

Sentencing Bill — Report Stage

Mr Peter Bedford

[HoC18]

James McMurdock
Jack Rankin
Sir Gavin Williamson
Lewis Cocking
Bradley Thomas
Ben Obese-Jecty

To move the following Clause—

“Parents of young offenders

- (1) The Secretary of State must undertake an assessment of the effectiveness and use by the courts of the following powers in the Sentencing Code—
 - (a) sections 365 to 375 (parenting orders); and
 - (b) sections 380 to 383 (Costs, fines and other financial orders where offender aged under 18).
- (2) The assessment undertaken under subsection (1) must make recommendations on—
 - (a) ways to increase use of the Sentencing Code powers to make parenting and financial orders; and
 - (b) other potential sentencing changes to promote greater parental responsibility in respect of young offenders.
- (3) The Secretary of State must, within a year of the passing of this Act, lay a copy of the assessment made under this section before Parliament.”

Member's explanatory statement

This new clause would require the Secretary of State to assess the use of the courts' existing powers to make parenting orders and financial orders to parents of young offenders.

Jess Brown-Fuller

[HoC19]

Max Wilkinson
Marie Goldman
Ben Maguire
Luke Taylor
Mr Will Forster
Tessa Munt

To move the following Clause—

“Access to rehabilitation programmes and education for individuals held on remand

- (1) Where an individual is held in custodial remand pending sentencing, the probation service must provide access to the same rehabilitative programmes that are available to prisoners after sentencing.

- (2) Where an individual is held in custodial demand pending trial, the probation service must provide access to the same—
 - (a) education;
 - (b) therapy; and
 - (c) any other support that the probation service deems appropriate, that is available to prisoners after sentencing.”

Member's explanatory statement

This new clause would allow prisoners held on remand to access rehabilitative programmes, education, therapy and other support before the start of their sentence.

Dr Kieran Mullan

[HoC20]

Mr Peter Bedford
Sir John Hayes

To move the following 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 “or 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.

Dr Kieran Mullan

[HoC21]

Helen Grant
Mr Peter Bedford
Joy Morrissey
Alicia Kearns
Sir John Hayes

To move the following 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.
- (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); and
 - (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.

Nigel Farage

[HoC22]

Richard Tice
Lee Anderson
Sarah Pochin
Danny Kruger

To move the following Clause—

“Criminal cases review

- (1) The Criminal Justice Act 1988 is amended as follows.
- (2) After section 36 (Reviews of sentencing), insert—

“PART IVB

CRIMINAL CASES REVIEW (PUBLIC PETITION)

36A Scope of this Part

- (1) A case to which this Part applies may be referred to the Court of Appeal under section 2 below.
- (2) Subject to Rules of Court, the jurisdiction of the Court of Appeal under section 36B shall be exercised by the criminal division of the Court, and references to the Court of Appeal in this Part shall be construed as references to that division.
- (3) This Part applies to any case—
 - (a) of a description specified in an order under this section; or
 - (b) in which sentence is passed on a person—
 - (i) for an offence triable only on indictment; or
 - (ii) for an offence of a description specified in an order under this section.
- (4) The Secretary of State may by order provide that this section shall apply to any case of a description specified in the order or to any case in which sentence is passed on a person for an offence triable either way of a description specified in the order.
- (5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this Part, “sentence” has the same meaning as in the Criminal Appeal Act 1968, except that it does not include an interim hospital order under Part III of the Mental Health Act 1983, and “sentencing” shall be construed accordingly.
- (7) In its application to Northern Ireland, this section shall have effect subject to the modifications set out in subsections (8) to (11).

- (8) Subsection (2) shall not apply to Northern Ireland.
- (9) In this section—
 - “offence triable only on indictment” means an offence punishable only on conviction on indictment;
 - “offence triable either way” means an offence punishable on conviction on indictment or on summary conviction; and
 any reference in subsection (4) to the Secretary of State must be construed as a reference to the Department of Justice in Northern Ireland.
- (10) For subsection (5), in Northern Ireland an order under subsection (4) shall be a statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (and not a statutory instrument), and any such order shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).
- (11) References in subsection (6) to the Criminal Appeal Act 1968 and Part III of the Mental Health Act 1983 shall be respectively construed as references to Part I of the Criminal Appeal (Northern Ireland) Act 1980 and Part III of the Mental Health (Northern Ireland) Order 1986.

36B Criminal cases review (public petition)

- (1) If it appears to any adult British citizen aged 18 or over—
 - (a) that the sentencing of a person in a proceeding in the Crown Court (“the person sentenced”) has been unduly lenient or unduly harsh; and
 - (b) that the case is one to which section 36A applies,
 that British citizen (“the petitioner”) may refer the case to the Criminal Cases Review Commission (“the Commission”) for it to review the sentencing of the person sentenced, in accordance with section 36C below, and if the Commission refers the case to the Court of Appeal, upon such a reference the Court of Appeal may—
 - (a) quash any sentence passed on the person sentenced; and
 - (b) in place of it pass such sentence as they think appropriate for the case and as the lower court had power to pass when dealing with the person sentenced,
 provided that the petitioner has filed the reference with the Commission in writing, signed by at least 500 signatures (“the co-petitioners”) including his own.
- (2) The Secretary of State may by regulations stipulate the information and form that the petitioner must provide when filing the reference.
- (3) Without prejudice to the generality of subsection (1) above, the condition specified in paragraph (a) of that subsection may be satisfied whether or not it appears that the judge—
 - (a) erred in law as to his powers of sentencing; or

- (b) failed to comply with a mandatory sentence requirement under section 399(b) or (c) of the Sentencing Code.
- (4) For the purposes of this Part, any two or more sentences are to be treated as passed in the same proceeding if they would be so treated for the purposes of section 11 of the Criminal Appeal Act 1968.
- (5) Where a reference under this section relates to a minimum term order made under section 321 of the Sentencing Code, the Court of Appeal shall not, in deciding what order under that section is appropriate for the case, make any allowance for the fact that the person to whom it relates is being sentenced for a second time.
- (6) No judge shall sit as a member of the Court of Appeal on the hearing of, or shall determine any application in proceedings incidental or preliminary to, a reference under this section of a sentence passed by himself.
- (7) Where the Court of Appeal has concluded its review of a case referred to it under this section, and given its judgment thereon, the Court of Appeal, the petitioner or the person sentenced may refer a point of law involved in any sentence passed on the person sentenced to the Supreme Court for its opinion, and the Supreme Court shall consider the point and give its opinion on it accordingly, and either remit the case to the Court of Appeal to be dealt with or itself deal with the case.
- (8) A reference under subsection (6) shall be made only with the leave of the Court of Appeal or the Supreme Court and leave shall not be granted unless it is certified by the Court of Appeal that the point of law is of general public importance and it appears to the Court of Appeal or the Supreme Court (as the case may be) that the point is one which ought to be considered by the Supreme Court.
- (9) For the purpose of dealing with a case under this section, the Supreme Court may exercise any powers of the Court of Appeal.
- (10) In the application of this section to Northern Ireland—
 - (a) subsection (2)(b) shall read as if for the words after “failed to” there were substituted “impose a sentence required by—
 - (i) Article 70(2) of the Firearms (Northern Ireland) Order 2004,
 - (ii) paragraph 2(4) or (5) of Schedule 2 to the Violent Crime Reduction Act 2006,
 - (iii) Article 13 or 14 of the Criminal Justice (Northern Ireland) Order 2008, or
 - (iv) section 7(2) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015”.
 - (b) the references to sections 11 and 35(1) of the Criminal Appeal Act 1968 shall be read as references to sections 10(2)

- and 33(1) of the Criminal Appeal (Northern Ireland) Act 1980, respectively; and
- (c) the reference in subsection (3A) to a minimum term order made under section 321 of the Sentencing Code shall be read as a reference to an order under Article 5(1) of the Life Sentences (Northern Ireland) Order 2001.

36C The Commission

- (1) The Commission under section 36B is the same body as that established under section 8 of the Criminal Appeal Act 1995 and the provisions of section 8 of the Criminal Appeal Act 1995 shall apply to the role of the Commission under this Part.
- (2) Sections 9, 10, and 12A to 25 of the Criminal Appeal Act 1995 shall apply to this Part.
- (3) The Commission must review all cases referred to it within 8 weeks of receiving any such referral and must, within that time, make its decision.
- (4) If the Commission decides that the case should be referred to the Court of Appeal by reason of an unduly harsh sentence then, immediately upon receipt of the referral, the Court of Appeal must make an order that the person sentenced be released on temporary licence ("ROTL") until further order of the court, and the Court of Appeal must also determine suitable bail conditions, if any and the person sentenced must remain ROTL until the Court of Appeal has determined the referral."

Member's explanatory statement

This new clause would allow any British citizen to refer a sentence to the Criminal Cases Review Commission, for the Commission to review the sentence and consider whether to refer it to the Court of Appeal.

Edward Morello

[HoC23]

Clause 4, page 14, line 10, after "(including victims of crime" insert ", ensuring their protection from further physical or psychological harm"

Member's explanatory statement

This amendment would amend the statutory purposes of sentencing to incorporate safeguarding victims from further physical or psychological harm.

Jess Brown-Fuller

[HoC24]

Max Wilkinson
Marie Goldman
Ben Maguire
Luke Taylor
Mr Will Forster
Tessa Munt

To move the following Clause—

“Re-sentencing those serving a sentence of imprisonment for public protection

- (1) The Lord Chancellor must make arrangements for, and relating to, the re-sentencing of all prisoners serving IPP sentences within 18 months beginning on the day on which this Act is passed.
- (2) Those arrangements must include arrangements relating to the establishment of a committee to provide advice regarding the discharge of the Lord Chancellor’s duty under subsection (1).
- (3) The committee established by virtue of subsection (2) must include a judge nominated by the Lord Chief Justice.
- (4) A court that imposed an IPP sentence has the power to re-sentence the prisoner in relation to the original offence.
- (5) But the court may not impose a sentence that is a heavier penalty than the sentence that was imposed for the original offence.
- (6) In relation to the exercise of the power in subsection (4)—
 - (a) that power is to be treated as a power to re-sentence under the Sentencing Code (see section 402(1) of the Sentencing Act 2020);
 - (b) the Code applies for the purposes of this section (and, accordingly, it does not matter that a person serving an IPP sentence was convicted of an offence before 1 December 2020).
- (7) In this section—

“IPP sentence” means a sentence of imprisonment or detention in a young offender institution for public protection under section 225 of the Criminal Justice Act 2003 or a sentence of detention for public protection under section 226 of that Act (including such a sentence of imprisonment or detention passed as a result of section 219 or 221 of the Armed Forces Act 2006);

“original offence” means the offence in relation to which the IPP sentence was imposed.
- (8) This section comes into force at the end of the period of two months beginning with the day on which this Act is passed.”

Member's explanatory statement

This new clause would implement the recommendation of the Justice Committee’s 2022 Report that there should be a resentencing exercise in relation to all IPP sentenced individuals, and to establish a time-limited expert committee, including a member of the judiciary, to advise on the practical implementation of such an exercise.

Max Wilkinson
Marie Goldman
Ben Maguire
Luke Taylor
Mr Will Forster
Tessa Munt

To move the following Clause—

“Use of funds raised through income reduction orders

- (1) The Secretary of State must undertake an assessment of the potential benefits and costs of directing the funds raised from income reduction orders into a fund that provides support for victims.
- (2) The Secretary of State must, within a year of the passing of this Act, lay a copy of the assessment under subsection (1) before Parliament.”

Member's explanatory statement

This new clause would require the Secretary of State to undertake an assessment of the potential benefits of using the monies raised through income reduction orders to fund support for victims.

Max Wilkinson
Marie Goldman
Ben Maguire
Luke Taylor
Mr Will Forster
Tessa Munt

Clause 24, page 49, line 14, at end insert—

- “(10) The Secretary of State must, before laying regulations commencing subsection (4) of this section, undertake an assessment of the potential effects of a driving prohibition condition on a person’s ability to attend—
- (a) employment,
 - (b) education, or
 - (c) a rehabilitation programme.
- (11) The Secretary of State must lay before Parliament a report of the assessment carried out under subsection (10) including recommendations on—
- (a) offender rehabilitation,
 - (b) offender reintegration, and
 - (c) any other matters that the Secretary deems appropriate.”

Member's explanatory statement

This amendment would require the Secretary of State, before commencing the driving prohibition provisions in the Bill, to publish a report on their potential effects on the ability of ex-offenders to attend employment, education and rehabilitation providers.

Max Wilkinson
Marie Goldman
Ben Maguire
Luke Taylor
Mr Will Forster

Tessa Munt

Clause 24, page 49, line 14, at end insert—

- “(10) The Secretary of State must, before laying regulations commencing subsection (7) of this section, undertake and publish an assessment of the potential effects of a restriction zone condition on a person’s ability to attend—
- (a) employment,
 - (b) education, or
 - (c) a rehabilitation programme.
- (11) The court may provide for exemptions in a restriction zone condition to allow a person to attend employment, education or a rehabilitation programme.
- (12) A probation officer may vary a restriction zone condition imposed by the court to allow a person to attend employment, education or a rehabilitation programme.
- (13) The Secretary of State must lay before Parliament, each year, a report on—
- (a) the number of people subject to a restriction zone condition,
 - (b) the number of cases where a restriction zone condition has included an exemption or modification to allow a person to attend employment, education or a rehabilitation programme, and
 - (c) evidence on the effects of restriction zone conditions on reoffending and rehabilitation.”

Member's explanatory statement

This amendment would require the Secretary of State, before implementing the relevant provisions, to assess the potential effects of a restriction zone condition on an ex-offender’s ability to attend education, employment or a rehabilitation programme. It would allow for exemptions to restriction zone conditions, and require an annual report on their use and effectiveness.

Max Wilkinson
Marie Goldman
Ben Maguire
Luke Taylor
Mr Will Forster

Calum Miller

Tessa Munt

To move the following Clause—

“Probation caseloads

- (1) The Secretary of State must, before laying regulations to commence the provisions in this Act, establish maximum caseload limits for probation officers supervising individuals subject to—
 - (a) licence conditions;
 - (b) community orders; or
 - (c) any other form of court-imposed supervision by the probation service.
- (2) The Secretary of State must, each year, lay before Parliament a report on compliance with the caseload limits set under this section.”

Member's explanatory statement

This new clause would require the Secretary of State to set maximum caseloads for probation before implementation of the Act, and to report annually on compliance.

Jess Brown-Fuller

[HoC29]

Max Wilkinson
Marie Goldman
Ben Maguire
Luke Taylor
Mr Will Forster
Tessa Munt

To move the following Clause—

“Access to rehabilitation and support services

- (1) The probation service must ensure all individuals subject to licence conditions, community orders, or other court-imposed supervision have access to—
 - (a) NHS mental health and substance misuse services,
 - (b) education, training and employment support, and
 - (c) approved behaviour change or offender behaviour programmes.
- (2) The Secretary of State must lay before Parliament, each year, a report on the availability and use of the services provided under subsection (1).”

Member's explanatory statement

This new clause would require the probation service to ensure people under its supervision can access mental health and substance misuse 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.

Max Wilkinson
Marie Goldman
Ben Maguire
Luke Taylor
Mr Will Forster

Calum Miller

Tessa Munt

To move the following Clause—

“Digital systems for tracking offender progress

- (1) The Secretary of State must, within one year of the passing of this Act, undertake an assessment of the benefits and costs of implementing a digital sentence management system for prisoners and individuals who are subject to supervision by the probation service.
- (2) The assessment must consider the following potential functions of a sentence management system—
 - (a) tracking offender progress,
 - (b) providing for the sharing of information between the courts, probation service, and other relevant agencies, subject to the UK General Data Protection Regulation and the Data Protection Act 2018,
 - (c) monitoring compliance with rehabilitation programmes, and
 - (d) any other functions that the Secretary of State deems appropriate.”

Member's explanatory statement

This new clause would require the Secretary of State to undertake an assessment of implementing a digital sentence management system for prisoners and individuals subject to supervision by the probation service.

Max Wilkinson
Marie Goldman
Ben Maguire
Luke Taylor
Mr Will Forster

Calum Miller

Tessa Munt

To move the following Clause—

“Specialist teams for high-risk or complex offenders

- (1) The probation service must undertake an assessment of the potential benefits of establishing specialist probation teams to supervise—
 - (a) high-risk offenders,
 - (b) offenders with complex mental health needs,
 - (c) offenders with substance misuse needs, and
 - (d) young offenders who are transitioning to adult supervision.
- (2) The assessment must consider the potential benefits of specialist probation teams having lower average caseloads per probation officer.

- (3) The assessment must consider the potential arrangements for specialist probation teams accessing support from other relevant agencies.
- (4) The Secretary of State must, within a year of the passing of this Act, lay a copy of the assessment under this section before Parliament."

Member's explanatory statement

This new clause would require the probation service to assess the potential benefits of establishing specialist probation teams to supervise offenders who are high-risk; have complex mental health or substance misuse needs; and young offenders transitioning to adult supervision.

Jess Brown-Fuller

[HoC32]

Max Wilkinson
Marie Goldman
Ben Maguire
Luke Taylor
Mr Will Forster
Tessa Munt

To move the following Clause—

"Domestic abuse aggravated offences

- (1) A court must treat an offence committed in England and Wales as domestic abuse aggravated, if—
 - (a) the offender and the victim are personally connected to each other; and
 - (b) the offence involves behaviour which constitutes domestic abuse.
- (2) In this section—

"domestic abuse" has the meaning given by section 1 of the Domestic Abuse Act 2021, and

"personally connected" has the meaning given by section 2 of the Domestic Abuse Act 2021."

Member's explanatory statement

This new clause would require a court to treat a domestic abuse offence as aggravated.

Jess Brown-Fuller

[HoC33]

Max Wilkinson
Marie Goldman
Ben Maguire
Luke Taylor
Mr Will Forster
Tessa Munt

To move the following Clause—

“Rehabilitative programmes for offences relating to violence against women and girls

- (1) The Secretary of State must undertake an assessment of the potential benefits of creating mandatory rehabilitative programmes about women and girls, for individuals sentenced for—
 - (a) assault;
 - (b) battery; or
 - (c) actual bodily harmwhen the victim is a woman or girl.
- (2) The Secretary of State must, within a year of the passing of this Act, lay a copy of the assessment under this section before Parliament.”

Member's explanatory statement

This new clause would require the Secretary of State to carry out an assessment of the potential benefits of creating mandatory rehabilitative programmes about women and girls, for individuals sentenced for certain offences.

Jess Brown-Fuller

[HoC34]

Max Wilkinson
Marie Goldman
Ben Maguire
Luke Taylor
Mr Will Forster
Tessa Munt

To move the following Clause—

“Screening for traumatic brain injuries

- (1) The Secretary of State must undertake an assessment of the potential costs and benefits of screening all prisoners for traumatic brain injuries at the start of their custodial sentence.
- (2) The assessment should consider—
 - (a) how screening for traumatic brain injuries could inform the management of a prisoner’s sentence,
 - (b) the health services and rehabilitation programmes available for prisoners with traumatic brain injuries, and
 - (c) any other matters that the Secretary of State deems appropriate.
- (3) The Secretary of State must, within a year of the passing of this Act, lay a copy of the assessment made under this section before Parliament.”

Member's explanatory statement

This new clause would require the Secretary of State to carry out an assessment of the potential benefits of introducing standardised screening for traumatic brain injuries for prisoners starting a custodial sentence.

Max Wilkinson
Marie Goldman
Ben Maguire
Luke Taylor
Mr Will Forster
Tessa Munt

To move the following Clause—

“Suspension of driving licences during bail for driving related offences

- (1) This section applies where an individual has been granted bail in respect of one of the following offences—
 - (a) dangerous or careless driving;
 - (b) drink driving; or
 - (c) drug driving.
- (2) The court may suspend the driving licence of the individual, pending the outcome of any criminal proceedings.”

Member's explanatory statement

This new clause would allow the court to suspend the driving licence of an individual charged for certain driving offences, pending the outcome of the trial.

James McMurdock
Jack Rankin
Sir Gavin Williamson
Dame Caroline Dinenage
Lewis Cocking

Bradley Thomas Ben Obese-Jecty

To move the following Clause—

“Under-18 anonymity for cases involving serious crime

- (1) This section applies where a person (‘P’) aged under 18—
 - (a) has been convicted of an offence; and
 - (b) will receive a custodial sentence of four or more years.
- (2) Where this section applies, prior to delivering sentencing remarks, the court must lift any reporting restrictions identifying P.
- (3) This section applies notwithstanding the provisions of Chapter IV of the Youth Justice and Criminal Evidence Act 1999.”

Member's explanatory statement

This new clause would require reporting restrictions to be lifted at the point of sentencing for young offenders who have received a sentence of four or more years.

Ben Obese-Jecty

[HoC37]

Mr Peter Bedford
Simon Hoare
Sir John Hayes
Sir Roger Gale
Sarah Bool

Bradley Thomas
Gregory Stafford
Harriet Cross

Lewis Cocking
Rebecca Smith
James Wild

Sir Gavin Williamson
Sir Bernard Jenkin
Mike Wood

To move the following Clause—

“Lifetime driving ban for death by dangerous driving

- (1) This section applies where a person is convicted of an offence under section 1 the Road Traffic Act 1988.
- (2) Where this section applies, notwithstanding the provisions of Chapter 1 of Part 8 of the Sentencing Code (Driving disqualification), the driver must be banned from driving for life.”

Member's explanatory statement

This new clause would mean that anyone who causes death by dangerous driving would be banned from driving for life.

Zöe Franklin

[HoC38]

Steve Darling
Charlotte Cane
Mr Will Forster
Jim Allister
Liz Jarvis

Gideon Amos
Helen Maguire
Alison Bennett
Tessa Munt

Caroline Voaden
Siân Berry
Dr Ellie Chownes
Daisy Cooper

Carla Denyer
Adrian Ramsay
Olly Glover

To move the following 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 existing law; or
 - (b) make such other order as necessary in the interests of justice.

- (3) The Secretary of State may by regulations make provision for the procedure and eligibility criteria for applications under this section."

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.

Zöe Franklin

[HoC39]

Steve Darling
Charlotte Cane
Mr Will Forster
Jim Allister
Liz Jarvis

Gideon Amos
Helen Maguire
Alison Bennett
Tessa Munt

Caroline Voaden
Siân Berry
Dr Ellie Chownes
Daisy Cooper

Carla Denyer
Adrian Ramsay
Olly Glover

To move the following 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; 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 sentences in the scenario set out in subsection (1)(a) 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 convicted or sentenced.

Dr Kieran Mullan

[HoC40]

Mr Peter Bedford

To move the following Clause—

“Court transcripts of sentencing remarks

- (1) All transcripts of sentencing remarks made in the Crown Court must be published within two sitting days of being delivered.
- (2) All published sentencing remarks must be made freely available, including online.”

Member's explanatory statement

This new clause would require all sentencing remarks made in the Crown Court to be published and made available to all.

Dr Kieran Mullan

[HoC41]

Mr Peter Bedford

To move the following Clause—

“Sexual offences: Offender Personality Disorder Pathway

- (1) The Prison Rules 1999 are amended as follows.
- (2) In paragraph 20 (Health services), after sub-paragraph (1) insert—
“(1A) Provision under subsection (1) must include access, for all eligible prisoners serving custodial sentences for sexual offences, to services provided under the Offender Personality Disorder Pathway.””

Member's explanatory statement

This new clause would require the Government to provide access to the Offender Personality Disorder Pathway to all eligible prisoners serving sentences for sexual offences.

Dr Kieran Mullan

[HoC42]

Mr Peter Bedford

To move the following Clause—

“Sexual offences: chemical suppression

Within one year of the passing of this Act, the Secretary of State must publish and lay before Parliament a report on how most effectively to introduce mandatory chemical suppression for certain individuals serving sentences for sexual offences, with appropriate legal and clinical safeguards.”

Member's explanatory statement

This new clause would require the Government to publish a report on mandatory chemical suppression for certain sex offenders.

To move the following Clause—

“Sentencing Council: abolition

- (1) The Sentencing Council (established under section 118 of the Coroners and Justice Act 2009) is abolished.
- (2) The Secretary of State may prepare—
 - (a) sentencing guidelines which may be general in nature or limited to a particular offence, particular category of offence or particular category of offender;
 - (b) sentencing guidelines about the discharge of a court's duty under section 73 of the Sentencing Code (reduction in sentences for guilty pleas); and
 - (c) sentencing guidelines about the application of any rule of law as to the totality of sentences.
- (3) The Secretary of State may prepare sentencing guidelines about any other matter.
- (4) When developing sentencing guidelines, the Secretary of State must—
 - (a) promote understanding of, and public confidence in, the sentencing and criminal justice system;
 - (b) consult Parliament on all draft guidelines; and
 - (c) publish the reasons for proposing any guidelines that could result in an offender receiving a shorter sentence than that set out in an Act of Parliament.
- (5) The Secretary of State may report, from time to time, on the impact of sentencing guidelines on sentencing practice.
- (6) The Secretary of State must monitor—
 - (a) the application of the sentencing guidelines; and
 - (b) the impact on victims of sentencing decisions.
- (7) The Secretary of State may by regulations make further provision under this section.”

Member's explanatory statement

This new clause would abolish the Sentencing Council, give the Secretary of State the power to publish Sentencing guidelines, and impose various requirements linked to consultation and monitoring.

Dr Kieran Mullan

[HoC45]

Tessa Munt

Page 1, line 4, leave out Clause 1

Dr Kieran Mullan

[HoC46]

Tessa Munt

Page 6, line 28, leave out Clause 2

Dr Kieran Mullan

[HoC47]

Tessa Munt

Page 37, line 9, leave out Clause 20

Kim Johnson

[HoC48]

To move the following Clause—

“Electronic monitoring: oversight

- (1) The Sentencing Code is amended as follows.
- (2) In Part 14 of Schedule 9, in paragraph 31 (Electronic monitoring: person responsible for monitoring), after sub-paragraph (2) insert—
 - “(3) Regulations under this section must ensure that—
 - (a) electronic monitoring is overseen by the Probation Service;
 - (b) the fitting of necessary apparatus for the purposes of electronic monitoring may only be undertaken by those in the employment of an organisation with responsibility for delivering electronic monitoring; and
 - (c) the fitting of necessary apparatus may not be undertaken by an employee of HM Prison and Probation Service unless the responsibility for the delivery of electronic monitoring is held solely by HM Prison and Probation Service.”

Member's explanatory statement

This new clause would ensure that the probation service oversees electronic monitoring, and that prison officers would not be responsible for fitting tags unless tagging contracts are brought into the public sector.

To move the following Clause—

“Unpaid work requirements: community work

- (1) The Sentencing Code is amended as follows.
- (2) In paragraph 3 of Part 1 of Schedule 9 (Restriction on imposing unpaid work requirement), after sub-paragraph (1)(b) insert—
 - “(c) that the unpaid work is work undertaken for a non-profit organisation, social enterprise, voluntary organisation or local authority.””

Member's explanatory statement

This new clause would prohibit private sector involvement in unpaid work as part of a community sentence.

Jim Allister

[HoC50]

Nigel Farage
Richard Tice
Lee Anderson
Sarah Pochin
Danny Kruger

Sammy Wilson
Sir Iain Duncan Smith

Sir Desmond Swayne
Gavin Robinson

Mr Peter Bedford
Alex Easton

To move the following Clause—

“Deportation of foreign criminals: European Union (Withdrawal) Act 2018

- (1) Section 32 of the UK Borders Act 2007 is amended as follows.
- (2) At the start of subsection (5), insert “Notwithstanding the provisions of section 7A of the European Union Withdrawal Act 2018 and Article 2 of the Windsor Framework,”.

Member's explanatory statement

This new clause would seek to disapply section 7A of the European Union (Withdrawal) Act 2018 (as amended under the Windsor Framework) to the deportation of foreign criminals, with the aim of preventing the courts from disapplying those provisions to Northern Ireland if they are deemed incompatible with the EU Charter of Fundamental Rights.

Liz Saville Roberts

[HoC51]

To move the following Clause—

“Probation capacity: independent report

- (1) Within three months of the passage of this Act, a report must be published and laid before Parliament by HM Inspectorate of Probation (“the Inspectorate”) determining whether there is adequate capacity in the

Probation Service to meet provisions of this Act anticipated to increase levels of demand on the Probation Service.

- (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 and lay before Parliament a further report, no less than once every twelve months, determining whether there is adequate capacity in the Probation Service.
- (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.

Liz Saville Roberts

[HoC52]

Ben Lake
Ann Davies
Llinos Medi

To move the following Clause—

"Management of offenders: devolution to Wales

- (1) Schedule 7A of the Government of Wales Act 2006 is amended as follows.
- (2) In Paragraph 175 (Prisons and offender management)—
 - (a) omit sub-paragraph (2); and
 - (b) in sub-paragraph (3), omit "probation"
- (3) The Secretary of State may by regulations make further provision under this section."

Member's explanatory statement

This new clause seeks to devolve probation services and offender management to Wales, by removing it from the list of reserved matters in the Government of Wales Act 2006.

Max Wilkinson
Marie Goldman
Ben Maguire
Luke Taylor
Mr Will Forster
Tessa Munt

To move the following 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 add or remove offences from the list in subsection (1).”

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.

Max Wilkinson
Marie Goldman
Ben Maguire
Luke Taylor
Mr Will Forster
Tessa Munt

To move the following Clause—

“Powers of the probation service to impose and vary conditions of supervision

- (1) Where an offender is—
 - (a) subject to a community order, a suspended sentence order, or a period of probation supervision; and
 - (b) required to reside at a specified address as a condition of that order or supervision,the Probation Service may, in accordance with this section, direct that the offender reside at an alternative address.
- (2) A direction under subsection (1) may be given where—
 - (a) it is necessary to protect another person (including a partner, former partner, or family member) from risk of harm;
 - (b) it is necessary for the effective management or rehabilitation of the offender; or
 - (c) it is otherwise in the interests of justice.
- (3) Where the probation service has made a direction under subsection (1), it may recommend or determine other terms of supervision, including—
 - (a) restrictions on contact or association with specified individuals;
 - (b) requirements relating to participation in programmes addressing offending behaviour; or
 - (c) curfew or exclusion requirements, subject to approval by the sentencing court.
- (4) Where a direction or variation made under this section materially alters the conditions imposed by the sentencing court, the probation service must—
 - (a) notify the court and the offender as soon as possible; and
 - (b) seek confirmation by the sentencing court of the varied terms within 14 days.
- (5) Any direction or variation made under this section shall have effect as if imposed by the sentencing court, until it has been confirmed, revoked, or amended by the court.
- (6) In this section, “the probation service” includes any person or body authorised to supervise offenders under the Offender Management Act 2007.”

Member's explanatory statement

This new clause would give the probation service the power to change the residence requirement of an individual subject to supervision in certain circumstances, and to make other changes to the terms of supervision, subject to confirmation by the sentencing court.

Jess Brown-Fuller

[HoC55]

Max Wilkinson
Marie Goldman
Ben Maguire
Luke Taylor
Mr Will Forster
Tessa Munt

To move the following Clause—

“Mandatory dependent support orders upon sentencing

- (1) Where an offender is known to have dependents who rely on them for financial or other material support, the court shall, at the time of sentencing, inquire into the circumstances and reasonable needs of those dependents.
- (2) In addition to any sentence imposed, the court must make an order requiring the offender to make periodic payments or other contributions towards the maintenance and welfare of their dependents (“dependent support order”), unless the court determines that such an order would be manifestly unjust or impracticable.
- (3) The amount, frequency, and method of payment made under subsection (2) shall be determined by the court having regard to—
 - (a) the offender’s financial means, earning capacity, and assets;
 - (b) the reasonable living costs and needs of the dependents; and
 - (c) any other relevant circumstances.
- (4) The court may direct that payments be made—
 - (a) through a designated collection authority; or
 - (b) directly to the dependent’s guardian, caregiver, or other appointed representative.
- (5) An order made under this section shall remain in effect—
 - (a) for such time as specified by the court; or
 - (b) until it is varied or discharged by the court on application by any interested party.
- (6) A failure to comply with an order made under this section shall constitute a breach of the sentence.”

Member's explanatory statement

This new clause would create a power for a sentencing court to require an offender to make periodic payments or other contributions towards the maintenance and welfare of their dependents.

Emma Lewell

[HoC56]

Rosie Duffield
Sarah Champion
Siân Berry
Dr Ellie Chowns
Carla Denyer

Adrian Ramsay
Rachael Maskell

Wera Hobhouse
Lorraine Beavers

Kate Osborne
Nadia Whittome

To move the following Clause—

“Foreign criminals: risk assessments prior to deportation

- (1) The UK Borders Act 2007 is amended as follows.
- (2) After section 32 (Automatic deportation) insert—

“32A Deportation following stalking offences: risk assessments

- (1) This section applies where a foreign criminal—
 - (a) has been convicted of an offence under sections 2A or 4A of the Protection from Harassment Act 1997 or section 42A of the Criminal Justice and Police Act 2001; and
 - (b) is subject to a deportation order under this Act.
- (2) Where this section applies, prior to deportation, a risk assessment must be prepared to assess the likelihood after deportation of the foreign criminal—
 - (a) committing an offence which, were it to be committed in England or Wales, would constitute a further offence under sections 2A or 4A of the Protection from Harassment Act 1997 or section 42A of the Criminal Justice and Police Act 2001; or
 - (b) contacting or seeking to contact the victim of the offence for which the foreign criminal was convicted in England or Wales.
- (3) A risk assessment prepared under this section must be shared, subject to the requirements of the Data Protection Act 2018, with the relevant authorities in the country to which the foreign criminal will be deported.
- (4) The Secretary of State may by regulations make further provision under this section.””

Member's explanatory statement

This new clause would require the preparation of a risk assessment for any foreign criminal being deported after a stalking conviction, and for the assessment to be shared with the authorities in the country to which the offender is returning.

Rosie Duffield
Sarah Champion
Siân Berry
Dr Ellie Chowns
Carla Denyer

Adrian Ramsay
Rachael Maskell

Wera Hobhouse
Lorraine Beavers

Kate Osborne
Nadia Whittome

To move the following Clause—

“Foreign criminals: potential stalking offences following deportation

- (1) The UK Borders Act 2007 is amended as follows.
- (2) After section 32 (Automatic deportation) insert—

“32A Potential stalking offences following deportation

- (1) This section applies where the conditions in subsections (2) and (3) apply.
- (2) Condition 1 is that a foreign criminal—
 - (a) has been convicted of an offence under sections 2A or 4A of the Protection from Harassment Act 1997 or section 42A of the Criminal Justice and Police Act 2001; and
 - (b) is subject to a deportation order under this Act.
- (3) Condition 2 is that they have—
 - (a) committed an offence which, were it to be committed in England or Wales, would constitute a further offence under sections 2A or 4A of the Protection from Harassment Act 1997 or section 42A of the Criminal Justice and Police Act 2001; or
 - (b) they have contacted or sought to contact the victim of the offence for which the foreign criminal was convicted in England or Wales.
- (4) The Secretary of State must issue guidance to the relevant authorities, setting out—
 - (a) a police point of contact in the country to which the offender is returning;
 - (b) steps to protect and safeguard the victim in the UK; and
 - (c) any other matters that the Secretary of State deems appropriate.””

Member's explanatory statement

This new clause would require the Secretary of State to issue guidance in dealing with foreign criminals who have been deported after a stalking conviction, and who seek to continue to stalk the victim.

Ben Maguire

[HoC58]

Manuela Perteghella
David Chadwick
Wera Hobhouse
Martin Wrigley
Ian Sollom

Luke Taylor
John Milne
Cameron Thomas
Liz Jarvis
Daisy Cooper

Christine Jardine
Jamie Stone
Mr Peter Bedford
Tom Morrison

Dr Danny Chambers
Richard Foord
Dame Siobhain McDonagh
Tessa Munt

To move the following Clause—

“Causing death or serious injury by dangerous, careless or inconsiderate driving: statutory aggravating factor

- (1) The Road Traffic Act 1988 is amended as follows.
- (2) After section 3A, insert—

3B Causing death or serious injury by dangerous, careless or inconsiderate driving: aggravating factor for sentencing

In considering the seriousness of any offence committed under sections 1, 1A, 2B, 2C, 3ZB, 3ZC, 3ZS or 3A for the purposes of sentencing, the court must treat failure to—

- (a) stop at the scene of the accident;
- (b) call the emergency services; or
- (c) administer first aid, where it is possible to do so;

as an aggravating factor, and state in open court that the offence is so aggravated.”

Member's explanatory statement

This new clause would create statutory aggravating factors, for the purposes of sentencing, of failure to stop, call the emergency services, or administer first aid where it is possible to do so, in cases of causing death or serious injury by dangerous, careless or inconsiderate driving.

Jess Brown-Fuller

[HoC59]

Max Wilkinson
Marie Goldman
Ben Maguire
Luke Taylor
Mr Will Forster
Tessa Munt

To move the following Clause—

“10-year driving ban for death by dangerous or careless driving and related offences

- (1) This section applies where a person is convicted of an offence under sections 1, 2B, 3ZB, 3ZC or 3A of the Road Traffic Act 1988.

- (2) Where this section applies, notwithstanding the provisions of Chapter 1 of Part 8 of the Sentencing Code (Driving disqualification), the driver must be banned from driving for 10 years.”

Member's explanatory statement

This new clause would mean that anyone who causes death by dangerous or careless driving (or related offences) would be banned from driving for ten years.

Monica Harding

[HoC60]

Tessa Munt

To move the following Clause—

“Crown Court sitting days for the delivery of sentencing

- (1) The Secretary of State must, within a year of the passing of this Act, undertake an assessment of the potential merits of removing the cap on sittings day in the Crown Court in so far as it applies to sentencing hearings.
- (2) The Secretary of State must lay a copy of the assessment made under subsection (1) before Parliament.”

Member's explanatory statement

This new clause would require the Secretary of State to undertake an assessment of the potential merits of removing the cap on sittings days in the Crown Court in so far as it applies to sentencing hearings.

Nigel Farage

[HoC61]

Richard Tice
Lee Anderson
Sarah Pochin
Danny Kruger
Tessa Munt

Page 36, line 9, leave out Clauses 18 and 19

Nigel Farage

[HoC62]

Richard Tice
Lee Anderson
Sarah Pochin
Danny Kruger
Mr Peter Bedford

To move the following Clause—

“Sentencing Council

- (1) The Sentencing Council of England and Wales is abolished.”

Nigel Farage

[HoC63]

Richard Tice
Lee Anderson
Sarah Pochin
Danny Kruger
Tessa Munt

Clause 24, page 47, leave out lines 16 to 19

Member's explanatory statement

This amendment would leave out the Bill's provision to give probation officers more discretion in relation to licence conditions

Nigel Farage

[HoC64]

Richard Tice
Lee Anderson
Sarah Pochin
Danny Kruger
Tessa Munt

Page 66, line 34, leave out Clause 36

Nigel Farage

[HoC65]

Richard Tice
Lee Anderson
Sarah Pochin
Danny Kruger

Page 68, line 8, leave out Clause 37

Nigel Farage

[HoC66]

Richard Tice
Lee Anderson
Sarah Pochin
Danny Kruger
Mr Peter Bedford

To move the following Clause—

“Deportation of foreign criminals

- (1) A foreign criminal who has been sentenced to—
 - (a) a custodial sentence of at least 6 months; or
 - (b) a community sentence of at least 6 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.

Nigel Farage

[HoC67]

Richard Tice
Lee Anderson
Sarah Pochin
Danny Kruger
Mr Peter Bedford

To move the following Clause—

“Sentencing statistics: duty to publish

- (1) The Secretary of State must, within six months of the passing of this Act, direct His Majesty's Courts and Tribunal Service (HMCTS) to record and retain, in relation to all offenders convicted and sentenced in the Crown Court or Magistrates' courts, the offender's—
 - (a) country of birth
 - (b) nationality,
 - (c) ethnicity,
 - (d) immigration status, and
 - (e) the offence(s) for which they were sentenced.
- (2) The Secretary of State must make arrangements for the data recorded under subsection (1) to be published and laid before Parliament—
 - (a) within twelve months of the passing of this Act, and
 - (b) annually thereafter.”

Member's explanatory statement

This new clause would require the Government to record and publish statistics on convicted offenders' birthplace, nationality, ethnicity and immigration status.

Esther McVey

[HoC68]

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

- “(3A) Where a court has passed a suspended sentence under this section, it must also require the offender to be subject to an electronic monitoring requirement for the duration of the sentence.”

Member's explanatory statement

This amendment would require offenders (under the age of 21) given suspended sentences to be subject to electronic monitoring.

Esther McVey

[HoC69]

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

“(3A) But this section does not apply if the offender is not a British citizen or an Irish citizen.”

Esther McVey

[HoC70]

Sir John Hayes

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

“(3A) But this section does not apply if the offender—

- (a) has been convicted of three or more other offences in the 12 months leading to the conviction for which a suspended sentence would otherwise have been passed (the “current offence”);
- (b) has been convicted of 10 or more offences prior to the current offence;
- (c) has been convicted of the same offence as the current offence on three or more previous occasions;
- (d) is convicted of an offence (the current offence) with a mandatory minimum custodial sentence;
- (e) has previously received a suspended sentence order or a custodial sentence for the same offence as the current offence;
- (f) has breached a suspended sentence order or orders on three or more occasions, either by breaching community requirements or committing a further offence;
- (g) has a history of poor compliance with court orders, according to a written or oral statement from a probation officer;
- (h) at the time of the current offence, was—
 - (i) subject to a supervision order; or
 - (ii) on licence, or subject to supervision, under Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release, licences, supervision and recall).
- (i) is convicted of an offence eligible for consideration under the Unduly Lenient Sentence Scheme under sections 35 and 36 of the Criminal Justice Act 1988; or
- (j) is being sentenced for three or more offences concurrently.”

Member's explanatory statement

This amendment would prevent suspended sentences from being passed in a range of circumstances.

Esther McVey

[HoC71]

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

“(3A) But this section does not apply if the offender is convicted of an offence—

- (a) under section 1 of the Assaults on Emergency Workers (Offences) Act 2018 or section 89 (1) of the Police Act 1996; or
- (b) aggravated by section 68A of the Sentencing Act 2020 (assaults on those providing a public service etc)."

Esther McVey

[HoC72]

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

"(3A) But this section does not apply if the offender is convicted of an offence involving a firearm or ammunition, including but not limited to the Firearms Act 1968 and the Violent Crime Reduction Act 2006."

Esther McVey

[HoC73]

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

"(3A) But this section does not apply if the offender is convicted of a burglary offence."

Esther McVey

[HoC74]

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

"(3A) But this section does not apply if the offender is convicted of an offence involving possession of or threatening with an article with a blade or point or an offensive weapon,"

Esther McVey

[HoC75]

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

"(3A) But this section does not apply if the offender is convicted of a terrorism offence."

Esther McVey

[HoC76]

Tessa Munt

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

"(3A) But this section does not apply if the offender is convicted of an offence under section 6(1) or (2) of the Bail Act 1976 (failure to surrender to custody)."

Esther McVey

[HoC77]

Tessa Munt

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

“(3A) Where a court has passed a suspended sentence under this section, it must also require the offender to be subject to an electronic monitoring requirement for the duration of the sentence.”

Member's explanatory statement

This amendment would require offenders (aged 21 or over) given suspended sentences to be subject to electronic monitoring.

Esther McVey

[HoC78]

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

“(3A) But this section does not apply if the offender is not a British citizen or an Irish citizen.”

Esther McVey

[HoC79]

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

“(3A) But this section does not apply if the offender—

- (a) has been convicted of three or more other offences in the 12 months leading to the conviction for which a suspended sentence would otherwise have been passed (the “current offence”);
- (b) has been convicted of 10 or more offences prior to the current offence;
- (c) has been convicted of the same offence as the current offence on three or more previous occasions;
- (d) is convicted of an offence (the current offence) with a mandatory minimum custodial sentence;
- (e) has previously received a suspended sentence order or a custodial sentence for the same offence as the current offence;
- (f) has breached a suspended sentence order or orders on three or more occasions, either by breaching community requirements or committing a further offence;
- (g) has a history of poor compliance with court orders, according to a written or oral statement from a probation officer;
- (h) at the time of the current offence, was—
 - (i) subject to a supervision order; or
 - (ii) on licence, or subject to supervision, under Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release, licences, supervision and recall).
- (i) is convicted of an offence eligible for consideration under the Unduly Lenient Sentence Scheme under sections 35 and 36 of the Criminal Justice Act 1988; or
- (j) is being sentenced for three or more offences concurrently.”

Member's explanatory statement

This amendment would prevent suspended sentences from being passed in a range of circumstances.

Esther McVey

[HoC80]

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

- “(3A) But this section does not apply if the offender is convicted of an offence—
- (c) under section 1 of the Assaults on Emergency Workers (Offences) Act 2018 or section 89 (1) of the Police Act 1996; or
 - (d) aggravated by section 68A of the Sentencing Act 2020 (assaults on those providing a public service etc).”

Esther McVey

[HoC81]

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

- “(3A) But this section does not apply if the offender is convicted of an offence involving a firearm or ammunition, including but not limited to the Firearms Act 1968 and the Violent Crime Reduction Act 2006.”

Esther McVey

[HoC82]

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

- “(3A) But this section does not apply if the offender is convicted of a burglary offence.”

Esther McVey

[HoC83]

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

- “(3A) But this section does not apply if the offender is convicted of an offence involving possession of or threatening with an article with a blade or point or an offensive weapon,”

Esther McVey

[HoC84]

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

- “(3A) But this section does not apply if the offender is convicted of a terrorism offence.”

Esther McVey

[HoC85]

Tessa Munt

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

“(3A) But this section does not apply if the offender is convicted of an offence under section 6(1) or (2) of the Bail Act 1976 (failure to surrender to custody).”

Esther McVey

[HoC86]

Sir John Hayes

To move the following 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 new clause is a sunset clause, meaning the Act would cease to have effect after two years.

Esther McVey

[HoC87]

Tessa Munt

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.

Esther McVey

[HoC88]

Tessa Munt

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

Member's explanatory statement

This amendment would mean that 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 the public (as well as an individual) at significant risk of harm.

Esther McVey

[HoC89]

Tessa Munt

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

Member's explanatory statement

This amendment would mean that the presumption for a suspended sentence would not apply where the risk of harm applies, removing the requirement for the harm to be significant.

Esther McVey

[HoC90]

Tessa Munt

Clause 1, page 1, line 17, after "order" insert "with the maximum operational period"

Member's explanatory statement

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

Esther McVey

[HoC91]

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.

Esther McVey

[HoC92]

Clause 1, page 5, line 20, after "individual" insert "or the public"

Member's explanatory statement

This amendment would mean that 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 the public (as well as an individual) at significant risk of harm.

Esther McVey

[HoC93]

Clause 1, page 5, line 20, leave out "significant"

Member's explanatory statement

This amendment would mean that the presumption for a suspended sentence would not apply where the risk of harm applies, removing the requirement for the harm to be significant.

Esther McVey

[HoC94]

Clause 1, page 4, line 7, after "order" insert "with the maximum operational period"

Member's explanatory statement

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

Linsey Farnsworth

[HoC95]

Matt Bishop
Sarah Russell
Pam Cox

To move the following Clause—

“Earned progression for prisoner release

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 244, after subsection (4), insert—
 - “(5) The duty to release under subsection (1) is subject to the prisoner demonstrating compliance with the earned progression scheme during the course of their custodial sentence.
 - (6) The Secretary of State must issue regulations, under section 267 (alteration by order of the relevant proportion of sentence) setting a higher requisite custodial period for prisoners who have not demonstrated compliance with the earned progression scheme during their sentence.
 - (7) In this section, “the earned progression scheme” must include—
 - (a) compliance with prison rules;
 - (b) engagement in purposeful activity;
 - (c) attendance at any required work, education, treatment or training obligations, where these are available; and
 - (d) any other factors that the Secretary of State deems appropriate.
 - (8) The Secretary of State may by regulations provide further guidance to prisons on the operation of the earned progression scheme.””

Member's explanatory statement

This new clause seeks to implement the recommendation of the independent review on sentencing for the release of prisoners at the one third point of their sentence to be subject to their compliance with an earned progression scheme.

Jim Allister

[HoC96]

Nigel Farage
Richard Tice
Lee Anderson
Sarah Pochin
Danny Kruger

Sammy Wilson

Mr Peter Bedford

To move the following Clause—

“Deportation of foreign criminals: European Union (Withdrawal) Act 2018

- (1) Section 32 of the UK Borders Act 2007 is amended as follows.
- (2) At the start of subsection (5), insert “Notwithstanding the provisions of section 7A of the European Union Withdrawal Act 2018,”.

Member's explanatory statement

This new clause would seek to disapply section 7A of the European Union (Withdrawal) Act 2018 (as amended under the Windsor Framework) to the deportation of foreign criminals, with the aim of preventing the courts from disapplying those provisions to Northern Ireland if they are deemed incompatible with the EU Charter of Fundamental Rights.

Nigel Farage

[HoC97]

Richard Tice
Lee Anderson
Sarah Pochin
Danny Kruger

Page 1, line 4, leave out Clause 1

Nigel Farage

[HoC98]

Richard Tice
Lee Anderson
Sarah Pochin
Danny Kruger

Page 37, line 9, leave out Clause 20

Linsey Farnsworth

[HoC99]

Matt Bishop
Sarah Russell
Pam Cox

To move the following Clause—

“Excluded offences for release at one-third point of sentence

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 244, after subsection (4), insert—
 - “(5) Subsection (3) does not apply for the sentences listed in Schedule 39 where the sentence was imposed before the commencement of section 20 of the Sentencing Act 2025.
 - (6) Where an offence is excluded under subsection (5), the requisite custodial sentence means one-half of the prisoner’s sentence.”

(3) After Schedule 38, insert—

“SCHEDULE 39

EXCLUDED OFFENCES

Sexual offences

- 1 An offence under the Sexual Offences Act 1956.
- 2 An offence under section 128 of the Mental Health Act 1959 (sexual intercourse with patients).
- 3 An offence under section 1 of the Indecency with Children Act 1960 (indecent conduct towards young child).
- 4 An offence under section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts).
- 5 An offence under section 5 of that Act (living on earnings of male prostitution).
- 6 An offence under section 9 of the Theft Act 1968 of burglary with intent to commit rape.
- 7 An offence under section 54 of the Criminal Law Act 1977 (inciting girl under 16 to have incestuous sexual intercourse).
- 8 An offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children).
- 9 An offence under section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc.) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (indecent or obscene articles).
- 10 An offence under section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of a child).
- 11 An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of position of trust).
- 12 An offence under the Sexual Offences Act 2003.
- 13 An offence under section 63 of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic images).
- 14 An offence under section 62 of the Coroners and Justice Act 2009 (possession of prohibited images of children).
- 15 An offence under section 69 of the Serious Crime Act 2015 (possession of paedophile manual).
- 16 An offence under section 2 of the Modern Slavery Act 2015 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation).

Domestic abuse etc

- 17 An offence under section 42A of the Family Law Act 1996 (breaching non-molestation order).
- 18 An offence under section 2A of the Protection from Harassment Act 1997 (stalking).
- 19 An offence under section 4A of that Act (stalking involving fear of violence or serious alarm or distress).
- 20 An offence under section 29 of the Crime and Disorder Act 1998 (racially or religiously aggravated assaults), where the offence that was racially or religiously aggravated was an offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation).
- 21 An offence under section 32 of the Crime and Disorder Act 1998 (racially or religiously aggravated harassment), where the offence that was racially or religiously aggravated was an offence under section 2A or 4A of the Protection from Harassment Act 1997.
- 22 An offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation).
- 23 An offence under section 76 of that Act (controlling or coercive behaviour in an intimate or family relationship).
- 24 An offence under section 363 of the Sentencing Code (breaching restraining order).
- 25 An offence under section 39 of the Domestic Abuse Act 2021 (breach of domestic abuse protection order).

National security

- 26 An offence under the Official Secrets Act 1911.
- 27 An offence under the Official Secrets Act 1920.
- 28 An offence under the Official Secrets Act 1989.
- 29 An offence under section 13 of the Terrorism Act 2000 (uniform and publication of images).
- 30 An offence under section 21D of that Act (tipping off: regulated sector).
- 31 An offence under section 36 of that Act (failure to comply with an order, prohibition or restriction).
- 32 An offence under section 51(2) of that Act (failure to move a vehicle when required to do so).
- 33 An offence under section 116 of that Act (failure to stop a vehicle when required to do so).
- 34 An offence under section 120B of that Act (offences in relation to counter-terrorism financial investigators).
- 35 An offence under paragraph 3 of Schedule 5 to that Act (wilfully obstructing a search of a cordoned area).

- 36 An offence under paragraph 14 of Schedule 5 to that Act (making a false or misleading statement).
- 37 An offence under paragraph 15 of Schedule 5 to that Act (wilfully obstructing an urgent search).
- 38 An offence under paragraph 16 of Schedule 5 to that Act (failure to comply with an urgent explanation notice: England and Wales and Northern Ireland).
- 39 An offence under paragraph 32 of Schedule 5 to that Act (failure to comply with an urgent explanation notice: Scotland).
- 40 An offence under paragraph 11 of Schedule 5A to that Act (failure to comply with disclosure order or making false or misleading statement in purported compliance: England and Wales and Northern Ireland).
- 41 An offence under paragraph 21 of Schedule 5A to that Act (failure to comply with disclosure order or making false or misleading statement in purported compliance: Scotland).
- 42 An offence under paragraph 1(3) of Schedule 6 to that Act (failure to comply with requirement to provide financial information).
- 43 An offence under paragraph 18 of Schedule 7 to that Act (port and border control duties: failure to comply etc).
- 44 An offence under paragraph 15 of Schedule 5 to the Counter-Terrorism Act 2008 (breach of foreign travel restriction order).
- 45 An offence under paragraph 30 of Schedule 7 to that Act (failure to comply with a requirement imposed by direction).
- 46 An offence under paragraph 30A of Schedule 7 to that Act (relevant person circumventing requirements).
- 47 An offence under paragraph 31 of Schedule 7 to that Act (offences in connection with licences).
- 48 An offence under paragraph 15 of Schedule 1 to the Counter-Terrorism and Security Act 2015 (failure to hand over documents or hindering a search).
- 49 An offence under paragraph 23 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (failure to comply with a duty imposed under Schedule 3 or obstructing a search).
- 50 An offence in relation to which the foreign power condition has been determined to have been met in relation to the conduct that constituted the offence under section 69A of the Sentencing Act 2020 (offences where foreign power condition met: including as applied by section 238(7) of the Armed Forces Act 2006).
- 51 An offence under the National Security Act 2023.
- 52 An offence to which section 16 of that Act applies where the foreign power condition (within the meaning of that Act) was

met in relation to the conduct of the person which constituted the offence (foreign interference in elections).

- 53 An offence in relation to which the foreign power condition has been determined to have been met in relation to the conduct that constituted the offence under section 20 of that Act (offences where foreign power condition met: Northern Ireland).
- 54 An offence proved to have been aggravated by reason of the foreign power condition being met in relation to the conduct that constituted the offence under section 21 of that Act (aggravating factor where foreign power condition met: Scotland).""

Member's explanatory statement

This new clause would, for existing prisoners, exclude the same offences from release at the one-third point that are excluded under the SDS40 measures in the Criminal Justice Act 2003 (Requisite and Minimum Custodial Periods) Order 2024. Instead, the automatic release point would be the halfway point of a prisoner's sentence.