Secretary Robert Buckland

Clause 1, page 2, line 26, at end insert—

“28B Indecent images: prisoner’s non-disclosure of information

(1) The Parole Board must comply with this section when making a public protection decision about a life prisoner if—

(a) the prisoner’s life sentence was passed for—

(i) an offence of taking an indecent photograph of a child, or
(ii) a relevant offence of making an indecent pseudo-photograph of a child;

(b) the Parole Board does not know the identity of the child who is the subject of the relevant indecent image; and

(c) the Parole Board believes that the prisoner has information about the identity of the child who is the subject of the relevant indecent image
Prisoners (Disclosure of Information about Victims) Bill, continued

which the prisoner has not disclosed to the Parole Board (“the prisoner’s non-disclosure”).

(2) When making the public protection decision about the prisoner, the Parole Board must take into account—
(a) the prisoner’s non-disclosure; and
(b) the reasons, in the Parole Board’s view, for the prisoner’s non-disclosure.

(3) This section does not limit the matters which the Parole Board must or may take into account when making a public protection decision.

(4) In subsection (1)(a), the reference to a life sentence includes a life sentence passed before the coming into force of section 1 of the Prisoners (Disclosure of Information About Victims) Act 2020.

(5) For the purposes of this section, an offence is an “offence of taking an indecent photograph of a child” if it is—
(a) an offence of taking an indecent photograph of a child under section 1(1)(a) of the Protection of Children Act 1978 (the “England and Wales offence”), or
(b) an offence of taking an indecent photograph of a child under the law of Scotland, Northern Ireland, any of the Channel Islands, the Isle of Man or any other country or territory that corresponds to the England and Wales offence.

(6) For the purposes of this section, an offence is a “relevant offence of making an indecent pseudo-photograph of a child” if—
(a) it is—
(i) an offence under section 1(1)(a) of the Protection of Children Act 1978 of making an indecent pseudo-photograph of a child (the “England and Wales offence”), or
(ii) an offence of making an indecent pseudo-photograph of a child under the law of Scotland, Northern Ireland, any of the Channel Islands, the Isle of Man or any other country or territory that corresponds to the England and Wales offence, and
(b) the Parole Board believes that an image of a real child was or may have been used in the making of the pseudo-photograph;

and in the application of this section to a relevant offence of making an indecent pseudo-photograph of a child, the references in subsection (1)(b) and (c) to the child who is the subject of the relevant indecent image are references to the real child.

(7) In this section,—
“public protection decision”, in relation to a prisoner, means the decision, made under section 28(6)(b) for the purposes of section 28(5), as to whether the Parole Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined;

“relevant indecent image” means—
(a) the photograph to which an offence of taking an indecent photograph of a child relates, or
(b) the pseudo-photograph to which a relevant offence of making an indecent pseudo-photograph of a child relates.”.

Member’s explanatory statement
This amends the Crime (Sentences) Act 1997 to require the Parole Board to take account of non-disclosures by life prisoners serving sentences for offences relating to indecent photographs or pseudo-photographs of children.
Committee of the whole House: 28 February 2020

Prisoners (Disclosure of Information about Victims) Bill, continued

Secretary Robert Buckland

Clause 1, page 2, line 30, leave out “Section 28A contains” and insert “Sections 28A and 28B contain”.

Member’s explanatory statement
This amendment is consequential on Amendment 1.

ORDER OF THE HOUSE [11 FEBRUARY 2020]

That the following provisions shall apply to the Prisoners (Disclosure of Information About Victims) Bill:

Committal

1. The Bill shall be committed to a Committee of the whole House.

Proceedings in Committee, on Consideration and up to and including Third Reading

2. Proceedings in Committee, any proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion two hours after the commencement of proceedings in Committee of the whole House.

3. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion three hours after the commencement of proceedings in Committee of the whole House.

4. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to other proceedings up to and including Third Reading.

Other proceedings

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