
Committee Stage: Thursday 6 July 2023

Victims and Prisoners Bill

(Amendment Paper)

This document lists all amendments tabled to the Victims and Prisoners Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

This document should be read alongside the Chair's provisional Selection and Grouping, which sets out the order in which the amendments will be debated.

★ New Amendments.

☆ Amendments which will comply with the required notice period at their next appearance.

New Amendments: NC27

Anna McMorris

20

Janet Daby
Jess Phillips
Ellie Reeves
Tonia Antoniazzi
Sarah Champion
Maria Eagle

Clause 24, page 18, line 33, leave out “may” and insert “must”

Member's explanatory statement

This amendment would require the Secretary of State to appoint an individual to act as an independent public advocate for victims of a major incident.

Maria Eagle

65

Janet Daby
Sarah Champion

Clause 24, page 18, line 35, at end insert—

“(1A) In doing so, the Secretary of State must have regard to—
(a) the views of bereaved families,

- (b) the relative benefits of an Independent Public Advocate, a public inquiry, or an Independent Panel in relation to cost, timeliness, and transparency of the major incident in question,
- (c) any wider public interest"

Member's explanatory statement

This amendment would ensure that in exercising the Secretary of State's discretion as to whether an Independent Public Advocate should be appointed, the Secretary of State must consider the views of the bereaved families and the relatives of how best to get the truth of what happened in the major incident concerned in a timely fashion.

Anna McMorris

21

Janet Daby
 Jess Phillips
 Ellie Reeves
 Tonia Antoniazzi
 Sarah Champion
 Maria Eagle

Clause 24, page 19, line 2, leave out "appears to the Secretary of State to have"

Member's explanatory statement

This amendment would alter the definition of a major incident so that an incident that has caused the death of, or serious harm to, a significant number of individuals is automatically defined as a major incident.

Anna McMorris

22

Janet Daby
 Jess Phillips
 Ellie Reeves
 Tonia Antoniazzi
 Sarah Champion
 Maria Eagle

Clause 24, page 19, line 8, at end insert—

- "(4A) If the circumstances in subsection (2) are not met, the Secretary of State may still declare a major incident where there is a significant public interest in doing so.
- (4B) Where the Secretary of State declares a major incident under subsection (4A), they must appoint an individual to act as an independent public advocate for victims of that incident."

Member's explanatory statement

This amendment would enable the Secretary of State to designate incidents other than those that meet the definition of major incidents as such where there is a significant public interest in doing so.

Maria Eagle

66

Janet Daby
Sarah Champion

Clause 24, page 19, line 8, at end insert—

“(4A) An individual may be appointed as an advocate in respect of a major incident only if the Secretary of State has consulted the victims of that incident.”

Member's explanatory statement

This amendment ensures that the families are consulted by the Secretary of State about who is an advocate.

Maria Eagle

67

Janet Daby
Sarah Champion

Clause 24, page 19, line 23, leave out “or close friends”

Member's explanatory statement

This amendment would narrow the definition of “victim” to close family members of those who have died or suffered serious harm as a result of the incident and make more certain who falls within the definition.

Maria Eagle

68

Janet Daby
Sarah Champion

Clause 24, page 19, line 24, at end insert—

“(8) For the purposes of clause 24 (7), close family members means—

- (a) a husband, wife or civil partner from a marriage or partnership that was in existence at the time of the event;
- (b) a child;
- (c) a grandchild;
- (d) a parent;
- (e) a sibling;
- (f) a half-sibling;
- (g) a grandparent;
- (h) a niece or nephew;
- (i) a half-aunt or half-uncle;
- (j) a cohabitant with the deceased;
- (k) the executor of the deceased’s last will and testament;”

Member's explanatory statement

This amendment defines the meaning of close family member in clause 24.

Maria Eagle

69

Janet Daby
Sarah Champion

Clause 25, page 19, line 31 at end insert “,but only after consultation with bereaved families and victims”

Member's explanatory statement

This amendment requires the Secretary of State to consult with victims before terminating the appointment on such grounds as the Secretary of State considers appropriate.

Anna McMorris

24

Janet Daby
Jess Phillips
Ellie Reeves
Tonia Antoniazzi
Sarah Champion
Maria Eagle

Clause 25, page 20, line 4, at end insert—

“(4A) During their appointment the independent public advocate shall sit within the Ministry of Justice for administrative purposes, but shall be independent with respect to its functioning and decision-making processes, and discharge of its statutory duties.”

Member's explanatory statement

This amendment would clarify the functional and operational independence of the advocate.

Maria Eagle

70

Janet Daby
Sarah Champion

Clause 25, page 20, line 7 at end insert—

“(6) An advocate appointed in respect of a major incident is to be regarded as a data controller under General Data Protection Regulations for the purposes of their role”

Member's explanatory statement

This amendment ensures that the Independent Public Advocate is a data controller for the purposes of General Data Protection Regulations.

Maria Eagle

71

Janet Daby
Sarah Champion

Page 20, line 8, leave out Clause 26

Member's explanatory statement

This amendment removes the Secretary of States discretion to appoint multiple Independent Public Advocate's in respect of the same major incident.

Maria Eagle

74

Janet Daby
Sarah Champion

Clause 27, page 20, line 27, at end insert—

“(e) an independent panel to establish the truth of what happened”

Member's explanatory statement

This amendment enables the Independent Public Advocate to establish a Hillsborough Independent Panel type process to get at the truth of what happened at an early stage following an incident.

Maria Eagle

72

Janet Daby
Sarah Champion

Clause 27, page 20, line 36, leave out “assisting victims to access” and insert “accessing documents”

Member's explanatory statement

This amendment is consequential on Amendment 70.

Maria Eagle

73

Janet Daby
Sarah Champion

Clause 27, page 20, line 37, leave out from “(1)” to end of line 39

Member's explanatory statement

This amendment is consequential on Amendment 70.

Maria Eagle

75

Janet Daby
Sarah Champion

Clause 27, page 20, line 39, at end insert—

“(e) establishing an independent panel in consultation with victims to establish the truth of what happened”

Member's explanatory statement

This amendment enables the Independent Public Advocate to establish a Hillsborough Independent Panel type process to get at the truth of what happened at an early stage following an incident.

Maria Eagle

76

Janet Daby
Sarah Champion

Clause 29, page 21, line 38, leave out from beginning to the first “the” on line 39

Member's explanatory statement

This amendment removes the requirement for the Secretary of State to instruct the Independent Public Advocate to issue a report.

Maria Eagle

77

Janet Daby
Sarah Champion

Clause 29, page 21, line 39, leave out “the Secretary of State” and insert “Parliament”

Member's explanatory statement

This amendment ensures that the Independent Public Advocate reports to Parliament.

Maria Eagle

78

Janet Daby
Sarah Champion

Clause 29, page 22, line 1, leave out from beginning to end of line 10 and insert—

- “(2) The Independent Public Advocate must report to Parliament —
- (a) on an annual basis, summarising their work;
 - (b) at the conclusion of support relating to a particular event; and
 - (c) at any other time they identify a need so to do;

and the first such report must be laid before Parliament before the end of 2024.”

Member's explanatory statement

This amendment ensures that the Independent Public Advocate reports to Parliament rather than the Secretary of State at least annually in respect of each major incident.

Maria Eagle

79

Janet Daby
Sarah Champion

Clause 29, page 22, line 13, leave out from beginning to end of line 23

Member's explanatory statement

This amendment ensures that the Independent Public Advocate reports to Parliament rather than the Secretary of State at least annually in respect of each major incident.

Anna McMorris

25

Janet Daby
Jess Phillips
Ellie Reeves
Tonia Antoniazzi
Sarah Champion
Maria Eagle

Clause 29, page 22, line 15, at end insert—

- “(5A) An advocate must provide periodic reports, at least annually, to the Secretary of State, regarding relevant events and occurrences.
- (5B) In any case where an advocate is of the opinion that the duty under section [*major incidents: duty of candour*] has not been discharged, and the matter has not been effectively resolved, a report shall be sent to the Secretary of State as soon as possible.
- (5C) The Secretary of State shall lay before Parliament any reports received under (1) and (2) within 14 days of receipt, and where appropriate, refer the content to relevant Parliamentary committees.”

Member's explanatory statement

This amendment would require a public advocate to provide reports to the Secretary of State about relevant events and to report if, in their opinion, public authorities or public servants have not complied with the duty of candour in NC3.

Anna McMorris

23

Janet Daby
Jess Phillips
Ellie Reeves
Tonia Antoniazzi
Maria Eagle

Clause 29, page 22, line 18, leave out paragraph (a)

Member's explanatory statement

This amendment would remove the Secretary of State's ability to omit material in the advocate's report if they believe it is contrary to the public interest.

Edward Argar

Gov 35

Clause 30, page 23, line 1, leave out "a disclosure or" and insert "the"

Member's explanatory statement

This amendment and Amendments 36 and 37 omit references to the disclosure of information. Processing, which here has the same meaning as in the Data Protection Act 2018, includes disclosure and other uses of information, so there is no need to refer separately to disclosure.

Edward Argar

Gov 36

Clause 30, page 23, line 2, leave out "disclosure or"

Member's explanatory statement

See the explanatory statement to Amendment 35.

Edward Argar

Gov 37

Clause 30, page 23, line 3, leave out "a disclosure or processing" and insert "it"

Member's explanatory statement

See the explanatory statement to Amendment 35.

Ellie Reeves

96

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 32, page 24, line 25, at end insert—

- "(fa) the nature and seriousness of any conduct by the prisoner which—
- (i) is alleged,
 - (ii) is as yet unproven,
 - (iii) has not resulted in a conviction,
- which may have implications for the risk posed by the prisoner."

Ellie Reeves

118

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 33, page 26, line 35, at end insert—

- “(fa) the nature and seriousness of any conduct by the prisoner which—
- (i) is alleged,
 - (ii) is as yet unproven,
 - (iii) has not resulted in a conviction,
- which may have implications for the risk posed by the prisoner.”

Ellie Reeves

93

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 35, page 32, line 9, at end insert—

- “(aa) manslaughter;”

Ellie Reeves

92

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 35, page 32, line 22, at end insert—

- “(fa) an offence under section 6 of that Act (assault of a child under 13 by penetration);
- (fb) an offence under section 8 of that Act (causing or inciting a child under 13 to engage in sexual activity);
- (fc) an offence under section 47 of that Act (paying for sexual services of a child) against a person aged under 16;”

Ellie Reeves

91

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 35, page 32, line 25, at end insert—

- “(ha) an offence under section 19 of that Act (sexual assault on a young child by penetration);
- (hb) an offence under section 20 of that Act (sexual assault on a young child);
- (hc) an offence under section 21 of that Act (causing a young child to participate in a sexual activity);”

Ellie Reeves

94

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 35, page 32, line 29, at end insert—

- “(ja) an offence under Article 13 of that Order (assault of a child under 13 by penetration);
- (jb) an offence under Article 15 of that Order (causing or inciting a child under 13 to engage in sexual activity);”

Ellie Reeves

95

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 36, page 34, line 40, at end insert—

- “(aa) manslaughter;”

Ellie Reeves

97

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 36, page 35, line 10, at end insert—

- “(ea) an offence under sections 6 to 51 of that Act;”

Ellie Reeves

119

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 36, page 35, line 12, at end insert—

- “(ga) an offence under sections 2 to 11 of that Act against a mentally disordered person, as defined by section 17 of that Act;
- (gb) an offence under Part 4 or Part 5 of that Act;”

Ellie Reeves

98

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 36, page 35, line 17, at end insert—

- “(ia) an offence under Part 3 or Part 4 of that Order;”

Ellie Reeves

99

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 38, page 37, line 18, leave out “Upper Tribunal” and insert “criminal division of the Court of Appeal”

Ellie Reeves

100

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 38, page 37, line 31, leave out “Upper Tribunal” and insert “criminal division of the Court of Appeal”

Ellie Reeves

101

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 38, page 37, line 36, leave out “Upper Tribunal” and insert “criminal division of the Court of Appeal”

Ellie Reeves**102**

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 38, page 37, line 37, leave out “Upper Tribunal” and insert “criminal division of the Court of Appeal”

Ellie Reeves**103**

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 38, page 38, line 4, leave out “Upper Tribunal” and insert “criminal division of the Court of Appeal”

Ellie Reeves**104**

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 38, page 38, line 8, leave out “Upper Tribunal” and insert “criminal division of the Court of Appeal”

Ellie Reeves**105**

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 38, page 38, line 14, leave out “Upper Tribunal” and insert “criminal division of the Court of Appeal”

Ellie Reeves**106**

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 39, page 38, line 26, leave out “Upper Tribunal” and insert “criminal division of the Court of Appeal”

Ellie Reeves

107

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 39, page 38, line 39, leave out “Upper Tribunal” and insert “criminal division of the Court of Appeal”

Ellie Reeves

108

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 39, page 39, line 4, leave out “Upper Tribunal” and insert “criminal division of the Court of Appeal”

Ellie Reeves

109

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 39, page 39, line 5, leave out “Upper Tribunal” and insert “criminal division of the Court of Appeal”

Ellie Reeves

110

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 39, page 39, line 10, leave out “Upper Tribunal” and insert “criminal division of the Court of Appeal”

Ellie Reeves

111

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 39, page 39, line 14, leave out “Upper Tribunal” and insert “criminal division of the Court of Appeal”

Ellie Reeves**112**

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 39, page 39, line 20, leave out “Upper Tribunal” and insert “criminal division of the Court of Appeal”

Ellie Reeves**113**

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 40, page 39, line 36, leave out “Upper Tribunal” and insert “criminal division of the Court of Appeal”

Ellie Reeves**114**

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 40, page 39, line 39, leave out “Upper Tribunal” and insert “criminal division of the Court of Appeal”

Ellie Reeves**115**

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 41, page 40, line 8, leave out “Upper Tribunal” and insert “criminal division of the Court of Appeal”

Ellie Reeves**116**

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 41, page 40, line 9, leave out “Upper Tribunal” and insert “criminal division of the Court of Appeal”

Ellie Reeves 117

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

Clause 41, page 40, line 12, leave out “Upper Tribunal” and insert “criminal division of the Court of Appeal”

Janet Daby 120

Sarah Champion

Clause 47, page 43, line 6, leave out from “office” to end of line 9 and insert “only on grounds of proven misconduct or incapacity”

Member's explanatory statement

This amendment would allow the Secretary of State to remove the Chair of the Parole Board only on the grounds of misconduct or incapacity.

Sarah Champion 121

☆ Page 44, line 23, leave out Clause 48

Sarah Champion 122

☆ Page 45, line 21, leave out Clause 49

Sarah Champion 123

☆ Page 46, line 17, leave out Clause 50

Edward Argar

Gov NC4

To move the following Clause—

“Information relating to victims

In Part 2 of the Police, Crime, Sentencing and Courts Act 2022 (prevention, investigation and prosecution of crime), after Chapter 3 insert—

“CHAPTER 3A

REQUESTS FOR INFORMATION RELATING TO VICTIMS

44A Requests for information relating to victims

- (1) A victim information request must be made in accordance with this Chapter.
- (2) In this Chapter, a “victim information request” means a request by an authorised person to another person to provide information which relates to a third person who the authorised person has reason to believe is or may be—
 - (a) a victim, or
 - (b) at risk of being a victim.
- (3) A victim information request may be made only if the authorised person—
 - (a) has reason to believe that the person to whom the request is made holds the information sought,
 - (b) has reason to believe that the information sought is relevant to a reasonable line of enquiry which is being pursued, or is to be pursued, by the authorised person or another authorised person, and
 - (c) is satisfied that the request is necessary and proportionate to achieve the purpose of preventing, detecting, investigating or prosecuting crime.
- (4) The reference in subsection (3)(c) to crime is a reference to—
 - (a) conduct which constitutes one or more criminal offences in England and Wales, or
 - (b) conduct which, if it took place in England and Wales, would constitute one or more criminal offences.
- (5) Subsection (6) applies if the authorised person thinks that, in making the request, there is a risk of obtaining information other than information necessary to achieve a purpose within subsection (3)(c).
- (6) The authorised person must, to be satisfied that the request is proportionate, be satisfied that—
 - (a) there are no other means of obtaining the information sought, or

- (b) there are such other means, but it is not reasonably practicable to use them.

- (7) In making a victim information request or deciding whether to make such a request (including giving notice under section 44B or deciding whether to give such notice) an authorised person must have regard to the code of practice for the time being in force under section 44D.

- (8) In this section—

“criminal offence” includes—

- (a) a service offence within the meaning of the Armed Forces Act 2006, and
- (b) an SDA offence within the meaning of the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059);

“victim” has the meaning given by section 1 of the Victims and Prisoners Act 2023.

- (9) This section is subject to sections 44B (notice requirements for victim information requests) and 44C (content of victim information requests).

44B Notice requirements for victim information requests

- (1) The authorised person must (subject to subsection (5)) give notice of a victim information request to the person to whom the information sought relates (“V”).

- (2) Notice under this section must be in writing—

- (a) specifying or describing the information sought by the victim information request,
- (b) specifying the reason why the information is sought, and
- (c) specifying how the information will be dealt with once it has been obtained.

- (3) Notice under this section must be given—

- (a) on or before the date on which the victim information request is made, or
- (b) if that is not reasonably practicable, as soon as is reasonably practicable after that date.

- (4) If V is a child or an adult without capacity, notice under this section is given to V by giving it to—

- (a) a parent or guardian of V or, if V is in the care of a relevant authority or voluntary organisation, a person representing that authority or organisation, or
- (b) if no person described in paragraph (a) is available, any adult who the authorised person considers appropriate.

- (5) The authorised person need not give notice under this section, or specify a particular matter when giving notice, if the authorised person considers that doing so—

- 80 (a) is not reasonably practicable in the circumstances,
 (b) might interfere with the investigation or enquiry for which the
 information is sought or any other investigation or enquiry which
 is being pursued, or is to be pursued, by the authorised person
 or another authorised person, or
 85 (c) might risk causing serious harm to V or another person.
- (6) In this section—
 “adult” means a person aged 18 or over;
 “adult without capacity” means an adult who, within the meaning
 of the Mental Capacity Act 2005, lacks capacity to understand a
 90 notice under this section;
 “child” means a person aged under 18;
 “harm” includes physical, mental or emotional harm and economic
 loss;
 “relevant authority” has the same meaning as in Chapter 3 of this
 95 Part (see section 38(11));
 “voluntary organisation” means a body (other than a public
 authority) whose activities are not carried on for profit.

44C Content of victim information requests

- 100 (1) A victim information request must be in writing—
 (a) specifying or describing the information sought,
 (b) specifying the reason why the information is sought, and
 (c) specifying how the information will be dealt with once it has
 been obtained.
- 105 (2) The authorised person need not specify the matters mentioned in
 subsection (1)(b) or (c) if the authorised person considers that doing
 so—
 (a) is not reasonably practicable in the circumstances,
 (b) might interfere with the investigation or enquiry for which the
 110 information is sought or any other investigation or enquiry which
 is being pursued, or is to be pursued, by the authorised person
 or another authorised person, or
 (c) might risk causing serious harm to the person to whom the
 information sought relates or another person.

44D Code of practice

- 115 (1) The Secretary of State must prepare a code of practice for authorised
 persons about victim information requests and compliance with this
 Chapter.
- (2) The code may make different provision for different purposes or areas.
- (3) In preparing the code, the Secretary of State must consult—
 120 (a) the Information Commissioner,

- (b) the Commissioner for Victims and Witnesses,
- (c) the Domestic Abuse Commissioner, and
- (d) such other persons as the Secretary of State considers appropriate.

- 125 (4) After preparing the code, the Secretary of State must lay it before Parliament and publish it.
- (5) The code is to be brought into force by regulations made by statutory instrument.
- 130 (6) A statutory instrument containing regulations under subsection (5) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) After the code has come into force the Secretary of State may from time to time revise it.
- 135 (8) A failure on the part of an authorised person to act in accordance with the code does not of itself render the person liable to any criminal or civil proceedings.
- (9) But the code is admissible in evidence in criminal or civil proceedings and a court may take into account a failure to act in accordance with it in determining a question in the proceedings.
- 140 (10) References in subsections (2) to (9) to the code include a revised code, subject to subsection (11).
- (11) The duty to consult in subsection (3) does not apply in relation to the preparation of a revised code if the Secretary of State considers that the proposed revisions are insubstantial.

145 **44E Authorised persons**

- (1) In this Chapter, each of the following is an “authorised person”—
- (a) a constable of a police force in England and Wales;
 - (b) a member of staff appointed by the chief officer of police of a police force in England and Wales;
 - 150 (c) an employee of the Common Council of the City of London who is under the direction and control of a chief officer of police;
 - (d) a constable of the British Transport Police Force;
 - (e) an employee of the British Transport Police Authority appointed under section 27 of the Railways and Transport Safety Act 2003;
 - 155 (f) a constable of the Ministry of Defence police;
 - (g) a National Crime Agency officer;
 - (h) a member of the Royal Navy Police, the Royal Military Police or the Royal Air Force Police;
 - 160 (i) a person designated by the Director General of the Independent Office for Police Conduct under paragraph 19(2) of Schedule 3 to the Police Reform Act 2002;

- 165 (j) a person who has been engaged to provide services consisting of or including the obtaining of information for the purposes of the exercise of functions by a person mentioned in any of paragraphs (a) to (i).
- (2) The Secretary of State may by regulations made by statutory instrument amend subsection (1)—
- 170 (a) so as to add a reference to a person;
- (b) so as to remove a reference to a person;
- (c) so as to modify a description of a person mentioned.
- (3) Regulations under subsection (2) may contain transitional, transitory or saving provision.
- 175 (4) A statutory instrument containing regulations under subsection (2)(a) or (b) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (5) Any other statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament." "

Member's explanatory statement

This new clause requires police officers and other authorised persons, when requesting information about a victim or potential victim of crime from a third party, to ensure that the request is relevant, necessary and proportionate for law enforcement purposes and to follow new procedural safeguards.

As Amendments to Edward Argar's proposed New Clause (Information relating to victims) (Gov NC4):—

Sarah Champion

(a)

Janet Daby

Line 25, at end insert—

"(d) is satisfied that the victim has been informed of their rights in relation to the request."

Sarah Champion

(b)

Janet Daby

Line 103, at end insert—

"(d) including a full statement of the victim's rights in relation to the request."

Mrs Emma Lewell-Buck

NC1

Anna McMorris
 Sarah Champion
 Janet Daby
 Rachael Maskell
 Rosie Duffield

Kate Osborne
 Sir Stephen Timms
 Mohammad Yasin
 Barbara Keeley
 Emma Hardy
 Valerie Vaz
 Tulip Siddiq

Charlotte Nichols
 Mr Ben Bradshaw
 Mr Tobias Ellwood
 Debbie Abrahams
 Stella Creasy
 Apsana Begum
 Maria Eagle

Tony Lloyd
 Ian Lavery
 Mr Tanmanjeet Singh Dhesi
 Mrs Sharon Hodgson
 Kim Leadbeater
 Dame Diana Johnson
 Sammy Wilson

To move the following Clause—

“Victims of major incidents: registration of death

- (1) Notwithstanding anything in the Births and Deaths Registration Act 1953 or the Coroners and Justice Act 2009, a qualified informant (within the meaning in those Acts) may register the death of a person who was a victim of a major incident.
- (2) Subsection (1) applies even if an investigation is conducted under Part 1 of the Coroners and Justice Act 2009.”

Member's explanatory statement

This new clause would enable a qualified informant such as a relative of the deceased to provide information to register the death after a major incident.

Anna McMorris

NC2

Janet Daby
 Jess Phillips
 Ellie Reeves
 Tonia Antoniazzi

To move the following Clause—

“Duty to co-operate with Commissioner for Victims and Witnesses

- (1) The Commissioner may request a specified public authority to co-operate with the Commissioner in any way that the Commissioner considers necessary for the purposes of monitoring compliance with the victims' code.
- (2) A specified public authority must, so far as reasonably practicable, comply with a request made to it under this section.
- (3) In this section “specified public authority” means any of the following—
 - (a) a criminal justice body, as defined by subsection 6(6),
 - (b) the Parole Board,
 - (c) an elected local policing body,
 - (d) the British Transport Police Force,

- (e) the Ministry of Defence Police.
- (4) The Secretary of State may by regulations amend this section so as to—
 - (a) add a public authority as a specified public authority for the purposes of this section;
 - (b) remove a public authority added by virtue of paragraph (a);
 - (c) vary any description of a public authority.
- (5) Before making regulations under subsection (4) the Secretary of State must consult the Commissioner for Victims and Witnesses.
- (6) A statutory instrument containing regulations under subsection (4) may not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.”

Member's explanatory statement

This new clause would place a duty on specified public authorities to co-operate with the Commissioner for Victims and Witnesses.

Anna McMorris

NC3

Janet Daby
 Jess Phillips
 Ellie Reeves
 Tonia Antoniazzi
 Sarah Champion
 Maria Eagle

To move the following Clause—

“Major incidents: duty of candour

- (1) In discharging their duties in relation to a major incident, public authorities and public servants and officials must at all times act within their powers—
 - (a) in the public interest, and
 - (b) with transparency, candour and frankness.
- (2) If a major incident results in a court proceeding, official inquiry or investigation, public authorities and public servants and officials have a duty to assist—
 - (a) relating to their own activities, or
 - (b) where their acts or omissions may be relevant.
- (3) In discharging the duty under subsection (2), public authorities and public servants and officials shall—
 - (a) act with proper expedition;
 - (b) act with transparency, candour and frankness,
 - (c) act without favour to their own position,
 - (d) make full disclosure of relevant documents, material and facts,
 - (e) set out their position on the relevant matters at the outset of the proceedings, inquiry or investigation, and

- (f) provide further information and clarification as ordered by a court or inquiry.
- (4) In discharging their duty under subsection (2), public authorities and public servants and officials shall have regard to the pleadings, allegations, terms of reference and parameters of the relevant proceedings, inquiry or investigation but shall not be limited by them, in particular where they hold information which might change the ambit of the said proceedings, inquiry or investigation.
- (5) The duties in subsections (1) and (2) shall—
 - (a) be read subject to existing laws relating to privacy, data protection and national security,
 - (b) apply in a qualified way with respect to private law and non-public functions as set out in subsection (6), and
 - (c) not be limited by any issue of insurance indemnity.
- (6) The duties in subsections (1) and (2) shall be enforceable by application to the relevant court or inquiry chairperson by any person affected by the alleged breach, or the court or inquiry may act of its own motion. Where there are no extant court or inquiry proceedings, the duties may be enforced by judicial review proceedings in the High Court.”

Member's explanatory statement

This new clause would require public authorities and public servants and officials to act in the public interest and with transparency, candour and frankness when carrying out their duties in relation to major incidents.

Sarah Champion

NC5

Janet Daby

To move the following Clause—

“Improving accessibility and awareness of the Victims’ Code

- (1) In preparing the draft of the victims’ code under section 2, the Secretary of State must take all practicable steps to ensure that the code is fully accessible to all victims and to promote awareness of the code among those victims and associated services.
- (2) For the purposes of this section the Secretary of State must by regulations prescribe—
 - (a) that criminal justice bodies must signpost victims to appropriate support services, and
 - (b) that appropriate training is delivered to staff in criminal justice bodies, including by specialist domestic abuse services.
- (3) The steps taken under subsection (1) must include steps aimed at ensuring that victims who—
 - (a) are deaf,
 - (b) are disabled,

- (c) are visually impaired, or
 - (d) do not speak English as their first language,
- are able to understand their entitlements under the code.”

Member's explanatory statement

This new clause seeks to ensure the victims' code is accessible to all victims and associated services.

Sarah Champion

NC6

Janet Daby

To move the following Clause—

“Duty to develop a single core data set of victims of child sexual abuse

- (1) The responsible authority must make arrangements to develop a shared, single core data set concerning victims of child sexual abuse and child sexual exploitation in England and Wales.
- (2) In accordance with subsection (1) the responsible authority must direct children's social care and criminal justice agencies to collect consistent and compatible data which includes—
 - (a) the characteristics of victims and alleged perpetrators of child sexual abuse, including—
 - (i) age,
 - (ii) sex, and
 - (iii) ethnicity,
 - (b) the factors that make victims more vulnerable to child sexual abuse or exploitation, and
 - (c) the settings and contexts in which victims have experienced child sexual abuse or exploitation.
- (3) The responsible authority must ensure that the data is published each month.
- (4) For the purposes of this section, the responsible authority is—
 - (a) in England, the Secretary of State; and
 - (b) in Wales, the Welsh Ministers”

Sarah Champion

NC7

Janet Daby

To move the following Clause—

“Parole Board: victim engagement

- (1) It is the duty of the Parole Board to monitor and report on how they support victims to make their views heard in the criminal justice process.

- (2) In discharging the duty under subsection (1), the Parole Board must report to the Secretary of State on their effectiveness in—
 - (a) engaging victims at all stages of the criminal justice process, including informing them of outcomes, and
 - (b) informing victims of their right to make a Victim Personal Statement.
- (3) The Secretary of State must lay a copy of any reports received under this section before Parliament within 15 days of receiving them.”

Member's explanatory statement

This new clause would require the Parole Board to monitor and report how they support victims to make their views heard in the criminal justice process.

Sarah Champion

NC8

Janet Daby

To move the following Clause—

“Assessment of numbers of independent domestic violence and sexual violence advisors, stalking advocates and specialist support services

Within six months of the passing of this Act, and annually thereafter, the Secretary of State must—

- (a) make an assessment of the adequacy of the number of independent domestic violence and sexual violence advisors, stalking advocates, and specialist support services in each region of England and Wales, having regard to the population in each region, and
- (b) publish that assessment.”

Member's explanatory statement

This new clause would require the SoS to make an assessment of the adequacy of the number of ISVAs, IDVAs, stalking advocates and specialist support services in each region of England and Wales.

Sarah Champion

NC9

Janet Daby

To move the following Clause—

“Reviewing compliance: duty to collaborate

- (1) A police and crime panel which oversees services in a police area must keep under review how the relevant authorities which provide services in the police area provide those services in accordance with their duties under section (12) and (13) of this Act.
- (2) In this section, the reference to a “police and crime panel” is to be read in accordance with Schedule 6 to the Police Reform and Social Responsibility Act 2011.

- (3) In this section, “relevant authorities” has the meaning given by section 12(2).
- (4) For the purposes of subsection (1), police and crime panels must prepare and publish an annual report setting out how the relevant authorities are fulfilling their duties under section (12) and (13).
- (5) A report under subsection (4) must set out, in particular—
 - (a) how the relevant authorities are assessing the needs of victims;
 - (b) how the relevant authorities are meeting the needs of victims; and
 - (c) how the relevant authorities are collaborating to represent the interests of victims.
- (6) The police and crime panel must send a copy of any report published under subsection (4) to the Secretary of State.
- (7) The Secretary of State must then publish an annual statement on the state of victim support.”

Member's explanatory statement

This new clause aims to establish a review of compliance with the duty to collaborate and add in a layer of accountability to oversee this new duty.

Sarah Champion

NC10

Janet Daby

To move the following Clause—

“Review into provision of support for children

- (1) The Secretary of State must, within 3 months of this Act being passed, conduct a review into the current state of support for children who are victims.
- (2) The review must consider, in particular—
 - (a) the current volume of provision,
 - (b) the current volume of unmet need, and
 - (c) the current level of investment in these services.
- (3) Upon completion of the review, the Secretary of State must publish and lay before Parliament a report setting out—
 - (a) the findings of the review, and
 - (b) the action that the Secretary of State proposes to take in response to the review.”

Member's explanatory statement

This new clause would require the Secretary of State to publish a report on the current volume, need and investment in support services for children who are victims.

Sarah Champion

NC11

Janet Daby

To move the following Clause—

“Monitoring compliance

- (1) All agencies with responsibilities under the victims’ code have a duty to monitor and report how relevant services are provided in accordance with the victims’ code.
- (2) In accordance with the duty in subsection (1), the agencies must provide an annual report to the Secretary of State on their assessment of their compliance with the code.
- (3) The Secretary of State must make an annual statement to the House of Commons on the delivery of services provided in accordance with the victims’ code.”

Member's explanatory statement

This new clause would place a duty on the Secretary of State to make an annual statement on compliance with the victims’ code.

Sarah Champion

NC12

Janet Daby

To move the following Clause—

“Compliance with the code: threshold levels

- (1) The Secretary of State must, by regulations, issue minimum threshold levels of compliance with each right of the victims’ code.
- (2) If a minimum threshold is breached by an organisation in a particular area, the Secretary of State must commission an inspection of that body with regard to that breach.
- (3) The Secretary of State must, as soon as is reasonably practicable, lay before Parliament the report of any such inspection.”

Member's explanatory statement

This new clause would require the Secretary of State to set minimum threshold levels of compliance with each right of the victims’ code.

Sarah Champion

NC13

Janet Daby

To move the following Clause—

“Duty to commission support for children and young people

- (1) It is the duty of relevant local authorities to commission specialist children and young people’s support services for victims in accordance with need.
- (2) The services provided under subsection (1) must include, but are not limited to—
 - (a) services for victims of child criminal exploitation, and
 - (b) services for victims of child abuse.”

Member's explanatory statement

This new clause would require local authorities to commission sufficient and specific support for children and young people who are victims.

Ellie Reeves

NC14

Anna McMorris
Jess Phillips
Janet Daby

To move the following Clause—

“Independent legal advice for victims of rape

The Secretary of State must develop proposals for a scheme to give victims of rape access to free, independent legal advice.”

Maria Eagle

NC15

Janet Daby
Sarah Champion

To move the following Clause—

“Appointment of a standing independent public advocate

- (1) The Secretary of State must appoint an individual to act as an independent public advocate for victims of major incidents.
- (2) The Secretary of State must pay to or in respect of an advocate—
 - (a) such remuneration as the Secretary of State considers appropriate;
 - (b) reasonable costs incurred by the advocate in connection with the exercise of their functions, including those incurred in connection with proceedings relating to the exercise (or purported exercise) of those functions;
 - (c) such other sums by way of allowances or gratuities as the Secretary of State considers appropriate.

- (3) The Secretary of State must make provision for the advocate to have an efficient and effective system of support, including secretarial support, in connection with the exercise of their functions.
- (4) The independent public advocate may undertake the functions set out in section [*functions and powers of the independent public advocate*] for a particular event when—
 - (a) invited to do so by the Secretary of State, or
 - (b) for that event both requirements one and two have been met.
- (5) Requirement one is that, in the advocate's opinion, a major incident has occurred.
- (6) A major incident is an incident that has caused the death of, or serious harm to, a significant number of individuals and involved—
 - (a) serious health and safety issues,
 - (b) a failure in regulation, or
 - (c) other events of serious concern.
- (7) For these purposes, "harm" includes physical, mental or emotional harm.
- (8) In reaching an opinion under subsection (5), the advocate must have regard to previous decisions of the advocate.
- (9) Requirement two is that the advocate has been asked to undertake their functions by fifty per cent plus one or more of the total of—
 - (a) representatives of those deceased due to the event, and
 - (b) any injured survivors of the event."

Maria Eagle

NC16

Janet Daby
Sarah Champion

To move the following Clause—

"Functions and powers of the independent public advocate

- (1) The advocate may provide such support to victims of a major incident as the advocate considers appropriate in relation to—
 - (a) the aftermath of the incident;
 - (b) an investigation by a public authority into the incident;
 - (c) an inquest under the Coroners and Justice Act 2009 into a death the incident may have caused or contributed to;
 - (d) an inquiry into the incident under the Inquiries Act 2005;
 - (e) an independent panel to establish the truth of what happened.
- (2) The support provided under subsection (1) may include, for example—
 - (a) helping victims understand the actions of public authorities in relation to the incident, and how the views of victims may be taken into account;

- (b) informing victims about other sources of support and advice, and services, that may be available in connection with the incident;
 - (c) communicating with public authorities on behalf of victims in relation to the incident;
 - (d) assisting victims to access documents or other information in relation to an investigation, inquest or inquiry referred to in subsection (1);
 - (e) establishing an independent panel in consultation with victims to establish the truth of what happened.
- (3) The independent public advocate must report to victims or to such persons as the advocate considers represent one or more victims during any police or other authority's investigation into the incident regarding—
 - (a) the progress of the investigation, and
 - (b) if there are no lawyers representing the families, the implications of engaging lawyers at that stage.
- (4) The independent public advocate must report to Parliament—
 - (a) on an annual basis, summarising their work;
 - (b) at the conclusion of support relating to a particular event; and
 - (c) at any other time they identify a need so to do;

and the first such report must be laid before Parliament before the end of 2024.
- (5) Following a further request to the independent public advocate by fifty percent plus one or more of the representatives of those deceased due to the event, the independent public advocate must set up a panel which must register as a data controller under the Data Protection Act 2018 and review all documentation relating to the event, the deceased and the representatives and report thereon.
- (6) In establishing the panel under subsection (5), the independent public advocate must consult the representatives of those deceased due to the event about the composition of the panel.
- (7) Subject to section [*disclosure of information to the independent advocate's panel*], all relevant public authorities and other relevant organisations must provide documentation under subsection (5) to an independent advocate's panel on request from the panel.
- (8) An independent advocate's panel must publish a report into its review of the documentation."

Maria Eagle

Janet Daby
Sarah Champion

NC17

To move the following Clause—

“Disclosure of information to the independent public advocate’s panel

- (1) Nothing in this section detracts from the duty upon relevant public authorities to provide relevant information to an independent public advocate’s panel on request from the panel.
- (2) For the purposes of this section—

“relevant information” includes all information which may reasonably be considered to be related to the cause of the event, the event, and actions taken after the event due to it;

“public authority” has the same meaning as in the Freedom of Information Act 2000.
- (3) A public authority may only decline to provide information to the panel if disclosure of that information to the panel—
 - (a) is not possible for reasons of safeguarding national security;
 - (b) would, or would be likely to, prejudice the defence of the United Kingdom or of any Crown dependency or overseas territory, or the capability, effectiveness or security of the armed forces of the Crown;
 - (c) is prohibited by or under any enactment, or would constitute or be punishable as a contempt of court;
- (4) A public authority may request that the panel provides an assurance that information provided to the panel will be secured to the same data security standard as used by that authority, and the panel may provide such assurance and use its best endeavours to maintain that standard.
- (5) If information is withheld from the panel under subsection (3), the panel must be informed of the subject of the matter being withheld and the reason for that exemption.
- (6) Upon receiving a notification that information is being withheld, the panel may apply to the Information Commissioner for a decision whether the public authority has assessed correctly that disclosure is not possible under subsection (3).
- (7) Upon receiving an application from a panel under subsection (6), the Information Commissioner must consider the application and issue a decision notice to the panel and to the relevant public authority stating either—
 - (a) that the public authority has correctly assessed that the information should be withheld; or
 - (b) that all or some of the information should not be withheld, the steps that the public authority must take to provide the information and the period within which they must be taken.
- (8) A decision notice issued by the Information Commissioner under subsection (7) may be appealed by the panel or the relevant public authority to the Tribunal.
- (9) If on an appeal under subsection (8) the Tribunal considers—

- (a) that the notice against which the appeal is brought is not in accordance with the law, or
- (b) to the extent that the notice involved an exercise of discretion by the Commissioner, that he or she ought to have exercised his or her discretion differently,

the Tribunal shall allow the appeal or substitute such other notice as could have been served by the Commissioner; and in any other case the Tribunal shall dismiss the appeal.

- (10) On such an appeal, the Tribunal—
 - (a) may review any finding of fact on which the notice in question was based; and
 - (b) shall notify the Lord Chancellor of its decision.
- (11) An independent public advocate and any office or officials supporting the work of the independent public advocate are not a public authority for the purpose of the Freedom of Information Act 2000.
- (12) In this section, “Tribunal” has the meaning given by section 84 of the Freedom of Information Act 2000.”

Jess Phillips

NC18

Janet Daby

To move the following Clause—

“Guidance about community-based specialist domestic abuse services

- (1) The Secretary of State must issue guidance about community-based specialist domestic abuse services.
- (2) Guidance under this section must include provision about—
 - (a) the definition and role of community-based specialist domestic abuse services;
 - (b) the support that such services provide to—
 - (i) victims, including (where relevant) victims who are children or have other protected characteristics, or
 - (ii) persons who are not victims, where that service is provided in connection with a service provided to a victim;
 - (c) how such services and other persons who have functions relating to victims, or any aspect of the criminal justice system, should work together;
 - (d) appropriate training and qualifications for providers of such services.
- (3) Providers of community-based specialist domestic abuse services must have regard to guidance under this section when exercising their functions.
- (4) Any other person who has functions relating to victims, or any aspect of the criminal justice system, must have regard to guidance under this section where—

- (a) the person is exercising such a function, and
 - (b) the guidance is relevant to the exercise of that function.
- (5) Subsection (4) does not apply to anything done by any person acting in a judicial capacity, or on the instructions of or on behalf of such a person.
- (6) In this section, “domestic abuse” has the same meaning as in the Domestic Abuse Act 2021 (see section 1 of that Act).”

Jess Phillips

NC19

Janet Daby

To move the following Clause—

“Commissioning of specialist women’s community-based domestic abuse and sexual violence support services

- (1) It is the duty of relevant local authorities to commission specialist women’s community-based domestic abuse and sexual violence support services for victims in accordance with need.
- (2) The services provided under subsection (1) must include, but are not limited to—
- (a) counselling and other psychological support,
 - (b) advice and advocacy support in relation to welfare benefits, debt and access to financial support,
 - (c) support for children affected by domestic abuse,
 - (d) legal advice,
 - (e) victims helplines,
 - (f) support for victims of domestic abuse, sexual violence, trafficking or modern slavery who offend as a result of that abuse,
 - (g) perpetrator programmes with a priority outcome of increased safety and freedom for victims,
 - (h) support for victims of elder abuse,
 - (i) support for victims of stalking,
 - (j) support for families where a relative has died by suicide following domestic abuse,
 - (k) support for victims of modern slavery and trafficking,
 - (l) support for so-called “honour-based” abuse victims,
 - (m) outreach and education initiatives aimed at raising awareness of domestic abuse and sexual violence, and
 - (n) ‘By and For’ services that support individuals with protected characteristics.
- (3) In discharging the duty under this section, the relevant local authorities must have particular regard to the need for such services provided by, and for the benefit of those with protected characteristics.
- (4) The Secretary of State must by regulations—

- (a) define “specialist community based services” in collaboration with the violence against women and girls sector, and
- (b) set out how providers are to be regulated.”

Sarah Champion

NC20

Janet Daby

To move the following Clause—

“Data-sharing for immigration purposes: exemption for victims

- (1) The Secretary of State must make arrangements to ensure that personal data of a victim, as defined by section 1 of this Act, that is processed for the purpose of that person requesting or receiving support or assistance under the Victims Code is not used for the maintenance of immigration control.
- (2) Paragraph 4 of Schedule 2 to the Data Protection Act 2018 shall not apply to the personal data to which subsection (1) applies.
- (3) For the purposes of this section, the Secretary of State must issue guidance to—
 - (a) persons providing relevant victim support services, as defined by section 12 of this Act;
 - (b) persons exercising any function of the Secretary of State in relation to immigration, asylum or nationality; and
 - (c) persons exercising any function conferred by or by virtue of the Immigration Acts on an immigration officer.
- (4) In this section “immigration control” means United Kingdom immigration control and includes any United Kingdom immigration control operated in a prescribed control zone outside the United Kingdom.”

Ellie Reeves

NC21

Anna McMorris
Jess Phillips
Tonia Antoniazzi
Janet Daby

To move the following Clause—

“Prisoners: suspension of parental responsibility

- (1) After section 2 (parental responsibility for children) of the Children Act 1989, insert—

“2A Prisoners: suspension of parental responsibility

- (1) This section applies where—
 - (a) a person (“A”) is convicted of the murder or voluntary manslaughter of another person (“B”); and

- (b) A and B had parental responsibility for the same child ("C") at the time at which the offence was committed.
- (2) Subject to the exceptions in subsection (3), A ceases to have parental responsibility for C while A is serving a custodial sentence in a prison or other place of detention in respect of the murder or voluntary manslaughter of B.
- (3) The exceptions are where a conviction for manslaughter was made—
 - (a) as a result of the partial defences provided for in section 54 (partial defence to murder: loss of control) of the Coroners and Justice Act 2009, or
 - (b) on the grounds of diminished responsibility
 - in circumstances in which, on the balance of probability, A was a victim of coercive and controlling behaviour by B at the time of the killing or at a time reasonably proximate to it."
- (2) The Secretary of State may by regulations make provision that is consequential on this section.
- (3) The power to make regulations under subsection (2) may (among other things) be exercised by modifying any provision made by or under an enactment.
- (4) Regulations under this section—
 - (a) may make transitional and saving provision;
 - (b) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament."

Ellie Reeves

NC22

Anna McMorris
 Jess Phillips
 Tonia Antoniazzi
 Janet Daby

To move the following Clause—

"Referral of release decisions to the Court of Appeal: life prisoners

After section 32ZA of the Crime (Sentences) Act 1997 insert—

"Referral of release decisions to Court of Appeal

327ZAA Referral of release decisions to Court of Appeal

- (1) This section applies where—
 - (a) a prisoner is serving a life sentence imposed in respect of an offence specified or described in section 32ZAB (the "relevant sentence"),
 - (b) the Parole Board is required to make a public protection decision about the prisoner under section 28(6)(b) or 32(5A), and
 - (c) the public protection decision relates to the relevant sentence.

- (2) Where the Parole Board has made a decision in a case to which this section applies—
 - (a) the Secretary of State may refer the decision to the criminal division of the Court of Appeal, or
 - (b) a victim may apply to the Secretary of State to request that the prisoner's case be referred to the criminal division of the Court of Appeal.
- (3) Within [30 days] of an application being made under paragraph (2)(b), the Secretary of State must—
 - (a) exercise the power under subsection (2)(a) and refer the prisoner's case to the criminal division of the Court of Appeal, or
 - (b) provide to the victim a written statement explaining why they have decided not to exercise that power.
- (4) This section applies in relation to a prisoner whose sentence was imposed before, as well as after, this section comes into force.
- (5) But nothing in this section affects the duty of the Secretary of State to release a prisoner whose release has been directed by the Parole Board before this section comes into force.
- (6) In this section, "public protection decision" has the meaning given by section 28ZA(2).

327ZAB Offences for purposes of Court of Appeal referral

- (1) The offences specified or described in this section (for the purposes of section 32ZAA) are—
 - (a) murder;
 - (b) manslaughter;
 - (c) an offence under section 5 of the Domestic Violence, Crime 10 and Victims Act 2004, where a child has died as a result of the prisoner's unlawful act;
 - (d) an offence specified in any of paragraphs 41 to 43 of Schedule 18 to the Sentencing Code (specified terrorism offences other than inchoate offences);
 - (e) an offence that is not an inchoate offence and was determined to have a terrorist connection, within the meaning given by section 247A(7A) of the Criminal Justice Act 2003;
 - (f) an offence under section 1 of the Sexual Offences Act 2003 (rape);
 - (g) an offence under section 5 of that Act (rape of a child under 13);
 - (h) an offence under section 6 of that Act (assault of a child under 13 by penetration);
 - (i) an offence under section 8 of that Act (causing or inciting a child under 13 to engage in sexual activity);
 - (j) an offence under section 47 of that Act (paying for sexual services of a child) against a person aged under 16;

- (k) an offence under section 1 of the Sexual Offences (Scotland) Act 2009 (asp 9) (rape);
 - (l) an offence under section 18 of that Act (rape of a young child);
 - (m) an offence under section 19 of that Act (sexual assault on a young child by penetration);
 - (n) an offence under section 20 of that Act (sexual assault on a young child);
 - (o) an offence under section 21 of that Act (causing a young child to participate in a sexual activity);
 - (p) an offence under Article 5 of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)) (rape);
 - (q) an offence under Article 12 of that Order (rape of a child under 13);
 - (r) an offence under Article 13 of that Order (assault of a child under 13 by penetration);
 - (s) an offence under Article 15 of that Order (causing or inciting a child under 13 to engage in sexual activity);
 - (t) an offence that—
 - (i) is abolished, and
 - (ii) would have constituted an offence referred to in paragraphs (a) to (s) if committed on or after the date on which it was abolished.
- (2) A sentence in respect of a service offence is to be treated for the 35 purposes of section 32ZAA as if it were a sentence in respect of the corresponding offence.
- (3) In subsection (2)—
- (a) “service offence” means an offence under—
 - (i) section 42 of the Armed Forces Act 2006,
 - (ii) section 70 of the Army Act 1955 or the Air Force Act 1955, or
 - (iii) section 42 of the Naval Discipline Act 1957;
 - (b) “corresponding offence” means—
 - (i) in relation to an offence under section 42 of the Armed Forces Act 2006, the corresponding offence under the law of England and Wales within the meaning of that section;
 - (ii) in relation to an offence under section 70 of the Army Act 1955 or the Air Force Act 1955, the corresponding civil offence within the meaning of that Act;
 - (iii) in relation to an offence under section 42 of the Naval Discipline Act 1957, the civil offence within the meaning of that section.

327ZAC Powers of the Court of Appeal

- (1) On a referral of a prisoner's case under section 32ZAA, the Court of Appeal may—
 - (a) direct the Secretary of State to release the prisoner on licence as soon as is reasonably practicable in all the circumstances including, in particular, the need to make arrangements in connection with any conditions that are to be included in the licence, or
 - (b) decide that the prisoner should remain confined and direct the Secretary of State accordingly.
- (2) In making a decision under subsection (1), the Court of Appeal must have regard to whether there is no more than a minimal risk that, were the prisoner no longer confined, the prisoner would commit a further offence the commission of which would cause serious harm.
- (2A) In making a decision under subsection (1), the Court of Appeal must consider—
 - (a) any statement made by the Parole Board as to the reasons for its decision,
 - (b) the evidence considered by the Parole Board in reaching its decision,
 - (c) any representations made to the Parole Board by the Secretary of State, by a victim, or on behalf of the prisoner,
 - (d) any transcript made of a Parole Board hearing in respect of the case.
- (3) No judge shall sit as a member of the Court of Appeal on the hearing of a reference under this section in respect of a sentence they passed.""

Ellie Reeves
NC23

Anna McMorris
 Jess Phillips
 Tonia Antoniazzi
 Janet Daby

To move the following Clause—

"Referral of release decisions to the Court of Appeal: fixed-term prisoners

- (1) After section 256AZB of the Criminal Justice Act 2003 insert—

"Referral of release decisions to the Court of Appeal

256AZBA Referral of release decisions to the Court of Appeal

- (1) This section applies where—
 - (a) a prisoner is serving a fixed-term sentence imposed in respect of an offence specified or described in section 256AZBB (the "relevant sentence"),

- (b) the Board is required to make a public protection decision about the prisoner under a relevant provision of this Chapter, and
 - (c) the public protection decision relates to the relevant sentence.
- (2) Where the Parole Board has made a decision in a case to which this section applies—
 - (a) the Secretary of State may refer the decision to the criminal division of the Court of Appeal, or
 - (b) a victim may apply to the Secretary of State to request that the prisoner's case be referred to the criminal division of the Court of Appeal.
- (3) Within [30 days] of an application being made under paragraph (2)(b), the Secretary of State must—
 - (a) exercise the power under subsection (2)(a) and refer the prisoner's case to the criminal division of the Court of Appeal, or
 - (b) provide to the victim a written statement explaining why they have decided not to exercise that power.
- (4) This section applies in relation to a prisoner whose sentence was imposed before, as well as after, this section comes into force.
- (5) But nothing in this section affects the duty of the Secretary of State to release a prisoner whose release has been directed by the Parole Board before this section comes into force.
- (6) In this section—
 - “corresponding power of direction”, in relation to a relevant provision, is the power of the Board to direct the Secretary of State to release the prisoner, for the purposes of which the public protection decision is made (see section 237B);
 - “public protection decision” has the meaning given by section 237A(2);
 - “relevant provision” has the meaning given by section 237B.

256AZBB Offences for the purpose of Court of Appeal referral

- (1) The offences specified or described in this section (for the purposes of section 256AZBA) are—
 - (a) manslaughter;
 - (b) an offence under section 5 of the Domestic Violence, Crime and Victims Act 2004, where a child has died as a result of the prisoner's unlawful act;
 - (c) an offence specified in any of paragraphs 41 to 43 of Schedule 18 to the Sentencing Code (specified terrorism offences other than inchoate offences);
 - (d) an offence that is not an inchoate offence and was determined to have a terrorist connection, within the meaning given by section 247A(7A);

- (e) an offence under section 1 of the Sexual Offences Act 2003 (rape);
 - (f) an offence under section 5 of that Act (rape of a child under 13);
 - (g) an offence under sections 6 to 51 of that Act;
 - (h) an offence under section 1 of the Sexual Offences (Scotland) Act 2009 (asp 9) (rape);
 - (i) an offence under section 18 of that Act (rape of a young child);
 - (j) an offence under sections 2 to 11 of that Act against a mentally disordered person, as defined by section 17 of that Act;
 - (k) an offence under Part 4 or Part 5 of that Act;
 - (l) an offence under Article 5 of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)) (rape);
 - (m) an offence under Article 12 of that Order (rape of a child under 13);
 - (n) an offence under Part 3 or Part 4 of that Order;
 - (p) an offence that—
 - (i) is abolished, and
 - (ii) would have constituted an offence referred to in paragraphs (a) to (o) if committed on or after the date on which it was abolished.
- (2) A sentence in respect of a service offence is to be treated for the purposes of section 256AZBA as if it were a sentence in respect of the corresponding offence.
- (3) In subsection (2)—
- (a) “service offence” means an offence under—
 - (i) section 42 of the Armed Forces Act 2006,
 - (ii) section 70 of the Army Act 1955 or the Air Force Act 1955, or
 - (iii) section 42 of the Naval Discipline Act 1957;
 - (b) “corresponding offence” means—
 - (i) in relation to an offence under section 42 of the Armed Forces Act 2006, the corresponding offence under the law of England and Wales within the meaning of that section;
 - (ii) in relation to an offence under section 70 of the Army Act 1955 or the Air Force Act 1955, the corresponding civil offence within the meaning of that Act;
 - (iii) in relation to an offence under section 42 of the Naval Discipline Act 1957, the civil offence within the meaning of that section.

256AZBC Powers of the Court of Appeal

- (1) On a referral of a prisoner’s case under section 256AZBA, the Court of Appeal may—

- (a) direct the Secretary of State to release the prisoner on licence as soon as is reasonably practicable in all the circumstances including, in particular, the need to make arrangements in connection with any conditions that are to be included in the licence, or
 - (b) decide that the prisoner should remain confined and direct the Secretary of State accordingly.
- (2) In making a decision under subsection (1), the Court of Appeal must have regard to whether there is no more than a minimal risk that, were the prisoner no longer confined, the prisoner would commit a further offence the commission of which would cause serious harm.
- (3) In making a decision under subsection (1), the Court of Appeal must consider—
 - (a) any statement made by the Parole Board as to the reasons for its decision,
 - (b) the evidence considered by the Parole Board in reaching its decision,
 - (c) any representations made to the Parole Board by the Secretary of State, by a victim, or on behalf of the prisoner,
 - (d) any transcript made of a Parole Board hearing in respect of the case.
- (4) No judge shall sit as a member of the Court of Appeal on the hearing of a reference under this section in respect of a sentence they passed.””

Janet Daby

NC25

Sarah Champion

To move the following Clause—

“Referral of release decisions: report on impact

- (1) The Secretary of State must lay before Parliament an annual report containing an assessment of the impact of the Secretary of State’s use of the powers in—
 - (a) sections 32ZAA (referral of release decisions to Secretary of State) and 327ZAC (powers of the Secretary of State) of the Crime (Sentences) Act 1997, and
 - (b) sections 256AZB (referral of release decisions to Secretary of State) and 256AZBA (powers of the Secretary of State) of the Criminal Justice Act 2003,on people with protected characteristics.
- (2) A report under subsection (1) must include—
 - (a) the number of cases the Secretary has considered since the end of the preceding financial year;
 - (b) the number of cases which were referred to the Secretary of State by the Parole Board;

- (c) the number of cases which the Secretary of State directed the Parole Board to refer;
 - (d) the number of cases under subsection (c) in which the Secretary of State reached—
 - (i) the same decision as the Parole Board;
 - (ii) a different decision from the Parole Board;
 - (e) the number of cases in which the Secretary of State's decision was subject to an appeal made to the Upper Tribunal;
 - (f) the number of cases under subsection (e) in which the Secretary's decision was overturned;
 - (g) the number of cases mentioned in subsection (e) in which the Secretary's decision was upheld.
- (3) The information under subsection (2) must be provided—
- (a) in total, and
 - (b) disaggregated by—
 - (i) age,
 - (ii) disability,
 - (iii) gender reassignment,
 - (iv) marriage and civil partnership,
 - (v) pregnancy and maternity,
 - (vi) race,
 - (vii) religion or belief,
 - (viii) sex, and
 - (ix) sexual orientation."

Member's explanatory statement

This new clause would require the Secretary of State to report annually on the impact of the use of the Secretary of State's powers in respect of release decisions under clauses 38 and 39 of the Bill, requiring a breakdown of decision making according to protected characteristics.

Sarah Champion

NC26

☆ To move the following Clause—

"Access to services for victims with no recourse to public funds

- (1) Notwithstanding the provisions of any other enactment, a victim of domestic abuse who—
- (a) has leave to enter or remain in the United Kingdom which is subject to a condition that they do not have recourse to public funds,
 - (b) requires leave to enter or remain in the United Kingdom but does not have it,
 - (c) has leave to enter or remain in the United Kingdom given as a result of a maintenance undertaking,
- is entitled to be provided with services in accordance with the victims' code.

- (2) The Secretary of State may by regulations make provision that is consequential on this section.
- (3) For the purposes of this section—
 - “domestic abuse” has the same meaning as in section 1 of the Domestic Abuse Act 2020;
 - “victim” has the meaning given by section 1 of this Act.”

Member's explanatory statement

This new clause would ensure victims of domestic abuse who do not have recourse to public funds are still entitled to be provided with services in accordance with the victims' code.

Janet Daby

NC27

★ To move the following Clause—

“Victim Contact Scheme: annual report

- (1) The Secretary of State must prepare an annual report on the operation of the Victim Contact Scheme and an assessment of its effectiveness.
- (2) A report under subsection (1) must set out—
 - (a) an assessment of how many victims eligible for the VCS—
 - (i) became engaged with the scheme in the last year;
 - (ii) are engaged with the scheme overall;
 - (iii) made a victim statement of any kind;
 - (iv) challenged a Parole Board decision;
 - (v) applied for a licence condition;
 - (vi) chose not to join the scheme;
 - (vii) chose to join the scheme at a later date than initially invited to join;
 - (viii) chose to leave the scheme;
 - (ix) reported not being invited to join the scheme; and
 - (x) reported that their contact stopped during the scheme;
 - (b) how many staff were working in the VCS in the last financial year; and
 - (c) the ratio between staff and those engaged with the scheme overall.
- (3) The first such report must be laid before Parliament before the end of 2024.
- (4) A further such report must be laid before Parliament in each subsequent calendar year.”

Order of the House

[15 May 2023]

That the following provisions shall apply to the Victims and Prisoners Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee.

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 13 July 2023.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.

Order of the Committee

[20 June, as amended 22 June 2023]

That—

1. the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 20 June) meet—
 - (a) at 2.00 pm on Tuesday 20 June;
 - (b) at 11.30 am and 2.00 pm on Thursday 22 June;
 - (c) at 9.25 am and 2.00 pm on Tuesday 27 June;
 - (d) at 11.30 am and 2.00 pm on Thursday 29 June;
 - (e) at 9.25 am and 2.00 pm on Tuesday 4 July;
 - (f) at 11.30 am and 2.00 pm on Thursday 6 July;
 - (g) at 9.25 am and 2.00 pm on Tuesday 11 July;
 - (h) at 11.30 am and 2.00 pm on Thursday 13 July;

2. the Committee shall hear oral evidence in accordance with the following Table:

Date	Time	Witness
Tuesday 20 June	Until no later than 9.55 am	Domestic Abuse Commissioner
Tuesday 20 June	Until no later than 10.40 am	Rape Crisis England & Wales; Southall Black Sisters; SafeLives
Tuesday 20 June	Until no later than 10.55 am	Children's Commissioner for England
Tuesday 20 June	Until no later than 11.25 am	Dame Vera Baird DBE KC; Victims' Commissioner for London
Tuesday 20 June	Until no later than 2.45 pm	Nottinghamshire Police and Crime Commissioner; Association of Police and Crime Commissioners; National Police Chiefs' Council
Tuesday 20 June	Until no later than 3.00 pm	Parole Board
Tuesday 20 June	Until no later than 3.30 pm	Crown Prosecution Service
Tuesday 20 June	Until no later than 4.00 pm	Local Government Association NHS England
Tuesday 20 June	Until no later than 4.45 pm	National Association for People Abused in Childhood; Victim Support; We Are Survivors
Thursday 22 June	Until no later than 12.00 noon	The Right Reverend James Jones KBE; Ken Sutton
Thursday 22 June	Until no later than 12.15 pm	Lord Wills
Thursday 22 June	Until no later than 12.45 pm	Nick Hurd; Tim Suter
Thursday 22 June	Until no later than 1.00 pm	Refuge; SafeLives
Thursday 22 June	Until no later than 2.30 pm	Jenni Hicks
Thursday 22 June	Until no later than 2.45 pm	Dr Stuart Murray; Grenfell Next of Kin
Thursday 22 June	Until no later than 3.15 pm	Sophie Cartwright KC

3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 11; Clauses 16 to 21; Clauses 12 to 15; Clauses 22 to 33; Schedule; Clauses 34 to 55; new Clauses; new Schedules; remaining proceedings on the Bill.

4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 13 July.
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Withdrawn Amendments

The following amendments were withdrawn on 22 June 2023:

41

The following amendments were withdrawn on 4 July 2023:

NC24