FOSTER OF BATH

61 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

62 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

63 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

64 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.”

VISCOUNT HAILSHAM

As an amendment to Amendment 64

65 In subsection (1), after “following” insert “purposeful activities, provided that the same have been made available to the offender”

Member's explanatory statement

This amendment ensures that the offender is only in breach of the condition if the relevant purposeful activity has been made available to the offender

BARONESS NEVILLE-ROLFE

66 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,

10 (b) ensuring that a sentence cannot permit an offender to be released early unless they have participated in purposeful activity, and

15 (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.”

VISCOUNT HAILSHAM

As an amendment to Amendment 66

67 In subsection (2)(b), after “activity” insert “which has been made available to them”

LORD KEEN OF ELIE
LORD SANDHURST

68 After Clause 19, insert the following new Clause—

“Court transcripts of sentencing remarks

(1) Where a request is made for the sentencing remarks delivered in the Crown Court, the court must, subject to subsection (2), make those remarks available within 14 days of the request being received.

(2) Sentencing remarks may be published only where a judge of the Crown Court has approved their release, having regard to—

(a) the accuracy of the record, and

(b) the need to comply with any reporting restrictions or other legal prohibitions.

(3) Sentencing remarks made available under this section must be published free of charge and may be made available online.”

LORD KEEN OF ELIE
LORD SANDHURST

69 After Clause 19, insert the following new Clause—

“Duty to collect and publish data on sentencing

(1) Within 14 days of the conclusion of the passing of a sentence, the Crown Court must provide HM Courts and Tribunals Service (“HMCTS”) with information regarding—

(a) the offence category;

(b) the sentence length;

(c) such information about the sentenced individual as the Secretary of State may specify in regulations, but which must include —

- (i) nationality,
- (ii) sex at birth,
- (iii) country of birth,
- (iv) method of entry to the United Kingdom,
- (v) visa route,
- (vi) visa status, and
- (vii) asylum status.

(2) HMCTS must collect and record the information set out in subsection (1) in a safe and secure manner.

(3) The Secretary of State must publish statistics on the information set out in subsection (1) no less than once every three months.”

Member's explanatory statement

This new clause would require HMCTS to collect data and other information on sentencing and sentenced offenders in the Crown Court, and would require the Government to publish statistics on that data every three months.

LORD JACKSON OF PETERBOROUGH
LORD FARMER

70 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.

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

71 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 Senedd Cymru or subordinate legislation made under such a Measure or Act;
- (b) “policy” means—
 - (i) policy of the United Kingdom 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
BARONESS HAMWEE
THE LORD BISHOP OF GLOUCESTER

72 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 two 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 Senedd Cymru.
- (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 Senedd Cymru 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
BARONESS HAMWEE
THE LORD BISHOP OF GLOUCESTER

73 After Clause 19, insert the following new Clause—

“Independent advisory panel on sentencing and reducing reoffending: consequential amendment

In section 120 of the Coroners and Justice Act 2009 (sentencing guidelines), 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.

Clause 20

LORD KEEN OF ELIE
LORD SANDHURST

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

“(4A) In section 244ZA (release on licence of certain violent or sexual offenders), at end insert—

“(9) The “requisite custodial period” in subsection (8) does not apply to any person convicted of—
(a) rape,
(b) assault by penetration,
(c) inciting a child under 13 to engage in sexual activity,
(d) paying for the sexual services of a child aged under 13,
(e) kidnapping or false imprisonment with the intention of committing a sexual offence,
(f) creating or possessing indecent photographs of children,
(g) grievous bodily harm,
(h) grooming,
(i) stalking,
(j) causing or allowing the death of a vulnerable child or adult, or
(k) death by dangerous driving.””

LORD KEEN OF ELIE

75 Clause 20, page 39, line 4, at end insert—

“(9A) In section 336 (Commencement), at end of subsection (3) insert “, subject to subsection (3A).

(3A) Section 244ZA(8) must not 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.””

After Clause 23

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

76 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

77 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

78 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 MARKS OF HENLEY-ON-THAMES
BARONESS HAMWEE

79★ 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

80★ 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

81★ 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

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

LORD RUSSELL OF LIVERPOOL

83 Clause 29, page 56, line 27, at end insert –

“(8A) For a period of 18 months following commencement of this section, 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, for a limited period of 18 months following the introduction of provisions for automatic re-release 56 days after recall, 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
BARONESS CHAKRABARTI

84 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

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

After Clause 29

LORD RUSSELL OF LIVERPOOL

86 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) For a period of 18 months following commencement of section 255BA, 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, for a limited period of 18 months following the introduction of provisions for automatic re-release 56 days after recall, 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.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS HAMWEE

87★ After Clause 29, 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 made by statutory instrument add or remove offences from the list in subsection (1), and 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 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.

Clause 32

LORD VERDIRAME
LORD THOMAS OF CWMGIEDD

88 Clause 32, page 59, line 27, at end insert—

“(ba) after subsection (5), insert—

“(5A) The Secretary of State must not exercise the power to remove a prisoner under this section where the prisoner—

(a) is a fixed-term prisoner sentenced to a term of imprisonment of more than three years, or

- (b) is detained in accordance with subsection (4)(b) after returning to the United Kingdom following a previous removal.
- (5B) The Secretary of State must not exercise the power to remove a prisoner under this section unless he or she 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.”;

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.

Clause 35

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

89 Leave out Clause 35

After Clause 38

LORD CARTER OF HASLEMERE

90 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

91 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 40

LORD KEEN OF ELIE
LORD SANDHURST

92

After Clause 40, insert the following new Clause—

“Child cruelty offences: notification and offender management requirements

- (1) A person (“relevant offender”) is subject to the notification requirements of subsections (2) and (3) for the period set out in subsection (4) if the relevant offender is convicted of an offence listed in subsection (6).
- (2) A relevant offender must notify to the police within the three days of the time of their conviction or their release from custody, and annually thereafter, providing—
 - (a) the relevant offender’s date of birth,
 - (b) their national insurance number,
 - (c) their name on the notification date and, where using one or more other names on that date, each of those names,
 - (d) their place of residence on the date of notification,
 - (e) the address of any other premises in the United Kingdom at which, at the time the notification is given, they regularly reside or stay, and
 - (f) any information that may be prescribed in regulations by the Secretary of State.

- (3) A relevant offender must notify to the police, within the period of three days beginning with the event occurring, about—
 - (a) their use of a name which has not been notified to the police under subsection (2),
 - (b) a change to their place or residence, and
 - (c) any other prescribed change of circumstances as defined in regulations made under this section.
- (4) The dates of discharge from notification requirements under this section are the same as those set out in Section 88B of the Sexual Offences Act 2003 (review of indefinite notification requirements: date of discharge and further date of discharge).
- (5) The information required by subsections (2) and (3), once received, must be—
 - (a) monitored regularly by the police and probation service, and
 - (b) retained for the purposes of offender management.
- (6) The relevant offences are—
 - (a) causing or allowing the death of a child or vulnerable adult, or allowing them to suffer serious harm (section 5 of the Domestic Violence, Crime and Victims Act 2004);
 - (b) child cruelty, neglect and violence (section 1 of the Children and Young Persons Act 1933);
 - (c) infanticide (section 1 of the Infanticide Act 1938);
 - (d) exposing children whereby life is endangered (section 27 of the Offences Against the Person Act 1861);
 - (e) an offence under sections 4, 18, 20, 21, 22, 23 or 47 of the Offences Against the Person Act 1860, if the victim is under the age of 16;
 - (f) an offence under any of the following provisions of the Female Genital Mutilation Act 2003—
 - (i) female genital mutilation (section 1);
 - (ii) assisting a girl to mutilate her own genitalia (section 2);
 - (iii) assisting a non-UK person to mutilate overseas a girl's genitalia (section 3);
 - (g) cruelty to children (section 1 of the Children and Young Persons Act 1933)."

Member's explanatory statement

This new clause would create notification requirements for people convicted of child cruelty, analogous to the Sex Offenders Register. Their information and personal details would be kept on record by the police for the purposes of offender management, with the aim of reducing the risk to children from future offences.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS HAMWEE

93 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 sentences 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 sentenced.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS HAMWEE

94 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 made by statutory instrument make provision for the procedure and eligibility criteria for applications under this section.
- (4) A statutory instrument under subsection (3) 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 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 FOSTER OF BATH

95

After Clause 40, insert the following new Clause—

“Gambling addiction and disorders: assessment in pre-sentencing and of offenders

The Secretary of State must—

- (a) ensure that where any assessment used in the preparation of a pre-sentence report requires or allows an assessment of the individual’s mental health, alcohol or drug addiction, an assessment must also be made as to whether the individual has a gambling addiction or disorder;
- (b) ensure that where any system or method used for the assessment of the needs of offenders requires or allows an assessment of an offender’s mental health, alcohol addiction, or drug addiction, an assessment must also be made as to whether the offender has a gambling addiction or disorder;
- (c) ensure that, for the purposes of paragraph (b), if an assessment finds that the offender has had a gambling addiction or disorder, or is likely to develop such an addiction or disorder, appropriate steps shall be taken to minimise the possible occurrence or recurrence of such an addiction or disorder.”

Member's explanatory statement

This amendment seeks to place a duty on the Secretary of State to ensure assessments of gambling addiction or disorder are included in pre-sentencing reports and reports on offenders after sentencing.

LORD GARNIER
LORD WOODLEY
BARONESS JONES OF MOULSECOOMB

96

After Clause 40, insert the following Clause—

“Re-consideration of all IPP sentences

- (1) The Secretary of State must establish a panel to reconsider the cases of every person subject to a sentence of imprisonment for public protection (“IPP sentence”) and in custody within six months of the date on which this Act is passed.

- (2) The panel established under subsection (1) must consist of not fewer than 12 members, each of whom—
 - (a) is a judge or former judge who has sat in the Crown Court,
 - (b) is under the age of 75, and
 - (c) has been nominated to serve on the panel by the Lord Chancellor.
- (3) As soon as practicable after the establishment of the panel, a member of that panel must reconsider each case and determine whether, having regard to—
 - (a) the nature of the person’s offending,
 - (b) the period spent in custody,
 - (c) the risk to the public, and
 - (d) the arrangements that can be made for supervision, rehabilitation and support in the community,the person should now be released on a standard IPP licence.
- (4) If the panel member determines that the person would otherwise be suitable for such release but release cannot safely be directed because that person—
 - (a) is suffering from a mental disorder, and
 - (b) would present a risk to the public or to themselves if released,the panel member must consider whether that person should instead be transferred to hospital for treatment.
- (5) In a case under subsection (4) the panel member must obtain and consider two psychiatric reports addressing the potential need for hospital treatment and, if satisfied as to that need, must recommend transfer under section 47 of the Mental Health Act 1983, with or without a restriction direction under section 49, and the person shall thereafter be treated in all respects as a patient detained under that Act.
- (6) These decisions must be made in writing, with reasons, and served on the person concerned.
- (7) Where a panel member decides that the person should be released, the Secretary of State must be notified forthwith, together with the reasons for that decision.
- (8) If the Secretary of State does not accept the reasons to support a decision under subsection (5) that a person should be released, they may decline the decision.
- (9) If the Secretary declines a decision to release a person, they must provide their reasons for doing so in writing within 28 days.
- (10) The Secretary of State’s reasons under subsection (7) are subject to judicial review, an application for which may be made within three months of the person’s receipt of the Secretary of State’s reasons.
- (11) Where a panel member declines to recommend release, that decision is likewise subject to judicial review, an application for which may be made within three months of the person’s receipt of the panel member’s reasons.
- (12) The Secretary of State must make regulations for—

- (a) the recruitment, remuneration and efficient operation of the panel established under this section, and
- (b) the provision of legal aid to persons subject to IPP sentences who require assistance in pursuing relief by way of judicial review as contemplated above.

(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 imposed under sections 219 or 221 of the Armed Forces Act 2006.”

Member's explanatory statement

This new clause seeks to establish a judicial panel to reconsider all cases of individuals subject to sentences of imprisonment for public protection (IPP).

LORD THOMAS OF CWMGIEDD
BARONESS SMITH OF LLANFAES

97 After Clause 40, insert the following new Clause –

“Management of offenders: devolution to Wales

- (1) In Schedule 7A of the Government of Wales Act 2006, omit paragraph 175.
- (2) The Secretary of State must by regulations make further provision under this section to facilitate the transfer of the provision prisons, the management of persons charged with or convicted of offences and the probation and escort services in Wales from the Secretary of State to Senedd Cymru and Welsh Ministers.
- (3) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

Member's explanatory statement

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

After Clause 41

BARONESS CHAKRABARTI
BARONESS JONES OF MOULSECOOMB

98 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
LORD GOLD

99 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.

LORD JACKSON OF PETERBOROUGH

100 After Clause 42, insert the following new Clause—

“Deportation of foreign criminals (No. 2)

- (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.

Clause 46

LORD TIMPSON

101 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

102 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.

After Clause 46

LORD EVANS OF RAINOW

103 After Clause 46, insert the following new Clause—

“Expiry

This Act expires at the end of the period of two years beginning with the day on which it is passed.”

Member's explanatory statement

This amendment would introduce a sunset clause.

Sentencing Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

2 January 2026

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