

# Sentencing Bill

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AMENDMENTS  
TO BE MOVED  
ON REPORT

*[Supplementary to the Marshalled List]*

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Amendment  
No.

After Clause 40

BARONESS JONES OF MOULSECOOMB

97A★ After Clause 40, insert the following new Clause—

**“Probation capacity: independent report**

- (1) Within three months of the day on which this Act is passed, a report must be published by HM Inspectorate of Probation (“the Inspectorate”) determining whether there is adequate capacity in the Probation Service to meet the levels of demand placed on the Probation Service by the provisions of this Act, and laid before Parliament by the Secretary of State.
- (2) If the report under subsection (1) determines that the capacity of the Probation Service is inadequate, provisions of this Act anticipated to increase levels of demand on the Probation Service may not come into force until a further report determines that the Probation Service has adequate capacity.
- (3) Following a report under subsection (1), the Inspectorate must publish a further report, no less than once every 12 months, determining whether there is adequate capacity in the Probation Service, and the Secretary of State must lay it before Parliament.
- (4) If a report under subsections (1) or (3) determines that the capacity of the Probation Service is inadequate, the Inspectorate may direct that a prioritisation framework must be issued to the areas in which the capacity concerns apply, in order to provide local services with guidance about which activities to deprioritise.
- (5) The Secretary of State must, within two weeks of the laying of a report under subsections (1) or (3) with a finding of inadequate capacity, make a statement to Parliament setting out how probation capacity will be increased to an adequate level.”

***Member's explanatory statement***

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

**After Clause 42**

LORD BACH

100A★ After Clause 42, insert the following new Clause—

**“Civil legal services for sentenced foreign criminals**

Prior to the removal of a person from the United Kingdom under section 260 of the Criminal Justice Act 2003 (early removal of prisoners liable to removal from United Kingdom) or section 32 of the UK Borders Act 2007 (automatic deportation), the Secretary of State has a duty to ensure that the person has access to civil legal services in relation to any of the matters set out in paragraphs 19, 24, 25, 27, 30, 31A, 32 or 32A of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 in order to appeal against the sentence which would result in their removal from the United Kingdom.”

***Member's explanatory statement***

*This amendment seeks to ensure that foreign criminals have access to civil legal aid to support appeals against the sentence which would result in their removal from the United Kingdom prior to their deportation in relation to their judicial review, immigration law matter, or if they are a confirmed victim of trafficking.*



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*5 January 2026*

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