
Committee Stage: Monday 26 June 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 Any withdrawn amendments are listed at the end of the document.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.

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

Dame Maria Miller

1

Dame Caroline Dinenage
Wera Hobhouse
Mrs Flick Drummond
Sarah Champion
Christine Jardine

Kate Kniveton
Philip Davies
Ms Harriet Harman
Charlotte Nichols

Mrs Emma Lewell-Buck
Sir Chris Bryant
Mary Robinson
Apsana Begum

Caroline Lucas
Dame Margaret Hodge
Elliot Colburn

Clause 1, page 1, line 16, at end insert—

“(e) where a person has entered into a non-disclosure agreement that has the effect of preventing that person from speaking about behaviour that may be criminal misconduct.”

Member's explanatory statement

This amendment expands the definition of a victim to include those who have signed NDAs which restrict them on speaking about incidents which may constitute criminal misconduct, to recognise that many NDAs include the dropping of allegations as part of a settlement, and to recognise that those who have been legally prevented from speaking about experiences are victimised in the process.

Layla Moran

2

Sarah Champion
Wera Hobhouse

Clause 1, page 1, line 16, at end insert—

- “(e) where the person has experienced, or made allegations that they have experienced—
- (i) sexual abuse, sexual harassment or sexual misconduct, or
 - (ii) bullying or harassment not falling within paragraph (i).”

Member's explanatory statement

This amendment would extend the definition of “victim” to include someone who has experienced, or made allegations that they have experienced, sexual abuse, sexual harassment or sexual misconduct, or other bullying or harassment.

Anna McMorrin

10

Janet Daby
 Jess Phillips
 Ellie Reeves
 Tonia Antoniazzi
 Sarah Champion

Clause 1, page 1, line 16, at end insert—

- “(e) where the person has experienced anti-social behaviour, as defined by section 2 of the Anti-social Behaviour Act 2014, and the conditions necessary for an ASB case review under section 104 of that Act have been met.”

Member's explanatory statement

This amendment would include victims of anti-social behaviour in the definition of a victim.

Anna McMorrin

17

Janet Daby
 Sarah Champion
 Jess Phillips
 Ellie Reeves
 Tonia Antoniazzi

Clause 1, page 1, line 16, at end insert—

- “(e) where the person has experienced child criminal exploitation;”

Member's explanatory statement

This amendment would include victims of child criminal exploitation in the definition of a victim.

Sarah Champion

46

Clause 1, page 1, line 16, at end insert—

- “(e) where the person is the child of a person posing sexual risk to children.”

Member's explanatory statement

This amendment would include children of a person posing a sexual risk to children (that is, paedophiles (including perpetrators of offences online), suspects or offenders) as victims.

Sarah Champion 51

Dame Diana Johnson

Clause 1, page 1, line 16, at end insert—

“(e) where the person has experienced adult sexual exploitation.”

Jess Phillips 54

☆ Clause 1, page 1, line 16, at end insert—

“(e) where the death by suicide of a close family member of the person was the result of domestic abuse which constitutes criminal conduct.”

Sarah Champion 63

☆ Clause 1, page 1, line 16, at end insert—

“(e) where the person is a child under the age of 18 who has suffered harm and is a victim of, or a witness to, criminal conduct.”

Sarah Champion 40

Clause 1, page 2, line 5, after “that” insert “no report of the conduct has been made to a criminal justice body and that”

Member's explanatory statement

This amendment aims to ensure that a person could meet the definition of a victim without needing to make a report to a criminal justice body.

Anna McMorrin 18

Janet Daby
Sarah Champion
Jess Phillips
Ellie Reeves
Tonia Antoniazzi

Clause 1, page 2, line 6, at end insert—

“(c) “child criminal exploitation” means conduct by which a person manipulates, deceives, coerces or controls a person under 18 to undertake activity which constitutes a criminal offence;”

Member's explanatory statement

This amendment provides a definition for the term “child criminal exploitation”.

Sarah Champion

52

Dame Diana Johnson

Clause 1, page 2, line 6, at end insert—

“(c) “adult sexual exploitation” means conduct by which a person manipulates, deceives, coerces or controls another person to undertake sexual activity.”

Member's explanatory statement

This amendment would provide for a statutory definition of adult sexual exploitation.

Sarah Champion

44

Clause 2, page 2, line 18, leave out paragraph (a) and insert—

“(a) should be provided with information from all state agencies with responsibilities under the victims’ code, including the NHS, to help them understand the criminal justice process and beyond, including grant of leave or discharge.”

Member's explanatory statement

This amendment would extend the principle that victims should be given information about the criminal justice process to explicitly include the NHS, in order to bring mental health tribunal decisions in line with the rest of the criminal justice system.

Anna McMorris

6

Janet Daby
Jess Phillips
Ellie Reeves
Tonia Antoniazzi

Clause 2, page 2, line 18, leave out “should” and insert “must”

Sarah Champion

49

Clause 2, page 2, line 19, at end insert “in a language or format that they can understand;”

Anna McMorrin

5

Janet Daby
Jess Phillips
Ellie Reeves
Tonia Antoniazzi

Clause 2, page 2, line 20, leave out "should" and insert "must"

Anna McMorrin

7

Janet Daby
Jess Phillips
Ellie Reeves
Tonia Antoniazzi

Clause 2, page 2, line 22, leave out "should" and insert "must"

Sarah Champion

45

Clause 2, page 2, line 23, at end insert "and with all state agencies with responsibilities under the victims' code, including HMCTS and the NHS when considering leave or discharge;"

Sarah Champion

48

Clause 2, page 2, line 23, at end insert ", including on parole decisions;"

Member's explanatory statement

This amendment seeks to clarify that the principle that victims should have the opportunity to make their views heard in the criminal justice process includes parole decisions.

Sarah Champion

50

Clause 2, page 2, line 23, at end insert "and should be provided with appropriate support to communicate these views;"

Anna McMorrin

8

Janet Daby
Jess Phillips
Ellie Reeves
Tonia Antoniazzi

Clause 2, page 2, line 24, leave out "should" and insert "must"

Elliot Colburn

26

Clause 2, page 2, line 25, at end insert—

- “(e) should be able to access and, where appropriate, be referred to restorative justice services;
- (f) should be able to access and, where appropriate, be referred to services and support that are tailored to their individual needs.”

Sarah Champion

38

Clause 2, page 2, line 25, at end insert—

- “(e) should be able to access appropriate compensation.”

Layla Moran

3

Sarah Champion
Wera Hobhouse

Clause 2, page 2, line 25, at end insert—

- “(3A) The victims’ code must make provision in relation to people who have experienced, or made allegations that they have experienced—
 - (a) sexual abuse, sexual harassment or sexual misconduct, or
 - (b) bullying or harassment not falling within paragraph (a).
- (3B) Provision under subsection (3A) must include—
 - (a) provision relating to the enforcement of non-disclosure agreements signed by such victims, and
 - (b) provision about legal advice and other support for such victims in cases where they are asked to sign, or have signed, a non-disclosure agreement.
- (3C) In this section—
 - “non-disclosure agreement” means an agreement which purports to any extent to preclude a victim from—
 - (a) publishing information about a relevant complaint, or
 - (b) disclosing information about the relevant complaint to any one or more other persons;
 - “misconduct” means—
 - (a) sexual abuse, sexual harassment or sexual misconduct, and
 - (b) bullying or harassment not falling within paragraph (a); and
 - “relevant complaint” means a complaint relating to misconduct or alleged misconduct by any person.”

Member's explanatory statement

This amendment would require the victims' code to include specific provision for people who have experienced, or made allegations that they have experienced, sexual abuse, sexual harassment or sexual misconduct, or other bullying or harassment.

Sarah Champion

4

Sir Peter Bottomley
Charlotte Nichols
Caroline Lucas
Priti Patel
Sir James Duddridge

Apsana Begum
Sir George Howarth
Ruth Jones
Kelly Tolhurst
Kate Osamor
Jim Shannon

Mr Jonathan Lord
Philip Davies
Debbie Abrahams
Mrs Emma Lewell-Buck
Tony Lloyd
Kim Johnson

Lucy Allan
Rachael Maskell
Hilary Benn
Kim Leadbeater
Daisy Cooper
Richard Graham

Clause 2, page 2, line 25, at end insert—

“(3A) The victims' code must—

- (a) require criminal justice bodies to take all reasonable steps to identify and record any change of name by a perpetrator, and
- (b) require criminal justice bodies to inform a relevant victim when a perpetrator changes their name.

(3B) For the purposes of subsection (3A)—

“perpetrator” means a person whose conduct or alleged conduct results in another person being a victim as defined by section 1 of this Act;

“relevant victim” means a person who becomes a victim as a result of the perpetrator's conduct.”

Member's explanatory statement

This amendment would require criminal justice bodies to monitor name changes of perpetrators and inform victims of any name changes.

Sarah Champion

39

Clause 2, page 2, line 25, at end insert—

“(3A) In accordance with subsection (3)(e), the victims' code must include provision requiring that—

- (a) all victims of child sexual abuse, including online-based abuse, are entitled to compensation under the Criminal Injuries Compensation Scheme,
- (b) victims with unspent convictions, whose offences are linked to the circumstances of their sexual abuse as a child, are entitled to compensation under the Criminal Injuries Compensation Scheme, and

- (c) victims of child sexual abuse may apply for compensation under the Criminal Injuries Compensation Scheme within a 7 year period of whichever of these two dates is the later—
 - (i) the date the offence was reported to the police, or
 - (ii) if the offence was reported whilst the victim was a child, the date the victim turned 18.”

Member's explanatory statement

This amendment would provide that all victims of child sexual abuse (CSA), including online, are entitled to compensation under the CICS and that those with unspent convictions directly linked to the circumstances of their abuse can access compensation. It would also extend the period by which victims can apply.

Sarah Champion

42

Clause 2, page 2, line 25, at end insert—

“(3A) The victims’ code must make provision for services for victims who are children under the age of 18 who have suffered harm and are victims of, or witnesses to, criminal conduct.

(3B) In determining what services are appropriate under subsection (3A), the Secretary of State must have regard to the provisions of the Youth Justice and Criminal Evidence Act 1999 in respect of children under the age of 18.”

Member's explanatory statement

This amendment would require the victims’ code to contain specific provision for children who are victims or witnesses, in line with the provisions of the Youth Justice and Criminal Evidence Act 1999.

Sarah Champion

53

Clause 2, page 2, line 25, at end insert—

“(3A) The victims’ code must make provision about pre-trial therapy for victims, including—

- (a) a requirement that all criminal justice agencies inform victims of their right to pre-trial therapy, and
- (b) a requirement that the Crown Prosecution Service annually review their pre-trial therapy guidance and its implementation.”

Member's explanatory statement

This amendment would include in the victims’ code a requirement to inform all victims of their right to access pre-trial therapy, and require the CPS to annually review the implementation of pre-trial therapy guidance.

Jess Phillips

55

☆ Clause 2, page 2, line 25, at end insert—

“(3A) In accordance with section 1(2)(b), the victims’ code must include provision requiring that all children born of rape are entitled to compensation under the Criminal Injuries Compensation Scheme.”

Anna McMorrin

64

Jess Phillips
Ellie Reeves
Tonia Antoniazzi

☆ Clause 2, page 2, line 25, at end insert—

“(3A) The victims’ code must provide that victims must be informed of their rights under section 63 (Special measures in family proceedings: victims of domestic abuse) of the Domestic Abuse Act 2021.”

Edward Argar

Gov 27

Clause 2, page 3, line 15, leave out “function of a relevant prosecutor” and insert “prosecution function”

Member's explanatory statement

This amendment and Amendment 28 substitute a reference to persons exercising a prosecution function for the defined term “relevant prosecutor”. The victims’ code may not make provision requiring anything to be done by such persons.

Edward Argar

Gov 28

Clause 2, page 3, leave out lines 18 and 19

Member's explanatory statement

See the explanatory statement to Amendment 27.

Anna McMorrin

11

Janet Daby
Jess Phillips
Ellie Reeves
Tonia Antoniazzi

Clause 3, page 3, line 29, at end insert “and the Commissioner for Victims and Witnesses.”

Member's explanatory statement

This amendment would require the Secretary of State to consult the Commissioner for Victims and Witnesses when preparing a draft of the victims' code.

Anna McMorrin

12

Janet Daby
 Jess Phillips
 Ellie Reeves
 Tonia Antoniazzi

Clause 4, page 4, line 24, after "Attorney General" insert "and the Commissioner for Victims and Witnesses"

Member's explanatory statement

This amendment would require the Secretary of State to consult the Commissioner for Victims and Witnesses when revising the victims' code.

Sarah Champion

47

Clause 6, page 4, line 37, leave out "take reasonable steps to"

Member's explanatory statement

This amendment would place a duty on criminal justice bodies to promote awareness of the Victims Code, rather than only requiring them to 'take reasonable steps' to promote awareness.

Anna McMorrin

13

Janet Daby
 Jess Phillips
 Ellie Reeves
 Tonia Antoniazzi

Clause 6, page 5, line 6, after "services" insert "in accordance with the victims' code"

Member's explanatory statement

This amendment would clarify that criminal justice bodies must collect information about their provision of services for victims in accordance with the victims' code.

Anna McMorrin

14

Janet Daby
 Jess Phillips
 Ellie Reeves
 Tonia Antoniazzi

Clause 10, page 8, line 37, at end insert—

- “(1A) The Secretary of State must share compliance information with the Commissioner for Victims and Witnesses (“the Commissioner”) within 2 days of receipt.
- (1B) The Commissioner must use compliance information received under subsection (1A) to prepare an assessment of compliance with the victims’ code, including—
- (a) an assessment of compliance in each police area,
 - (b) identifying any instances of systemic non-compliance with the victims’ code,
 - (c) identifying opportunities for improvement in compliance with the victims’ code, and
 - (d) identifying best practice in respect of compliance with the victims’ code.
- (1C) The Commissioner must include a summary of the assessment made under subsection (1B) in their annual report prepared under section 49 of the Domestic Violence, Crime and Victims Act 2004.”

Member's explanatory statement

This amendment would require the Secretary of State to share information about compliance with the victims’ code with the Commissioner for Victims and Witnesses and require the Commissioner to prepare an assessment using that information.

Anna McMorrin

9

Janet Daby
Jess Phillips
Ellie Reeves
Tonia Antoniazzi

Clause 12, page 10, line 22, at end insert—

“(d) offences against children.”

Member's explanatory statement

This amendment would extend the duty to collaborate to include victim support services for child victims.

Anna McMorrin

19

Janet Daby
Jess Phillips
Ellie Reeves
Tonia Antoniazzi

Clause 12, page 10, line 22, at end insert—

“(d) fraud.”

Member's explanatory statement

This amendment would extend the duty to collaborate to include victim support services for victims of fraud.

Edward Argar**Gov 29**

Clause 12, page 10, line 36, leave out "disclosure or"

Member's explanatory statement

See the explanatory statement to Amendment 30.

Edward Argar**Gov 30**

Clause 12, page 10, line 37, at end insert "within the meaning given by section 3 of the Data Protection Act 2018"

Member's explanatory statement

This amendment and Amendment 29 give "processing" of information the same meaning as in the Data Protection Act 2018. Processing includes disclosure and other uses of information, so there is no need to refer separately to disclosure.

Sarah Champion**43**

Clause 12, page 10, line 37, at end insert—

"(8A) Collaboration under this section may include the co-location of services in accordance with the Child House model, as defined by the Home Office guidance entitled "Child House: local partnerships guidance", published 6 September 2021."

Member's explanatory statement

This amendment would include within the duty to collaborate the use of the Child House model, described by the Home Office guidance as "a multi-agency service model supporting children, young people and non-abusing parents, carers and family members following child sexual abuse".

Anna McMorrin**15**

Janet Daby
Jess Phillips
Ellie Reeves
Tonia Antoniazzi

Clause 13, page 11, line 14, at end insert—

"(d) the Commissioner for Victims and Witnesses."

Member's explanatory statement

This amendment would require the relevant authorities to consult the Commissioner for Victims and Witnesses when preparing their strategy for collaboration.

Anna McMorrin

16

Janet Daby
 Jess Phillips
 Ellie Reeves
 Tonia Antoniazzi

Clause 13, page 11, line 20, at end insert—

“(c) any guidance prepared by the Commissioner for Victims and Witnesses on collaboration between victim support services.”

Member's explanatory statement

This amendment would require the relevant authorities to consider any guidance prepared by the Commissioner for Victims and Witnesses when preparing their strategy for collaboration.

Sarah Champion

57

☆ Clause 15, page 12, line 5, at end insert—

“(c) independent stalking advocacy caseworkers”

Member's explanatory statement

This amendment would ensure the Secretary of State must also provide guidance around stalking advocates, rather than limiting to ISVAs and IDVAs.

Sarah Champion

62

☆ Clause 15, page 12, line 5, at end insert—

“(c) any other specialist community-based services relevant to the criminal conduct.”

Sarah Champion

56

☆ Clause 15, page 12, line 12, at end insert—

“(c) “independent stalking advocacy caseworker” means a person who provides a relevant service to individuals who are victims of criminal conduct which constitutes stalking”

Member's explanatory statement

This amendment would ensure that the Secretary of State must also provide guidance around any relevant specialist community-based services, rather than limiting to ISVAs and IDVAs.

Sarah Champion

61

☆ Clause 15, page 12, line 12, at end insert—

“(c) “specialist community-based service” means a person who provides a relevant service to individuals based on a protected characteristics under the Equality Act 2010 or the specific nature of the crime faced by the victim.”

Sarah Champion

58

☆ Clause 15, page 12, line 13, leave out “or (b)” and insert “,(b) or (c)”

Sarah Champion

59

☆ Clause 15, page 12, line 16, leave out subsection (4) and insert—

“(4) Guidance under this section about service providers under subsection (1) must include provision about—

- (a) the role of such providers;
- (b) the services they 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 providers 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 such providers.”

Sarah Champion

60

☆ Clause 15, page 12, line 28, leave out from beginning to “must” and insert “The service providers listed in subsection (1)”

Edward Argar

Gov 31

Clause 22, page 18, line 3, leave out “a disclosure or” and insert “the”

Member's explanatory statement

See the explanatory statement to Amendment 34.

Edward Argar

Gov 32

Clause 22, page 18, line 4, leave out "disclosure or"

Member's explanatory statement

See the explanatory statement to Amendment 34.

Edward Argar

Gov 33

Clause 22, page 18, line 5, leave out "a disclosure or processing" and insert "it"

Member's explanatory statement

See the explanatory statement to Amendment 34.

Edward Argar

Gov 34

Clause 22, page 18, line 11, leave out "has" and insert "and "processing" have"

Member's explanatory statement

This amendment and Amendments 31, 32 and 33 give "processing" of information the same meaning as in the Data Protection Act 2018. Processing includes disclosure and other uses of information, so there is no need to refer separately to disclosure.

Anna McMorrin

20

Janet Daby
Jess Phillips
Ellie Reeves
Tonia Antoniazzi

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.

Anna McMorrin

21

Janet Daby
Jess Phillips
Ellie Reeves
Tonia Antoniazzi

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 McMorrin

22

Janet Daby
 Jess Phillips
 Ellie Reeves
 Tonia Antoniazzi

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.

Anna McMorrin

24

Janet Daby
 Jess Phillips
 Ellie Reeves
 Tonia Antoniazzi

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.

Anna McMorrin

25

Janet Daby
 Jess Phillips
 Ellie Reeves
 Tonia Antoniazzi

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 McMorrin

23

Janet Daby
Jess Phillips
Ellie Reeves
Tonia Antoniazzi

Clause 29, page 22, line 18, leave out subsection (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.

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

5 REQUESTS FOR INFORMATION RELATING TO VICTIMS

44A Requests for information relating to victims

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- (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—

- 75
- (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 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 Part (see section 38(11));
 - “voluntary organisation” means a body (other than a public authority) whose activities are not carried on for profit.
- 90
- 95

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.
- (2) The authorised person need not specify the matters mentioned in subsection (1)(b) or (c) if the authorised person considers that doing so—
- 105
- (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
- 110
- (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.
- 120 (3) In preparing the code, the Secretary of State must consult—
- (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.

44E Authorised persons

- 145 (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;

- 155 (e) an employee of the British Transport Police Authority appointed under section 27 of the Railways and Transport Safety Act 2003;
- (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)—
- (a) so as to add a reference to a person;
- (b) so as to remove a reference to a person;
- 170 (c) so as to modify a description of a person mentioned.
- (3) Regulations under subsection (2) may contain transitional, transitory or saving provision.
- (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.
- 175 (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)

☆ 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)

☆ 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

Charlotte Nichols

Tony Lloyd

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 McMorrin

NC3

Janet Daby
 Jess Phillips
 Ellie Reeves
 Tonia Antoniazzi

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

NCS

☆ 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

☆ 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

☆ 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

☆ 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

☆ 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

☆ 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

☆ 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

☆ 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

☆ 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 McMorrin
Jess Phillips

☆ 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.”

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

Date	Time	Witness
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.

Withdrawn Amendments

The following amendments were withdrawn on 22 June 2023:

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