
Committee Stage: Thursday 14 March 2024

Sentencing Bill (Amendment Paper)

This document lists all amendments tabled to the Sentencing 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 Any withdrawn amendments are listed at the end of the document.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.

Kevin Brennan

3

Clause 6, page 7, line 36, at end insert—

- “(ga) the offence is—
- (i) any sexual offence, or
 - (ii) any offence that amounts to domestic abuse as defined by section 1 of the Domestic Abuse 2021, or
 - (iii) an offence under section 76 of the Serious Crime Act 2015, or
 - (iv) an offence under section 4 or section 4A of the Protection from Harassment Act 1997, or
 - (v) an offence under section 1, section 2 or section 3 of the Female Genital Mutilation Act 2003, or
 - (vi) an offence under section 121(1) or (3) of the Anti-Social Behaviour, Crime and Policing Act 2014.”

Suella Braverman

1

Sir John Hayes
 Henry Smith
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 Tom Hunt

James Grundy
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 Richard Drax
 Adam Holloway
 Dame Andrea Jenkyns
 Sir Julian Lewis
 Jill Mortimer
 Mr David Jones
 Elizabeth Truss
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 Anne Marie Morris

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 Damien Moore

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 Dr Matthew Offord
 Mr Marcus Fysh
 Lee Anderson
 Sir William Cash
 Lia Nici
 Marco Longhi
 Sir Bill Wiggin
 Chris Green
 Dr Caroline Johnson

Clause 6, page 7, line 39, at end insert—

- “(ga) the court if of the opinion that—
- (i) there is a significant risk that the offender might reoffend during the term of any suspended sentence; or
 - (ii) the offender poses a danger to the public.”

Kevin Brennan

4

Clause 6, page 9, line 33, at end insert—

- “(ga) the offence is—
- (i) any sexual offence, or
 - (ii) any offence that amounts to domestic abuse as defined by section 1 of the Domestic Abuse 2021, or
 - (iii) an offence under section 76 of the Serious Crime Act 2015, or
 - (iv) an offence under section 4 or section 4A of the Protection from Harassment Act 1997, or
 - (v) an offence under section 1, section 2 or section 3 of the Female Genital Mutilation Act 2003, or
 - (vi) an offence under section 121(1) or (3) of the Anti-Social Behaviour, Crime and Policing Act 2014.”

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2

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“(i) the court if of the opinion that—

- (i) (there is a significant risk that the offender might reoffend during the term of any suspended sentence; or
- (ii) (he offender poses a danger to the public.”

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NC1

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To move the following Clause—

“Custodial term for fifth offence

(1) This section applies where—

- (a) a person “P” is convicted of an offence after the date of Royal Assent to this Act;

- (b) at the time when that offence was committed, P was 18 or over and had been convicted in England and Wales of four or more other offences which were offences triable either way or on indictment; and
 - (c) the offence referred to in paragraph (a) was committed after the date of conviction for all of the other offences.
- (2) The court must impose an appropriate custodial sentence except where the court is of the opinion that there are particular circumstances which—
- (a) relate to any of the offences or to the offender; and
 - (b) would make it unjust to do so in all the circumstances.
- (3) Where the court exercises the discretion provided for in subsection (2) and does not impose such a sentence, it shall state in open court that it is of that opinion and what the particular circumstances are.
- (4) Where—
- (a) P is charged with an offence which, apart from this subsection, would be either a summary offence or triable either way, and
 - (b) the circumstances are such that, if P were convicted of the offence, P could be sentenced for it under subsection (2) above, the offence will be triable only on indictment.
 - (c) In this section “an appropriate custodial sentence” means—
 - (d) in relation to a person who is 21 or over when convicted of the offence mentioned in subsection (1)(a) above, a sentence of imprisonment;
 - (e) in relation to a person who is under 21 at that time, a sentence of detention in a young offender institution.”

Suella Braverman

NC2

Sir John Hayes
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 Dr Caroline Johnson

To move the following Clause—

“Mandatory custodial term for hyper-prolific offenders

- (1) This section applies where—

- (a) a person “P” is convicted of an offence after the date of Royal Assent to this Act;
 - (b) at the time when that offence was committed, P was 18 or over and had been cautioned or convicted in England and Wales of 45 or more other offences; and
 - (c) the offence referred to in paragraph (a) was committed after the date of conviction for all of the other offences.
- (2) The court must impose a custodial sentence of a minimum of two years except where the court is of the opinion that there are particular circumstances which—
- (a) relate to any of the offences or to the offender; and
 - (b) would make it unjust to do so in all the circumstances.
- (3) Where the court exercises the discretion provided for in subsection (2) and does not impose such a sentence, it shall state in open court that it is of that opinion and what the particular circumstances are.
- (4) Where—
- (a) P is charged with an offence which, apart from this subsection, would be either a summary offence or triable either way, and
 - (b) the circumstances are such that, if P were convicted of the offence, P could be sentenced for it under subsection (2) above, the offence will be triable only on indictment.
- (5) In this section “custodial sentence” means—
- (a) in relation to a person who is 21 or over when convicted of the offence mentioned in subsection (1)(a) above, a sentence of imprisonment;
 - (b) in relation to a person who is under 21 at that time, a sentence of detention in a young offender institution.”

Kevin Brennan

NC3

To move the following Clause—

“Definition of exceptional circumstances justifying release on compassionate grounds

- (1) After section 248 (1) of the Criminal Justice Act 2003, insert—
- “(2) In this section, “exceptional circumstances” means—
- (a) the prisoner is incapacitated or has health conditions such that the experience of imprisonment causes suffering greater than the deprivation of liberty intended by the punishment, or
 - (b) the circumstances of the prisoner or their family have changed to the extent that if the prisoner were to serve the sentence imposed, the family’s hardship would be of exceptional severity, greater than the court could have foreseen, or

- (c) the circumstances of the prisoner or their family have otherwise changed to the extent that further detention in accordance with a lawful sentence imposed by the court is no longer justifiable.””

Kevin Brennan

NC4

To move the following Clause—

“Annual Report on Prisons and Probation

- (1) As soon as practicable after each financial year, the chief executive of Her Majesty’s Prison and Probation Service must prepare a report about the business of the service during that year and give a copy of that report to the following persons -
 - (a) the Lord Chancellor, and
 - (b) the First Minister for Wales.
- (2) A report under subsection (1) must include the following information and how it has changed during the year—
 - (a) the overall number of offenders serving custodial and non-custodial sentences,
 - (b) the number of offenders serving custodial sentences as a proportion of the total operational capacity,
 - (c) the number of offenders on licence or subject to supervision,
 - (d) the number of offenders sentenced to new custodial and non-custodial sentences,
 - (e) the number of offenders sentenced for breach of an order of the court,
 - (f) the number of offenders recalled to custody, and
 - (g) the number of offenders subject to an unpaid work requirement as part of a relevant order of the court, and the number of hours of unpaid work hours delivered during that year.
- (3) The Lord Chancellor must lay a copy of any report of which a copy is given under subsection (1)(a) before each House of Parliament.
- (4) Each of the following is a “financial year” for the purposes of this section—
 - (a) the period which begins with the date on which this section comes into force and ends with the following 31 March, and
 - (b) each successive period of 12 months.”

Kevin Brennan

NC5

To move the following Clause—

“Probation Service: Minimum Staff Numbers

- (1) The Secretary of State must, by regulations, issue minimum staff numbers for the probation service.
- (2) Regulations issued under subsection (1) must set out—

- (a) the minimum number of probation service staff overall,
 - (b) the minimum ratio of staff to service users overall, and
 - (c) the minimum ratio of staff to service users in each probation area.
- (3) The Secretary of State must commission an inspection of any breach of a minimum number or ratio in subsection (2).
- (4) The Secretary of State must, as soon as reasonably practicable, lay before Parliament the report of any such inspection.
- (5) A report under subsection (4) must set out —
- (a) an assessment of the impact of the breach on probation service standards;
 - (b) an assessment of the impact of the breach on probation staff;
 - (c) an assessment of the impact of the breach on service users; and
 - (d) the steps being taken to uplift staff numbers to those required by the regulations.”

Kevin Brennan

NC6

To move the following Clause—

“Review of principles relating to determination of minimum term in relation to mandatory life sentence

- (1) The Secretary of State must, within 12 months of the date on which this Act is passed, produce and publish a review of the operation of section 322 (mandatory life sentences: further provision) and Schedule 21 (determination of minimum term in relation to mandatory life sentence for murder etc) of the Sentencing Code.
- (2) The review under subsection (1) must set out recommendations for reform of the sentencing framework contained in the relevant provisions.”

Member's explanatory statement

A review of Schedule 21 Sentencing Act 2020 with an intention of wholesale reform and replacement of sentencing framework.

Dame Diana Johnson

NC7

Tim Loughton
Simon Fell
Kim Johnson
Ms Diane Abbott
Carolyn Harris
Sarah Champion

To move the following Clause—

“Sentence for paying for sexual acts of a person subjected to force etc

- (1) Section 53A of the Sexual Offences Act 2003 is amended as follows.
- (2) In subsection (4), for "on summary conviction to a fine not exceeding level 3 on the standard scale" substitute —
 - (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years.””

Member's explanatory statement

This new clause would implement a recommendation of the Home Affairs Committee that penalties upon conviction for paying for sexual acts of a person subjected to force should be increased to ensure comparability with other sexual and trafficking offences and to increase their deterrent value.

Gareth Johnson

NC8

To move the following Clause—

“Acting in a disruptive manner in an aircraft

- (1) The Air Navigation Order 2016 is amended as follows.
- (2) In Schedule 13—
 - (a) in Part 2, Chapter 1, omit “245(a) and (b) Acting in a disruptive manner”; and
 - (b) in Part 3, Chapter 1, for “245(c) Intentional interference” substitute “245 Acting in a disruptive manner”.”

Member's explanatory statement

This new clause would increase the sentence for acting in a disruptive manner on an aircraft in line with the current sentence for drunkenness on an aircraft.

Kevin Brennan

NC9

To move the following Clause—

“Suspension of custodial sentences for certain female offenders

- (1) The Sentencing Code is amended as follows.
- (2) After section 264 insert—

“264B Duty to impose a suspended sentence order on pregnant female offenders aged under 21 and female offenders aged under 21 who are the primary carers of children aged two years and below

 - (1) This section applies where—

- (a) the female offender is aged under 21 when convicted of the offence,
 - (b) the court is satisfied that the female offender is pregnant or the female offender has primary caring responsibilities for one or more children aged two years or below,
 - (c) the female offender is convicted of the offence on or after the day on which section 6 of the Sentencing Act 2024 came into force,
 - (d) the term of the sentence is not more than two years, and
 - (e) a suspended sentence order is available in relation to that sentence (see section 264).
- (2) The court must make a suspended sentence order in relation to the sentence where this applies, unless the court is of the opinion that there are exceptional circumstances which—
- (a) relate to the offence (or the combination of the offence and one or more offences associated with it), or the offender, and
 - (b) justify not making the order.
- (3) But this section does not apply if—
- (a) when the sentence is imposed the offender is in custody—
 - (i) pursuant to a custodial sentence
 - (ii) having been remanded in custody in connection with another offence which is not an associated offence, or within the Sentencing Act 2024,
 - (iii) having been committed to custody by an order of a court;
 - (b) the sentence of detention in a young offender institution is one of two or more sentences imposed on the same occasion where—
 - (i) the term of any of those sentences is more than 24 months, or
 - (ii) those sentences are to be served consecutively (“consecutive sentences”) and the terms of those sentences are in aggregate more than 24 months;
 - (c) the offender is deemed to have served the whole custodial period of the sentence for the offence (or in the case of consecutive sentences, the aggregate of the custodial periods for each offence) by virtue of—
 - (i) section 240ZA of the Criminal Justice Act 2003 (time remanded in custody to count as time served), or
 - (ii) section 240A of that Act (time remanded on bail to count as time served);
 - (d) the offence, or an associated offence, is an offence—
 - (i) in respect of which the offender is, or has been, subject to a supervision order, and
 - (ii) for which the court is re-sentencing the offender;
 - (e) the offence, or an associated offence, was committed—
 - (i) while the offender was on licence, or subject to supervision, under Chapter 6 of Part 12 of the Criminal

- Justice Act 2003 (release, licences, supervision and recall),
or
- (ii) while the offender was subject to a supervision order;
 - (f) the commission of the offence, or an associated offence, constituted a breach by the offender of—
 - (i) an order of a court, or
 - (ii) an order or award (whether or not of a court) made (anywhere) in proceedings in respect of a service offence within the meaning of the Armed Forces Act 2006;
 - (g) the offence, or an associated offence, is an offence under section 6(1) or (2) of the Bail Act 1976 (failure to surrender to custody);
 - (h) the court is of the opinion that making the order would put a particular individual at significant risk of harm;
 - (i) the offence is—
 - (i) any sexual offence,
 - (ii) any offence that amounts to domestic abuse as defined by section 1 of the Domestic Abuse 2021,
 - (iii) an offence under section 76 of the Serious Crime Act 2015,
 - (iv) an offence under section 4 or section 4A of the Protection from Harassment Act 1997,
 - (v) an offence under section 1, section 2 or section 3 of the Female Genital Mutilation Act 2003, or
 - (vi) an offence under section 121(1) or (3) of the Anti-Social Behaviour, Crime and Policing Act 2014.
- (4) For the purpose of subsection (3)(a)(ii), a person is remanded in custody if —
- (a) remanded in or committed to custody by order of a court,
 - (b) remanded to youth detention accommodation under section 45 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands of children otherwise than on bail), or
 - (c) remanded, admitted or removed to hospital under section 35, 36, 38 or 48 of the Mental Health Act 1983.
- (5) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinions mentioned in subsections (2) and (3)(h).
- (6) Nothing in this section affects the court’s power to impose a suspended sentence order in a case where this section does not apply.”
- (3) After section 277 insert—
- “277B Duty to impose a suspended sentence order on pregnant female offenders aged 21 or over and female offenders aged 21 or over who are the primary carers of children aged two years and below**
- (1) This section applies where—

- (a) the female offender is aged 21 or over when convicted of the offence,
 - (b) the court is satisfied that the female offender is pregnant or the female offender has primary caring responsibilities for one or more children aged two years or below,
 - (c) the female offender is convicted of the offence on or after the day on which section 6 of the Sentencing Act 2024 came into force,
 - (d) the term of the sentence is not more than two years, and
 - (e) a suspended sentence order is available in relation to that sentence (see section 277).
- (2) The court must make a suspended sentence order in relation to the sentence where this applies, unless the court is of the opinion that there are exceptional circumstances which—
- (a) relate to the offence (or the combination of the offence and one or more offences associated with it), or the offender, and
 - (b) justify not making the order.
- (3) But this section does not apply if—
- (a) when the sentence is imposed the offender is in custody—
 - (i) pursuant to a custodial sentence,
 - (ii) having been remanded in custody in connection with another offence which is not an associated offence, or within the Sentencing Act 2024, or
 - (iii) having been committed to custody by an order of a court;
 - (b) the sentence of detention in a young offender institution is one of two or more sentences imposed on the same occasion where—
 - (i) the term of any of those sentences is more than 24 months, or
 - (ii) those sentences are to be served consecutively (“consecutive sentences”) and the terms of those sentences are in aggregate more than 24 months;
 - (c) the offender is deemed to have served the whole custodial period of the sentence for the offence (or in the case of consecutive sentences, the aggregate of the custodial periods for each offence) by virtue of—
 - (i) section 240ZA of the Criminal Justice Act 2003 (time remanded in custody to count as time served), or
 - (ii) section 240A of that Act (time remanded on bail to count as time served);
 - (d) the offence, or an associated offence, is an offence—
 - (i) in respect of which the offender is, or has been, subject to a supervision order, and
 - (ii) for which the court is re-sentencing the offender;
 - (e) the offence, or an associated offence, was committed—
 - (i) while the offender was on licence, or subject to supervision, under Chapter 6 of Part 12 of the Criminal

- Justice Act 2003 (release, licences, supervision and recall),
or
- (ii) while the offender was subject to a supervision order;
- (f) the commission of the offence, or an associated offence, constituted a breach by the offender of—
- (i) an order of a court, or
 - (ii) an order or award (whether or not of a court) made (anywhere) in proceedings in respect of a service offence within the meaning of the Armed Forces Act 2006;
- (g) the offence, or an associated offence, is an offence under section 6(1) or (2) of the Bail Act 1976 (failure to surrender to custody);
- (h) the court is of the opinion that making the order would put a particular individual at significant risk of harm;
- (i) the offence is—
- (i) any sexual offence,
 - (ii) any offence that amounts to domestic abuse as defined by section 1 of the Domestic Abuse 2021,
 - (iii) an offence under section 76 of the Serious Crime Act 2015,
 - (iv) an offence under section 4 or section 4A of the Protection from Harassment Act 1997,
 - (v) an offence under section 1, section 2 or section 3 of the Female Genital Mutilation Act 2003, or
 - (vi) an offence under section 121(1) or (3) of the Anti-Social Behaviour, Crime and Policing Act 2014.
- (4) For the purpose of subsection (3)(a)(ii), a person is remanded in custody if —
- (a) remanded in or committed to custody by order of a court, or
 - (b) remanded, admitted or removed to hospital under section 35, 36, 38 or 48 of the Mental Health Act 1983.
- (5) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinions mentioned in subsections (2) and (3)(h).
- (6) Nothing in this section affects the court’s power to impose a suspended sentence order in a case where this section does not apply.””

Order of the House

[6 December 2023]

That the following provisions shall apply to the Sentencing Bill:

Committal

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

Proceedings in Committee, on Consideration and on Third Reading

2. Proceedings in Committee of the whole House shall be taken in the following order: Clause 1; Schedule 1; Clauses 2 to 6; Schedule 2; Clause 7; Schedule 3; Clauses 8 to 11; new Clauses; new Schedules; remaining proceedings on the Bill.
3. Proceedings in Committee of the whole House shall (so far as not previously concluded) be brought to a conclusion five hours after their commencement.
4. Any proceedings on Consideration and proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion six hours after the commencement of proceedings in Committee of the whole House.
5. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to proceedings on Third Reading.

Other proceedings

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