

# Prisoners (Disclosure of Information About Victims) Bill

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## RUNNING LIST OF ALL AMENDMENTS ON REPORT

Tabled up to and including

**25 June 2020**

[Sheets HL Bill 102(a) to (c)]

### Clause 1

BARONESS BULL  
LORD HOPE OF CRAIGHEAD  
BARONESS BARKER

Page 1, line 14, after “prisoner” insert “is or was able to but”

***Member’s explanatory statement***

*This amendment seeks to ensure that account is taken of the prisoner’s state of mind in determining whether they can make a disclosure.*

Page 1, line 20, at end insert “, such as whether the prisoner has or had the mental capacity to disclose the information”

***Member’s explanatory statement***

*This amendment seeks to ensure that the prisoner’s mental capacity (within the meaning of the Mental Capacity Act 2005) to make the disclosure is taken into account.*

LORD THOMAS OF GRESFORD

Page 1, line 20, at end insert —

“(c) where a Newton hearing took place before the trial judge prior to the prisoner’s sentencing, any findings of the judge as to the reasons for the non-disclosure, including the mental capacity of the prisoner.”

***Member’s explanatory statement***

*This amendment requires the Parole Board to take into account the findings of a Newton hearing (a short hearing held before a judge without a jury to resolve disputed facts before sentencing) regarding the prisoner’s reasons for non-disclosure, if one was held after a verdict or plea of guilty.*

Page 2, line 45, at end insert –

- “(c) where a Newton hearing took place before the trial judge prior to the prisoner’s sentencing, any findings of the judge as to the reasons for the non-disclosure, including the mental capacity of the prisoner.”

***Member’s explanatory statement***

*This amendment applies similar provision to the amendment in the name of Lord Thomas of Gresford to page 1, line 20 to prisoners sentenced for making indecent images of children.*

**Clause 2**

BARONESS KENNEDY OF CRADLEY  
LORD GERMAN  
BARONESS BARKER  
BARONESS NEWLOVE

Insert the following new Clause –

**“Parole board database**

- (1) Within six months of this Act being passed, the Parole Board must create and maintain a database of family members of victims to whom the circumstances referred to in sections 28A(1) and 28B(1) of the Crime (Sentences) Act 1997 apply.
- (2) At each stage of an offender’s parole application the Parole Board must contact the relevant persons to provide them with information pertaining to the application, including but not limited to –
  - (a) the timings of hearings where the prisoner’s release from prison is being considered;
  - (b) a relevant person’s rights in relation to requesting a judicial review of the Parole Board’s decision;
  - (c) the length of the sentence that will have been served by the prisoner at the time of the hearing;
  - (d) decisions of the Parole Board; and
  - (e) any other rights that a relevant person has relating to the provision of information.
- (3) The parole board must remove a relevant person from the database if they, or their parent or guardian (if applicable), do not wish their details to be included in the database.
- (4) Within one year of the database being created, the Secretary of State must undertake a review of the effectiveness of the Parole Board’s actions under this section, with a report to be laid before Parliament.
- (5) In this section, the relevant persons are –
  - (a) where the prisoner’s sentence has been imposed for murder or manslaughter, the victim’s parents or guardians, children and siblings; or
  - (b) where the prisoner’s sentence has been imposed for an offence relating to indecent images as defined by section 28B of the Crime (Sentences) Act 1997 –
    - (i) the victim, or

**Clause 2 - continued**

- (ii) the suspected victim's parents or guardians if the victim or suspected victim is under the age of 18."

BARONESS BULL  
LORD HOPE OF CRAIGHEAD  
BARONESS BARKER

Page 4, line 14, after "prisoner" insert "is or was able to but"

***Member's explanatory statement***

*This amendment seeks to ensure that account is taken of the prisoner's state of mind in determining whether they can make a disclosure.*

Page 4, line 20, at end insert ", such as whether the prisoner has or had the mental capacity to disclose the information"

***Member's explanatory statement***

*This amendment seeks to ensure that the prisoner's mental capacity (within the meaning of the Mental Capacity Act 2005) to make the disclosure is taken into account.*

LORD THOMAS OF GRESFORD

Page 4, line 20, at end insert –

- “(c) where a Newton hearing took place before the trial judge prior to the prisoner's sentencing, any findings of the judge as to the reasons for the non-disclosure, including the mental capacity of the prisoner.”

***Member's explanatory statement***

*This amendment applies similar provision to the amendment in the name of Lord Thomas of Gresford to page 1, line 20 to prisoners sentenced for manslaughter.*

BARONESS BULL  
LORD HOPE OF CRAIGHEAD  
BARONESS BARKER

Page 5, line 3, after "prisoner" insert "is or was able to but"

***Member's explanatory statement***

*This amendment seeks to ensure that account is taken of the prisoner's state of mind in determining whether they can make a disclosure.*

Page 5, line 9, at end insert ", such as whether the prisoner has or had the mental capacity to disclose the information"

***Member's explanatory statement***

*This amendment seeks to ensure that the prisoner's mental capacity (within the meaning of the Mental Capacity Act 2005) to make the disclosure is taken into account.*

LORD THOMAS OF GRESFORD

Page 5, line 9, at end insert –

“(c) where a Newton hearing took place before the trial judge prior to the prisoner’s sentencing, any findings of the judge as to the reasons for the non-disclosure, including the mental capacity of the prisoner.”

***Member’s explanatory statement***

*This amendment applies similar provision to the amendment in the name of Lord Thomas of Gresford to page 1, line 20 to prisoners sentenced for making indecent images of children.*

BARONESS BULL  
LORD HOPE OF CRAIGHEAD  
BARONESS BARKER

Page 6, line 12, after “prisoner” insert “is or was able to but”

***Member’s explanatory statement***

*This amendment seeks to ensure that account is taken of the prisoner’s state of mind in determining whether they can make a disclosure.*

Page 6, line 18, at end insert “, such as whether the prisoner has or had the mental capacity to disclose the information”

***Member’s explanatory statement***

*This amendment seeks to ensure that the prisoner’s mental capacity (within the meaning of the Mental Capacity Act 2005) to make the disclosure is taken into account.*

LORD THOMAS OF GRESFORD

Page 6, line 18, at end insert –

“(c) where a Newton hearing took place before the trial judge prior to the prisoner’s sentencing, any findings of the judge as to the reasons for the non-disclosure, including the mental capacity of the prisoner.”

***Member’s explanatory statement***

*This amendment applies similar provision to the amendment in the name of Lord Thomas of Gresford to page 1, line 20 to prisoners sentenced for manslaughter.*

BARONESS BULL  
LORD HOPE OF CRAIGHEAD  
BARONESS BARKER

Page 7, line 3, after “prisoner” insert “is or was able to but”

***Member’s explanatory statement***

*This amendment seeks to ensure that account is taken of the prisoner’s state of mind in determining whether they can make a disclosure.*

Page 7, line 9, at end insert “, such as whether the prisoner has or had the mental capacity to disclose the information”

***Member's explanatory statement***

*This amendment seeks to ensure that the prisoner's mental capacity (within the meaning of the Mental Capacity Act 2005) to make the disclosure is taken into account.*

LORD THOMAS OF GRESFORD

Page 7, line 9, at end insert —

“(c) where a Newton hearing took place before the trial judge prior to the prisoner's sentencing, any findings of the judge as to the reasons for the non-disclosure, including the mental capacity of the prisoner.”

***Member's explanatory statement***

*This amendment applies similar provision to the amendment in the name of Lord Thomas of Gresford to page 1, line 20 to prisoners sentenced for making indecent images of children.*