Police, Crime, Sentencing and Courts Bill

AMENDMENTS

TO BE MOVED

ON REPORT

After Clause 116

LORD MOYLAN
LORD GARNIER
LORD BLUNKETT

Insert the following new Clause—

"Amendments to the Crime (Sentences) Act 1997: parole

(1) Section 31A of the Crime (Sentences) Act 1997 is amended as follows.

(2) For subsections (3) and (4) substitute—

"(3) Where the prisoner has been released on licence under this Chapter—

(a) upon the expiry of the qualifying period, or

(b) within the period of 12 months beginning with the day on which the Parole Board has dismissed a previous referral under this subsection in relation to the prisoner,

the Secretary of State shall refer the prisoner's case to the Parole Board for consideration under subsection (4).

(4) Where a referral is made under subsection (3), the Parole Board—

(a) must, if it is satisfied that it is no longer necessary for the protection of the public that the licence should remain in force, direct the Secretary of State to make an order that the licence is to cease to have effect;

(b) must otherwise dismiss the referral."

(3) After subsection (4) insert—

"(4A) When considering a referral under subsection (3), the Board must consider any previous referral and any information that—

(a) the Secretary of State, or

(b) the prisoner,

wishes to place before the Board."

(4) In subsection (5), for "ten" substitute "five"."

Member's explanatory statement
This amendment will automate the process of licence review for offenders with an indeterminate sentence for public protection who are living in the community on licence and reduce the qualifying period from 10 to five years.

After Clause 125

LORD HODGSON OF ASTLEY ABBOTTS

Insert the following new Clause—

"Discretionary early discharge of prisoners

In section 23 of the Criminal Justice Act 1961, after subsection (3) insert—

"(3ZA) Where a prisoner is to be discharged on a Friday or the day before a bank holiday, at the discretion of the governor of the prison they may be discharged up to two working days earlier than the day on which the prisoner would otherwise fall to be discharged, provided that—

(a) it would be helpful for the prisoner's reintegration into society, and

(b) the prisoner has served a custodial sentence of more than 30 days.""

After Clause 132

THE LORD BISHOP OF GLOUCESTER

Insert the following new Clause—

"Pre-sentence report requirements

(1) Section 30 of the Sentencing Act 2020 is amended as follows.

(2) After subsection (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 subsection (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

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.

(3) 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 a sentencing judge to consider the impact of a custodial sentence on a child when sentencing a primary carer of a dependent child.

Insert the following new Clause—

"Duty to collect and publish data on the sentencing of offenders who are parents of children aged under 18 or who are pregnant

(1) The Lord Chancellor must take reasonable steps to ensure the following data are centrally collected and published at least annually—

After Clause 132 - *continued*

(a) the number of offenders who at the time of sentencing—
(i) have parental responsibility for a child or children aged under 18, or
(ii) are pregnant, and
(b) the number of such children and unborn children.

(2) "Parental responsibility" has the meaning given by section 3 of the Children Act 1989.

(3) The data collected under subsection (1) must include whether the offender is the primary carer of any such children.

(4) For the purposes of subsection (3), "primary carer" means someone who has substantial care of a person under the age of 18; and, where care is equally shared, all carers of that child are a "primary carer".

(5) The data collected under subsections (1) and (3) must—
(a) only be gathered with the offender's consent, and
(b) be disaggregated according to the following criteria—
(i) the gender of the offender to whom they relate;
(ii) the ethnicity of the offender;
(iii) the sentence received by the offender;
(iv) the offence type for which the offender is sentenced.

(6) The data and information to be collected under this section must be collected from the day on which this Act is passed."

Member's explanatory statement
The provision will place a duty on the Lord Chancellor to ensure data is collected and regularly published on the number of offenders who have parental responsibility for children or are pregnant at the time of sentencing. This includes data on the number of children and unborn children affected and whether the offender is the primary carer of any such children. The provision requires this data is disaggregated according to the offender's gender and ethnicity, the sentence received and the offence type for which they are sentenced.

After Clause 172

BARONESS CHAKRABARTI
LORD ROSSER
LORD CARLILE OF BERRIEW
BARONESS NEWLOVE

Insert the following new Clause—

"Duty to establish statutory inquiry into lessons to be learned from the death of Sarah Everard

(1) The inquiry into matters arising from the death of Sarah Everard, announced by the Secretary of State for the Home Department on 22 November 2021, is to be held as an inquiry under the Inquiries Act 2005.

(2) The Secretary of State must ensure that the terms of reference of the inquiry include the wider lessons to be learned for the professional culture, funding, vetting and organisation of policing, the prevention of violence against women and the investigation and prosecution of misogynistic crimes.

After Clause 172 - *continued*

(3) If on the commencement of any provision of this Act, the inquiry does not have a panel of members which includes at least one member with experience in the area of violence against women, the Secretary of State must ensure that such a member is appointed."

Member's explanatory statement
This amendment converts the existing Home Office inquiry into the matters arising from the death of Sarah Everard into a statutory inquiry under the Inquiries Act 2005. It also ensures that the Inquiry panel includes at least one member with experience in the area of violence against women and girls.

BARONESS MEACHER

Insert the following new Clause—

"Restorative justice

The Secretary of State must, every five years—

(a) prepare an action plan on restorative justice for the purpose of improving access, awareness and capacity of restorative justice within the criminal justice system,

(b) publish a copy of the action plan, and

(c) publish a report on progress in implementing the previous action plan."

After Clause 44

THE LORD BISHOP OF GLOUCESTER

Insert the following new Clause—

"Bail and primary carers

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

(2) After subsection (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 a 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.

After Clause 50

BARONESS CHAKRABARTI
LORD CARLILE OF BERRIEW
LORD GARNIER

Insert the following new Clause—

"Arrest without warrants: safeguarding

In section 24 of the Police and Criminal Evidence Act 1984 (arrest without warrants: constables), after subsection (4) insert—

"(4A) A constable exercising the power conferred by subsection (1), (2) or (3) may not require or ask the person under arrest to enter a vehicle or premises other than a police station unless at least one other constable is present in the vehicle or when entering the premises, as applicable.""

Member's explanatory statement
This amendment ensures the attendance of at least two police constables if an arrested person is to be taken into a vehicle or premises other than a police station.

Insert the following new Clause—

"Statutory transportation of suspects code

In section 66 of the Police and Criminal Evidence Act 1984 (Codes of practice), in subsection (1)(b) before "detention" insert "transportation,"."

Member's explanatory statement
This amendment adds the transportation of arrested people to the matters about which the Secretary of State must issue codes of practice under the Police and Criminal Evidence Act 1984.

Clause 178

LORD BLENCATHRA
LORD JUDGE

Page 199, line 13, at end insert—

"(7) Part 6 of Schedule 4 may not come into force unless the College of Policing is re-established under an Act of Parliament."

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2 December 2021