

Police, Crime, Sentencing and Courts Bill

AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

After Clause 43

BARONESS MASSEY OF DARWEN

Insert the following new Clause—

Bail and primary carers

(1) Section 4 of the Bail Act 1976 is amended as follows.

(2) After sub-section (9), insert—

“(10) Where a court determines whether to grant bail in criminal proceedings to a person to whom this section applies who is a primary carer for a child or pregnant, the court must—

(a) consider the impact of not granting bail on the child or unborn child; and

(b) presume (subject to victim impact or other relevant considerations) that it is in the best interests of the child or unborn child for bail to be granted.

(11) In this section—

(a) ‘child’ means a person under the age of 18, and

(b) ‘primary carer’ means a person who has primary or substantial care responsibilities for a child.”

Member’s explanatory statement

This Clause reflects the requirement for judge to consider the impact of not granting bail on a child when determining, in criminal proceedings, whether to grant bail to a primary carer of a dependent child.

Clause 52

BARONESS MASSEY OF DARWEN

Page 57, line 27, leave out from beginning of line 27 to end of line 29

Member’s explanatory statement

This amendment would remove the condition that was based on the potential of a person to trespass and to cause damage.

Clause 62

BARONESS MASSEY OF DARWEN

Page 58, line 39, leave out from beginning of line 39 to end of line 42 and insert—

- “(a) the use of threatening or abusive words or behaviour, or disorderly behaviour; or
- (b) the display of any writing, sign, or other visible representation that is threatening or abusive;”

Member’s explanatory statement

This amendment removes ‘insulting words or behaviour’ from the definition of ‘offensive conduct’.

Clause 101

BARONESS MASSEY OF DARWEN

Page 86, line 14, leave out “before the day on which section 101 of the Police, Crime, Sentencing and Courts Act 2021 came into force, the court” and insert

- “(i) by a person aged 16 or 17; or
- (ii) by a person aged 18 or over before the day on which section 101 of the Police, Crime, Sentencing and Courts Act 2021 came into force, the court”

Member’s explanatory statement

This amendment ensures that no children are affected by the changes to mandatory minimum sentences in clause 101.

Page 86, line 17, after “committed” insert—

“by a person aged 18 or over”

Member’s explanatory statement

This amendment ensures that no children are affected by the changes to mandatory minimum sentences in clause 101.

Page 87, line 13, leave out “before the day on which section 101 of the Police, Crime, Sentencing and Courts Act 2021 came into force, the court” and insert

- “(i) by a person aged 16 or 17; or
- (ii) by a person aged 18 or over before the day on which section 101 of the Police, Crime, Sentencing and Courts Act 2021 came into force, the court”

Page 87, line 16, after “committed” insert—

“by a person aged 18 or over”

Member’s explanatory statement

This amendment ensures that no children are affected by the changes to mandatory minimum sentences in clause 101.

Clause 103

BARONESS MASSEY OF DARWEN

Baroness Massey of Darwen gives notice of her intention to oppose the Question that Clause 103 stand part of the Bill.

Member's explanatory statement

Clause 103 would make it possible for judges to impose whole life orders on offenders aged 18 to 20 in exceptionally serious circumstances. This amendment would ensure that the minimum age for imposing a whole life order does not drop below 21.

Clause 104

BARONESS MASSEY OF DARWEN

Page 89, line 9, omit from “, 3 or 4” to end of line 16.

Member's explanatory statement

This amendment removes the proposed tariff starting points for DHMP sentences that are above the current 12 years.

Page 89, line 17, omit column 2 and column 3

Member's explanatory statement

This amendment removes the proposed tariff starting points for DHMP sentences that are above the current 12 years.

Page 89, line 19, omit “supplied by paragraph 5 had offender been 18”

Member's explanatory statement

This amendment removes the proposed tariff starting points for DHMP sentences that are above the current 12 years.

Page 89, line 24, omit “14” and insert “12”

Member's explanatory statement

This amendment removes the proposed tariff starting points for DHMP sentences that are above the current 12 years.

Clause 105

BARONESS MASSEY OF DARWEN

Page 90, line 7, omit paragraph (b)

Member's explanatory statement

This amendment would ensure that those children who commit an offence resulting in a DHMP sentence while under the age of 18 still qualify for a review of their tariff at the half way point and beyond, even if they reach the age of 18 whilst awaiting sentence or in custody.

Page 90, line 20, omit paragraph (b)

Member's explanatory statement

This amendment would ensure that those children who commit an offence resulting in a DHMP sentence while under the age of 18 still qualify for a review of their tariff at the half way point and beyond, even if they reach the age of 18 whilst awaiting sentence or in custody.

Clause 107

BARONESS MASSEY OF DARWEN

Page 94, line 16, omit "or (6)"

Member's explanatory statement

This amendment would prevent the release point for children sentenced to detention under section 250 of the Sentencing Act 2020 being pushed back to two thirds of the way through their sentence.

Page 95, line 2, omit subsection (6)

Member's explanatory statement

This amendment would prevent the release point for children sentenced to detention under section 250 of the Sentencing Act 2020 being pushed back to two thirds of the way through their sentence.

After Clause 131

BARONESS MASSEY OF DARWEN

Insert the following new Clause –

Pre-sentence report requirements

- (1) Section 30 of the Sentencing Act 2020 is amended as follows.
- (2) After sub-section (3), insert –
 - “(3A) A court must make inquiries to establish whether the offender is a primary carer for a child.
 - (3B) If the court establishes that the offender is a primary carer for a child, unless there are exceptional circumstances before sentencing the offender the court must obtain a pre-sentence report containing information to enable the court to make an assessment of the impact of a custodial sentence on the child.”
- (3) After sub-section (4) insert –
 - “(5) In this section –
 - (a) ‘child’ means a person under the age of 18; and
 - (b) ‘primary carer’ means a person who has primary or substantial care responsibilities for a child.”

Member's explanatory statement

This Clause amends section 30 of the Sentencing Act 2020 to make clear the requirement for a sentencing judge to have a copy of a pre-sentence report, considering the impact of a custodial sentence on the dependent child, when sentencing a primary carer of a child.

Insert the following new Clause—

Duty to give reasons for the sentence

(1) Section 52 of the Sentencing Act 2020 is amended as follows.

(2) After subsection (9), insert—

“(10) A court sentencing a primary carer for a child must state how the best interests of the child were considered in determining the sentence (including, if appropriate, consideration of the views of the child).

(11) A court sentencing a pregnant woman must state how the best interests of the baby were considered in determining the sentence.

(12) In this section—

(a) ‘child’ means a person under the age of 18; and

(b) ‘primary carer’ means a person who has primary or substantial care responsibilities for a child.”

Member’s explanatory statement

This Clause amends section 52 of the Sentencing Act 2020 to require a sentencing judge to state how the best interests of a child were considered when sentencing a primary carer of a dependent child.

Insert the following new Clause—

Restrictions on imposing imprisonment on a primary carer

(1) After section 227 of the Sentencing Act 2020, insert—

“227A Restrictions on imposing imprisonment on a primary carer

(1) This section applies where a court is considering imposing a custodial sentence on—

(a) a primary carer for a child, or

(b) a pregnant woman.

(2) The sentencing court must—

(a) consider the impact of a custodial sentence on the child or unborn child, and

(b) presume (subject to victim impact and any other sentencing considerations) that a non-custodial sentence is in the best interests of the child or unborn child.

(4) In this section—

(a) ‘child’ means a person under the age of 18, and

(b) ‘primary carer’ means a person who has primary or substantial care responsibilities for a child.”

Member’s explanatory statement

This Clause reflects the requirement for sentencing judge to consider the impact of a custodial sentence on a child when sentencing a primary carer of a dependent child.

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23 September 2021
