OFFENDER REHABILITATION BILL [LORDS]

NOTE

The Amendments have been arranged in accordance with the Resolution of the Programming Sub-Committee.

RESOLUTION OF THE PROGRAMMING SUB-COMMITTEE

The Programming Sub-Committee appointed by the Speaker in respect of the Bill agreed the following Resolution at its meeting on Thursday 21 November (Standing Order 83C):

That—

(1) the Committee shall (in addition to its first meeting at 8.55 am on Tuesday 26 November) meet—
   (a) at 2.00 pm on Tuesday 26 November;
   (b) at 11.30 am and 2.00 pm on Thursday 28 November;
   (c) at 8.55 am and 2.00 pm on Tuesday 3 December;

(2) the proceedings shall be taken in the following order: Clauses 1 to 3; Schedule 1; Clause 4; Schedule 2; Clauses 5 to 8; Schedule 3; Clauses 9 to 14; Schedule 4; Clause 15; Schedule 5; Clauses 16 to 19; Schedule 6; Clauses 20 and 21; Schedule 7; Clauses 22 to 24; new Clauses; new Schedules; remaining proceedings on the Bill;

(3) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 3 December.

Jeremy Wright has given notice of his intention to move a motion in the terms of the Resolution of the Programming Sub-Committee [Standing Order 83C].
Jeremy Wright

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

Jenny Chapman
Mr Andy Slaughter
Karl Turner

Clause 1, page 1, line 3, leave out ‘structure of the probation service’ and insert ‘responsibilities of, or Ministry of Justice contracts with, probation trusts.’.

Jeremy Wright

Page 1, line 2, leave out Clause 1.

Mr Elfyn Llwyd

Clause 3, page 2, line 23, leave out ‘must comply with the supervision requirements’ and insert ‘is entitled to be supervised on a voluntary basis’.

Mr Elfyn Llwyd

Clause 3, page 2, leave out lines 29 to 31.

Mr Elfyn Llwyd

Clause 3, page 2, line 34, leave out ‘the period of’ and insert ‘a period specified by the sentencing court which does not exceed’.

Mr Elfyn Llwyd

Clause 3, page 2, leave out lines 39 and 40.

Jenny Chapman
Mr Andy Slaughter
Karl Turner
Mr Elfyn Llwyd

Clause 3, page 2, line 42, at end insert—

‘(7A) The Secretary of State must prescribe minimum training requirements to be completed by the supervisor, in regulations to be laid before, and approved by resolution of, both Houses of Parliament.’.
Clause 3, page 2, line 42, at end insert—

‘(7A) (a) at the start of the supervision period the supervisor must record whether the offender is currently or has previously been looked after by a local authority.

(b) where the offender is an eligible child as defined in paragraph 19B(2) of Part II of Schedule 2 to the Children Act 1989, the supervisor must discharge the functions conferred on him by this Chapter in consultation with the local authority responsible for preparing a pathway plan for the offender.

(c) in this subsection “looked after by a local authority” shall have the same meaning as in section 22(1) of the Children Act 1989.”.

Clause 3, page 2, line 42, at end insert—

‘(7A) The supervisor must explain to the offender in language appropriate to his individual intellectual ability and understanding—

(a) the effect of the supervision requirements, and

(b) the effect of non-compliance with any requirement with which the offender is required to comply.’.

Clause 3, page 3, line 1, after (8) insert ‘Subject to subsection (8A)’.

Clause 3, page 3, line 1, leave out ‘subject to supervision requirements’ and insert ‘who is entitled to be supervised on a voluntary basis’.

Clause 3, page 3, line 2, leave out ‘officer of a provider of probation services’ and insert ‘officer of a probation trust’.

Clause 3, page 3, line 5, at end insert—

‘(8A) (a) Where the offender is under supervision following a custodial sentence for an offence of a violent or sexual nature, a stalking offence or a
domestic violence offence, the supervisor must be an officer of a public sector provider of probation services.

(b) In subparagraph (a) “public sector provider” means—
   (i) a probation trust, or
   (ii) the national probation service.’.

Clause 3, page 3, line 5, at end insert—

‘(8A) Where the supervisor is an officer of a non-public sector provider of probation services the Secretary of State must—
   (a) designate the provider as a “public authority”, as defined in section 3 of the Freedom of Information Act 2000;
   (b) limit contractual arrangements with the provider for the provision of probation services to a maximum length of five years;
   (c) prescribe key performance standards that the provider is required to meet in regulations to be laid before, and approved by resolution of, both Houses of Parliament;
   (d) have the power to terminate the contractual arrangements at any time if the provider fails to meet the key performance standards;
   (e) agree with the provider a percentage of the contract fee that must be returned to the Exchequer on the occasion that the provider fails to meet the key performance standards.’.

Clause 3, page 3, line 5, at end insert—

‘(8A) Supervisors may not be officers of any provider of probation services that is under investigation by a UK police force, the Serious Fraud Office or any other UK law enforcement agency.’.
Mr Elfyn Llwyd

Clause 3, page 3, line 5, at end insert—

‘(8A) A court passing a sentence to which this section applies may—
(a) provide for progress of supervision to be reviewed periodically at specified intervals,
(b) provide for each review to be made at a hearing held for the purpose by the court which passed the sentence,
(c) require the offender to attend each review hearing,
(d) provide for the supervisor to make to the court before each review a report in writing on the offender’s progress under supervision, and
(e) at a review hearing, after considering the supervisor’s report, amend the supervision requirements.’.

Mr Elfyn Llwyd

Clause 3, page 3, line 6, at end add—

‘(8A) Offenders released under this section shall be supervised by staff working for the National Probation Service or staff seconded from the National Probation Service to other providers of probation services.’.

Jenny Chapman
Mr Andy Slaughter
Karl Turner
Mr Elfyn Llwyd

Clause 3, page 3, line 20, at end add—

‘(5) This section may not come into force until such a time as the Secretary of State has piloted the provisions in one or more probation trust areas, and has laid before Parliament an independent evaluation of the pilot.’.

Jenny Chapman
Mr Andy Slaughter
Karl Turner

Clause 3, page 3, line 20, at end insert—

‘(5) The Secretary of State must lay before both Houses of Parliament a report on the cost of implementing the provisions in this section after one year of it coming into force.’.

Mr Elfyn Llwyd

Clause 3, page 3, line 20, at end add—

‘(5) A supervisor may apply to the court for the supervision period to be discharged for good conduct provided that half of that supervision period has been completed.’.
Schedule 1, page 20, line 34, at end insert—
‘(k) a mental health assessment requirement.’.

Schedule 1, page 20, line 34, at end add—
‘(k) literacy, numeracy and employment training.’.

Schedule 1, page 21, line 10, at end insert—
“(4A) An order under subsection (4) shall be made by statutory instrument.
(4B) A statutory instrument introduced under subsection (4A) shall be subject to
approval by both Houses of Parliament.”.

Schedule 1, page 21, line 26, leave out paragraph (a) and insert—
“(a) the Secretary of State is satisfied of the matters in subsection (2A),”.

Schedule 1, page 21, line 30, at end insert—
“(2A) Those matters are—
(a) that the misuse by the offender of a specified class A drug or a specified
class B drug caused or contributed to an offence of which the offender
has been convicted or is likely to cause or contribute to the commission
of further offences by the offender, and
(b) that the offender is dependent on, or has a propensity to misuse, a
specified class A drug or a specified class B drug.”.

Schedule 1, page 21, line 31, at end insert—
“(c) the drug test must be administered by a professionally qualified
practitioner.”.

Clause 4, page 4, leave out lines 1 and 2.
Mr Elfyn Llwyd

Clause 4, page 4, line 9, after “204)” insert ‘, or
(d) restate the requirements with which the offender must comply and warn the offender of the consequences if he fails on a further occasion to comply with any of the requirements of the order.’.

Jenny Chapman
Mr Andy Slaughter
Karl Turner
Mr Elfyn Llwyd

Clause 4, page 4, line 28, at end insert—
‘(9A) The Secretary of State must make an annual report to Parliament on the number of breaches of a supervision requirement recorded in the preceding year, the reasons recorded for an offender’s failure to comply in each case, and the outcome in each case including details of any order imposed on the offender by a magistrates’ court.’.

Mr Elfyn Llwyd

Page 3, line 21, leave out Clause 4.

Mr Elfyn Llwyd

Schedule 2, page 24, line 35, at end insert—
'(c) a provider of probation services must ensure that any matter regarding breach or an amendment to supervision after the end of sentence is referred to an enforcement officer immediately following discovery of an allegation of breach or any need to award the supervision order.’.

Mr Elfyn Llwyd

Schedule 2, page 25, line 37, at end insert ‘and the Court may in cases it considers necessary call the supervisor to give evidence at such hearing.’.

Mr Elfyn Llwyd

Schedule 2, page 26, line 33, at end insert—
‘(8A) The court must be satisfied when discharging an order for good progress that the offender has complied with all requirements and not been charged with any subsequent offence.’.

Jeremy Wright

Clause 6, page 5, line 41, leave out ‘264A’ and insert ‘264B’.

Jeremy Wright

Clause 6, page 6, line 13, leave out ‘After that section’ and insert ‘Before section 265 (and the italic heading before it)’.

Jeremy Wright

Clause 6, page 6, line 14, leave out ‘264A’ and insert ‘264B’.

Jeremy Wright

Clause 6, page 6, line 31, at end insert—

‘( ) In section 249(3) (duration of licence)—
   (a) for “sections” substitute “section”, and
   (b) for “and 264(3)” substitute “and sections 264(3C)(a) and 264B”.

( ) In section 250 (licence conditions), omit subsection (7).’.

Jeremy Wright

Schedule 3, page 27, line 23, at end insert—

‘Crime (Sentences) Act 1997 (c. 43)

A1 Schedule 1 to the Crime (Sentences) Act 1997 (transfer of prisoners within the British Islands) is amended as follows.

A2 (1) Paragraph 6 (effect of transfers: preliminary) is amended as follows.
   (2) In sub-paragraph (2)(b), for “and possible recall following his release” substitute “, possible recall following release and any supervision default order”.
   (3) In sub-paragraph (2)(c), for “and possible recall” substitute “, possible recall and any supervision default order”.
   (4) In sub-paragraph (3), at the end insert—
      “(c) in relation to a person who is supervised under section 256AA of the 2003 Act, being ordered to be committed to prison or detention for failure to comply with a requirement imposed under that section or by a supervision default order;
      (d) in relation to a person who is supervised under section 256B of the 2003 Act, being ordered to be detained for failure to comply with a supervision requirement imposed under that section.”

(5) In sub-paragraph (4), at the appropriate place insert—
   ““supervision default order” has the meaning given in section 268(1) of the 2003 Act;”.

A3 (1) Paragraph 8 (restricted transfers from England and Wales to Scotland) is amended as follows.
   (2) In sub-paragraph (2)(a)—
      (a) for “264A” substitute “264B”,
      (b) after “267B of” insert “, and Schedules 19A, 20A and 20B to,” and
(c) after “104” insert “and 106B”.

(3) In sub-paragraph (4)(a)—
   (a) for “264A” substitute “264B”,
   (b) after “267B of” insert “, and Schedules 19A, 20A and 20B to,” and
   (c) after “104” insert “and 106B”.

(4) In sub-paragraph (6)(f), for “paragraphs (b) and (c)” substitute “paragraph (c)”.

(5) At the end (after the sub-paragraph (7) inserted by section (Drug testing and appointments: offenders transferred within the British Islands) of this Act) insert—

“(8) The supervision provisions, as applied by sub-paragraph (2) or (4), have effect—
   (a) as if any reference to something listed in the first column of the Table in sub-paragraph (10) were a reference to whatever is opposite it in the second column of that Table,
   (b) with the modifications in sub-paragraph (11), and
   (c) in a case falling within section 106B of the Powers of Criminal Courts (Sentencing) Act 2000, with the further modifications in sub-paragraph (12),

(9) In this paragraph “the supervision provisions” means—
   (a) sections 256AA to 256E of, and Schedule 19A to, the 2003 Act,
   (b) the provisions of the 2003 Act mentioned in section 256AC of, and Schedule 19A to, that Act, as applied by that section and that Schedule, and
   (c) section 106B of the Powers of Criminal Courts (Sentencing) Act 2000.

(10) The references mentioned in sub-paragraph (8)(a) are—

<table>
<thead>
<tr>
<th>Reference</th>
<th>Substituted reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crown Court</td>
<td>High Court of Justiciary</td>
</tr>
<tr>
<td>Justice of the peace</td>
<td>Sheriff court</td>
</tr>
<tr>
<td>Local justice area</td>
<td>Local government area within the meaning of the Local Government etc (Scotland) Act 1994</td>
</tr>
<tr>
<td>Magistrates’ court</td>
<td>Sheriff court</td>
</tr>
<tr>
<td>Officer of a provider of probation services</td>
<td>Relevant officer as defined by section 27(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993</td>
</tr>
<tr>
<td>Summons</td>
<td>Citation</td>
</tr>
</tbody>
</table>
(11) The modifications mentioned in sub-paragraph (8)(b) are—

(a) section 256AA(2)(b) of the 2003 Act has effect as if it also referred to a licence under the Prisons (Scotland) Act 1989 or the Prisoners and Criminal Proceedings (Scotland) Act 1993,

(b) section 256AC(7)(b) of the 2003 Act has effect as if for “the Secretary of State” there were substituted “the Scottish Ministers”,

(c) paragraph 2 of Schedule 19A to the 2003 Act has effect as if—

(i) sub-paragraph (d) referred only to section 215(1) and (2) of the 2003 Act, and

(ii) sub-paragraph (e) were omitted,

(d) paragraph 3 of Schedule 19A to the 2003 Act has effect as if, after sub-paragraph (7), there were inserted—

“(7A) Section 218(4)(a) applies as if for the words “has been notified by the Secretary of State” there were substituted “is satisfied”,

(e) paragraph 7 of Schedule 19A to the 2003 Act has effect as if—

(i) in paragraph 7(1), for “the supervisor must refer the matter to the enforcement officer” there were substituted “the supervisor may cause an information to be laid before a sheriff court in respect of the person’s failure to comply with the requirement”, and

(ii) sub-paragraphs (2) to (5) were omitted, and

(f) paragraph 12(3) of Schedule 19A to the 2003 Act has effect as if for “makes a community order or suspended sentence order” there were substituted “imposes any other sentence”.

(12) The further modifications mentioned in sub-paragraph (8)(c) are that section 106B of the Powers of Criminal Courts (Sentencing) Act 2000 has effect as if—

(a) in subsection (4), for paragraph (b) there were substituted a reference to an officer of a local authority constituted under the Local Government etc (Scotland) Act 1994 for the local government area in which the offender resides for the time being, and

(b) after subsection (3) there were inserted—

“(3A) Sections 256AA(3) and (6), 256AB(1) and 256E(2) have effect as if the references to the Secretary of State were references to the Scottish Ministers.”.
A4 After paragraph 8 insert—

“Restricted transfers between England and Wales and Scotland: further provision about supervision default orders

“8A (1) This paragraph applies if—

(a) a person’s supervision is transferred to Scotland under paragraph 4 of this Schedule by means of a restricted transfer or transferred back to England and Wales under paragraph 7 of this Schedule, and

(b) at the time of the transfer, or transfer back, a supervision default order is in force in respect of the person.

(2) The supervision default order has effect as if, at the time of the transfer or transfer back, it specified the relevant area in which the person resides or proposes to reside in the new jurisdiction (rather than a relevant area in the jurisdiction from which the person is transferring).

(3) The court acting for that relevant area in the new jurisdiction may amend the supervision default order to specify that area.

(4) In this paragraph—

“relevant area” means—

(a) in England and Wales, a local justice area, and

(b) in Scotland, a local government area within the meaning of the Local Government etc (Scotland) Act 1994;

“supervision default order” has the meaning given in section 268(1) of the 2003 Act.”.

A5 (1) Paragraph 9 (restricted transfers from England and Wales to Northern Ireland) is amended as follows.

(2) In sub-paragraph (2)(a)—

(a) for “264A” substitute “264B”,

(b) after “267B of” insert “, and Schedules 20A and 20B to,” and

(c) after “104” insert “and 106B”.

(3) In sub-paragraph (4)(a)—

(a) for “264A” substitute “264B”,

(b) after “267B of” insert “, and Schedules 20A and 20B to,” and

(c) after “104” insert “and 106B”.

(4) Omit sub-paragraph (8).

(5) At the end insert—

“(9) The supervision provisions, as applied by sub-paragraph (2) or (4), have effect—

(a) as if any reference to something listed in the first column of the Table in sub-paragraph (11) were a reference to whatever is opposite it in the second column of that Table, and

(b) with the other modifications in sub-paragraph (12).

(10) In this paragraph “the supervision provisions” means—

(a) sections 256AA to 256AC, 256D and 256E of the 2003 Act, and
(b) section 106B of the Powers of Criminal Courts (Sentencing) Act 2000.

(11) The references mentioned in sub-paragraph (9)(a) are—

<table>
<thead>
<tr>
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</tr>
<tr>
<td>Information</td>
<td>Complaint</td>
</tr>
<tr>
<td>Local justice area</td>
<td>Petty sessions district</td>
</tr>
<tr>
<td>Magistrates’ court</td>
<td>Court of summary jurisdiction</td>
</tr>
<tr>
<td>Officer of a provider of probation services</td>
<td>Probation officer</td>
</tr>
<tr>
<td>Young offender institution</td>
<td>Young offender centre</td>
</tr>
</tbody>
</table>

(12) The other modifications mentioned in sub-paragraph (9)(b) are—

(a) section 256AA(2)(b) of the 2003 Act has effect as if it also referred to—

(i) a custody probation order or licence under Part 2 of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160) (N.I. 24), and


(b) section 256AC of the 2003 Act has effect as if subsections (4)(c), (5) and (10) (provision for supervision default orders) were omitted, and

(c) subsection (7)(b) of that section has effect as if for “the Secretary of State” there were substituted “the Department of Justice in Northern Ireland”.

A6 (1) Paragraph 15 (unrestricted transfers: general) is amended as follows.

(2) In sub-paragraph (4A), for “This paragraph has” substitute “Sub-paragraphs (3) and (4) have”.

(3) After sub-paragraph (4A) insert—

“(4B) A person who is subject to a period of supervision of a type or length which could not have been imposed on an offender in the place to which the person has been transferred is to be treated for the relevant purposes as the receiving authority may direct.

(4C) In sub-paragraph (4B), “the receiving authority” means—

(a) in relation to a person transferred to Scotland, the Scottish Ministers,
Offender Rehabilitation Bill [Lords], continued

(b) in relation to a person transferred to Northern Ireland, the Department of Justice in Northern Ireland, and
(c) in relation to any other person, the Secretary of State.”.

A7 After paragraph 19 insert—

“Service of process issued in Scotland

19A (1) Section 4 of the Summary Jurisdiction (Process) Act 1881 (service in England and Wales of Scottish process etc) applies to any process issued by a court in supervision under the supervision provisions.

(2) “The supervision provisions” means the provisions listed in paragraph 8(9), as they are applied by paragraph 8(2) or (4).

Electronic monitoring in Scotland

19B (1) Section 245C of the Criminal Procedure (Scotland) Act 1995 (remote monitoring), and regulations under that section, apply in relation to the electronic monitoring of compliance with a curfew requirement in a supervision default order imposed under the supervision provisions as they apply in relation to the remote monitoring of compliance with a restriction of liberty order.

(2) “The supervision provisions” means the provisions listed in paragraph 8(9), as they are applied by paragraph 8(2) or (4).”.

A8 In paragraph 20(1) (interpretation), for the definition of “supervision” substitute—

““supervision” means—

(a) supervision under an order made for the purpose,
(b) supervision under a detention and training order,
(c) in the case of a person released from prison on licence, supervision under a condition contained in the licence,
(d) supervision under section 256AA of the Criminal Justice Act 2003 (supervision after end of sentence), including supervision under that section as applied by section 106B of the Powers of Criminal Courts (Sentencing) Act 2000, or
(e) supervision under section 256B of the Criminal Justice Act 2003 (supervision after release of certain young offenders serving less than 12 months).”.

Jeremy Wright

Schedule 3, page 29, line 20, leave out ‘264A(1)’ and insert ‘264B(1)’.

Jeremy Wright

Schedule 3, page 29, line 23, at end insert—

‘15A(1) Section 302 (execution of process between England and Wales and Scotland) is amended as follows.

(2) After “under—” insert—

“section 256AC(1) or (3),
section 256C(1) or (3),”.”
(3) Omit the “or” before “paragraph 6(2) or (4)”.
(4) After “Schedule 12” insert “or
“paragraph 8(1) or 10(5) of Schedule 19A,”.’.

Jeremy Wright

Clause 10, page 9, line 7, at end insert—
‘( ) in subsection (4), for “that period” substitute “the automatic release period”.’.

Jenny Chapman
Mr Andy Slaughter
Karl Turner

★ Clause 11, page 10, line 11, at end add—
‘(2) (a) The Secretary of State must publish an annual report on the provision of rehabilitative services for female offenders in the criminal justice system, and must lay this report before both Houses of Parliament.
(b) The report should include—
(i) an update on the provision of services for female offenders by all providers contracted to provide services under section 3(2) or 3(5) of the Offender Management Act 2007.
(ii) an update on the impact of post release supervision for female offenders who served sentences of less than 12 months in custody.’.

Jeremy Wright

Clause 12, page 10, line 14, leave out subsection (2) and insert—
‘(2) In section 64 (release on licence: drug testing requirements)—
(a) in subsection (1)(a), omit “for a trigger offence, and”,
(b) in that subsection, at the end insert “, and
(c) the Secretary of State is satisfied of the matters in subsection (1A).”;
(c) after that subsection insert—
“(1A) Those matters are—
(a) that the misuse by the person of a specified class A drug or a specified class B drug caused or contributed to an offence of which the person has been convicted or is likely to cause or contribute to the commission of further offences by the person, and
(b) that the person is dependent on, or has a propensity to misuse, a specified class A drug or a specified class B drug.

(d) in subsection (2), after “conditions” insert “mentioned in subsection (1)(b)”, and

(e) in subsection (3), after “specified Class A drug” insert “or specified Class B drug”.

Jeremy Wright

Clause 12, page 10, line 21, leave out subsections (4) and (5).

Jeremy Wright

Clause 13, page 11, line 16, leave out ‘imposed on the offender’s release’ and insert ‘mentioned in subsection (1)(b)’.

Jenny Chapman
Mr Andy Slaughter
Karl Turner
Mr Elfyn Llwyd

Clause 14, page 12, line 25, at end insert—

‘(1A) (a) Where the offender is sentenced to a community or suspended sentence order after being charged with an offence of a violent or sexual nature, a stalking offence or a domestic violence offence, the responsible officer must be an officer of a public sector provider of probation services.

(b) In subparagraph (a) ‘public sector provider’ means—

(i) a probation trust, or

(ii) the national probation service.’.

Jenny Chapman
Mr Andy Slaughter
Karl Turner
Mr Elfyn Llwyd

Clause 14, page 12, line 25, at end insert—

‘(1A) The Secretary of State must prescribe minimum training requirements to be completed by the responsible officer in regulations to be laid before, and approved by resolution of, both Houses of Parliament.’.
Clause 14, page 12, line 25, at end insert—

‘(1A) Where the responsible officer is an officer of a non-public sector provider of probation services the Secretary of State must—

(a) designate the provider as a “public authority”, as defined in section 3 of the Freedom of Information Act 2000;

(b) limit contractual arrangements with the provider for the provision of probation services to a maximum length of five years;

(c) prescribe key performance standards that the provider is required to meet in regulations to be laid before, and approved by resolution of, both Houses of Parliament;

(d) have the power to terminate the contractual arrangements at any time if the provider fails to meet the key performance standards; and

(e) agree with the provider a percentage of the contract fee that must be returned to the Exchequer on the occasion that the provider fails to meet the key performance standards.’.

Clause 14, page 12, line 29, at end add—

‘(3) This section may not come into force until such a time as the Secretary of State has piloted the provisions in one or more probation trust areas, and has laid before Parliament an independent evaluation of the pilot.’.

Schedule 4, page 30, line 35, at end insert—

‘(1A) When a matter is referred to an enforcement officer under paragraph 5(1)(b) or 6(1) the matter should be dealt with within 24 hours of the referral.’.

Schedule 4, page 30, line 40, at end insert—

‘(3) The Secretary of State must ensure sufficient enforcement officers are available to lay information before the courts.’.
Jenny Chapman
Mr Andy Slaughter
Karl Turner

★ Clause 15, page 12, line 35, at end add—

‘(2A) In sections 177(1) and 190(1) (requirements that may be imposed as part of a community order or suspended sentence order) after paragraph (j) insert—

“(ja) a restorative justice requirement (as defined by section 212A),”.’.

Jenny Chapman
Mr Andy Slaughter
Karl Turner

★ Clause 15, page 13, line 23, at end insert—

‘(c) restorative justice activities.’.

Jenny Chapman
Mr Andy Slaughter
Karl Turner

★ Clause 15, page 13, line 23, at end insert—

‘(7A) In this section “restorative justice activity” means an activity—

(a) where the participants consist of, or include, the offender and one or more of the victims’

(b) which aims to maximise the offender’s awareness of the impact of the offending concerned on the victims; and

(c) which gives an opportunity to a victim or victims to talk about, or by other means express experience of, the offending and its impact.’.

Jenny Chapman
Mr Andy Slaughter
Karl Turner

★ Clause 15, page 13, line 31, at end insert—

‘(3A) After section 212 insert—

“212A Restorative justice requirement

(1) In this Part “restorative justice requirement”, in relation to a relevant order, means a requirement to participate in an activity—

(a) where the participants consist of, or include, the offender and one or more of the victims;

(b) which aims to maximise the offender’s awareness of the impact of the offending concerned on the victims; and

(c) which gives an opportunity to a victim or victims to talk about, or by other means express experience of, the offending and its impact.

(2) Imposition of a restorative justice requirement requires, in addition to the offender’s consent, the consent of every other person who would be a participant in the activity concerned.

(3) For the purposes of subsection (2), a responsible officer does not count as a proposed participant.'
(4) In this section “victim” means a victim of, or other person affected by, the offending concerned.’.

Jeremy Wright

★ Schedule 7, page 37, line 25, leave out ‘and 13’ and insert ‘, 13 and (Drug testing and appointments: offenders transferred within the British Islands)’.

Jenny Chapman
Mr Andy Slaughter
Karl Turner
Mr Elfyn Llwyd

Clause 22, page 18, line 32, at end insert—
‘(1A) Section 3 comes into force in accordance with section 3(5).’.

Jenny Chapman
Mr Andy Slaughter
Karl Turner
Mr Elfyn Llwyd

Clause 22, page 18, line 32, at end insert—
‘(1A) Section 14 comes into force in accordance with section 14(3).’.

Jeremy Wright

★ Clause 23, page 19, line 6, at end insert—
‘( ) So far as sections 20, 21 and 22 confer power to make provision amending or otherwise relating to Schedule 1 to the Crime (Sentences) Act 1997, they also extend to the Channel Islands.’.

Jeremy Wright

★ Clause 23, page 19, line 13, at end insert—
‘( ) The power conferred by paragraph 19 of Schedule 1 to the Crime (Sentences) Act 1997 (power to extend to Isle of Man) is exercisable in relation to any amendment of that Act that is made by this Act.’.
Jeremy Wright

Clause 24, page 19, line 25, leave out subsection (2).

NEW CLAUSES

Drug testing and appointments: offenders transferred within the British Islands

Jeremy Wright

★ To move the following Clause:—

‘(1) Schedule 1 to the Crime (Sentences) Act 1997 (transfer of prisoners within the British Islands) is amended as follows.

(2) In paragraph 8 (restricted transfers from England and Wales to Scotland)—

(a) in sub-paragraphs (2)(aa) and (4)(aa), for “and 64” substitute “, 64 and 64A”, and

(b) at the end insert—

“(7) Sections 64 and 64A of the Criminal Justice and Court Services Act 2000 (release on licence etc: drug appointments), as applied by sub-paragraph (2) or (4) above, have effect as if any reference to an officer of a provider of probation services were a reference to a relevant officer as defined by section 27(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993.”.

(3) In paragraph 9 (restricted transfers from England and Wales to Northern Ireland)—

(a) in sub-paragraphs (2)(aa) and (4)(aa), for “and 64” substitute “, 64 and 64A”, and

(b) after sub-paragraph (5) insert—

“(5A) Sections 64 and 64A of the Criminal Justice and Court Services Act 2000 (release on licence etc: drug appointments), as applied by sub-paragraph (2) or (4) above, have effect as if any reference to an officer of a provider of probation services were a reference to a probation officer.”.’.

Mr Elfyn Llwyd

To move the following Clause:—

‘No national tendering for any probation service shall commence before any proposed restructuring of such services has been the subject of a pilot scheme
which is subsequently independently monitored and the results of such monitoring laid before both Houses of Parliament.’.

Requirement to pilot before restructuring probation services

Mr Elfyn Llwyd

To move the following Clause:—

‘Any proposed restructuring of the Probation Service must first be the subject of an independently evaluated pilot scheme and the proposals should be laid before Parliament and be approved by resolution of both Houses.’.

Annual reporting of reconviction rates

Mr Elfyn Llwyd

To move the following Clause:—

‘The Secretary of State must publish an annual report which must include details of the impact of new measures on the reconviction rates of offenders supervised by providers of probation services and as a consequence of participating in any programme or intervention.’.

Mental health treatment requirements

Jenny Chapman
Mr Andy Slaughter
Karl Turner
Mr Elfyn Llwyd

To move the following Clause:—

‘The Secretary of State must annually publish the number of mental health treatment requirements, as defined in section 208 of the Criminal Justice Act 2003, imposed as part of a community order or suspended sentence order by each court in England and Wales.’.
Provision of probation services

Jenny Chapman
Mr Andy Slaughter
Karl Turner
Mr Elfyn Llwyd

To move the following Clause:—

‘In any scheme for the supervision of offenders under sections 3 to 7, probation trusts and local authorities shall be permitted to tender for contracts.’.

Access to Victims’ Liaison Services for victims of domestic violence or stalking

Mr Elfyn Llwyd

To move the following Clause:—

‘After section 57 of the Domestic Violence, Crime and Victims Act 2004 there is inserted—

“57A Any victim of domestic violence or stalking or both shall have access to Victims’ Liaison Services, including a women’s safety officer.”’.

Non-public sector provision of services

Mr Elfyn Llwyd

★ To move the following Clause:—

‘Arrangements made by the Secretary of State, in accordance with which functions are conferred on officers of non-public sector providers of probation services, must include provisions requiring that—

(a) contracts for the provision of probation services from such providers be published;
(b) the economy, efficiency and effectiveness of such providers in discharging relevant functions be subject to National Audit Office assessment;
(c) companies under investigation for fraud may not bid for, nor be part of consortia bidding for, a contract for the provision of probation services, and
(d) companies with the status of prime contractor under the Work Programme may not bid for, nor be part of consortia bidding for, a contract for the provision of probation services.’.
Offender Rehabilitation Bill [Lords], continued

ORDER OF THE HOUSE [11 NOVEMBER 2013]

That the following provisions shall apply to the Offender Rehabilitation Bill [Lords]:

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 Tuesday 3 December 2013.

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 (including any proceedings on consideration of any message from the Lords) may be programmed.