

Victims and Courts Bill

REVISED MARSHALLED LIST OF AMENDMENTS TO BE MOVED ON REPORT

The amendments have been marshalled in accordance with the Instruction of 2nd March 2026, 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.**

Clause 3

BARONESS BRINTON

- 1** Clause 3, page 5, line 40, leave out from “offender”)” to end of line 1 on page 6 and insert “for any sexual offence in relation to children, including online offences,”

Member's explanatory statement

This amendment lowers the threshold at which the restrictions in Clause 3 can apply.

After Clause 5

LORD MESTON
LORD RUSSELL OF LIVERPOOL
BARONESS BRINTON

- 2** After Clause 5, insert the following new Clause –

“Restriction on acquisition of parental responsibility for child born after conviction

A person is not eligible to acquire parental responsibility automatically under section 2 of the Children Act 1989 if, at the time of the child’s birth, they have been convicted of a serious sexual offence committed against a child and sentenced to a life sentence, or a term of imprisonment or detention of 4 years or more, or have been convicted of rape and the child was conceived as a result of that rape.”

Member's explanatory statement

The Bill does not prevent an offender from automatically acquiring the parental responsibility for a child born even one day after sentencing. This amendment would remove the convicted offender's eligibility for parental responsibility in respect of children born after sentencing.

LORD MESTON
LORD RUSSELL OF LIVERPOOL
BARONESS BRINTON

3 After Clause 5, insert the following new Clause –

“Bail conditions

It shall be a condition of bail, if granted, to any person under investigation for, or charged with, rape or any other serious sexual offence that –

- (a) he should not have any direct or indirect contact with any minor child of whom that person is a parent or for whom he has parental responsibility, and
- (b) he should immediately inform any family court dealing with proceedings concerning any such child of that restriction on contact.”

Member's explanatory statement

The absence of clear child-related bail restrictions in every case can create the opportunity for, and risk of, continued coercion and intimidation.

LORD KEEN OF ELIE
LORD SANDHURST

4 After Clause 5, insert the following new Clause –

“Restricting parental responsibility of offenders convicted of child cruelty

After section 10G of the Children Act 1989 insert –

“10H Duty to make prohibited steps order where serious child cruelty is committed

- (1) This section applies where –
 - (a) the Crown Court sentences a person (“the offender”) for an offence listed in subsection (10) for a term of imprisonment of 4 years or more, and
 - (b) the offender has parental responsibility for at least one child.
- (2) The Crown Court must make a prohibited steps order with respect to each child for whom the offender has parental responsibility.
- (3) The order must –
 - (a) specify that no step of any kind which could be taken by a parent in meeting their parental responsibility for a child may be taken

- by the offender with respect to the child without the consent of the High Court or the family court, and
- (b) be made to have effect until the order is varied or discharged by the High Court or the family court.
- (4) But the Crown Court must not make a prohibited steps order under this section if—
- (a) making the order is prohibited by section 29(3) of the Adoption and Children Act 2002,
- (b) a prohibited steps order is already in force that meets the requirements in subsection (3), or
- (c) it appears to the Crown Court that it would not be in the interests of justice to do so.
- (5) A prohibited steps order made under this section ceases to have effect if the offender is acquitted of the offence on appeal.
- (6) Sections 1, 7 and 11 do not apply where the Crown Court proceeds under this section.
- (7) A prohibited steps order made under this section is to be treated for the purposes of section 31F(6) of the Matrimonial and Family Proceedings Act 1984 (proceedings and decisions) as if it were made by the family court.
- (8) The Crown Court does not have jurisdiction to entertain any proceedings in connection with the enforcement of a prohibited steps order made under this section.
- (9) A reference in this Act to an order under this section includes, so far as the context permits, an order varying or discharging it.
- (10) The relevant offences for subsection (1) are—
- (a) an offence under section 27 of the Offences Against the Person 1861 (abandoning or exposing a child), if the offender—
- (i) was 18 or over, and
- (ii) is sentenced in respect of the offence to imprisonment for a term of at least 12 months;
- (b) an offence under section 1 of the Children and Young Persons Act 1933 (child cruelty) if the offender—
- (i) was 18 or over, and
- (ii) is sentenced in respect of the offence to imprisonment for a term of at least 12 months;
- (c) an offence under section 1 of the Infanticide Act 1938 (infanticide);
- (d) an offence under section 1 of the Female Genital Mutilation Act 2003 (female genital mutilation), if—
- (i) the victim was under 18, and
- (ii) the offender—
- (A) was 18 or over, or

- (B) is sentenced in respect of the offence to imprisonment for a term of at least 12 months;
- (e) an offence under section 2 of that Act (assisting a girl to mutilate her own genitalia), if—
 - (i) the victim was under 18, and
 - (ii) the offender—
 - (A) was 18 or over, or
 - (B) is sentenced in respect of the offence to imprisonment for a term of at least 12 months;
- (f) an offence under section 3 of that Act (assisting a non-UK person to mutilate overseas a girl's genitalia), if—
 - (i) the victim was under 18, and
 - (ii) the offender—
 - (A) was 18 or over, or
 - (B) is sentenced in respect of the offence to imprisonment for a term of at least 12 months;
- (g) an offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 of causing or allowing a person's death, if the victim was under 18;
- (h) an offence under section 5 of that Act of causing or allowing a person to suffer serious physical harm, if
 - (i) the victim was under 18, and
 - (ii) the offender—
 - (A) was 18 or over, or
 - (B) is sentenced in respect of the offence to imprisonment for a term of at least 12 months.”

Member's explanatory statement

This new clause would apply similar provisions, including prohibited steps orders, from clause 3 to certain offenders of child cruelty.

After Clause 7

BARONESS BRINTON

5★

After Clause 7, insert the following new Clause—

“Access to free court transcripts for victims

- (1) Victims of criminal offences shall be entitled to receive, without charge, court transcripts of—
 - (a) the Route to Verdict, and
 - (b) bail decisions and conditions,
 which are relevant to their case.
- (2) The Secretary of State must ensure that such transcripts are provided within 14 days of a request.

- (3) The entitlement under subsection (1) shall apply irrespective of whether the victim gave evidence in the case.”

Member's explanatory statement

This new clause would give victims a right to receive, free of charge, court transcripts of the Route to Verdict and bail decisions relevant to their case. It requires that transcripts be provided within 14 days of a request and clarifies that this right applies whether or not the victim gave evidence in the case.

LORD HACKING
BARONESS JONES OF MOULSECOOMB

6 After Clause 7, insert the following new Clause —

“Victim navigators

- (1) The Secretary of State must, within six months of the passing of this Act, make provision for each police force in England and Wales to have access to one or more independent victim navigators.
- (2) The purpose of an independent victim navigator under subsection (1) is to —
- (a) liaise between the police force and potential victims of offences relating to slavery or human trafficking, and
 - (b) assist in the provision of specialist advice for either the police force or the potential victims.
- (3) The Secretary of State may by regulations provide further guidance on the functions of independent victim navigators.
- (4) Regulations under this section shall be made by statutory instrument, and may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.”

Member's explanatory statement

This new clause seeks to implement the recommendation of the House of Lords Committee on the Modern Slavery Act 2015 (HL Paper 8) by introducing provisions for Independent Victim Navigators to be in operation on a national level in England and Wales, acting as a liaison between the police and potential victims of slavery or human trafficking in accessing the appropriate support.

LORD POLAK
LORD RUSSELL OF LIVERPOOL
LORD FARMER

7 After Clause 7, insert the following new Clause —

“Duty to commission support services for victims of abuse and exploitation

- (1) This section applies in respect of victims of offences relating to —
- (a) domestic abuse,
 - (b) sexual violence, or

- (c) child criminal exploitation.
- (2) It is the duty of relevant authorities to commission sufficient and specific services for victims under subsection (1) in accordance with the Victims Code of Practice for England and Wales.
- (3) The services commissioned and provided for under subsection (2) must include, but are not limited to—
 - (a) specialist services for adult victims of domestic abuse and sexual violence;
 - (b) specialist services for child victims of exploitation, sexual abuse and domestic abuse;
 - (c) specialist advocacy and community-based services for victims with specific needs including (but not limited to)—
 - (i) child victims,
 - (ii) d/Deaf and disabled victims,
 - (iii) Black and minoritised victims, and
 - (iv) LGBTQ+ victims,
 in compliance with the Public Sector Equality Duty.
- (4) In this section—
 - “child criminal exploitation” has the meaning given in the Crime and Policing Act 2026;
 - “relevant authorities” has the meaning given in section 13 of the Victims and Prisoners Act 2024 (duty to collaborate in exercise of victim support functions);
 - “victim” has the meaning given in section 1 of the Victims and Prisoners Act 2024 (meaning of “victim”).

Member's explanatory statement

This amendment will place a duty on relevant local statutory agencies to commission specific support services for victims of abuse and exploitation, including tailored services for those with specific needs, informed by strategic assessments of the needs of victims in their local area.

LORD GARNIER
LORD MURRAY OF BLIDWORTH
LORD MARKS OF HENLEY-ON-THAMES

8 After Clause 7, insert the following new Clause—

“Compensation for victims of fraud and other economic crimes

- (1) The Secretary of State must, within six months of the passing of this Act, report to Parliament the findings and recommendations of a review of victims of fraud, bribery and money laundering offences.
- (2) The purpose of the report under subsection (1) is to inform Parliament how the Secretary of State will provide for victims of such economic crimes to be compensated without such victims needing to pursue civil action.

- (3) The Secretary of State must conduct a public consultation on the review, the terms of which must be published no later than 1 June 2026, and which must open on that date and close on 1 September 2026.
- (4) In this section “victims of economic crime” includes United Kingdom and overseas victims of complex corruption cases where the harm caused by the offending is not easily quantifiable.”

Member's explanatory statement

This new clause requires a review to explore how domestic and overseas victims of fraud, bribery and money laundering offences could be better compensated without the need for civil proceedings to recover their losses or compensation and for the Secretary of State to report his conclusions to Parliament without undue delay.

LORD KEEN OF ELIE
LORD SANDHURST

9 After Clause 7, insert the following new Clause—

“Extension of Victim Contact Scheme

- (1) The Secretary of State must ensure that the Victim Contact Scheme is made available to—
 - (a) victims of offenders sentenced to less than 12 months for violent and sexual offences,
 - (b) victims in cases involving coercive or controlling behaviour, stalking, or harassment, and
 - (c) bereaved families in manslaughter or death by dangerous driving cases.
- (2) The Secretary of State must ensure that information under the Victim Contact Scheme is communicated in a timely and trauma-informed manner.
- (3) The Secretary of State must publish data each year on uptake and accessibility of the Victim Contact Scheme.”

Member's explanatory statement

This new clause would require the Secretary of State to extend the Victim Contact Scheme to certain categories of victim. It would also ensure information is provided in a timely, trauma-informed way and require annual reporting on the Scheme’s uptake and accessibility.

BARONESS BRINTON
LORD RUSSELL OF LIVERPOOL
BARONESS FINLAY OF LLANDAFF

10 After Clause 7, insert the following new Clause—

“Application of the victims’ code in respect of victims of murder, manslaughter or infanticide abroad

- (1) The Victims and Prisoners Act 2024 is amended as follows.

(2) After section 4, insert –

“4A Application of the victims’ code in respect of victims of murder, manslaughter or infanticide of a close family member abroad

- (1) This section relates to victims as defined under section 1(2)(c) who are close family members of a British National resident in England and Wales who was the victim of –
 - (a) murder,
 - (b) manslaughter, or
 - (c) infanticide,
 committed outside the United Kingdom.
- (2) The Secretary of State must by regulations issue an appendix to the victims’ code, setting out how the code applies to victims in the circumstances set out in subsection (1).
- (3) The appendix must set out the services to be provided to victims as defined under subsection (1) by those persons based in England and Wales appearing to the Secretary of State to have functions of a public nature relating to –
 - (a) victims, or
 - (b) any aspect of the criminal justice system.
- (4) The appendix must make provision for services based in England and Wales which reflect the principles that victims require –
 - (a) information to help them understand the criminal justice process,
 - (b) access to services within England and Wales which provide them with emotional and practical support (including, where appropriate, specialist services),
 - (c) in circumstances where the criminal justice process is engaged in England and Wales, the opportunity to make their views heard in the criminal justice process, and
 - (d) the ability to challenge decisions which have a direct impact on them.
- (5) In setting out the services to be provided to victims under this section, the Secretary of State must specify the following –
 - (a) how such services will be provided with accessible information;
 - (b) how they access emotional and practical support.””

Member’s explanatory statement

This new clause requires the Secretary of State to create an appendix to the Victims’ Code which outlines how the code applies to victims whose close relative was the victim of murder, manslaughter or infanticide outside the UK.

BARONESS BRINTON

11 After Clause 7, insert the following new Clause –

“Duty to commission support services for caregivers of victims of abuse and exploitation

- (1) This section applies in respect of victims of offences relating to –
 - (a) domestic abuse,
 - (b) sexual violence, or
 - (c) child criminal exploitation, where the victim –
 - (i) at the time of the offence, was under the age of 18, or
 - (ii) is an adult at risk of harm.
- (2) It is the duty of relevant authorities to commission sufficient and specific services for the parent, guardian or person who has responsibility for the victim under subsection (1) for the purpose of securing the rights of the victim under the Victims Code of Practice for England and Wales.
- (3) “Victim” is defined as outlined in section 1 of the Victims and Prisoners Act 2024.
- (4) The services commissioned and provided under subsection (2) must be –
 - (a) appropriate to the needs of the caregiver in supporting the victim,
 - (b) trauma-informed and culturally competent, and
 - (c) accessible without unreasonable delay or procedural burden.
- (5) In exercising their duty under this section, relevant authorities must have regard to guidance issued by the Secretary of State.
- (6) The Secretary of State must publish such guidance within six months of the passing of this Act, following consultation with relevant stakeholders including –
 - (a) victim support organisations,
 - (b) organisations representing children and vulnerable adults, and
 - (c) persons with the lived-experience of the effects of sexual or violent offences.
- (7) In this section –

“child criminal exploitation” has the meaning given in the Crime and Policing Act 2026;

“adult at risk of harm” means a person aged 18 or over who –

 - (a) has needs for care and support,
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect themselves against the abuse or neglect or the risk of it;

“relevant authorities” has the meaning given in section 13 of the Victims and Prisoners Act 2024.”

Member's explanatory statement

This amendment places a duty on relevant authorities to provide specific services to the parent, guardian or person who has responsibility for a victim of domestic abuse, sexual violence or child criminal exploitation for the purposes of securing the rights of the victim under the Victims Code.

BARONESS BRINTON

12 After Clause 7, insert the following new Clause—

“Right to referral to restorative justice services

- (1) A victim of an offence has the right, at any stage following the commission of the offence, to receive from a relevant criminal justice body—
 - (a) information about the availability and purpose of restorative justice services, and
 - (b) a meaningful referral to restorative justice services, where those services are available.
- (2) A referral under subsection (1) must be made—
 - (a) as soon as is reasonably practicable after the offender is identified, and
 - (b) at subsequent appropriate stages of the criminal justice process (including pre-charge, post-charge, and post-conviction) or if requested by the victim.
- (3) In exercising the right under this section, a victim must at all times give informed consent, and participation in any restorative justice process shall be voluntary.
- (4) A relevant criminal justice body must maintain a record (in such form as may be prescribed by regulations made by statutory instrument) of—
 - (a) the times when referrals under subsection (1) are made, and
 - (b) statistical information on how many victims accept, decline, or do not respond to referrals.
- (5) For the purposes of this section, “relevant criminal justice body” includes (but is not limited to)—
 - (a) the police;
 - (b) the Crown Prosecution Service;
 - (c) His Majesty’s Prison and Probation Service;
 - (d) the Courts;
 - (e) commissioned victim service providers.
- (6) The victims’ code must include provision consistent with this section for—
 - (a) the form, timing, and content of information to be given to victims about restorative justice,
 - (b) mechanisms and standards for referral and re-referral, and
 - (c) oversight and review of compliance with this section.
- (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section “restorative justice services” means services facilitating a process through which a victim and offender (or their representatives) may, with appropriate support, voluntarily engage to deal with the harm arising from the offence by means of a facilitated dialogue or meeting such as conferencing, or indirect exchanges of communication via trained practitioners.”

Member's explanatory statement

This new clause seeks to strengthen victims' statutory rights to access restorative justice services.

BARONESS BRINTON

13 After Clause 7, insert the following new Clause —

“Duty to report on the use of restorative justice services

- (1) The Secretary of State must, within a year of the passing of this Act, undertake an assessment of the use of restorative justice services by victims in England and Wales.
- (2) The assessment under subsection (1) must consider —
 - (a) the level of use of restorative justice services,
 - (b) recommendations for increasing the use of restorative justice services, and
 - (c) any other matters that the Secretary of State deems appropriate.
- (3) The Secretary of State must lay a copy of the assessment before Parliament.
- (4) In this section “restorative justice services” means services facilitating a process through which a victim and offender (or their representatives) may, with appropriate support, voluntarily engage to deal with the harm arising from the offence by means such as mediation, conferencing, or reparation, under standards of safety and fairness.”

Member's explanatory statement

This new clause would require the Secretary of State to carry out an assessment of the level of use of restorative justice services, and make recommendations for increasing their use.

LORD RUSSELL OF LIVERPOOL
LORD POLAK
BARONESS KIDRON

14 After Clause 7, insert the following new Clause —

“Compensation for victims of online child sexual abuse

In exercising functions under the Criminal Injuries Compensation Scheme, the Secretary of State must assess whether conduct constituting online child sexual abuse may amount to a crime of violence where such conduct involves —

- (a) coercion, threats, and domination;
- (b) compelled actions, such as the creation or sharing of sexual images, live-streamed sexual activity, or other sexual acts directed by an offender against the child resulting in injury, irrespective of the physical proximity between victim and perpetrator.”

Member's explanatory statement

This amendment would create a narrow and legally defensible clarification to support recognition of certain forms of online-only child sexual abuse (CSA), which currently fall outside the scope of recognition of the Criminal Injuries Compensation Scheme.

LORD KEEN OF ELIE
LORD SANDHURST

15 After Clause 7, insert the following new Clause—

“Extension of Victim Contact Scheme (No. 2)

- (1) The Secretary of State must ensure that the Victim Contact Scheme is made available to—
 - (a) victims of offenders sentenced to less than 12 months for violent and sexual offences, and
 - (b) bereaved families in manslaughter or death by dangerous driving in cases where the offender is sentenced to less than 12 months.
- (2) The Secretary of State must ensure that information under the Victim Contact Scheme is communicated in a timely and trauma-informed manner.
- (3) The Secretary of State must publish data each year on uptake and accessibility of the Victim Contact Scheme.”

Member's explanatory statement

This new clause would require the Secretary of State to extend the Victim Contact Scheme to certain categories of victim. It would also ensure information is provided in a timely, trauma-informed way and require annual reporting on the Scheme's uptake and accessibility.

LORD KEEN OF ELIE
LORD SANDHURST

16 After Clause 7, 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 relevant victim(s) aware that they have a right to request anonymity, and if such a request is made, take the necessary steps to prevent the risk of identification of the victim, including through jigsaw identification.”

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 anonymity in such remarks.

Schedule 2

LORD RUSSELL OF LIVERPOOL
BARONESS BRINTON
LORD PONSONBY OF SHULBREDE

17 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 the 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 would ensure hospital managers balance the needs of the victim with the patients, including considering the risk of further physical or psychological harm if the information is not provided upon request.

LORD RUSSELL OF LIVERPOOL
BARONESS BRINTON
LORD PONSONBY OF SHULBREDE

18★ Schedule 2, page 57, line 23, at end insert—

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

- (1) In respect of sections 44F and 44K, where the hospital manager determines that 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 44NA (*Information sharing under sections 44F and 44K: safeguarding victims*) 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 that it was not appropriate to provide the information in its entirety.
- (2) The reasons required 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 would 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 RUSSELL OF LIVERPOOL
BARONESS BRINTON
LORD PONSONBY OF SHULBREDE

19★ Schedule 2, page 57, line 23, at end insert—

“44NC 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 and Social Care 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.

44ND Route of appeal: guidance

- (1) The Secretary of State must issue guidance about the operation of the appeal process under section 44NC (*Information requests under sections 44F and 44K: route of appeal*).
- (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 into 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.

Clause 12

LORD KEEN OF ELIE
LORD SANDHURST

20 Leave out Clause 12

After Clause 12

BARONESS CHAKRABARTI
LORD ARBUTHNOT OF EDROM
BARONESS KIDRON
LORD THOMAS OF CWMGIEDD

21 After Clause 12, insert the following new Clause—

“Admissibility and reliability of computer evidence

- (1) Evidence produced by or obtained from a computerised device or system may be admissible in proceedings, where—
 - (a) it is not challenged,
 - (b) it cannot reasonably in the view of the court, be challenged, or
 - (c) the court is reasonably satisfied of the reliability of the evidence.
- (2) Rules of Court must provide for reasonable opportunity for the reliability of evidence referred to in subsection (1) above to be challenged, and for the factors to be taken into account in assessing both reliability and the weight to be given to any such evidence as is admitted.
- (3) The common law presumption of the reliability of evidence referred to in subsection (1) is removed.”

Member's explanatory statement

This new clause replaces the current common law presumption of the reliability of computer evidence with a statutory and court rules' scheme for the reasonable challenge and testing of such evidence.

BARONESS CHAKRABARTI

22 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.

BARONESS BRINTON

23 After Clause 12, insert the following new Clause—

“Discontinuance of proceedings: victims’ right to review

In section 23A(2) of the Prosecution of Offences Act 1985 (discontinuance of proceedings after accused has been sent for trial), for “indictment is preferred” substitute “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 Victims’ Right to Review application, if it concludes that it made an error stopping the prosecution.

Clause 13

LORD KEEN OF ELIE
LORD SANDHURST

24 Clause 13, page 16, line 37, leave out paragraph (b) and insert—

“(b) in that sub-paragraph, for the words from “within” to the end substitute
“—

- (a) in relation to England and Wales, within 56 days from the day on which the sentence, or the last of the sentences, in the case was passed, subject to sub-paragraph (2);
- (b) in relation to Northern Ireland, within 28 days from the day on which the sentence, or the last of the sentences, in the case was passed.”;

Member’s explanatory statement

This amendment would extend the time limit for the Attorney General to apply for leave to refer an unduly lenient sentence in England or Wales to the Court of Appeal.

LORD KEEN OF ELIE
LORD SANDHURST

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

Member’s explanatory statement

This amendment would ensure that the additional 14-day period (introduced by clause 13(2)(c)) in which to apply for leave to refer an unduly lenient sentence to the Court of Appeal would apply to the extended time limit inserted by my amendment to clause 13, page 16, line 37.

After Clause 14

BARONESS BRINTON
LORD RUSSELL OF LIVERPOOL

26 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.

BARONESS BRINTON
LORD RUSSELL OF LIVERPOOL
BARONESS JONES OF MOULSECOOMB

27 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.

LORD KEEN OF ELIE
LORD SANDHURST

As an amendment to Amendment 27

- 28 In inserted subsection (1), leave out from beginning to “inform” and insert “Within 10 working days of the sentence being delivered, the Crown Prosecution Service must”

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

- 29 After Clause 14, insert the following new Clause –

“Exemptions to early release for sex offenders and domestic abuses

In section 244ZA of the Criminal Justice Act 2003 (release on license of certain violent or sexual offenders), after subsection (8) insert –

- “(8A) 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

- 30 After Clause 14, insert the following new Clause –

“Extension of Unduly Lenient Sentences scheme for victims

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

- (2) The Secretary of State may, by regulations made by statutory instrument, extend the time limit specified in sub-paragraph (1) for specified offences.
- (3) The Secretary of State must, within 6 months of the day on which the Victims and Courts Act 2026 is passed, conduct a public consultation, and lay before Parliament regulations under sub-paragraph (2).
- (4) The purpose of the public consultation under sub-paragraph (3) is to determine the specified offences and the time limit for victims or the deceased victim's next of kin.

- (5) A statutory instrument containing regulations under this paragraph 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 amendment requires a public consultation as to whether victims of serious crimes should be given more time than other applicants to request a review of the sentence through the Unduly Lenient Sentence scheme.

Victims and Courts Bill

REVISED MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

9 March 2026

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