



HL Bill 31 of 2023–24

# Victims and Prisoners Bill

**Author:** Claire Brader

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On 18 December 2023, the second reading of the [Victims and Prisoners Bill](#) is scheduled to take place in the House of Lords. The measures in the bill are wide-ranging. Its main provisions include:

- placing key victims' code rights into law and reviewing compliance with the code
- changing the requirements for making victim information requests during criminal investigations
- requiring a compensation body to be established within three months of the bill receiving royal assent to deliver compensation to victims of the infected blood scandal
- introducing various parole system reforms, including to allow the secretary of state to refer prisoner release decisions of 'top tier' offenders to the upper tribunal or high court
- amending the process for the termination of licences for those serving imprisonment for public protection sentences
- prohibiting whole life order prisoners from marrying or forming a civil partnership

Some of the bill's provisions have previously been the subject of various Conservative Party manifesto commitments, government consultations, reviews and announcements. The government's aim with the bill is to increase support for victims of crime and victims of major incidents, and to strengthen the parole system. This aim has been supported by parliamentarians and external stakeholders. However, concerns about various measures in the bill have been raised both within Parliament and externally.

The bill has been amended since it was first introduced in the House of Commons on 29 March 2023. This included 119 government amendments and one non-government amendment made at report stage in the House of Commons. This briefing focuses on how the bill changed as it went through the House of Commons.





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## I. What does the bill do?

The [Victims and Prisoners Bill](#) was introduced in the House of Commons in March 2023, and completed its report stage in the 2022–23 session. It was the subject of a carry-over motion and had its report stage and third reading on 4 December 2023. It was introduced in the House of Lords on 6 December 2023. The bill's second reading is scheduled to take place on 18 December 2023. As introduced in the Lords, it consists of 62 clauses and one schedule.

This briefing should be read in conjunction with the explanatory notes to the bill<sup>1</sup> and the House of Commons Library briefings, '[The Victims and Prisoners Bill](#)' (10 May 2023) and '[Victims and Prisoners Bill: Progress of the bill](#)' (14 November 2023), all of which set out more background and detail about the bill's provisions. The government produced a series of factsheets covering different elements of the bill which also provide background information about the policy intention behind its provisions.

This briefing focuses on how the bill was changed during its passage through the House of Commons.

### I.1 Background to the bill

The background to the bill's measures is varied and wide-ranging. Its provisions have previously been the subject of various Conservative Party manifesto commitments, government consultations, reviews and announcements.

The Queen's Speech 2021 included a commitment to simplify and strengthen victims' rights.<sup>2</sup> As part of this, the government said it would introduce a draft victims bill that would enshrine victims' rights in law. The Ministry of Justice launched a consultation in December 2021 on the victims law.<sup>3</sup> This considered a range of measures to support victims and led to the publication of the Draft Victims Bill for pre-legislative scrutiny in May 2022.<sup>4</sup> The draft bill was shorter than the bill as introduced in the Lords, containing only provisions largely reflected in those found in part I of the current version of the bill (victims of criminal conduct). The House of Commons Justice Committee published its pre-legislative scrutiny report on the draft bill in September

<sup>1</sup> [Explanatory notes](#), pp 1–63.

<sup>2</sup> Prime Minister's Office, '[Queen's Speech 2021: Background briefing notes](#)', 11 May 2021, p 13.

<sup>3</sup> Ministry of Justice, '[Delivering justice for victims: A consultation on improving victims' experiences of the justice system](#)', 9 December 2021.

<sup>4</sup> Ministry of Justice, '[Draft Victims Bill](#)', 25 May 2022.



2022, followed by the government's response to the committee's report in January 2023.<sup>5</sup> The committee warned the draft bill might not have achieved the government's aim of improving police and other agencies' delivery of victims' rights.<sup>6</sup>

The government introduced the Victims and Prisoners Bill in the House of Commons in March 2023. This version of the bill contained two new substantive parts that were not included in the draft bill: provisions relating to advocates for victims of major incidents and provisions on the parole system (parts 2 and 4 of the bill as introduced in the Lords). Both these additions had been the subject of previous government proposals:

- **Advocates for victims of major incidents.** The government launched a consultation in 2018 with proposals to establish an independent public advocate who could act for bereaved families after a major incident.<sup>7</sup> The government published its consultation response in March 2023, which confirmed it would establish an independent public advocate in law. Part 2 of the bill would deliver on these proposals.
- **Prisoners and the parole system.** The government's '[Root and branch review of the parole system](#)' published in March 2022 set out various proposals to reform the parole system. These included clarifying the statutory release test, creating a top tier of offenders whose release decisions would be subject to additional scrutiny, and increasing the number of parole board members with law enforcement experience. Part 4 of the bill as introduced in the Lords would implement various measures proposed in the root and branch review.

In May 2023, between first and second reading in the House of Commons, the Justice Committee held two oral evidence sessions to examine the new parts of the bill.<sup>8</sup> Following this, Sir Robert Neill, chair of the Justice Committee, wrote to Lord Chancellor and Secretary of State for Justice Alex Chalk with the committee's findings.<sup>9</sup> Sir Robert said the committee welcomed the provisions on the independent public advocate overall, but raised concern about the government's "limited engagement" with the parole board when developing the parole reform provisions.

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<sup>5</sup> House of Commons Justice Committee, '[Pre-legislative scrutiny of the Draft Victims Bill](#)', 30 September 2022, HC 304 of session 2022–23; [and Government response, 17 January 2023](#).

<sup>6</sup> House of Commons Justice Committee, '[Pre-legislative scrutiny of the Draft Victims Bill](#)', 30 September 2022, HC 304 of session 2022–23, p 8.

<sup>7</sup> Ministry of Justice, '[Establishing an independent public advocate](#)', updated 1 March 2023.

<sup>8</sup> House of Commons Justice Committee, '[Victims and Prisoners Bill: Oral evidence transcripts](#)', May 2023.

<sup>9</sup> House of Commons Justice Committee, '[Letter to Alex Chalk, lord chancellor and secretary of state for justice, re the Victims and Prisoners Bill](#)', 7 June 2023.



The Joint Committee on Human Rights (JCHR) also carried out legislative scrutiny of the new elements of the bill in September 2023. Harriet Harman (Labour MP for Camberwell and Peckham), chair of the JCHR, wrote to the lord chancellor with the committee's findings.<sup>10</sup> The JCHR raised concerns about various parts of the bill, including provisions on parole reform. It also questioned the bill's provisions that would disapply section 3 of the Human Rights Act 1998 (HRA) to the legislative framework in England and Wales relating to release, licences, supervision and recall of certain offenders (clauses 49–51 of the bill as introduced in the Lords). The committee argued these provisions would weaken human rights protections.

Part 3 of the bill as introduced in the Lords, concerning the infected blood compensation body, was added at report stage in the Commons. The government did not support this provision; however, it was added to the bill on division.<sup>11</sup>

## 1.2 Summary of the bill's provisions

### 1.2.1 Part I

**Part I (clauses 1 to 27)** deals with victims of criminal conduct. It includes provisions on the '[Code of practice for victims of crime in England and Wales](#)' (victims' code), victim support services, domestic abuse related deaths and victim information requests to third parties. The policy background to the provisions in part I is provided in the explanatory notes to the bill.<sup>12</sup>

**Clause 1** would define the term 'victim' for the purposes of the bill. A victim would be a person harmed by a crime and who was either:

- the person against whom the crime was committed
- a witness
- a person born from rape or other sexual offence that resulted in pregnancy

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<sup>10</sup> Joint Committee on Human Rights, '[Letter to Alex Chalk, lord chancellor and secretary of state for justice, ref the Victims and Prisoners Bill](#)', 14 September 2023.

<sup>11</sup> [HC Hansard, 4 December 2023, cols 153–6.](#)

<sup>12</sup> [Explanatory notes](#), pp 5–15.



- a close family member of an individual killed by criminal conduct
- a child who had witnessed domestic abuse

A person would be considered a victim even if the criminal conduct had not been reported or the offender had not been charged or convicted of the offence.

**Clause 2** relates to the victims' code. The victims' code is statutory guidance which sets out the minimum standards organisations in England and Wales must provide to victims of crime. The code first came into effect in 2005 through provisions in the [Domestic Violence, Crime and Victims Act 2004](#) which required the secretary of state to publish a code of practice for victims of criminal conduct. The code has been updated several times, the latest version being published in April 2021.<sup>13</sup> In June 2022, the government committed to enshrining the code's key principles in primary legislation.<sup>14</sup> Clause 2 would implement this commitment. It would require the secretary of state to issue a new victims' code which made provision for services that reflected the following principles:

- Victims are given information to help them understand the criminal justice process.
- Victims can access support services including, where appropriate, specialist services.
- Victims can make their views heard in the criminal justice process.
- Victims can challenge decisions that have a direct impact on them.

**Clauses 3 to 5** would require the secretary of state to consult on a new draft victims' code and then lay the draft code before Parliament. The secretary of state could revise the code once it was in force. Non-compliance with the code would not be a criminal or civil offence. However, a court could take any such failure into account as evidence during proceedings.

**Clauses 6 to 9** would require criminal justice bodies such as police forces, the British Transport Police (BTP) and the Ministry of Defence Police (MDP) to promote awareness of, and review their compliance with, the victims' code. Additionally, Police and Crime Commissioners (PCCs) for police areas, the British Transport Police Authority (BTPA) and the secretary of state for defence would be required to monitor code compliance by criminal

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<sup>13</sup> Ministry of Justice, '[New victims' code comes into force](#)', 1 April 2021.

<sup>14</sup> Ministry of Justice, '[Delivering justice for victims: Consultation response](#)', 1 June 2022.



justice bodies, the BTP and MDP respectively. Regulations would prescribe what code compliance information PCCs, the BTPA and the secretary of state for defence would need to share with the secretary of state for justice.

**Clauses 10 to 11** would require the secretary of state for justice to publish code compliance information received from PCCs, the BTPA and secretary of state for defence. The secretary of state for justice would also be required to issue guidance about how criminal justice bodies, PCCs, the BTP, the BTPA and the MDP should discharge their duties under clauses 6–10.

**Clauses 12 to 14** would place a duty on relevant authorities for a police area to collaborate on the provision and commissioning of victim support services. They would also be obliged to prepare and implement a strategy for collaboration. The secretary of state would have a duty to issue guidance to relevant authorities that explained how to collaborate.

**Clause 15** relates to independent domestic violence advisors (IDVAs) and independent sexual violence advisers (ISVAs). These are independent advisors who help victims navigate support services and engage with the criminal justice system.<sup>15</sup> The government has previously said that these roles lack consistency and awareness among those working with victims. To address this, clause 15 would require the secretary of state to issue guidance about IDVAs and ISVAs. This guidance would define the roles of IDVAs and ISVAs, describe key functions and best practice, and provide information on how advisors should support victims with specific needs such as those with protected characteristics. Advisors would be required to have regard to this guidance.

**Clauses 16 to 17** would introduce provisions on domestic abuse related deaths. Clause 16 would place a duty on the crown court to make a prohibited steps order (PSO) to restrict the parental responsibility of someone who had killed the other parent of that child. A PSO would prevent the convicted parent from exercising parental responsibility over their child on issues such as education and health decisions without the court's consent. The crown court would have the discretion to not impose a PSO in certain circumstances. Local authorities would also be required to apply for the family court to review the PSO within 14 days of it being made.

Clause 17 would replace domestic homicide reviews (DHRs) with 'domestic abuse related death reviews'. DHRs are multi-agency reviews that seek to learn lessons from deaths that have resulted from violence, abuse or neglect from a relative, intimate partner or someone

<sup>15</sup> Ministry of Justice, '[Clause 15: Guidance about independent advisors \(ISVAs and IDVAs\)](#)', 4 December 2023.



in the same household.<sup>16</sup> A ‘domestic abuse related death review’ (as provided by clause 17) would be carried out when a death has resulted from domestic abuse as defined in the Domestic Abuse Act 2021. This would broaden the circumstances in which a review could be conducted to include controlling and coercive behaviour and all intimate or family relationships, among other things.

**Clause 18** concerns the commissioner for victims and witnesses (victims’ commissioner), who is responsible for promoting the interests of victims and witnesses, encouraging good practice and keeping the operation of the victims’ code under review. It would create a requirement for the commissioner to lay an annual report before Parliament. The government said this would ensure the ongoing visibility of the victims commissioner and increase parliamentary and public focus on victims’ experiences.<sup>17</sup> Clause 18 would also place a duty on certain criminal justice agencies and government departments to respond to recommendations in the commissioner’s report within 56 days of it being published. Additionally, the clause would clarify that the commissioner retained the responsibility to keep the overall operation of the victims’ code under review, with PCCs having oversight of the code’s operation at local level.

**Clauses 19 to 22** relate to inspections by criminal justice inspectorates. The inspectorates are responsible for assessing the efficiency and effectiveness of the criminal justice agencies they oversee, including the police, fire, prison and probationary services.<sup>18</sup> They also carry out joint inspection programmes. Clauses 19–22 of the bill would give the secretary of state, lord chancellor and the attorney general the power to require the inspectorates to jointly assess victims’ experiences and treatment in the criminal justice system. It would also require inspectorates to consult with the victims’ commissioner on inspection programmes.

**Clause 23** relates to victim complaints referred to the parliamentary commissioner for administration (parliamentary commissioner).<sup>19</sup> Currently, the parliamentary commissioner can investigate, and make final decisions on, complaints made against a specified set of government bodies and UK public organisations.<sup>20</sup> However, before the parliamentary commissioner can investigate, any complaints made against the government or UK bodies

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<sup>16</sup> Home Office, ‘[Domestic homicide review](#)’, updated 30 March 2022.

<sup>17</sup> [Explanatory notes](#), p 13.

<sup>18</sup> The criminal justice inspectorates are: [His Majesty’s Inspectorate of Constabulary and Fire and Rescue Services](#), [His Majesty’s Crown Prosecution Service Inspectorate](#), [His Majesty’s Inspectorate of Probation](#) and [His Majesty’s Inspectorate of Prisons](#).

<sup>19</sup> The [Parliamentary and Health Service Ombudsman](#) combines the two statutory roles of parliamentary commissioner for administration (parliamentary commissioner) and the health service commissioner for England.

<sup>20</sup> [Explanatory notes](#), p 15.





must first be sent to an MP. The government said to streamline this process, reduce delays and avoid victims having to share their traumatic experiences at multiple stages, the bill would remove the need for victims of crime to refer their complaint to an MP.<sup>21</sup> They would instead be permitted to submit their complaint directly to the parliamentary commissioner.

**Clauses 24 to 25** would introduce certain requirements when ‘authorised persons’ (such as local police forces and service police) make victim information requests to third parties during criminal investigations. Currently, when investigating a crime, police and law enforcement authorities can request information about a victim from third parties to support a reasonable line of inquiry. In August 2021, the government’s ‘[End-to-end rape review](#)’ found that requests for third party material were sometimes disproportionate and often focused on victim credibility. The government committed to legislate to ensure third party material requests were proportionate and did not undermine victim confidence.<sup>22</sup> Clauses 24–25 of the bill would implement that commitment. It would impose a duty on authorised persons to only request information about a victim where necessary and proportionate in pursuit of a reasonable line of enquiry. Authorised persons would also be required to issue a written notice to victims setting out what information had been sought and how it would be used.

**Clause 26** would ensure part 1 of the bill adhered to data protection legislation.

**Clause 27** would repeal existing victims’ code provisions in the [Domestic Violence, Crime and Victims Act 2004](#) and make various consequential amendments.

### 1.2.2 Part 2

**Part 2** (clauses 28–39) deals with victims of major incidents. It includes provisions on the appointment and functions of independent public advocates for victims of major incidents. The policy background to provisions in part 2 is provided in the explanatory notes.<sup>23</sup>

**Clause 28** would define the meaning of a ‘major incident’ for the purposes of part 2. This would mean an incident in England or Wales that caused the death or serious harm of a significant number of people, and declared in writing to be a ‘major incident’ by the secretary of state.

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<sup>21</sup> As above.

<sup>22</sup> HM Government, ‘[The end-to-end rape review report on findings and actions](#)’, June 2021, CP 437, p 8.

<sup>23</sup> [Explanatory notes](#), pp 15–6.



**Clauses 29 to 32** would establish the appointment and terms of an advocate for victims of major incidents. The clauses would require the secretary of state to appoint a permanent advocate for victims of major incidents, referred to as the standing advocate. The standing advocate would advise the government on victims' treatment by public authorities in response to major incidents. Additionally, the standing advocate could advise the government on the most appropriate form of government review following a major incident. If required, the secretary of state would be permitted to appoint more than one advocate in respect of the same major incident if specific expertise was required or the incident was large-scale. In these circumstances, the secretary of state would be required to appoint one of the advocates as 'lead advocate' in respect of that incident.

**Clauses 33 to 37** would set out the functions and powers of advocates appointed in respect of major incidents and their role during investigations into deaths under [part 1 of the Coroners and Justice Act 2009](#). Advocates would be required to produce annual reports to the secretary of state that set out how the advocate had discharged their duties during that year. Additionally, advocates would be given the discretion to produce reports to the secretary of state on matters they considered relevant. The secretary of state would be required to publish a copy of the reports in a manner they saw fit. Additionally, the secretary of state would be given the power to omit material from the reports on various grounds as would be set out in clause 36(3), such as if the material would pose a risk to national security. Advocates would also be required to share and receive information in a way that was compliant with existing data protection legislation.

**Clause 38** would require the secretary of state to issue general guidance to advocates appointed in respect of major incidents.

**Clause 39** would make consequential amendments to various pieces of existing legislation.

### **1.2.3 Part 3**

**Part 3 (clause 40)** deals with the infected blood compensation body. The background to provisions in part 3 is provided in the explanatory notes.<sup>24</sup> The only provision in part 3 of the bill is the following:

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<sup>24</sup> [Explanatory notes](#), p 16.



**Clause 40** would require the secretary of state to establish a body to administer a compensation scheme for victims of the infected blood scandal<sup>25</sup> within three months of the bill receiving royal assent. This body would be chaired by a high court or court of session judge, who would act as the sole decision maker.

#### **1.2.4 Part 4**

**Part 4 (clauses 41 to 56 and the schedule)** deals with prisoners and parole. It includes provisions related to public protection decisions, termination of licences for imprisonment for public protection prisoners (IPP prisoners) and the parole board. The policy background to provisions in part 4 is provided in the explanatory notes.<sup>26</sup>

**Clauses 41 to 43** relate to the public protection test for releasing life prisoners and fixed-term prisoners into the community on licence.<sup>27</sup> Currently, when the parole board determines whether an offender should be released on licence or remain in prison it applies the ‘public protection test’ to determine whether it is no longer necessary for the protection of the public that the offender remains confined. This test has been the subject of judicial commentary in recent years.<sup>28</sup> Clauses 41–42 would clarify the meaning and application of the public protection test for releasing prisoners who are serving life sentences and fixed-term sentences. In addition to maintaining the existing public protection test, the clauses would introduce an additional element to require the decision maker<sup>29</sup> to be satisfied that there would be no more than a minimal risk that the prisoner would commit a further offence that would cause serious harm if they were to be released. The clauses also describe some key matters which must be taken into account when making this decision, including the nature and seriousness of the offence in respect of which the sentence was imposed. Clause 42 would also introduce the schedule to the bill which would contain the list of offences relevant to public protection decisions, including murder. Clause 43 would enable the release test provisions to be altered by secondary legislation.

**Clauses 44 to 45** would introduce a power to allow the secretary of state to direct the parole board to refer certain prisoner release decisions to the upper tribunal or high court. This referral power would be used if the secretary of state considered that the parole

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<sup>25</sup> BBC News, ‘[What is the contaminated blood inquiry?](#)’, 27 July 2021.

<sup>26</sup> [Explanatory notes](#), pp 17–22.

<sup>27</sup> A ‘[life prisoner](#)’ refers to a person serving a life sentence. A ‘[fixed-term prisoner](#)’ refers to a person serving a determinate prison sentence where the court has set the sentence at a fixed length.

<sup>28</sup> [Explanatory notes](#), p 25.

<sup>29</sup> The decision maker under the bill is either the parole board, the upper tribunal or high court, depending on the case circumstances.



board's decision to release a prisoner could undermine public confidence and the secretary of state believed the upper tribunal or high court may conclude that the release test had not been met. This referral power could be used for release decisions of prisoners serving a life sentence for any 'top tier' offence listed in the clause, for example murder and rape. Some of the top tier offences listed in the clause do not carry a maximum penalty of life. However, the explanatory notes states the reason for this would be to "ensure [imprisonment for public protection prisoners] who have committed these offences [and] who are being considered for release are treated consistently with those serving life sentences".<sup>30</sup>

**Clauses 46 to 47** relate to licence conditions on release following a referral in clauses 44–45. If a top-tier offender had been released on licence into the community following a referral to the upper tribunal or high court, the court would be responsible for setting the offender's licence conditions. These clauses would also set out the process for varying and cancelling those conditions.

**Clause 48** would change the process for terminating licences of those serving IPP sentences.<sup>31</sup> No new IPP sentences have been given since their abolishment in 2012. However, some IPP prisoners have never been released.<sup>32</sup> Currently, people subject to an IPP sentence are eligible to have their licence terminated by the parole board 10 years after their first release. This clause would reduce the licence termination qualifying period from 10 years to three.

**Clauses 49 to 52** would disapply the amendments made to release legislation<sup>33</sup> by part 4 of this bill to the requirement for legislation to be read and given effect in a way that is compatible with the European Convention on Human Rights (ECHR) (as set out in section 3 of the HRA). The government stated that, if ECHR incompatibilities were to arise with the new parole measures or any other release measures, domestic courts would not be obliged to interpret the provisions compatibility "so far as it is possible to do so", as they are currently required to.<sup>34</sup> The government said the purpose of this would be to avoid courts

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<sup>30</sup> [Explanatory notes](#), p 51.

<sup>31</sup> [IPP sentences](#) were indeterminate sentences designed to protect the public from serious offenders whose crimes did not merit a life sentence. IPP prisoners would complete a minimum term (tariff) in prison before becoming eligible to apply to the parole board to be released on licence into the community. More information on IPP sentences can be found in the House of Lords Library briefing, '[Sentences of imprisonment for public protection](#)' (7 October 2022).

<sup>32</sup> Further information can be found at section 2.4.3 of this briefing.

<sup>33</sup> The 'release legislation' refers to chapter 2 of part 2 of the Crime (Sentences) Act 1997, chapter 6 of part 12 of the Criminal Justice Act 2003, section 128 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, and all secondary legislation made under these provisions.

<sup>34</sup> [Explanatory notes](#), p 19.



adopting a “strained section 3 [HRA] interpretation which [could] ultimately disregard the policy intentions of the release regime”. The clauses would also provide that, where a court is considering a challenge relating to a relevant ECHR provision in relation to the release legislation, the court would have to give the “greatest possible weight to the importance of reducing the risk to the public from the offender”.

**Clauses 53 to 54** relate to the parole board. The parole board is an independent statutory body responsible for carrying out risk assessments on prisoners to determine if they can be safely released into the community. The government’s root and branch review set out the government’s intention to increase the number of independent parole board members with law enforcement experience (such as former police officers who could sit on panels for top tier offenders).<sup>35</sup> In line with these aims, these clauses would update the membership requirements for the parole board to ensure law enforcement experience was embedded. The clauses would also give the secretary of state the power to prescribe classes of cases that should be dealt with by board members with specific experience or expertise. Additionally, the secretary of state would be required to appoint the chair of the parole board for a five-year tenure. This tenure could be renewed for an additional five years, if desired.

**Clauses 55 to 56** relate to prisoners serving whole life orders. Whole life orders are the most severe punishment in UK criminal law and see offenders remain in prison for the rest of their lives.<sup>36</sup> Currently, the law permits whole life prisoners to marry or form a civil partnership. Whilst the government has acknowledged that such marriages and civil partnerships are infrequent, it has said that allowing whole life prisoners to marry could undermine the public’s confidence in the criminal justice system.<sup>37</sup> With this in mind, clauses 55–56 would prohibit whole life prisoners from marrying or forming a civil partnership. In exceptional circumstances, the secretary of state would be given a discretionary power to permit a marriage or civil partnership to take place on compassionate grounds.

## **I.2.5 Part 5**

**Part 5 (clauses 57 to 62)** deals with the bill’s general provisions. Key provisions in part 5 include the following:

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<sup>35</sup> Ministry of Justice, [‘Root and branch review of the parole system: The future of the parole system in England and Wales’](#), March 2022, CP 654, p 15.

<sup>36</sup> Sentencing Council, [‘Life sentences’](#), accessed 7 December 2023.

<sup>37</sup> [‘Explanatory notes’](#), p 22.



**Clauses 57 to 59** would set out the bill’s financial provision, consequential amendments and regulation-making powers.

**Clause 60** would extend the bill to England and Wales only, subject to the following exceptions:

- clause 39(5) (consequential amendments) would also extend to Scotland
- clause 17(3) to (4) (domestic abuse related death reviews) would extend to Northern Ireland
- clauses 23, 25, 27(3), 39(1) to (4) and part 5 would extend to Scotland and Northern Ireland

**Clause 61** would permit the bill’s provisions to come into force on a day specified by the secretary of state in regulations. The exception to this would be part 5 of the bill which would come into force on the day the bill received royal assent.

## 2. How did the bill change in the House of Commons?

### 2.1 Second reading

The bill’s second reading debate took place in the House of Commons on 15 May 2023.

Introducing the debate, Lord Chancellor and Secretary of State for Justice Alex Chalk said it was the government’s mission to make victims “core participants” of the criminal justice system and not just “mere spectators”.<sup>38</sup> Mr Chalk said the bill’s provisions would “boost victims’ entitlements [and] make victims’ voices heard”, as well as provide further safeguards to protect the public. The Lord Chancellor also announced the government’s intention to bring forward an amendment to the bill at committee stage to prevent “unnecessary and intrusive” victim material requests to third parties.<sup>39</sup>

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<sup>38</sup> [HC Hansard, 15 May 2023, col 583.](#)

<sup>39</sup> [HC Hansard, 15 May 2023, col 587.](#)



Responding on behalf of the Labour Party, then Shadow Justice Secretary Steve Reed described the bill as a “wasted opportunity”.<sup>40</sup> He criticised the bill on several grounds, including an absence of provisions that would give free, specialist legal advice or advocacy to victims.<sup>41</sup> In conclusion, Mr Reed said the Labour Party would table various amendments during the bill’s passage through the Commons.<sup>42</sup>

Sir Robert Neill, chair of the justice committee, welcomed the bill overall.<sup>43</sup> However, he raised concerns about certain parts of the bill, specifically part 3 on prisoners and parole (now part 4 of the bill as introduced in the Lords) which he described as a “less welcome addition”.<sup>44</sup> For example, referring to the bill’s provisions that would expand the test for determining whether a prisoner should be released from prison (clauses 41–42 of the bill as introduced in the Lords), Sir Robert questioned whether this expansion risked making the test “unduly complicated”. Sir Robert also said the parole board had raised “serious question marks” over the operational effectiveness of part 3.<sup>45</sup> Additionally, he argued the credibility of part 3 had been “weakened” due to the lack of pre-legislative scrutiny and consultation.

Speaking on behalf of the Liberal Democrats, Layla Moran (Liberal Democrat MP for Oxford West and Abingdon) spoke in support of various aspects of the bill, but argued that more needed to be done to support victims of specific offences such as burglary, fraud and antisocial behaviour.<sup>46</sup> Ms Moran said that whilst the Liberal Democrats welcomed the government’s aim to improve end-to-end support for victims, they questioned whether the bill would have the desired effect in practice.<sup>47</sup>

Delivering the government’s closing speech in the debate, Edward Argar, minister for prisons, parole and probation, said the bill would deliver three Conservative manifesto commitments.<sup>48</sup> These were to introduce a victims’ law, introduce an independent public advocate to support victims and families after major disasters, and strengthen the parole system to ensure public protection was the key factor in every decision when determining whether an individual is safe to be released from prison.

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<sup>40</sup> [HC Hansard, 15 May 2023, col 596.](#)

<sup>41</sup> [HC Hansard, 15 May 2023, cols 597–9.](#)

<sup>42</sup> [HC Hansard, 15 May 2023, col 599.](#)

<sup>43</sup> [HC Hansard, 15 May 2023, cols 600–1.](#)

<sup>44</sup> [HC Hansard, 15 May 2023, col 601.](#)

<sup>45</sup> [HC Hansard, 15 May 2023, col 602.](#)

<sup>46</sup> [HC Hansard, 15 May 2023, cols 656–8.](#)

<sup>47</sup> [HC Hansard, 15 May 2023, col 657.](#)

<sup>48</sup> [HC Hansard, 15 May 2023, col 662.](#)



The bill passed second reading without division and was committed to a public bill committee.<sup>49</sup>

## 2.2 Money resolution and carry-over motion

The House of Commons approved a money resolution immediately following the conclusion of the bill's second reading debate.<sup>50</sup> As set out in the explanatory notes, the government said various parts of the bill could increase public expenditure, including by conferring new or expanded functions on public authorities.<sup>51</sup>

## 2.3 Committee stage

The bill was considered in public bill committee over 14 sittings from 20 June 2023 to 11 July 2023. The only substantive amendment made to the bill in committee was a government new clause 4 concerning requests to third parties for information about victims, which was agreed to without a vote.

This new provision, clause 24 of the bill as introduced in the Lords, relates to requests to third parties for information relating to victims. It would require police and other specified law enforcement agencies, when requesting information about a victim or potential victim of crime from a third party, to ensure that the request was relevant, necessary and proportionate. Introducing the new clause, Mr Argar, minister for prisons, parole and probation, said the government had heard evidence that some requests for information about victims were excessive.<sup>52</sup> He said these “inappropriate requests” had meant some victims did not feel confident coming forward due to “unnecessary invasions into their privacy”. The government had previously committed to limiting victim information requests as part of its end-to-end rape review. The minister said new clause 4 would fulfil that commitment.

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<sup>49</sup> [HC Hansard, 15 May 2023, col 666.](#)

<sup>50</sup> [HC Hansard, 15 May 2023, col 667.](#)

<sup>51</sup> [Explanatory notes](#), pp 58–9.

<sup>52</sup> House of Commons Public Bill Committee, '[Victims and Prisoners Bill](#)', 11 July 2023, session 2022–23, 14th sitting, col 491.





Several other government amendments were agreed to without a vote, including one to ensure “processing of information” in clause 12 (duty for relevant authorities to collaborate on victim support services) had the same meaning as it did in the [Data Protection Act 2018](#).<sup>53</sup>

No non-government amendments were made during public bill committee. However, three amendments and one new clause tabled by the Labour Party were negated on division:

- **Amendment 10** would have added victims of anti-social behaviour into the definition of a victim. This amendment was defeated by eight votes to seven.<sup>54</sup> The minister said the government would not support the amendment because it risked narrowing the definition by being prescriptive.<sup>55</sup> He also said the “vast majority” of anti-social behaviour victims would be victims of crime and therefore fall within the bill’s definition of a ‘victim’.
- **Amendment 19** would have extended the duty to collaborate in clause 12 to include victim support services for victims of fraud. This amendment was defeated by nine votes to five.<sup>56</sup> The minister said the government would not support the amendment because victims of fraud would be less likely to benefit from collaboration due to the current set-up of fraud support services.<sup>57</sup>
- **Amendment 64** would have required the victims’ code to be updated to require victims of domestic abuse to be informed of their rights to special measures in family proceedings. This amendment was defeated by nine votes to six.<sup>58</sup> The minister said the government would not support the amendment because it risked adding rigidity to the flexible process of updating the victims code.<sup>59</sup>
- **New clause 21** would have introduced an automatic suspension of parental responsibility to those convicted of murder or voluntary manslaughter of a person with whom they had parental responsibility for the same child. The new

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<sup>53</sup> House of Commons Public Bill Committee, [‘Victims and Prisoners Bill’](#), 4 July 2023, session 2022–23, 10th sitting, col 316.

<sup>54</sup> House of Commons Public Bill Committee, [‘Victims and Prisoners Bill’](#), 27 June 2023, session 2022–23, 5th sitting, col 152.

<sup>55</sup> As above, col 148.

<sup>56</sup> House of Commons Public Bill Committee, [‘Victims and Prisoners Bill’](#), 4 July 2023, session 2022–23, 10th sitting, col 316.

<sup>57</sup> House of Commons Public Bill Committee, [‘Victims and Prisoners Bill’](#), 4 July 2023, session 2022–23, 9th sitting, col 309.

<sup>58</sup> House of Commons Public Bill Committee, [‘Victims and Prisoners Bill’](#), 29 June 2023, session 2022–23, 7th sitting, col 242.

<sup>59</sup> As above, col 241.



clause was defeated by nine votes to six.<sup>60</sup> The minister said the government would not support the new clause because an automatic suspension would remove judicial scrutiny on the matter. He said this had potential to run counter to the overarching principle that family court decisions should always be made in a child's best interests.<sup>61</sup> The minister stated that more work needed to be done to assess the potential implications on this principle. Several months later, in the November 2023 King's Speech, the government said it would bring forward an amendment to the bill to create an automatic suspension of parental responsibility from a person convicted of murder or voluntary manslaughter of a person with whom they share parental responsibility.<sup>62</sup> The government added this provision during the bill's report stage in the Commons.

## 2.4 Report stage

The bill was subject to a carry-over motion and received its report stage in the 2023–24 session.

A total of 119 government amendments were made to the bill at report stage, which took place on 4 December 2023. This included eight government new clauses that were added to the bill without division. The main changes made by the government's new clauses were to:

- require a crown court to make a PSO when a parent is convicted of the murder or voluntary manslaughter of the other parent (clause 16 in the bill as introduced in the Lords)
- require specified persons or organisations such as chief police officers, local authorities and NHS England, to establish or participate in domestic abuse related death reviews (clause 17 in the bill as introduced in the Lords)
- apply with modifications the new provisions relating to victim information requests in clause 24 of the bill (as added by the government during public bill committee) to service police (clause 25 in the bill as introduced in the Lords)

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<sup>60</sup> House of Commons Public Bill Committee, '[Victims and Prisoners Bill](#)', 11 July 2023, session 2022–23, 14th sitting, col 526.

<sup>61</sup> As above, col 525.

<sup>62</sup> Prime Minister's Office, '[King's Speech 2023: Background briefing notes](#)', 7 November 2023, p 75.



- require the secretary of state to appoint a standing advocate to undertake general functions in relation to victims of major incidents and other advocates appointed in respect of major incidents (clauses 29–30 in the bill as introduced in the Lords)
- define the meaning of ‘major incident’ and other key terms relating to the appointment of standing advocate (clause 28 in the bill as introduced in the Lords)
- require the secretary of state to publish a copy of a standing advocate’s report and lay it before Parliament (clause 36 in the bill as introduced in the Lords)
- make consequential amendments to ensure various pieces of existing legislation would apply to an advocate appointed under part 2 of the bill (clause 39 in the bill as introduced in the Lords)
- make provision about the termination of licences imposed in connection with IPP sentences (clause 48 in the bill as introduced in the Lords)

Additionally, one non-government new clause was inserted into the bill following a government defeat on division. Sponsored by Dame Diana Johnson, chair of the House of Commons Home Affairs Committee, and signed by over 140 MPs from multiple parties, this new clause would require the government to establish a body to administer the compensation scheme for victims of the infected blood scandal (clause 40 in the bill as introduced in the Lords).

Further detail on these changes is set out below.

## **2.4.1 Government amendments to part 1 of the bill**

### **Domestic abuse related death reviews**

Government new clause 20 as moved at report stage would rename domestic homicide reviews (DHRs) as ‘domestic abuse related death reviews’ and change the circumstances in which they can be carried out (clause 17 in the bill as introduced in the Lords).

DHRs are carried out by multiple agencies when someone aged 16 or over has died because of violence, abuse or neglect by a relative, someone who they had been in an intimate



relationship with, or a member of the same household.<sup>63</sup> The purpose of a DHR is to identify lessons to be learnt from the death, prevent further domestic abuse and improve services for victims. DHRs were established on a statutory basis under the [Domestic Violence, Crime and Victims Act 2004](#). In 2016, the government updated the statutory guidance to clarify that a DHR should be undertaken when a person dies by suicide and the circumstances give rise to concern (for example, if there was coercive or controlling behaviour in the relationship).<sup>64</sup>

Clause 17 would mean a domestic abuse related death review would be carried out where a death has, or appears to have, resulted from domestic abuse within the meaning of the Domestic Abuse Act 2021 (the 2021 act). The definition of domestic abuse under the 2021 act includes controlling or coercive behaviour, emotional abuse and economic abuse. The 2021 act also clarifies that domestic abuse happens between people who are 'personally connected' via intimate or family relationships. The clause would extend to England and Wales only, except for subsections 17(3) and (4) which would also extend to Northern Ireland. This would ensure Northern Ireland DHRs would continue to take place under existing legislation.

Domestic abuse related death reviews under clause 17 could be commissioned following a homicide, a victim taking their own life after experiencing domestic abuse or in circumstances that were unexplained but gave rise to concern.<sup>65</sup> The government said providing for a review to be considered when a death has resulted from domestic abuse as defined in the 2021 act would help to contribute towards the overall understanding of domestic abuse, as well as encourage consistent decision-making for reviews when domestic abuse has been identified.<sup>66</sup>

Speaking to government new clause 20 as moved at report stage, Mr Argar, minister for prisons, parole and probation, said renaming DHRs to 'domestic abuse related death reviews' would better reflect the range of deaths that fall within the scope of the review.<sup>67</sup>

Government new clause 20 was agreed to without division and added to the bill.<sup>68</sup>

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<sup>63</sup> Home Office, '[Domestic homicide reviews: Statutory guidance](#)', updated 7 December 2016.

<sup>64</sup> Home Office, '[Multi-agency statutory guidance for the conduct of domestic homicide reviews](#)', December 2016, p 8.

<sup>65</sup> [Explanatory notes](#), p 13.

<sup>66</sup> As above, p 12.

<sup>67</sup> [HC Hansard, 4 December 2023, col 93](#).

<sup>68</sup> [HC Hansard, 4 December 2023, col 138](#).



## Information relating to victims: Service police etc

During public bill committee, a government new clause was added to the bill that would introduce a framework into the [Police, Crime, Sentencing and Courts Act 2022](#) for requesting information relating to victims from third parties.<sup>69</sup> This framework would apply to “authorised persons”, including police officers and police staff from territorial, special and service forces, when requesting information from third parties about victims during an investigation. This provision (clause 24 in the bill as introduced in the Lords) would permit a victim information request to be made only if the authorised person:

- had reason to believe the recipient of the request held the information sought
- had reason to believe the information sought was relevant to a reasonable line of enquiry
- was satisfied the request for the victim’s information was necessary and proportionate

The government said the purpose of this would be to prevent excessive or inappropriate requests being made for victims’ personal information.<sup>70</sup>

At report stage, government new clause 21 (clause 25 in the bill as introduced in the Lords) was added to the bill to apply this framework with various modifications in cases where a request is made by service police or the service police complaints commissioner.

New clause 21 was agreed to without division and added to the bill.<sup>71</sup>

## Other government amendments made to part I

In addition to those discussed above, other government amendments made to part I of the bill included to:

- clarify that conduct which constituted an offence may be deemed ‘criminal

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<sup>69</sup> [HC Hansard, 11 July 2023, cols 485–97.](#)

<sup>70</sup> House of Commons Public Bill Committee, [‘Victims and Prisoners Bill’](#), 11 July 2023, session 2022–23, 14th sitting, col 491.

<sup>71</sup> [HC Hansard, 4 December 2023, col 138.](#)



conduct' for the purposes of part 1 of the bill, even if the offence had not been reported

- clarify that the duty to review service compliance with the victims' code would apply to criminal justice bodies, local policing bodies, specialist police forces and the secretary of state
- clarify the meaning of 'protected characteristics' in secretary of state-issued guidance about reviewing victims' code compliance, as would be provided for in clause 11 of the bill as introduced in the Lords
- clarify what the term 'functions' referred to in the duty to collaborate on victim support functions in clauses 12 to 14 of the bill as introduced in the Lords
- clarify that, when a strategy in relation to victim support services in a police area is being prepared or revised (clause 13 of the bill as introduced in the Lords), providers of services outside of the police area need not be consulted, though they would be required to assess how victims' needs were being met and have regard to the needs of victims
- clarify the meaning of 'protected characteristics' in relation to secretary of state-issued guidance about IDVAs and ISVAs, as provided in clause 15 of the bill as introduced in the Lords

Various other consequential amendments were made to the bill.

## **2.4.2 Government amendments to part 2 of the bill**

### **Appointment of standing advocates and publication of advocate reports**

Part 2 of the bill contains provisions relating to the appointment and duties of advocates for victims of major incidents. In the Kings Speech 2023, the government said it had listened to points raised during public bill committee about part 2 of the bill and was exploring ways to strengthen these provisions.<sup>72</sup> The government introduced three new clauses at report stage that related to advocates:

- Government new clause 22 as moved at report stage would define key terms in part 2 of the bill (clause 28 in the bill as introduced in the Lords). For example, it would define 'major incident' to mean an incident which causes the death of, or serious harm to, a significant number of individuals and is declared in writing to

<sup>72</sup> Prime Minister's Office, '[King's Speech 2023: Background briefing notes](#)', 7 November 2023.



be a 'major incident' by the secretary of state.

- Government new clause 23 as moved at report stage would establish a permanent advocate referred to as the 'standing advocate' (clause 29 in the bill as introduced in the Lords). The standing advocate would advise the government on the interests of victims of major incidents and their treatment by public authorities in response to such incidents. The clause would also permit the standing advocate to advise the secretary of state on appropriate government review mechanisms following a major incident.
- Government new clause 24 as moved at report stage would place a duty on the secretary of state to publish a copy of an advocate's report and lay a copy before Parliament (clause 36 in the bill as introduced in the Lords). It would also specify the grounds on which the secretary of state could choose to omit material from reports, such as where there was a risk to national security or a risk of death or injury to a person.

Various other government amendments relating to advocates were also added to the bill. For example, these amendments would:

- place a duty on the standing advocate to report to the secretary of state annually (clause 35(1) of the bill as introduced in the Lords)
- give the advocate the discretion to report on their own initiative in respect of a major incident (clause 35(7) of the bill as introduced in the Lords)
- ensure a lead advocate is appointed if more than one advocate is appointed for the same major incident (clause 35(8) of the bill as introduced in the Lords)
- allow for an advocate to share information (including personal data) with a person exercising public functions, as long as this would not breach data protection legislation (clause 37 of the bill as introduced in the Lords)
- remove an existing provision in the bill that would have prevented the advocate from sharing personal data in line with data protection legislation but without the consent of the data subject (clause 30(5) of the bill as originally introduced in the Commons)

Speaking at report stage, Mr Argar said he had recognised the contributions made by parliamentarians from various parties on improving the bill's advocate provisions.<sup>73</sup> Speaking

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<sup>73</sup> [HC Hansard, 4 December 2023, col 96.](#)



to the government's new clauses and amendments, Mr Argar said the government had sought to deliver what victims had said they needed most after a major incident.<sup>74</sup>

The version of the bill debated in public bill committee would have enabled the secretary of state to omit material from an advocate's report if it was in the public interest. The minister referred to concerns raised by some MPs during public bill committee about the impact that this power could have on the independence of the advocate.<sup>75</sup> He said the government had listened to this feedback and had introduced new clause 24 to be more explicit about what material could be omitted.

Maria Eagle (Labour MP for Garston and Halewood)<sup>76</sup> said the government's amendments on the standing advocate should go further.<sup>77</sup> She argued that families affected by major incidents should be given agency to act in the earlier stages of the aftermath. Ms Eagle said families should be able to call on the standing advocate to act, rather than this power lying solely with the secretary of state.

Government new clauses 22 to 24 and other related government amendments were all agreed to without division and added to the bill.

### **Consequential amendments**

Government new clause 25 (clause 39 in the bill as introduced in the Lords) would insert references to an 'advocate for victims of major incidents' into various pieces of existing legislation. For example, it would ensure a standing advocate was considered a public authority for the purposes of the Freedom of Information Act 2000.

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<sup>74</sup> [HC Hansard, 4 December 2023, col 97.](#)

<sup>75</sup> [HC Hansard, 4 December 2023, col 97.](#)

<sup>76</sup> Maria Eagle has sponsored the [Public Advocate Bill](#) and the [Public Advocate \(No. 2\) Bill](#) in the House of Commons. These private members' bills sought to establish a public advocate to advise representatives of the deceased after major incidents. In the 2022–23 session Lord Wills (Labour) also sponsored an almost identical bill in the House of Lords: [Public Advocate Bill \[HL\]](#).

<sup>77</sup> [HC Hansard, 4 December 2023, cols 120–1.](#)





### 2.4.3 Government amendments to part 3 of the bill

#### Termination of licences for imprisonment for public protection

IPP sentences were indeterminate sentences given to serious offenders who posed a significant risk of serious harm to the public.<sup>78</sup> An IPP sentence required offenders to serve a minimum period or ‘tariff’ in custody. Once offenders had served their tariff, they would remain in custody until the parole board decided they were no longer a risk to the public and released them on licence.

IPP sentences were abolished in 2012. However, the abolition did not apply retrospectively to people who had already received such a sentence. The most recent prison population data showed that on 31 March 2023 there were 1,355 offenders still serving an IPP sentence who had never been released from prison.<sup>79</sup>

When the parole board releases an IPP prisoner on licence into the community, the licence remains in force indefinitely unless it is terminated.<sup>80</sup> While they are on licence, IPP offenders remain liable to being recalled to prison. People subject to an IPP sentence are eligible to have their licence terminated by the parole board 10 years after their first release.

For several years, the government has been committed to reducing the number of people serving an IPP sentence.<sup>81</sup> The latest version of the IPP action plan set out various steps being taken in the criminal justice system to ensure His Majesty’s Prison and Probation Service systems could effectively support those serving IPP sentences to achieve a “safe and sustainable release”.<sup>82</sup>

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<sup>78</sup> House of Lords Library, [‘Sentences of imprisonment for public protection: Updated action plan’](#), updated 19 May 2023.

<sup>79</sup> HM Prison and Probation Service and Ministry of Justice, [‘Offender management statistics quarterly: October to December 2022 and annual 2022’](#), 27 April 2023.

<sup>80</sup> House of Lords Library, [‘Sentences of imprisonment for public protection: Updated action plan’](#), updated 19 May 2023.

<sup>81</sup> House of Commons Justice Committee, [‘Letter to Sir Robert Neill, chair of the House of Commons Justice Committee, re: imprisonment for public protection action plan’](#), 26 April 2023.

<sup>82</sup> As above.



In September 2022, a House of Commons Justice Committee report expressed some criticism of the IPP action plan.<sup>83</sup> The committee made various recommendations to the government, including reducing the qualifying period for terminating a licence from 10 years to five. It said this would “go some way to restoring proportionality to the IPP sentence” and called on the government to legislate as soon as possible.

Speaking to government new clause 26 at report stage (clause 48 in the bill as introduced in the Lords), Mr Argar said the government had decided to go even further than the committee’s recommendation by reducing the period for terminating a licence from 10 years to three.<sup>84</sup> If a person were to reach the three-year qualifying period and the parole board had not already directed that the licence could be terminated, Mr Argar said this new clause would require the secretary of state to direct that the IPP licence ceased to have effect if the person was not recalled to prison during a further two years in the community.

Shadow Minister for Victims and Sentencing Kevin Brennan described the government amendments as a “welcome first step”.<sup>85</sup> He said he looked forward to seeing what further progress could be made in the Lords on this issue.

Sir Robert Neill, chair of the House of Commons Justice Committee, said the government’s amendments on IPP sentences did not go far enough. Sir Robert supported an alternative approach—as set out in new clause 1 tabled in his name at report stage but not moved—that would see all IPP prisoners re-sentenced and an independent panel established to advise on how best to embark on a resentencing exercise.<sup>86</sup> Sir Robert said he hoped the provisions in his new clause would be considered again once the bill reached the Lords.

Government clause 26 was agreed to without division and added to the bill (clause 48 in the bill as introduced in the Lords).

### **Removal of parental responsibility for parents who kill the other parent**

The King’s Speech 2023 included a government commitment to amend the bill to introduce an automatic suspension of parental responsibility from parents who kill a partner or ex-

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<sup>83</sup> House of Commons Justice Committee, [‘IPP sentences’](#), 28 September 2022, HC 266 of session 2022–23, p 38.

<sup>84</sup> [HC Hansard, 4 December 2023, col 99.](#)

<sup>85</sup> [HC Hansard, 4 December 2023, col 105.](#)

<sup>86</sup> House of Commons, [‘Victims and Prisoners Bill: Amendment paper’](#), 4 December 2023, p 13.



partner with whom they have children.<sup>87</sup> This proposal has been named ‘Jade’s law’ following a campaign by the family of Jade Ward who was murdered by her former partner in 2021.<sup>88</sup> Ms Ward’s family—who have been raising her children since her death—had criticised the current system which sees Jade’s murderer maintain parental responsibility.

Existing laws require those with parental responsibility to be consulted on decisions affecting children’s health, education and travel. Lord Chancellor Alex Chalk said Ms Ward’s family’s campaign had “exposed an injustice” in the current system.<sup>89</sup>

Government new clause 37 (clause 16 in the bill as introduced in the Lords) would make this amendment. It was agreed to without division and added to the bill. This clause would mean where one parent is convicted of the murder or voluntary manslaughter of the other parent, the crown court would be required to make a ‘prohibited steps order’ (PSO). A PSO is provided in section 8 of the [Children Act 1989](#) and prevents a parent from exercising parental responsibility without the court’s consent on issues prescribed in the order.

Speaking to government new clause 37, Mr Argar said its provisions would prevent a convicted parent from exercising parental responsibility at the point of sentencing.<sup>90</sup> He advised there could be some cases where an immediate suspension of parental responsibility would not be appropriate. As such, the minister said the crown court would also be given the power not to suspend parental responsibility if it concluded that it would not be in the interests of justice. The minister also described the importance of the family court having consideration for the best interests of any children involved. He said the new clause would allow the family court to review the suspension and assess the impact it might have on the child.

## Parole system reforms

Various government amendments were made without division to the bill’s parole reform measures.

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<sup>87</sup> Prime Minister’s Office, ‘[King’s Speech 2023: Background briefing notes](#)’, 7 November 2023.

<sup>88</sup> Sarah Easedale, ‘[Jade Ward: Pride of murdered woman’s family over law change](#)’, BBC News, 3 October 2023.

<sup>89</sup> As above.

<sup>90</sup> [HC Hansard, 4 December 2023, cols 93–4.](#)



The Crime (Sentences) Act 1997 sets out the current process for releasing life prisoners into the community on licence. For a life prisoner to be released, the parole board must decide that it is no longer necessary for the protection of the public that the prisoner should be confined. If the parole board makes this decision, the secretary of state has a duty to release the prisoner on licence.

Part 3 of the bill as introduced in the Commons would have given the secretary of state the power to intervene on parole board decisions to release top tier prisoners. If used, this power would have quashed the parole board's original decision and required the secretary of state to determine the release decision themselves. Mr Argar said this "extra safeguard" would have enhanced public confidence when the most serious offenders were released and would have helped the government fulfil its duty to protect the public.<sup>91</sup> However, he referred to concerns raised by victims' representatives about the potential for these provisions to cause unnecessary delays. The minister also spoke of concerns raised by parliamentary colleagues and other stakeholders about how such reforms could be implemented. Additionally, Mr Argar acknowledged the onerous process the provision would place on ministers when carrying out a full assessment of whether a prisoner met the release test.

In response to these concerns, the government amended the bill to enable the secretary of state to send a case directly to a superior court (in most cases the upper tribunal) for a judicial decision. The amendments would also require the secretary of state to refer cases that would particularly affect public confidence, and where they believed the court could reach a different decision from those of the parole board.

Additionally, Mr Argar said the government had proposed further minor amendments to this part of the bill.<sup>92</sup> This included an amendment to enable the secretary of state to refer any parole board cases involving sensitive material relating to national security or closed material to the high court instead of the upper tribunal. The minister said he expected these cases to be "few in number", but hoped these changes would demonstrate the government's commitment to ensuring quick outcomes for victims.

Speaking to the government amendments, Mr Argar said they would make the process quicker and more cost-effective, removing the need to create a "shadow parole board" within the Ministry of Justice and providing quicker certainty for victims and the public.<sup>93</sup>

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<sup>91</sup> [HC Hansard, 4 December 2023, col 98.](#)

<sup>92</sup> [HC Hansard, 4 December 2023, col 99.](#)

<sup>93</sup> [HC Hansard, 4 December 2023, cols 98–9.](#)



Mr Brennan expressed the Labour Party's disappointment that this part of the bill "diverts attention away from the bill being a victims bill".<sup>94</sup> However, he spoke positively towards the government's amendments that would see the secretary of state refer a release decision to the judiciary.

#### 2.4.4 Non-government new clause added to the bill

One non-government new clause was added to the bill on division. New clause 27 (clause 40 of the bill as introduced in the Lords) would require the secretary of state to create a body to deliver compensation payments for victims of the infected blood scandal within three months of the bill receiving royal assent. The new clause was sponsored by Dame Diana Johnson, chair of the House of Commons Home Affairs Committee, and signed by over 140 MPs from multiple parties. The government did not support the new clause. However, the government was defeated on division by 246 votes to 242 and the clause was added into the bill.<sup>95</sup>

The [Infected Blood Inquiry](#) is an independent public statutory inquiry. Chaired by retired high court judge Sir Brian Langstaff, the inquiry is examining the circumstances in which people were given infected blood by the NHS in the 1970s and 1980s. The inquiry has published two interim reports since 2022. Its first interim report, published in July 2022, recommended the government award a single issue of interim compensation payments to victims.<sup>96</sup> In response to this, the government announced in August 2022 that victims and bereaved partners would each receive an interim payment of £100,000.<sup>97</sup> Then, in April 2023, the inquiry published a second interim report about compensation, recommending a compensation scheme be set up immediately and begin work in 2023.<sup>98</sup> The government has not provided its official response to the second interim report. It has said that it would await the outcome of the inquiry's final report before responding to recommendations in the second interim report.<sup>99</sup> The publication of the inquiry's final report was originally scheduled for autumn 2023. However, in September 2023, the inquiry announced that publication was now expected to be in March 2024.<sup>100</sup>

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<sup>94</sup> [HC Hansard, 4 December 2023, col 106.](#)

<sup>95</sup> [HC Hansard, 4 December 2023, cols 153–6.](#)

<sup>96</sup> Infected Blood Inquiry, '[First interim report](#)', 29 July 2022.

<sup>97</sup> Cabinet Office, '[Infected blood victims to receive £100,000 interim compensation payment](#)', 17 August 2022.

<sup>98</sup> Infected Blood Inquiry, '[Second interim report](#)', 4 April 2023, p 4.

<sup>99</sup> House of Commons, '[Written question: Infected blood inquiry \(3320\)](#)', 22 November 2023.

<sup>100</sup> Infected Blood Inquiry, '[Publication of the inquiry report](#)', 20 September 2023.



Speaking to new clause 27, Dame Diana argued that it was unacceptable for victims of the scandal to be subject to a further delay. She referred to comments from Sir Brian Langstaff in April 2023 who had said his final report would not contain any new information about compensation. Dame Diana stated that there would be “nothing new to learn from the final report”, so urged the government to act.

Mr Argar said he had “great sympathy” with the intention behind new clause 27.<sup>101</sup> He said the government planned to bring forward an amendment in the Lords which would put in place a legislative framework and timescales for a delivery body for compensation. He said this would ensure the government could move quickly as soon as the final report was published. The minister also said the government had committed to making a statement in the Commons before Christmas 2023 on the government’s progress on the infected blood inquiry, and committed to issuing an oral statement on next steps within 25 sitting days of the final report being published.<sup>102</sup>

New clause 27 was added into the bill following a government defeat on division.

#### **2.4.5 Non-government amendments defeated on division**

No other non-government amendments were made to the bill at report stage. Three non-government amendments were pushed to division, but all defeated. These sought to achieve various aims, including introduce a compensation scheme for victims of sewage illness, introduce a duty of candour for public authorities when responding to major incidents, and add ‘anti-social behaviour victims’ into the bill’s definition of ‘victim’.

#### **Compensation scheme for victims of sewage illness**

New clause 10 was defeated on division by 267 votes to 27.<sup>103</sup> The clause sought to require the secretary of state to create a statutory compensation scheme for people who had suffered illness caused by illegally contaminated water. The clause’s sponsor, Tim Farron (Liberal Democrat MP for Westmorland and Lonsdale), said it would ensure the profits of water companies would be used to pay for compensation.<sup>104</sup> Mr Farron referred to data from a recent report by water campaign group Surfers Against Sewage which said

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<sup>101</sup> [HC Hansard, 4 December 2023, cols 136–7.](#)

<sup>102</sup> [HC Hansard, 4 December 2023, col 136.](#)

<sup>103</sup> [HC Hansard, 4 December 2023, cols 146–7.](#)

<sup>104</sup> [HC Hansard, 4 December 2023, cols 117–18.](#)



1,924 water users in the UK between October 2022 and September 2023 had reported illness after being in the water. Mr Argar said the government would not support the new clause because there were existing routes available for individuals to seek compensation.<sup>105</sup>

### **Duty of candour for public authorities when responding to major incidents**

The Labour Party introduced new clause 14, which was defeated on division by 279 votes to 193.<sup>106</sup> It sought to introduce a statutory requirement for public authorities and public servants to act with transparency, candour and frankness when carrying out duties in relation to major incidents. Mr Brennan said the clause would compel organisations to face public scrutiny with honesty, especially during inquiries into state-related deaths.<sup>107</sup> He said the new clause aimed to make a “shift from a culture of defensiveness to one of openness” and would support those who wanted to contribute to public inquiries but who may feel “pressured to remain silent”.<sup>108</sup> Mr Argar said the government would not support the clause because it planned to set out its position on the duty of candour in an oral statement on the government’s response to the independent Hillsborough report.<sup>109</sup>

### **Adding anti-social behaviour victims into the bill’s definition of ‘victim’**

Labour Party amendment 33 was defeated on division by 277 votes to 190.<sup>110</sup> This sought to include victims of anti-social behaviour in the bill’s definition of a victim. The Labour Party had previously raised this issue during public bill committee. Mr Brennan said the bill’s current definition of victim had “neglected” those who were the victims of persistent anti-social behaviour.<sup>111</sup> He said the amendment sought to rectify this and ensure those individuals would have the same rights in the victims’ code as other victims. Mr Argar said the government would not support the amendment because it wanted to avoid the definition becoming “too prescriptive”.<sup>112</sup> Mr Argar said:

We have sought to draw the definition of those entitled to support under the victims’

<sup>105</sup> [HC Hansard, 4 December 2023, col 137.](#)

<sup>106</sup> [HC Hansard, 4 December 2023, cols 149–52.](#)

<sup>107</sup> [HC Hansard, 4 December 2023, col 102.](#)

<sup>108</sup> [HC Hansard, 4 December 2023, col 103.](#)

<sup>109</sup> [HC Hansard, 4 December 2023, col 136.](#) The Home Office published its response to the Hillsborough disaster report on 6 December 2023: [‘A Hillsborough legacy: The Government’s response to Bishop James Jones’ report to ensure the pain and suffering of the Hillsborough families is never repeated’.](#)

<sup>110</sup> [HC Hansard, 4 December 2023, cols 157–9.](#)

<sup>111</sup> [HC Hansard, 4 December 2023, col 103.](#)

<sup>112</sup> [HC Hansard, 4 December 2023, col 91.](#)



code as widely as possible, keeping it to those who are victims of crime, because that is the nature of the bill, but not being specific in listing a range of different groups or categories of victims. That is precisely because we want the bill to be inclusive, rather than inadvertently being too prescriptive and leaving people out, thereby excluding them from services. We have tried to be as broad based as possible in our definition and approach.

However, he said the government planned to bring forward measures in the [Criminal Justice Bill](#) that would tackle some of the concerns that had been raised on this issue.<sup>113</sup>

## 2.5 Third reading

The bill's third reading debate took place immediately after report stage. Mr Argar said the bill would strengthen the voice of victims and provide them with support that would "see justice done".<sup>114</sup> On behalf of the Labour Party, Shadow Justice Secretary Shabana Mahmood said that whilst her party supported the bill's passage, it believed that some of the bill's provisions should have gone further.<sup>115</sup> Ms Mahmood said she was certain that some of the debates on the bill's provisions that had taken place in the House of Commons would be returned to once the bill reached the Lords.

The bill passed third reading without division.<sup>116</sup>

## 3. What has been the reaction to the bill?

Throughout the bill's passage through the House of Commons, various organisations from across the legal, law enforcement and charity sectors have expressed their view on the bill and ways they would like to see it amended.

For example, the charity Victim Support has criticised the government for expanding the bill to include provisions on prisoners and parole.<sup>117</sup> Diana Fawcett, chief executive at the

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<sup>113</sup> [HC Hansard, 4 December 2023, col 137.](#)

<sup>114</sup> [HC Hansard, 4 December 2023, col 172.](#)

<sup>115</sup> [HC Hansard, 4 December 2023, cols 173.](#)

<sup>116</sup> [HC Hansard, 4 December 2023, cols 173.](#)

<sup>117</sup> Victim Support, '[Victim Support outlines four key updates needed to the Victims and Prisoners Bill](#)', 15 May 2023.





charity, argued this would shift the focus away from victims. Ms Fawcett has called on the government to remove those measures. Victim Support has also called for the definition of a victim within the bill to be expanded to include victims of persistent anti-social behaviour.

The Local Government Association (LGA) has raised concerns about funding that would be needed to deliver certain aspects of the bill.<sup>118</sup> Referring to the bill's provisions that would require organisations to collaborate on victim support services (clause 12 of the bill as introduced in the Lords), the LGA said that such partnership working would not automatically improve without the required funding to support it.

Some charities have shared their reaction to the provision on compensation for victims of the infected blood scandal being added to the bill at report stage (clause 40 as introduced in the Lords). Clive Smith, chair of the Haemophilia Society, said this government defeat would mean that justice would “finally be delivered to those who have waited for so long”.<sup>119</sup>

The reaction to the bill during its passage through the Commons is covered in further detail in the following House of Commons Library briefings: [‘Victims and Prisoners Bill’](#) (10 May 2023) and [‘Victims and Prisoners Bill: Progress of the Bill’](#) (14 November 2023).

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<sup>118</sup> Local Government Association, [‘Victims and Prisoners Bill: House of Commons second reading. 15 May 2023’](#), 11 May 2023.

<sup>119</sup> BBC News, [‘Ministers lose infected blood vote after Tory MPs revolt’](#), 5 December 2023.

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