

# Police, Crime, Sentencing and Courts Bill

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON THIRD READING

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[Amendments marked ★ are new or have been altered]

Amendment  
No.

**Clause 3**

LORD FALCONER OF THOROTON  
BARONESS CHAKRABARTI  
LORD CARLILE OF BERRIEW

1★

Page 4, line 39, at end insert –

“(c) manslaughter in circumstances where –

- (i) the death was not caused by dangerous driving or driving when under the influence of drink or drugs, and
- (ii) but for causing death or serious injury to the emergency worker, the unlawful act would have attracted a maximum sentence of less than five years imprisonment.”

**Clause 80**

LORD ROSSER

2

Leave out Clause 80

***Member’s explanatory statement***

*This clause is consequential on a clause which was not added to the bill, as it was defeated by a vote of the House. This clause therefore provides background detail for a power and a clause that do not exist. This amendment would remove this non-operational clause from the bill.*

**After Clause 136**

LORD WOLFSON OF TREDEGAR  
LORD JUDGE  
LORD BROWN OF EATON-UNDER-HEYWOOD  
LORD BLUNKETT  
LORD MOYLAN

3 Insert the following new Clause—

**“Imprisonment for public protection etc: duty to refer person released on licence to Parole Board**

- (1) Section 31A of the Crime (Sentences) Act 1997 (imprisonment or detention for public protection: termination of licences) is amended in accordance with subsections (2) to (6).
- (2) In subsection (2)(a), after “Chapter” insert “(whether or not the prisoner has subsequently been recalled to prison under section 32)”.
- (3) For subsection (3) substitute—
  - “(3) Where—
    - (a) the prisoner has been released on licence under this Chapter (whether or not the prisoner has subsequently been recalled to prison under section 32);
    - (b) the qualifying period has expired; and
    - (c) if the Secretary of State has made a previous reference of the prisoner’s case under this subsection, the period of twelve months beginning with the day of the disposal of that reference has expired,

the Secretary of State must refer the prisoner’s case to the Parole Board under this subsection.”
- (4) In subsection (4)—
  - (a) in the words before paragraph (a), for “an application” substitute “a reference”, and
  - (b) in paragraph (b), for “application” substitute “reference”.
- (5) After subsection (4) insert—
  - “(4A) A reference under subsection (3) must be made, and a reference under that subsection must be determined by the Parole Board under subsection (4), even if at the time of the reference or determination the prisoner is in prison having been recalled under section 32.
  - (4B) If at the time of the determination the prisoner is in prison having been recalled under section 32—
    - (a) subsection (2) does not apply, and
    - (b) subsection (4)(a) has effect as if it required the Parole Board—
      - (i) to determine whether it is satisfied that it is not necessary for the protection of the public for the prisoner, when released, to be released on licence in respect of the preventative sentence or sentences, and
      - (ii) if it is so satisfied, to direct the Secretary of State accordingly.
  - (4C) Where the Parole Board gives a direction under subsection (4B)(b)(ii)—

**After Clause 136 - continued**

- (a) if at any time the Board directs the prisoner's release under section 28, that section has effect in relation to the prisoner as if, in subsection (5), for "to release him on licence" there were substituted "to release the prisoner unconditionally", and
  - (b) if at any time the Board directs the prisoner's release under section 32, that section has effect in relation to the prisoner as if, in subsection (5), for "immediate release on licence" there were substituted "immediate unconditional release".
- (6) In subsection (5), in the definition of "the qualifying period", after "on licence" insert "(whether or not the prisoner has subsequently been recalled to prison under section 32)".
- (7) Subsection (8) applies to an application made by a person under section 31A(3) of the Crime (Sentences) Act 1997 before this section comes into force.
- (8) If the application has not been determined when this section comes into force, subsections (4) to (4C) of section 31A of the Crime (Sentences) Act 1997 apply in relation to it as if it were a reference of the person's case by the Secretary of State to the Parole Board under subsection (3) of that section.
- (9) Subsection (10) applies if a person remains on licence under Chapter 2 of Part 2 of the Crime (Sentences) Act 1997, or remains subject to release on licence under that Chapter, following—
- (a) the disposal before this section comes into force of the person's application to the Parole Board under section 31A(3) of that Act, or
  - (b) the disposal under subsection (4) of section 31A of that Act, as it has effect by virtue of subsection (8) of this section, of the person's application to the Parole Board under subsection (3) of that section.
- (10) Subsection (3) of section 31A of the Crime (Sentences) Act 1997 applies in relation to the person as if the application had been a reference of the person's case by the Secretary of State to the Parole Board under that subsection."

**Member's explanatory statement**

*This amendment and the amendments in the name of Lord Wolfson of Tredegar at page 133, line 13, page 135, line 13 and page 233, line 33 give effect to an undertaking given by Lord Wolfson on 15th December 2021 (Hansard col. 359). This amendment imposes a duty on the Secretary of State to refer the case of a person who is serving a sentence of imprisonment for public protection (or the equivalent youth sentence), and has been released on licence, to the Parole Board after ten years and annually after that.*

**Clause 142**

LORD WOLFSON OF TREDEGAR  
LORD JUDGE

4 Page 133, line 13, at end insert—

“(3A) Subsection (3) does not apply to a reference by the Secretary of State under section 31A(3).”

***Member's explanatory statement***

*This amendment is consequential on the new Clause in the name of Lord Wolfson of Tredegar to be inserted after Clause 136. It disapplies section 33A(3) of the Crime (Sentences) Act 1997 (inserted by Clause 142) in relation to a reference by the Secretary of State under section 31A(3) of that Act.*

5 Page 135, line 13, at end insert—

“(3A) The reference in subsection (3)(a) to a requirement of the Secretary of State to refer a prisoner’s case to the Board does not include a requirement to do so under section 31A(3) of the 1997 Act.”

***Member's explanatory statement***

*This amendment is consequential on the new Clause in the name of Lord Wolfson of Tredegar to be inserted after Clause 136. It disapplies section 267C(3) of the Criminal Justice Act 2003 (inserted by Clause 142) in relation to a reference by the Secretary of State under section 31A(3) of the Crime (Sentences) Act 1997.*

**Clause 209**

LORD WOLFSON OF TREDEGAR  
LORD JUDGE

6 Page 233, line 33, at end insert—

“(ma) section (*Imprisonment for public protection etc: duty to refer person released on licence to Parole Board*);”

***Member's explanatory statement***

*This amendment is consequential on the new Clause in the name of Lord Wolfson of Tredegar to be inserted after Clause 136. It provides for that Clause to come into force two months after Royal Assent.*

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*24 January 2022*

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