

Victims and Courts Bill

MARSHALLED LIST OF MOTIONS AND AMENDMENTS TO BE MOVED ON CONSIDERATION OF COMMONS REASONS

[The page and line references are to HL Bill 141, the Bill as first printed for the Lords]

MOTION A

LORDS AMENDMENT 1

After Clause 7

1 After Clause 7, insert the following new Clause –

“Access to free court transcripts for victims

- (1) Victims of criminal offences shall be entitled to receive, without charge, court transcripts of –
- 5 (a) the Route to Verdict, and
- (b) bail decisions and conditions,
- which are relevant to their case.
- (2) The Secretary of State must ensure that such transcripts are provided within 14 days of a request.
- 10 (3) The entitlement under subsection (1) shall apply irrespective of whether the victim gave evidence in the case.”

COMMONS REASON

The Commons disagree to Lords Amendment 1 for the following Reason –

1A *Because this Amendment would impose undue pressure on the resources of His Majesty’s Courts and Tribunals Service and the Judicial Office.*

A **Baroness Levitt to move, That this House do not insist on its Amendment 1, to which the Commons have disagreed for their Reason 1A.**

MOTION B

LORDS AMENDMENT 2

After Clause 7

2 After Clause 7, insert the following new Clause –

“Application of the victims’ code in respect of victims of murder, manslaughter or infanticide abroad

(1) The Victims and Prisoners Act 2024 is amended as follows.

5 (2) After section 4, insert –

“4A Application of the victims’ code in respect of victims of murder, manslaughter or infanticide of a close family member abroad

10 (1) This section relates to victims as defined under section 1(2)(c) who are close family members of a British National resident in England and Wales who was the victim of –

- (a) murder,
- (b) manslaughter, or
- (c) infanticide,

committed outside the United Kingdom.

15 (2) The Secretary of State must by regulations issue an appendix to the victims’ code, setting out how the code applies to victims in the circumstances set out in subsection (1).

20 (3) The appendix must set out the services to be provided to victims as defined under subsection (1) by those persons based in England and Wales appearing to the Secretary of State to have functions of a public nature relating to –

- (a) victims, or
- (b) any aspect of the criminal justice system.

25 (4) The appendix must make provision for services based in England and Wales which reflect the principles that victims require –

- (a) information to help them understand the criminal justice process,
 - (b) access to services within England and Wales which provide them with emotional and practical support (including, where appropriate, specialist services),
 - (c) in circumstances where the criminal justice process is engaged in England and Wales, the opportunity to make their views heard in the criminal justice process, and
 - (d) the ability to challenge decisions which have a direct impact on them.
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- (5) In setting out the services to be provided to victims under this section, the Secretary of State must specify the following—
- (a) how such services will be provided with accessible information;
 - (b) how they access emotional and practical support.””

COMMONS REASON

The Commons disagree to Lords Amendment 2 for the following Reason –

2A *Because the Commons consider that the obligations to which Lords Amendment 2 would give rise are unworkable.*

B **Baroness Levitt to move, That this House do not insist on its Amendment 2, to which the Commons have disagreed for their Reason 2A.**

B1★ **Baroness Brinton to move, as an amendment to Motion B, at end insert “, and do propose Amendments 2B and 2C in lieu –**

2B After Clause 7, insert the following new Clause –

“Application of the victims’ code in respect of close family members of victims of murder, manslaughter or infanticide abroad: review

- (1) Within 18 months of this section coming into force, the Secretary of State must review the effectiveness of the how the victims’ code applies to victims as defined under section 1(2)(c) who are close family members of a British National resident in England and Wales who was the victim of –
 - (a) murder,
 - (b) manslaughter, or
 - (c) infanticide,
 committed outside the United Kingdom.
- (2) The Secretary must lay a report of the review under subsection (1) before both Houses of Parliament.”

2C Clause 17, page 18, line 37, at beginning insert “Section (*Application of the victims’ code in respect of close family members of victims of murder, manslaughter or infanticide abroad: review*),””

MOTION C

LORDS AMENDMENT 3

After Clause 7

3 After Clause 7, insert the following new Clause –

“Publication of court transcripts of sentencing remarks

- 5 (1) Where a request is made for the sentencing remarks delivered in the Crown Court, the court must, subject to subsection (2), make those remarks publicly available online within 14 days of the request being received.
- (2) The court must, before publication, make the relevant victim(s) aware that they have a right to request anonymity, and if such a request is made, take the necessary steps to prevent the risk of identification of the victim, including through jigsaw identification.”

COMMONS REASON

The Commons disagree to Lords Amendment 3 for the following Reason –

3A *Because this Amendment would impose undue pressure on the resources of His Majesty’s Courts and Tribunals Service and the Judicial Office.*

C **Baroness Levitt to move, That this House do not insist on its Amendment 3, to which the Commons have disagreed for their Reason 3A.**

C1★ **Lord Keen of Elie to move, as an amendment to Motion C, leave out from “House” to end and insert “do insist on its Amendment 3.”**

MOTION D

LORDS AMENDMENT 4

Clause 12

4 Leave out Clause 12

COMMONS REASON

The Commons disagree to Lords Amendment 4 for the following Reason –

4A *Because Lords Amendment 4 would alter the financial arrangements made by the Commons, and the Commons do not offer any further Reason, trusting that this Reason may be deemed sufficient.*

- D** Baroness Levitt to move, That this House do not insist on its Amendment 4, to which the Commons have disagreed for their Reason 4A.
- D1★** Lord Keen of Elie to move, as an amendment to Motion D, at end insert “, and do propose Amendments 4B and 4C in lieu –
- 4B** Clause 12, page 16, line 28, at end insert –
- “(2AB) Before making any regulations giving effect to subsections (2ZA) or (2A), the Secretary of State must –
- (a) publish an impact assessment evaluating the likely effects of the regulations, including, but not limited to, their impact on –
 - (i) the ability of private prosecutors to bring proceedings,
 - (ii) the charitable and voluntary sector, and
 - (iii) access to justice, and
 - (b) publish a response to that impact assessment.”
- 4C** Clause 12, page 16, line 30, at end insert –
- “(4) In section 29 (regulations), in subsection (1B) omit “or 19(4B)” and insert “, 19(4B) or 20(1A)(d) in relation to private prosecutions”. ””

MOTION E

LORDS AMENDMENT 5

After Clause 14

- 5** After Clause 14, insert the following new Clause –
- “Unduly lenient sentences: time limit**
- In paragraph 1 of Schedule 3 to the Criminal Justice Act 1988, at end insert “, subject to sub-paragraph (2).
- (2) The time limit of 28 days shall be extended in exceptional circumstances, which may include but not be limited to a failure of the relevant body to inform the victim and families of their rights under section 36 (reviews of sentencing). ””

COMMONS REASON

The Commons disagree to Lords Amendment 5 for the following Reason –

- 5A** *Because this Amendment gives rise to legal uncertainty.*
- E** Baroness Levitt to move, That this House do not insist on its Amendment 5 to which the Commons have disagreed for their Reason 5A, and do propose Amendments 5B to 5F in lieu –

- 5B** Clause 13, page 16, line 38, leave out “sub-paragraph (2)” and insert “sub-paragraphs (2) and (5)”
- 5C** Clause 13, page 17, line 16, at end insert –
- “(d) after sub-paragraph (4) (inserted by subsection (2)(c)) insert –
- “(5) The Court of Appeal may allow notice of an application for leave to refer a case to be given after the expiry of the period in sub-paragraph (1) (and any extension of that period under sub-paragraph (2)) where the Court of Appeal is satisfied that –
- (a) notice of the application is given pursuant to a request, by a person who is a victim in the case falling within section 1(1)(a) or (2)(c) of the Victims and Prisoners Act 2024 (meaning of “victim”), to review the sentencing of a person,
- (b) notice of the application is given –
- (i) within six months from the day on which the sentence, or the last of the sentences, in the case was passed, or
- (ii) where the request is received by the Attorney General within the last 14 days of the six-month period mentioned in sub-paragraph (i), within 14 days from the day on which the request is received, and
- (c) it is in the interests of justice to allow notice to be given after the expiry of the period in sub-paragraph (1) (and any extension of that period under sub-paragraph (2)).”
- 5D** Clause 13, page 17, line 19, leave out “(4)” and insert “(5)”
- 5E** Clause 13, page 17, line 20, at end insert –
- “(4) The amendment made by subsection (2)(d) applies only in relation to cases where the sentence, or the last of the sentences, was passed after it came into force.”
- 5F** Clause 17, page 18, line 34, after “13” insert “(1), (2)(a) to (c), and (3)”

MOTION F

LORDS AMENDMENT 6

After Clause 14

6 After Clause 14, insert the following new Clause –

“Duty to inform victims and families of the unduly lenient sentencing scheme

After section 36 of the Criminal Justice Act 1988, insert –

“36A Duty to inform victims and families of the unduly lenient sentencing scheme

- (1) The Secretary of State must nominate a government department to inform victims and their families of their rights set out in section 36 (reviews of sentencing).
- (2) The information provided under subsection (1) must include the type of sentence and the time limit for application, and advise that applications must be made to the Attorney General.”

COMMONS REASON

The Commons disagree to Lords Amendment 6 for the following Reason –

6A *Because the Victims’ Code already stipulates that victims will be informed of the unduly lenient sentence scheme.*

F **Baroness Levitt to move, That this House do not insist on its Amendment 6 to which the Commons have disagreed for their Reason 6A, and do propose Amendments 6B and 6C in lieu –**

6B After Clause 13, insert the following new Clause –

“Reviews of sentencing: duty to notify victims

- (1) Section 2 of the Victims and Prisoners Act 2024 (victims’ code) is amended in accordance with subsections (2) and (3).
- (2) After subsection (3) insert –
 - “(3A) The victims’ code must make provision about informing victims of the opportunity to ask the Attorney General to refer a case to the Court of Appeal under section 36 of the Criminal Justice Act 1988 (unduly lenient sentences).
 - (3B) Subsection (3A) applies only in respect of –
 - (a) a person who is a victim by virtue of section 1(1)(a) or (2)(c), and
 - (b) cases relating to the criminal conduct as a result of which that person is such a victim.”

- (3) In subsection (13), after “references in” insert “subsection (3A) and”.
- (4) In section 35 of the Criminal Justice Act 1988, in subsection (1), at the end insert “(for requests for referrals by victims of crime in England and Wales, see section 2(3A) of the Victims and Prisoners Act 2024)”.

6C Clause 17, page 18, line 34, at end insert –

“(ca) section (*Reviews of sentencing: duty to notify victims*) (reviews of sentencing: duty to notify victims);”

MOTION G

LORDS AMENDMENT 7

Clause 17

7 Clause 17, page 18, line 33, leave out paragraph (b)

COMMONS REASON

The Commons disagree to Lords Amendment 7 for the following Reason –

7A *Because Lords Amendment 4 would alter the financial arrangements made by the Commons, and Lords Amendment 7 is consequential on that Amendment, and the Commons do not offer any further Reason, trusting that this Reason may be deemed sufficient.*

G **Baroness Levitt to move, That this House do not insist on its Amendment 7, to which the Commons have disagreed for their Reason 7A.**

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