

# **Victims and Courts Bill**

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

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*The amendments have been marshalled in accordance with the Instruction of 16th December 2025, as follows –*

Clauses 1 to 3	Schedule 2
Schedule 1	Clauses 8 to 18
Clauses 4 to 7	Title

*[Amendments marked ★ are new or have been altered]*

**Amendment No.** **Schedule 2**

LORD KEEN OF ELIE  
LORD SANDHURST

**48** Schedule 2, page 22, line 6, leave out from “in” to end of line 13 and insert “Schedule 6A.”

***Member's explanatory statement***

*This amendment broadens the cohort to whom Section 35 (victims' rights to make representations and receive information) of the Domestic Violence, Crime and Victims Act 2004 applies to include any victims listed in Schedule 6A. It also probes the rationale behind the three part categorisation of crimes in Schedule 6A.*

LORD KEEN OF ELIE  
LORD SANDHURST

**49** Schedule 2, page 22, line 7, leave out from “and” to the end of line 10

***Member's explanatory statement***

*This amendment broadens the cohort to whom Section 35 (victims' rights to make representations and receive information) of the Domestic Violence, Crime and Victims Act 2004 applies to include any victims listed in Part 1 of Schedule 6A.*

LORD KEEN OF ELIE  
LORD SANDHURST

50 Schedule 2, page 38, leave out lines 13 to 28 and insert—

“(a) a person is convicted of an offence listed in Schedule 6A.”

***Member's explanatory statement***

*This amendment broadens the cohort of victims that can access the helpline scheme to request information about offenders. It also probes the rationale behind the three part categorisation of crimes in Schedule 6A.*

LORD KEEN OF ELIE  
LORD SANDHURST

51 Schedule 2, page 38, line 15, leave out from “and” to the end of line 18

***Member's explanatory statement***

*This amendment broadens the cohort of victims that can access the helpline scheme to request information about offenders to include victims whose offenders are serving suspended sentences or community orders.*

LORD KEEN OF ELIE  
LORD SANDHURST

52 Schedule 2, page 38, line 20, leave out from “6A” to the end of line 22

***Member's explanatory statement***

*This amendment broadens the cohort of victims that can access the helpline scheme to request information about offenders to include victims whose offenders are serving suspended sentences or community orders.*

LORD KEEN OF ELIE  
LORD SANDHURST

53 Schedule 2, page 38, line 26, leave out from “Act)” to the end of line 28

***Member's explanatory statement***

*This amendment broadens the cohort of victims that can access the helpline scheme to request information about offenders to include victims whose offenders are serving suspended sentences or community orders.*

LORD KEEN OF ELIE  
LORD SANDHURST

54 Schedule 2, page 39, line 13, insert—

“(4) If unsatisfied, the person who made the request for information can appeal to Senior Probation Officers to provide further information which they consider appropriate.”

***Member's explanatory statement***

*This amendment proves what mechanisms are available for the victim, or the person acting for the victim, to hold a provider of probation services accountable.*

LORD PONSONBY OF SHULBREDE  
BARONESS BRINTON  
LORD RUSSELL OF LIVERPOOL

55 Schedule 2, page 57, line 23, at end insert—

**“44NA Information sharing under sections 44F and 44K: safeguarding victims**

In respect of sections 44F and 44K, for the purposes of determining whether it is appropriate to share information with the provider of probation services or the person who has made the information request, the hospital manager must consider the following—

- (a) the need to safeguard victims from further physical or psychological harm;
- (b) whether refusal to share the information could lead to the victim experiencing further physical or psychological harm, and
- (c) whether refusal to share the information could mean that victim is less able to safety plan or otherwise mitigate the likelihood of suffering further physical or psychological harm.”

***Member's explanatory statement***

*This amendment will ensure hospital managers balance the needs of the victim with the patients, including considering the risk of further physical or psychological harm is the information is not provided upon request.*

LORD PONSONBY OF SHULBREDE  
BARONESS BRINTON  
LORD RUSSELL OF LIVERPOOL

56 Schedule 2, page 57, line 23, at end insert—

**“44NA Reasons for not providing information under sections 44F and 44K**

- (1) Where the hospital manager determines it is inappropriate to provide the provider of probation services or the person who made the information request with the information either partially or in its entirety, they must, with reference to the factors in section 44O and any other factors they deem

relevant, provide the provider of probation services or the person who made the information request with their reasons for determining it was not appropriate to provide the information in its entirety.

- (2) The reasons under subsection (1) must be provided –
  - (a) in writing, and
  - (b) within 14 days of the decision being made.”

***Member's explanatory statement***

*This amendment will ensure hospital managers provide written reasons for their decision to not provide information to the person who made the request, or the provider of probation services.*

LORD PONSONBY OF SHULBREDE  
 BARONESS BRINTON  
 LORD RUSSELL OF LIVERPOOL

57 Schedule 2, page 57, line 23, at end insert –

**“44NA Information requests under sections 44F and 44K: route of appeal**

- (1) In respect of sections 44F and 44K, the Secretary of State for Justice in consultation with the Secretary of State for Health must create a route of appeal for providers of probation services or persons who have made the information request, where the hospital manager has determined that it is not appropriate to share the information requested in its entirety.
- (2) The appeal scheme must incorporate the following –
  - (a) an independent adjudicator who can balance the rights of victims to information with the right to privacy of the patient who is the subject of the information request;
  - (b) a time limit of not less than 21 days from notification of the decision not to share information for the provider of probation services or the person requesting the information to submit the appeal, and
  - (c) a time limit of not more than 28 days for the adjudicator to determine the outcome of the appeal and notify the appellant.

**44NB Route of appeal: guidance**

- (1) The Secretary of State must issue guidance about the operation of the appeal process under section 44NA.
- (2) Before issuing guidance under this section, the Secretary of State must consult the Commissioner for Victims and Witnesses and such other persons as the Secretary of State considers appropriate (and it is immaterial for these purposes whether the consultation is carried out before or after this section comes in force).”

***Member's explanatory statement***

*This amendment creates an independent appeals process for decisions by hospital managers not to disclose information requested under sections 44F or 44K. It enables victims or probation*

*providers to challenge such decisions and requires guidance to be issued on how the process will operate.*

### Before Clause 8

LORD KEEN OF ELIE  
LORD SANDHURST

58 Before Clause 8, insert the following new Clause—

#### **“Functions of Commissioner: protecting those assisting victims of crime**

- (1) Section 49 (*General functions of Commissioner*) of the Domestic Violence, Crime and Victims Act 2004 is amended as follows.
- (2) After subsection (1)(a) insert—

“(aa) take such steps as the Commissioner considers appropriate to support or protect individuals who act in good faith to assist victims of crime, where those doing so promote the interests of victims and witnesses or encourage good practice in the treatment of victims and witnesses.”
- (3) After subsection (2) insert—

“(2A) For the purposes of subsection (1)(aa), steps taken by the Commissioner may include reporting, making recommendations, or consulting with relevant authorities regarding individuals who assist victims to promote good practice and victim protection.””

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

*This amendment clarifies that the Victims' Commissioner may take discretionary steps to support individuals who assist victims of crime, as part of their statutory role promoting the interests of victims and witnesses.*

### Clause 8

LORD KEEN OF ELIE  
LORD SANDHURST

59 Clause 8, page 13, line 6, leave out from “subsection,” to end of line 7 and insert “omit paragraph (a)”

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

*This amendment removes the statutory restriction preventing the Victims' Commissioner from exercising functions in relation to an individual victim or witness*

LORD KEEN OF ELIE  
LORD SANDHURST

60 Clause 8, page 13, line 6, before “, except” insert “in relation to ongoing criminal proceedings”

***Member's explanatory statement***

*This amendment limits the restriction on the Victims' Commissioner exercising functions in individual cases to circumstances where there are ongoing criminal proceedings, allowing greater engagement with victims and witnesses outside live court processes.*

**Clause 11**

LORD KEEN OF ELIE  
LORD SANDHURST

*The above-named Lords give notice of their intention to oppose the Question that Clause 11 stand part of the Bill.*

**Clause 12**

LORD KEEN OF ELIE  
LORD SANDHURST

*The above-named Lords give notice of their intention to oppose the Question that Clause 12 stand part of the Bill.*

**After Clause 12**

BARONESS CHAKRABARTI  
LORD ARBUTHNOT OF EDROM  
LORD BEAMISH  
BARONESS KIDRON

61 After Clause 12, insert the following new Clause –

**“Removal of presumption of computer reliability**

- (1) Section 69 of the Police and Criminal Evidence Act 1984 is reinstated.
- (2) Section 60 of the Youth Justice and Criminal Evidence Act 1999 is repealed.”

***Member's explanatory statement***

*This new clause removes the statutory rebuttable presumption that a computer system is working correctly for the purposes of criminal evidence produced by it. Instead, prosecutors would have to offer a reasonable demonstration of the reliability of any relevant hardware and software on which it proposes to rely, thus giving the defence an opportunity to scrutinise and challenge the same.*

BARONESS CHAKRABARTI  
BARONESS LAWRENCE OF CLARENDON

62 After Clause 12, insert the following new Clause—

**“Creative and artistic expression: admissibility in criminal proceedings**

- (1) Evidence of a person’s creative or artistic expression, whether original or derivative, shall not be admissible in evidence against that person or another person in criminal proceedings unless the conditions in subsection (2) are met.
- (2) The conditions in this subsection are that the court is satisfied to the criminal standard that—
  - (a) the expression has a literal, rather than figurative or fictional, meaning,
  - (b) where the expression is derivative, the person who created the derivative work intended to adopt the literal meaning of the work as that person’s own thought or statement,
  - (c) the expression refers to the specific facts of the crime alleged,
  - (d) the evidence is relevant to an issue of fact that is disputed, and
  - (e) it is necessary to admit the evidence as the issue cannot be proven by other evidence.
- (3) In deciding whether the conditions in subsection (2) are met, the court must have regard to the linguistic and artistic conventions of the expression, the social and cultural context of the expression, and the context in which the expression was created, including (but not limited to)—
  - (a) the extent to which the expression conforms to the conventions of its genre;
  - (b) when the expression was created and whether it was created before or after the crime alleged;
  - (c) where the expression takes the form of written or spoken words, who wrote the words;
  - (d) where the expression takes the form of lyrics or music, how the creator intended it to sound or be heard by the listener;
  - (e) where the expression takes the form of a video, the role played by the relevant participant, with mere presence not being sufficient;
  - (f) where the party making the application seeks to rely on an excerpt from the expression, how that excerpt fits into the broader context of the expression;
  - (g) whether the expression contains information not readily available to the individual(s) it would be used against.
- (4) The court shall not make a determination under subsection (2) except on the written or oral evidence of an independent expert who, in the opinion of the court, is suitably qualified to give evidence about the linguistic and artistic conventions and the social and cultural context of the creative or artistic expression.
- (5) When a court admits evidence of a person’s creative or artistic expression in criminal proceedings under this section, it must redact any part of the evidence in respect of which, in the opinion of the court, its prejudicial effect outweighs its probative value.

(6) When a court admits evidence of a person's creative or artistic expression in a trial on indictment under this section, the judge must give such directions to the jury as they think necessary to ensure that the jury's consideration of that evidence is not influenced by racial or other stereotypes."

***Member's explanatory statement***

*This new clause attempts to prevent unjust criminal convictions obtained by prejudicial over-reliance on a person's musical taste as probative of criminal proclivity or intent.*

LORD RUSSELL OF LIVERPOOL  
BARONESS BRINTON

**63** After Clause 12, insert the following new Clause—

**“Discontinuance of proceedings: victims' right to review**

(1) The Prosecution of Offences Act 1985 is amended as follows.

(2) In section 23A (Discontinuance of proceedings after accused has been sent for trial), subsection (2), omit “indictment is preferred” and insert “start of the trial on indictment, as defined in section 22(11A) of this Act.””

***Member's explanatory statement***

*This amendment would extend the period a case can be discontinued in the Crown Court, to bring it in line with the Magistrates Court. This would mean that the CPS could discontinue a case at the Crown Court with the option to reopen it following a successful VRR, if it concludes that it made an error stopping the prosecution.*

**Clause 13**

LORD KEEN OF ELIE  
LORD SANDHURST

**64** Clause 13, page 16, line 36, at end insert—

“(aa) in that sub-paragraph for “28” substitute “56”;”

***Member's explanatory statement***

*This amendment increases the window for applying to the Unduly Lenient Sentences Scheme from 28 days to 56 days.*

LORD KEEN OF ELIE  
LORD SANDHURST

**65** Clause 13, page 16, line 38, after “(2)” insert “unless an application is made by a victim, or the deceased victim's next of kin, in which case notice of an application shall be given within 56 days”

***Member's explanatory statement***

*This amendment increases the window for applying to the Unduly Lenient Sentences Scheme to 56 days for a victim of a crime or a deceased victim's next of kin.*

LORD KEEN OF ELIE  
LORD SANDHURST

**66** Clause 13, page 17, line 6, leave out “28-day” and insert “56-day”

**After Clause 14**

LORD KEEN OF ELIE  
LORD SANDHURST

**67** After Clause 14, insert the following new Clause—

**“Sentencing guidelines on court fines**

Within 18 months of the day on which this Act is passed, the Sentencing Council must revise relevant sentencing guidelines so that the court must award compensation to a victim to the value of items stolen when imposing compensation for the offence of theft, burglary, fraud, or any other crime that has resulted in a financial loss to the victim.”

***Member's explanatory statement***

*This new clause would require the Sentencing Council to revise sentencing guidelines so that a court must impose compensation commensurate to the value of stolen items when issuing fines.*

BARONESS SATER  
LORD GARNIER  
LORD PONSONBY OF SHULBREDE

**68** After Clause 14, insert the following new Clause—

**“Dealing with offenders for crimes committed as children**

Where a court is dealing with 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 dealt with by a youth court and sentenced according to the sentencing guidelines which apply in a youth court.”

BARONESS BRINTON  
LORD RUSSELL OF LIVERPOOL

69 After Clause 14, insert the following new Clause—

**“Unduly lenient sentences: time limit**

In paragraph 1 of Schedule 3 to the Criminal Justice Act 1988, at end insert “, subject to sub-paragraph 2.

- (2) The time limit of 28 days shall be extended in exceptional circumstances, which may include but not be limited to a failure of the relevant body to inform the victim and families of their rights under section 36 (reviews of sentencing).””

*Member's explanatory statement*

*This amendment would allow for the 28-day timeframe to be extended in exceptional circumstances, and prompt criminal justice agencies to meet their obligation to inform of their rights and the tight time limit.*

LORD KEEN OF ELIE  
LORD SANDHURST

70 After Clause 14, 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 made by statutory instrument, 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.

(4) 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 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 KEEN OF ELIE  
LORD SANDHURST

71 After Clause 14, insert the following new Clause—

**“Exemptions to early release for sex offenders and domestic abuses**

In section 244ZA of the Sentencing Code (release on license of certain violent or sexual offenders), at the end insert—

“(9) The “requisite custodial period” in subsection (8) does not apply to any person convicted of –

- (a) a sexual offence, within the meaning of section 3 of the Sexual Offences Act 2003, or
- (b) an offence which constitutes domestic abuse within the meaning of section 1 of the Domestic Abuse Act 2021.””

***Member's explanatory statement***

*This amendment would exempt sex offenders and domestic abusers being eligible from automatic early release at the one third point of their sentence.*

LORD KEEN OF ELIE  
LORD SANDHURST

72 After Clause 14, insert the following new Clause—

**“Notification of right to request review of sentence**

(1) Section 36 of the Criminal Justice Act 1988 (reviews of sentencing) is amended as follows.

(2) After subsection (1), insert –

“(1A) The Crown Prosecution Service must write to a victim, or a deceased victim’s next of kin, within 10 working days of the sentence being delivered to make them aware of their ability to apply for a review of sentencing.””

***Member's explanatory statement***

*This amendment would require the CPS to write to a victim, or a deceased victim’s next of kin, within 10 working days of a sentence being delivered to make them aware of their ability to apply for a review.*

LORD KEEN OF ELIE  
LORD SANDHURST

73 After Clause 14, insert the following new Clause—

**“Publication of 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 publicly available online within 14 days of the request being received.
- (2) The court must, before publication, make the applicant aware that they have a right to request that the sentencing remarks are not published, and if such a request is made, the remarks must not be so published.”

*Member's explanatory statement*

*This amendment provides that sentencing remarks released by the Crown Court are freely published online, whilst also requiring the Court to inform applicants of their right to request that such remarks are not published. Where an applicant makes such a request, the court must not publish the sentencing remarks online.*

LORD KEEN OF ELIE  
LORD SANDHURST

74 After Clause 14, insert the following new Clause—

**“Exemptions to presumptions of suspended sentences for those over 21**

In section 1 of the Sentencing Act 2026 (presumption of suspended sentence order for sentences of 12 months or less), in subsection (3), in inserted section 277A(3), 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.””

*Member's explanatory statement*

*This amendment would exempt sex offenders and domestic abusers from the automatic presumption of a suspended sentence.*

BARONESS BRINTON  
LORD RUSSELL OF LIVERPOOL

75 After Clause 14, insert the following new Clause—

**“Duty to inform victims and families of the unduly lenient sentencing scheme**

After section 36 of the Criminal Justice Act 1988, insert—

**“36A Duty to inform victims and families of the unduly lenient sentencing scheme**

- (1) The Secretary of State must nominate a government department to inform victims and their families of their rights set out in section 36 (reviews of sentencing).
- (2) The information provided under subsection (1) must include the type of sentence and the time limit for application, and advise that applications must be made to the Attorney General.””

***Member's explanatory statement***

*This amendment will ensure that victims are aware of the Unduly Lenient Sentencing scheme which presently has a strict 28-day timeframe in which to apply, there being no power to extend the time.*

# **Victims and Courts Bill**

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*10 February 2026*

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