
Lords Amendments: Friday 24 May 2024

Victims and Prisoners Bill

(Motions relating to Lords Amendments)

This document should be read alongside the amendments the Lords have made to this Bill and the Speaker's provisional selection and grouping.

This paper sets out motions to agree, disagree, amend or replace amendments made by the Lords.

New Amendments handed in are marked thus ★

Secretary Alex Chalk

That proceedings on consideration of Lords amendments to the Victims and Prisoners Bill shall be considered in the following order: Lords amendments 35, 46, 32, 33, 47, 54, 98 and 99, 106, 1 to 31, 34, 36 to 45, 48 to 53, 55 to 97, 100 to 105 and 107 to 143.

Lords amendment 35

As Amendments to the Lords Amendment:—

Secretary Alex Chalk

Gov (a)

★ Line 3, at end insert “performed—

- (a) in England, and
- (b) subject to subsection (1A), in Wales.

(1A) Guidance under this section must not relate to a matter provision about which would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006).”

Secretary Alex Chalk

Gov (b)

★ Line 29, at end insert—

“(b) a devolved Welsh authority, within the meaning of the Government of Wales Act 2006 (see section 157A of that Act).”

Secretary Alex Chalk

Gov (c)

★ Leave out lines 30 to 34

Lords amendment 46

As an Amendment to the Lords Amendment:—

Secretary Alex Chalk

Gov (a)

★ Line 1, leave out “25” and insert “17”

Lords amendment 32

Secretary Alex Chalk

To move, That this House disagrees with the Lords in their Amendment.

Secretary Alex Chalk

To move the following Amendment to the Bill in lieu of the Lords Amendment 32:—

Gov (a)

★ Clause 18, page 18, line 25, at end insert—

“(3A) After section 51 insert—

“51A Duty to co-operate with Commissioner

- (1) The Commissioner may request a relevant person to co-operate with the Commissioner in any way that the Commissioner considers necessary for the purposes of the Commissioner’s functions.
- (2) A relevant person must comply with a request made to the person under this section, so far as it is appropriate and reasonably practicable for the person to do so.
- (3) In this section “relevant person” means a person who is not an individual and is subject to the duty in section 5(A1) of the Victims and Prisoners Act 2024 (duty to provide services in accordance with the code issued under section 2 of that Act).”

Lords amendment 33

Secretary Alex Chalk

To move, That this House disagrees with the Lords in their Amendment.

Lords amendment 47

Secretary Alex Chalk

To move, That this House disagrees with the Lords in their Amendment.

Lords amendment 54

Secretary Alex Chalk

To move, That this House disagrees with the Lords in their Amendment.

Secretary Alex Chalk

To move the following Amendment to the Bill in lieu of the Lords Amendment 54:—

Gov (a)

★ Page 37, line 11, at end insert the following new Clause—

“Review of duty of candour in relation to major incidents

- (1) The Secretary of State or the Minister for the Cabinet Office must, before 1 January 2025, carry out a review to determine the extent to which additional duties of transparency and candour should be imposed on public servants in relation to major incidents.
- (2) The Secretary of State or the Minister for the Cabinet Office may discharge the duty in subsection (1) by arranging for another person to carry out the review.
- (3) The Secretary of State or the Minister for the Cabinet Office must, as soon as reasonably practicable after the completion of the review—
 - (a) prepare, or arrange for another person to prepare, a report about the review,
 - (b) publish the report, and
 - (c) lay the report before Parliament.
- (4) In this section, “public servant” means—
 - (a) a public authority within the meaning given by section 29(2)(a) (see section 29(5));
 - (b) any person exercising the functions of a public authority (including as an employee of a public authority or as a person in the civil service of the State).”

Lords amendment 98

Secretary Alex Chalk

To move, That this House disagrees with the Lords in their Amendment.

Lords amendment 99

Secretary Alex Chalk

To move, That this House disagrees with the Lords in their Amendment.

Lords amendments 98 and 99

Secretary Alex Chalk

To move the following Amendment to the Bill in lieu of the Lords Amendments 98 and 99:—

Gov (a)

★ Page 50, line 37, at end insert the following new Clause—

“Assessing and managing risks posed by controlling or coercive behaviour offenders

In section 327 of the Criminal Justice Act 2003 (section 325: interpretation), in subsection (4A), after paragraph (c) insert—

“(ca) an offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship);”.

Lords amendment 106

Secretary Alex Chalk

To move, That this House disagrees with the Lords in their Amendment.

Secretary Alex Chalk

To move the following Amendments to the Bill in lieu of the Lords Amendment 106:—

Gov (a)

★ Clause 48, page 52, line 36, at end insert—

“(4) After section 32 insert—

“32ZZA Imprisonment or detention for public protection: powers in relation to release of recalled prisoners

- (1) This section applies where a prisoner to whom section 31A (termination of licences of preventive sentence prisoners) applies—
 - (a) has been released on licence under this Chapter, and
 - (b) is recalled to prison under section 32.
- (2) The Secretary of State may, at any time after the prisoner is returned to prison, release the prisoner again on licence under this Chapter.

- (3) The Secretary of State must not release the prisoner under subsection (2) unless satisfied that it is no longer necessary for the protection of the public that the prisoner should remain in prison.
- (4) Where the prisoner is released under subsection (2), the Secretary of State may determine that, for the purposes of paragraph (c) of section 31A(4H) (automatic licence termination), the prisoner's licence is to be treated as having remained in force as if it had not been revoked under section 32.
- (5) The Secretary of State may only make a determination under subsection (4) if the Secretary of State considers that it is in the interests of justice to do so.
- (6) Where the Secretary of State makes a determination under subsection (4), the Secretary of State must notify the prisoner.
- (7) In this section, "preventive sentence" means—
 - (a) a sentence of imprisonment or detention in a young offender institution for public protection under section 225 of the Criminal Justice Act 2003 (including one passed as a result of section 219 of the Armed Forces Act 2006), or
 - (b) a sentence of detention for public protection under section 226 of the Criminal Justice Act 2003 (including one passed as a result of section 221 of the Armed Forces Act 2006)."

Gov (b)

★ Clause 48, page 52, line 36, at end insert—

*"Extension of home detention curfew***Extension of home detention curfew**

- (1) Section 246 of the Criminal Justice Act 2003 (release of prisoners on licence before required to do so) is amended as follows.
- (2) In subsection (1), after "fixed-term prisoner" insert ", other than one to whom section 244ZA, 244A, 246A, 247, 247A or 247B or paragraph 4 or 24 of Schedule 20B applies,".
- (3) In subsection (4)—
 - (a) omit paragraphs (a) to (ab);
 - (b) after paragraph (ab) insert—
 - "(ac) the prisoner is one to whom section 244ZA would apply if—
 - (i) section 244ZA(4)(c), (5)(c) and (6)(c) were omitted,
 - (ii) the reference in section 244ZA(5)(a) to section 262 of the Sentencing Code were read as including a reference to section 96 of the PCC(S)A 2000, and
 - (iii) the reference in section 244ZA(6)(a) to section 250 of the Sentencing Code were read as including a reference to section 91 of the PCC(S)A 2000,";

- (c) in paragraph (g) for “at any time” substitute “during the currency of the sentence”;
 - (d) for paragraph (ga) substitute—
 - “(ga) the following apply—
 - (i) the prisoner has been released on licence under this section in relation to a previous sentence and has been recalled to prison under section 255(1)(a) (and the revocation of the licence has not been cancelled under section 255(3)), and
 - (ii) the requisite custodial period in relation to the previous sentence ended less than 2 years before the day on which the current sentence began,
 - (gb) the following apply—
 - (i) the prisoner has been released on licence under section 34A of the Criminal Justice Act 1991 in relation to a previous sentence and has been recalled to prison under section 38A(1)(a) of that Act (and the revocation of the licence has not been cancelled under section 38A(3) of that Act), and
 - (ii) the requisite custodial period in relation to the previous sentence ended less than 2 years before the day on which the current sentence began,”;
 - (e) omit paragraph (ha) (but not the “or” at the end of it).
- (4) Omit subsection (4ZA).”