



Joint Committee on Human Rights

Committee Office · House of Commons · London · SW1A 0AA

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From the Chair of the Joint Committee on Human Rights

Rt Hon Shabana Mahmood

[Delivered by Email]

Lord Chancellor

08 April 2025

Dear Lord Chancellor,

On Tuesday 1 April 2025 the Government introduced into the House of Commons the Sentencing Guidelines (Pre-sentence Reports) Bill. The Joint Committee on Human Rights carries out legislative scrutiny of Bills that raise human rights issues. The Sentencing Guidelines (Pre-sentence Reports) Bill relates to discrimination in sentencing, which has human rights implications.

The Bill contains one operative clause, which would add into section 120 of the Coroners and Justice Act 2009 a proviso that Sentencing Council “sentencing guidelines about pre-sentence reports may not include provision framed by reference to different personal characteristics of an offender.”

The Bill does not provide any definition of the phrase “personal characteristics”, merely providing that, for the purposes of this clause, it includes “(a) race; (b) religion or belief; (c) cultural background”.

To aid its scrutiny of the Bill, the Committee would be assisted by answers to the following questions:

1. The Bill states that “sentencing guidelines about pre-sentence reports may not include provision...”. Is the intention that this prohibition would affect only guidelines yet to be formally issued, or will it also apply to existing guidelines?
2. Paragraph 11 of the Explanatory Notes states that the Bill will not affect Court of Appeal case law about when pre-sentence reports are necessary or desirable, including in respect of pregnant women and new mothers and young defendants. Is the term “personal characteristics” in the Bill intended to exclude pregnancy, motherhood (including being in the 12 month post-natal period) and age (including being between 18-25) to ensure guidelines that are consistent with this case law?
3. If the intention is to permit sentencing guidelines being framed by reference to these and/or any other specific matters, how can the Government be sure that the term “personal characteristics” will be interpreted accordingly by the Sentencing Council or any court? We note that in the case law on Article 14 ECHR (freedom from discrimination) the term “personal characteristic” has been found to include matters such as age (*R (Carson) v SSPW* [2005] UKHL 37 at [60])



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From the Chair of the Joint Committee on Human Rights

The Bill is scheduled to have its second reading on 22 April and remaining stages in the Commons on 30 April 2025. Given this contracted timetable, and to ensure that your response is available to inform Parliamentary debate on the Bill, we would be appreciative if you could provide an answer to our questions by 22 April, in time for consideration at our Committee meeting on 23 April.

With kind regards,

Lord Alton of Liverpool

Chair, Joint Committee on Human Rights