

**Rt. Hon. Alex Chalk KC MP**  
**Lord Chancellor and Secretary of State for Justice, Ministry of Justice**  
House of Commons London SW1A 0AA

Tuesday 14<sup>th</sup> May 2024

Dear Lord Chancellor,

I am writing to you today in respect of the amendment NC103 to the Criminal Justice Bill.

As you are aware, I have been calling on the Government to remove the parental responsibility for those convicted of sexually abusing their own child or children by extending Clause 16 (informally known as 'Jade's Law') in the Victims and Prisoners Bill. I was therefore pleased to see that Government accepted the need for action when they announced that they would concede to Harriet Harman's calls, via the Criminal Justice Bill, to remove parental responsibility of child sex offenders who had raped a child, regardless of whether the victim was their child or another child.

Although I remain concerned that this measure will not apply to all those who sexually abuse their own children, I am nevertheless relieved that Government have accepted the principle and agreed to address this injustice and risk to children. I was also pleased that the Criminal Justice Bill would be the vehicle for the measures as it offered the opportunity to draft the amendment outside of the confines of Clause 16 of the Victims and Prisoners Bill, which did present some difficulties.

When I was finally able to see the details of the amendment for the Criminal Justice Bill yesterday, I was disappointed to see that the concession remains as an extension of Clause 16, "Jade's Law". I understood that the reason for accepting the concession in the Criminal Justice Bill was to allow Government the opportunity to create a more satisfactory amendment suitable to child sex offenders.

Through subsection 10B, Clause 16 automatically sends the case back to family court via the local authority. Whilst perhaps necessary in cases of domestic murder, where a child is unlikely to have anyone except the convicted parent with parental responsibility, I, along with survivors and the sector were concerned that this would be problematic in cases of child sexual abuse where there is more likely to be a protective parent. Automatically returning the case to family court in this scenario offers a platform for the abuser and undermines the purpose of the amendment which is to remove the burden of proceedings on the child and family. That is why at Committee stage of the Victims and Prisoners Bill, I supported Baroness Chakrabarti to submit an amendment that would have also added a section 91(14) order to the prohibited steps order, providing judges with the power to refuse unmeritorious applications without a hearing. This would have offered greater reassurance to victims and families that after the first review in family court, they would be

strongly protected from unnecessary proceedings in the future. Unfortunately, this was not accepted.

I understand that the Government are concerned that automatically suspending parental responsibility upon sentencing for all child sex offenders will enable more perpetrators to begin using family court proceedings to maintain contact and abuse their victims. This was your explanation for limiting the measures to child rape. Yet this risk is now exacerbated by the Government's decisions to maintain section 10B for child sex offenders and is unnecessary in my view.

Without section 10B, offenders could still apply to family court to have their order reviewed as outlined in subsection (3)(4)(b) but the onus would be on them to apply, making engagement with proceedings less likely. Offenders would not be entitled to legal aid and speaking to practitioners in this field, a successful application under Exceptional Case Funding would be extremely unlikely for a convicted child sex offender.

I urge you to urgently review your drafting of this amendment and create a new clause for child sex offenders so that section 10B no longer applies. Without doing so, the admirable intentions of the Government's measure will be undermined significantly by the drafting.

I would welcome the opportunity to further discuss this with you, and other commitments made on family court reform.

Your sincerely,

A handwritten signature in black ink, appearing to be 'C. Waxman', written on a light-colored background.

Claire Waxman OBE  
London's Victims' Commissioner