



Victims and Prisoners Act 2024

2024 CHAPTER 21

PART 4

PRISONERS

Public protection decisions

PROSPECTIVE

58 Public protection decisions: life prisoners

- (1) Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (life sentences) is amended as follows.
- (2) After section 28 insert—

“28ZA Public protection decisions

- (1) This section applies for the purposes of any public protection decision made by a decision-maker about a life prisoner under a relevant provision of this Chapter.
- (2) A “public protection decision”, in relation to a prisoner, is a decision as to whether the decision-maker is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined.
- (3) The decision-maker must not be so satisfied unless the decision-maker considers that there is no more than a minimal risk that, were the prisoner no longer confined, the prisoner would commit a further offence the commission of which would cause serious harm.
- (4) In making that assessment, the decision-maker must consider the risk that the prisoner would engage in conduct which would (or, if carried out in any

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particular part of the United Kingdom, would) constitute an offence specified in Schedule 18B to the Criminal Justice Act 2003.

- (5) When making a public protection decision about a prisoner, the following matters must be taken into account by the decision-maker—
- (a) the nature and seriousness of the offence in respect of which the relevant sentence was imposed;
 - (b) the nature and seriousness of any other offence for which the prisoner has at any time been convicted;
 - (c) the conduct of the prisoner while serving the relevant sentence (whether in prison or on licence);
 - (d) the risk that the prisoner would commit a further offence (whether or not specified in Schedule 18B to the Criminal Justice Act 2003) if no longer confined;
 - (e) the risk that, if released on licence, the prisoner would fail to comply with one or more licence conditions;
 - (f) any evidence of the effectiveness in reducing the risk the prisoner poses to the public of any treatment, education or training the prisoner has received or participated in while serving the relevant sentence;
 - (g) any submissions made by or on behalf of the prisoner or the Secretary of State (whether or not on a matter mentioned in paragraphs (a) to (f)).
- (6) When making a public protection decision about a prisoner, the decision-maker must in particular have regard to the protection of any victim of the prisoner.
- (7) For the purposes of subsection (6), a “victim” of a prisoner is a person who meets the definition of victim in [section 1](#) of the Victims and Prisoners Act 2024 by reference to the conduct which constituted the offence for which the relevant sentence was imposed.
- (8) In subsections (5) and (7), “relevant sentence” means the sentence in respect of which the public protection decision is made.
- (9) This section does not limit the matters which the decision-maker must or may take into account when making a public protection decision.
- (10) The “relevant provisions” of this Chapter under which a public protection decision may be made, and the purposes for which the decision is made, are—
- (a) [section 28\(6\)\(b\)](#), for the purposes of [section 28\(5\)](#);
 - (b) [section 32\(5A\)](#), for the purposes of [section 32\(5\)](#);
 - (c) [subsection \(1\) of section 32ZAC](#), for the purposes of that subsection.
- (11) The “decision-maker”, in relation to a public protection decision made under a relevant provision of this Chapter, is—
- (a) if the decision is made under [section 28\(6\)\(b\)](#) or [32\(5A\)](#), the Parole Board;
 - (b) if the decision is made under [section 32ZAC\(1\)](#), the High Court.
- (12) [Subsection \(2\)](#) has effect in relation to a decision made by the Parole Board under [section 32\(5A\)](#) (recall of life prisoners while on licence) as if for the words “be confined” there were substituted “remain in prison”.

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- (3) In section 28A (murder or manslaughter: prisoner’s non-disclosure of information)—
- (a) in subsection (1), in the words before paragraph (a), after “life prisoner” insert “under section 28(6)(b), for the purposes of section 28(5),”;
 - (b) in subsection (5), for the definition of “public protection decision” substitute—
““public protection decision” has the meaning given by [section 28ZA\(2\)](#).”.
- (4) In section 28B (indecent images: prisoner’s non-disclosure of information)—
- (a) in subsection (1), in the words before paragraph (a), after “life prisoner” insert “under section 28(6)(b), for the purposes of section 28(5),”;
 - (b) in subsection (7), for the definition of “public protection decision” substitute—
““public protection decision”, in relation to a prisoner, has the meaning given by [section 28ZA\(2\)](#).”.
- (5) In section [32ZZA](#) (imprisonment or detention for public protection: powers in relation to release of recalled prisoners) (inserted by [section 66](#) of this Act), after subsection (3) insert—
- “(3A) The Secretary of State must not be satisfied as mentioned in subsection (3) unless the Secretary of State considers that there is no more than a minimal risk that, were the prisoner no longer confined, the prisoner would commit a further offence the commission of which would cause serious harm (and [section 28ZA\(4\)](#) applies for the purposes of that assessment).”

Commencement Information

II S. 58 not in force at Royal Assent, see [s. 81\(2\)](#)

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Changes to legislation:

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