

## **Sentencing Bill**

### **Prison Reform Trust briefing for the Report Stage in the House of Lords on 6 January 2026**

The Prison Reform Trust (PRT) is an independent UK charity working to create a just, humane and effective penal system. This briefing on the Sentencing Bill addresses key amendments and new clauses tabled at the House of Lords report stage:

- Amendments 54, 55, 56, 57 – Sentencing Council
- New clauses and amendments 58, 59, 60, 61 – Prison capacity report
- New clauses 71, 72, 73 – Independent Advisory Panel on Sentencing and Reducing Reoffending
- New clause 76 – Provision for the Parole Board to direct release of an IPP prisoner at a specified future date
- New clause 77 – Imprisonment or detention for public protection: qualifying period for termination of licences
- New clause 78 – Provision for IPP prisoners to apply for an annual licence review
- Amendment 89 – Stand part clause 35
- New clause 90 – Extending earned release to Extended Determinate Sentenced (EDS) Prisoners
- New clause 91 – Imprisonment or detention for public protection: termination of licences

A copy of the Marshalled List for a full list of the amendments and new clauses to be moved in the House of Lords Committee is available at [HL Bill 151—I](#)

**If you have any questions about this briefing, please contact:**

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## **Clause 19**

### **Amendments 54, 55, 56, 57 – Sentencing Council**

These government amendments to clause 19 make provision for the following:

- Amendment 54 requires that the Lord Chancellor must decide to approve or not approve the Sentencing Council's business plan "as soon as practicable".
- Amendment 55 requires that, if the Lord Chancellor does not approve the business plan, they must notify the Council and lay a report before parliament explaining their reasons for not approving the plan.
- Amendment 56 provides that the Lord Chief Justice or Lord Chancellor may withhold consent to a request from the Sentencing Council to issue sentencing guidelines only if it is necessary to do so in order to maintain public confidence in the criminal justice system and requires the reason for withholding consent to be laid before Parliament.
- Amendment 57 provides that the Lord Chief Justice or Lord Chancellor may withhold consent to a request from the Sentencing Council to issue allocation guidelines only if it is necessary to do so in order to maintain public confidence in the criminal justice system and requires the reason for withholding consent to be laid before Parliament.

These amendments provide some limited mitigation to the impact of clause 19 on the work of the Sentencing Council. However, we remain concerned that, even with these amendments, clause 19 will still compromise the independence of the Council and result in unnecessary and unconstitutional interference in its work by the executive.

In relation to the amendments, we would highlight the following concerns:

- "As soon as practicable" is not clearly defined and could be open to a variety of interpretations. This means that approval of the Council's business plan could still be subject to unnecessary and unreasonable delay.
- Provision that consent may only be withheld by the Lord Chancellor or Lord Chief Justice "in order to maintain public confidence in the criminal justice system" is overly subjective. In particular, there is no clear definition of what is involved in "maintaining public confidence"; nor the role of the Sentencing Council, the Lord Chief Justice or Lord Chancellor in relation to this duty. This could result in disagreement between the Lord Chief Justice and the Lord Chancellor in the interpretation of this duty, and in consent being withheld on a subjective and arbitrary basis. It may also result in the Council placing undue weight on "maintaining public confidence" in the interpretation of its statutory duties, which could undermine other crucial aspects of its role in promoting a clear, fair and consistent approach to sentencing.

***Notwithstanding these reservations, and in the absence of any further safeguards, we urge peers to support amendments 54, 55, 56, and 57.***

## **After clause 19**

### **New clauses and amendments 58, 59, 60, 61 – Prison capacity report**

These new clauses and amendments relate to provision to introduce a statutory annual report on prison capacity, in line with the government's commitment in its Annual Statement on Prison Capacity: 2024 for a statutory annual statement.

- New clause 58 is a government amendment introducing provision for a statutory annual report on prison capacity.
- Amendments 59 and 60 amend new clause 58 to require that the annual report also includes consideration of prison staffing and probation staffing and caseloads.
- Amendment 61 was originally tabled by Lord Foster in the committee stage and introduces provision for an annual report on prison capacity into the bill.

PRT welcomes the government's decision to legislate to introduce a statutory annual report on prison capacity. Amendments 59 and 60 would strengthen the provisions of new clause 58 by requiring the publication of information on prison and probation service staffing and caseloads, given the importance of probation service capacity in managing people serving community orders, suspended sentences and on licence. This is in line with the information provided in the government's Annual Statement on Prison Capacity: 2024. New clause 61 combines the provisions of 58, 59 and 60.

***We urge peers to support new clause 58 and amendments 59 and 60 OR new clause 61.***

### **New clauses 71, 72, 73 – Independent Advisory Panel on Sentencing and Reducing Reoffending**

This set of new clauses would implement recommendation 9.1 of the Independent Sentencing Review by establishing an Independent Advisory Panel on Sentencing and Reducing Reoffending. The Review's Part 2 report recommended the establishment of an independent advisory body to help ensure that its recommendations are "not lost and that successive governments remain focused on maintaining a sustainable approach to custody".<sup>1</sup> A similar recommendation was made by the Justice Committee in its inquiry on public opinion and understanding of sentencing. The body would act as an authority on what works to reduce reoffending; provide ministers with independent advice on policy and legislative proposals; and facilitate greater scrutiny of the impacts of policy and legislation on prison and probation resources, helping to encourage a more sustainable criminal justice system in the long term.

***We urge peers to support new clauses 71, 72, 73.***

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<sup>1</sup> <https://www.gov.uk/government/publications/independent-sentencing-review-final-report>

### **After clause 23**

#### **New clause 76 – Provision for the Parole Board to direct release of an IPP prisoner at a specified future date**

This new clause creates a viable and safe alternative to “resentencing” by utilising the skills and expertise of the Parole Board and properly balancing the interests of justice, the protection of the public and the responsibility of the state for the effects of this misguided sentence.

The amendment would require the Parole Board to fix a future release date for post tariff IPPs who cannot be released immediately, following the successful completion of directions designed to ensure the public will be adequately protected upon release. This amendment implements the key recommendation of the expert group commissioned by the Howard League for Penal Reform to end the detention of those on IPP sentences.<sup>2</sup>

***We urge peers to support new clause 76.***

### **After clause 25**

#### **New clause 77 – Imprisonment or detention for public protection: qualifying period for termination of licences**

#### **New clause 78 – Provision for IPP prisoners to apply for an annual licence review**

See new clause 91 below for discussion of new clauses 77 and 78.

### **Clause 35**

#### **Amendment 89 – Stand part clause 35**

Clause 35 provides probation practitioners with new powers to publish the names and photos of people completing unpaid work requirements as part of a Community Sentence. This provision to “name and shame” people on Community Payback schemes will increase the stigma faced by people with criminal convictions and could do severe and long-lasting damage to families and children with parents in the criminal justice system. Over 20 organisations and individuals have come together to express deep concern about the clause in a joint letter sent to the justice and education secretaries. They point out that the proposal would do little to foster rehabilitation or reduce reoffending, making it harder for people to find employment or accommodation.

***We urge peers to stand part clause 35.***

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<sup>2</sup> Howard League for Penal Reform. (2025). *Ending the detention of people on IPP sentences*, <https://howardleague.org/wp-content/uploads/2025/06/Ending-the-detention-of-people-on-IPP-sentences.pdf>

## **After clause 38**

### **New clause 90 – Extending earned release to Extended Determinate Sentenced (EDS) Prisoners**

This new clause would create a power for the Secretary of State to refer a prisoner serving an Extended Determinate Sentence (EDS) to the Parole Board if the Secretary of State was of the view that “there was a reasonable prospect that the Board would direct release”. It would enable EDS prisoners to have the opportunity of earning earlier release in line with recommendation 4.2 of the Independent Sentencing Review.<sup>3</sup> As the review affirmed, this measure would improve incentives for rehabilitation and enhance the effectiveness of measures to address the overcrowding crisis, without in any way changing the public protection mechanisms that currently apply to EDS prisoners. There would be no change to the process, other than empowering the Secretary of State to refer a prisoner who has a reasonable prospect of success at the halfway point rather than at the two-thirds point.

***We urge peers to support new clause 90.***

## **Before clause 40**

### **New clause 91 – Imprisonment or detention for public protection: termination of licences**

This new clause builds on the provision for the termination of IPP and DPP licences introduced by the Victims and Prisoners Act 2024. Introduced by the government in response to amendments 77 and 78 tabled by Lord Blunkett and Lord Moylan, the new clause makes provision for the following:

- It reduces the length of the qualifying period to two years for IPP prisoners thus equalising it with the existing qualifying period of two years for DPP.
- It creates a power for the government to amend the length of the qualifying period by statutory instrument.
- It introduces provision for the further applications by IPP or DPP prisoners to the Parole Board for a licence termination review IF they have been continuously on licence for a period of one year after the qualifying period with the limitation that only one application can be made during each continuous period on licence.

Overall, the government's amendment enhances the entitlements of prisoners while being operationally deliverable. In particular, reducing the qualifying period to two years (combined with the safeguard of additional provision to apply for a licence review) is a positive step forward. While it is important that separate provision for DPPs should be explored (for instance, the qualifying period for DPPs should be reduced to 18 months), reducing the qualifying period to two years for IPP prisoners brings the prospect of licence termination closer while building in an additional safeguard of further review by the Parole Board if the prisoner does not have their licence terminated on first review.

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<sup>3</sup> [https://assets.publishing.service.gov.uk/media/682d8d995ba51be7c0f45371/independent-sentencing-review-report-part\\_2.pdf](https://assets.publishing.service.gov.uk/media/682d8d995ba51be7c0f45371/independent-sentencing-review-report-part_2.pdf)

Lord Moylan's amendment 78 would have made similar provision for a prisoner to apply for an annual termination review on expiry of the qualifying period. New clause 91 adapts this provision by restricting restoration of the right of application to those on probation who had had one continuous year on licence since an annual termination review. This amendment closes a loophole in the existing arrangements for licence termination - namely that if people were unsuccessful in their licence termination review, they may become stuck repeatedly failing to secure two years recall free, without anyone taking a look at them and their circumstances. The government amendment would restore that oversight and opportunity, targeted at people with a realistic chance of securing an earlier end to their sentence.

***We urge peers to support new clause 91.***