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Report Stage: Friday 25 August 2023

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## Victims and Prisoners Bill, As Amended (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 Any withdrawn amendments are listed at the end of the document.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.

★ New Amendments.

New Amendments: NC2 and NC3

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**Sir Robert Neill**

**NC1**

Maria Eagle  
Stephen Hammond  
Mr Alistair Carmichael  
Paul Maynard  
John McDonnell

Ian Byrne  
Apsana Begum  
John Howell  
Lloyd Russell-Moyle

Andy Carter  
Christina Rees  
Sir Oliver Heald

Kim Johnson  
Liz Saville Roberts  
Kate Hollern

To move the following Clause—

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

- (1) The Lord Chancellor must make arrangements for, and relating to, the re-sentencing of all prisoners serving IPP sentences within 18 months beginning on the day on which this Act is passed.
- (2) Those arrangements must include arrangements relating to the establishment of a committee to provide advice regarding the discharge of the Lord Chancellor’s duty under subsection (1).
- (3) The committee established by virtue of subsection (2) must include a judge nominated by the Lord Chief Justice.
- (4) A court that imposed an IPP sentence has the power to re-sentence the prisoner in relation to the original offence.

- (5) But the court may not impose a sentence that is a heavier penalty than the sentence that was imposed for the original offence.
- (6) In relation to the exercise of the power in subsection (4)—
  - (a) that power is to be treated as a power to re-sentence under the Sentencing Code (see section 402(1) of the Sentencing Act 2020);
  - (b) the Code applies for the purposes of this section (and, accordingly, it does not matter that a person serving an IPP sentence was convicted of an offence before 1 December 2020).
- (7) In this section—

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

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

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John McDonnell

NC2

★ To move the following Clause—

**“Appointment of an advocate to represent IPP prisoners’ interests**

- (1) The Secretary of State may, by regulations, establish a list of advocates to further the interests of prisoners serving imprisonment for public protection (IPP) sentences.
- (2) For the purposes of subsection (1), the Secretary of State may set out minimum qualifications for any person to be appointed as an IPP advocate.
- (3) A person may only act as an IPP advocate if the Secretary of State considers that the following conditions are satisfied—
  - (a) they have had appropriate experience or training or an appropriate combination of experience and training;
  - (b) they are of integrity and good character; and
  - (c) they are able to act independently of any other person who is professionally concerned with the qualifying prisoner’s continuing imprisonment.
- (4) The Secretary of State may pay to, or in respect of, such a person—
  - (a) amounts by way of remuneration, pensions, allowances or gratuities, and
  - (b) sums in respect of the expenses of the IPP advocate.

- (5) Regulations under this section are to be made by statutory instrument; and an instrument containing regulations made under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

**Member's explanatory statement**

This new clause, and new clause NC3 would allow the Secretary of State to appoint a number of independent advocates to act on behalf of over-tariff prisoners sentenced to imprisonment for public protection.

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**John McDonnell**

**NC3**

★ To move the following Clause—

**“Functions of an IPP advocate**

- (1) Any IPP prisoner who has exceeded their minimum tariff period is entitled to ask for the assistance of an IPP advocate.
- (2) An IPP advocate may not provide legal services or advice to an IPP prisoner.
- (3) An IPP advocate may—
  - (a) visit and advise an IPP prisoner at the facility where they are imprisoned;
  - (b) subject to subsection (2), appear before the Parole Board on behalf of an IPP prisoner;
  - (c) visit and advise an IPP prisoner who has been released on licence.
- (4) For the purposes of this Act, “IPP prisoner” means a person sentenced to imprisonment for public protection under the Criminal Justice Act, or any successor Act.”

**Member's explanatory statement**

This new clause sets out the functions of an IPP advocate. They will not provide legal advice, but will provide practical advice, support them at the Parole Board and on release.

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**Dame Maria Miller**

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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.”

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## 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.