

Sentencing Bill

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

[The page and line references are to HL Bill 142, the Bill as first printed for the Lords]

After Clause 19

LORDS AMENDMENT 7

7 After Clause 19, insert the following new Clause—

“Court transcripts

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.”

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The Commons disagree to Lords Amendment 7 but propose Amendments 7A and 7B to the Bill as amendments in lieu –

7A Page 37, line 5, at end insert the following new Clause—

“Provision of transcripts of sentencing remarks to victims

- (1) Subsection (2) applies if a victim (“V”) requests the Secretary of State to supply V with a transcript of sentencing remarks that are relevant to V.

(2) The Secretary of State must supply the transcript to V, or arrange for the transcript to be supplied to V—

- (a) free of charge, and
- (b) before the end of the period specified in regulations made by the Secretary of State.

This is subject to regulations under subsection (3) and Criminal Procedure Rules under subsection (5).

(3) The Secretary of State may by regulations—

- (a) make provision about how a request under subsection (1) is to be made;
- (b) make provision about the information to be provided in making such a request;
- (c) provide for exceptions to the requirement in subsection (2) to supply a transcript of sentencing remarks;
- (d) provide that, in circumstances specified in the regulations, a transcript must be provided with the omission of information so specified;
- (e) make further provision about the supply of a transcript under subsection (2).

(4) Regulations under subsection (3) may, in particular—

- (a) confer a function (including the exercise of a discretion) on the Secretary of State or another person or description of person;
- (b) make provision which refers to Criminal Procedure Rules (including as amended or replaced from time to time).

(5) Criminal Procedure Rules may make provision about the supply of a transcript under subsection (2) (including any provision that may be made by regulations under subsection (3) or by virtue of subsection (4)(a)).

(6) A power to make regulations under this section includes power to make—

- (a) supplementary, incidental, transitional or saving provision;
- (b) different provision for different purposes.

(7) Regulations under this section are to be made by statutory instrument.

(8) The Secretary of State must consult the Lord Chief Justice before making regulations under this section.

(9) 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.

(10) In this section—

- “sentencing remarks” means remarks made by a judge of the Crown Court in England and Wales when sentencing an offender for an offence;
- “victim” has the meaning given by regulations made by the Secretary of State.

(11) The Secretary of State may by regulations make provision about the circumstances in which, for the purposes of this section, sentencing remarks are relevant to a victim.”

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