
Report Stage: Wednesday 15 November 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 Any withdrawn amendments are listed at the end of the document.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.

Sir Robert Neill

NC1

Ms Harriet Harman
Stephen Hammond
Mr Alistair Carmichael
Paul Maynard
John McDonnell

Ian Byrne
Apsana Begum
John Howell
Lloyd Russell-Moyle
Rachael Maskell

Andy Carter
Christina Rees
Sir Oliver Heald
Mick Whitley

Kim Johnson
Liz Saville Roberts
Kate Hollern
Caroline Lucas

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.”

Member's explanatory statement

This new clause would implement the recommendation of the Justice Committee's 2022 Report that there should be a resentencing exercise in relation to all IPP sentenced individuals, and to establish a time-limited expert committee, including a member of the judiciary, to advise on the practical implementation of such an exercise.

John McDonnell

NC2

Caroline Lucas
Kim Johnson
Rachael Maskell

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.

John McDonnell

NC3

Rachael Maskell

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.

Sarah Champion

NC4

Rachael Maskell

To move the following Clause—

“Parole Board: victim personal statement

- (1) It is the duty of the Parole Board to ensure that victims are offered the opportunity to give their views in the criminal justice process by making a personal statement.
- (2) Where a victim has opted-in to the Victim Contact Scheme, the Parole Board must record whether the victim has been offered the opportunity to provide a personal statement to the Parole Board before it makes a decision relevant to the victim.
- (3) The Parole Board must report annually to the Secretary of State on the data recorded under subsection (2) and on its compliance with the duty under subsection (1).
- (4) The Secretary of State must lay a copy of any reports received under this section before Parliament within 15 days of receipt.”

Member's explanatory statement

This new clause would place a duty on the Parole Board to ensure that victims are offered the opportunity to give their views in the criminal justice process and require it to report to the Secretary of State on its compliance with that duty.

Sarah Champion

NC5

Rachael Maskell

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

NC6

Rachael Maskell

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 Secretary of State 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

NC7

Rachael Maskell

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 that the victims' code is accessible to all victims and associated services.

Sarah Champion

NC8

Rachael Maskell
Mr Virendra Sharma

To move the following Clause—

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

- (1) Notwithstanding the provisions of any other enactment, a victim of domestic abuse who—
 - (a) has leave to enter or remain in the United Kingdom which is subject to a condition that they do not have recourse to public funds,
 - (b) requires leave to enter or remain in the United Kingdom but does not have it,
 - (c) has leave to enter or remain in the United Kingdom given as a result of a maintenance undertaking,
 is entitled to be provided with services in accordance with the victims' code.
- (2) The Secretary of State may by regulations make provision that is consequential on this section.
- (3) For the purposes of this section—

“domestic abuse” has the same meaning as in section 1 of the Domestic Abuse Act 2020;

“victim” has the meaning given by section 1 of this Act.”

Member's explanatory statement

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

Caroline Nokes

NC9

To move the following Clause—

“Meaning of “honour-based abuse”

- (1) The Secretary of State must by regulations made by statutory instrument define the meaning of “honour-based abuse” for the purposes of section 1.
- (2) Before making regulations under this section, the Secretary of State must carry out a consultation about—

- (a) what conduct should amount to “honour-based abuse” for the purposes of section 1, and
 - (b) any definition of the meaning of “honour-based abuse” proposed by the Secretary of State.
- (3) In carrying out a consultation under subsection (2), the Secretary of State must consult—
- (a) organisations that appear to the Secretary of State to represent those who have an interest in the meaning of “honour-based abuse” for the purposes of section 1;
 - (b) any other persons that the Secretary of State considers appropriate.
- (4) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Tim Farron

NC10

☆ To move the following Clause—

“Sewage Illness Victim Compensation Scheme

- (1) The Secretary of State must by regulations provide for a compensation scheme for victims who have suffered harm as a direct result of criminal conduct in relation to sewage and waste water.
- (2) Regulations under subsection (1) must—
- (a) provide for the payment of compensation to people who have become unwell as a result of bathing in water contaminated by sewage,
 - (b) make provision in relation to the medical evidence required to support a claim for compensation under the regulations.
- (3) Regulations under this section may not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.”

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
Rachael Maskell

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.”

Layla Moran 2

Ms Harriet Harman
Jim Shannon
Rachael Maskell

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).”

Sarah Champion 5

Rachael Maskell

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

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

Sarah Champion 7

Rachael Maskell

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.

Caroline Nokes 27

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

- “(e) where the person is a victim of honour-based abuse (see section [*Meaning of “honour-based abuse”*]).”

Tim Farron 28

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

- “(e) where the person has suffered harm as a direct result of criminal conduct in relation to sewage and waste water”

Sarah Champion

8

Rachael Maskell

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.

Sarah Champion

6

Rachael Maskell

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 creates a statutory definition of adult sexual exploitation.

Sarah Champion

9

Rachael Maskell

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.

Sarah Champion

10

Rachael Maskell

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

Sarah Champion 11
Rachael Maskell

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

Sarah Champion 12
Rachael Maskell

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;”

Member's explanatory statement

This amendment seeks to ensure that the NHS and HM Courts and Tribunals Service are included when victims have a right to be heard in the justice process, bringing mental health tribunals decisions in line with the rest of the criminal justice system.

Layla Moran 3
Ms Harriet Harman
Jim Shannon
Rachael Maskell

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);

“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

13

Rachael Maskell

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

14

Rachael Maskell

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

15

Rachael Maskell

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.

Mr Alistair Carmichael

29

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

- “(3A) The victims’ code must make provision about support for victims of burglaries.
- (3B) Provision under subsection (3A) must include a requirement that a victim of a burglary must be visited by a police officer.”

Sarah Olney

26

Rachael Maskell

Clause 2, page 2, line 34, at end insert—

- “(5A) Regulations under subsection (4) must make provision for a person to be able to obtain free of charge, on request, a transcript of a trial in which the person was involved as a victim.”

Sarah Champion 4
Rachael Maskell

Clause 12, page 10, line 22, at end insert—
“(d) stalking.”

Sarah Champion 16
Rachael Maskell

Clause 12, page 10, line 22, at end insert—
“(d) modern slavery.”

Member's explanatory statement

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

Sarah Champion 17
Rachael Maskell

Clause 15, page 12, line 5, at end insert—
“(c) independent stalking advocates.”

Sarah Champion 19
Rachael Maskell

Clause 15, page 12, line 5, at end insert—
“(c) any other specialist community-based services relevant to the criminal conduct .”

Sarah Champion 18
Rachael Maskell

Clause 15, page 12, line 12, at end insert—
“(c) “independent stalking advocate” 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 ensures that the Secretary of State must also provide guidance around stalking advocates, in addition to guidance about ISVAs and IDVAs.

Sarah Champion 20
Rachael Maskell

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 21
Rachael Maskell

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

Sarah Champion 22
Rachael Maskell

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 23
Rachael Maskell

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

Sarah Champion

24

Rachael Maskell

Clause 22, page 18, line 26, at end insert—

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

Sarah Champion

25

Rachael Maskell

Clause 22, page 20, line 23, at end insert—

“(d) including a full statement of the victim’s rights in relation to the request.”

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.