



Baroness Newlove of Warrington
Victims' Commissioner for England and Wales

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The Rt Hon David Lammy MP
Lord Chancellor
Sent by email:

25 September 2025

Dear Lord Chancellor,

Subject: Judicial Discretion Over Sentencing Remarks and Victim Access

I am writing to express concerns regarding the current guidance and framework that allows judge to exercise discretion over whether a victim's request for a transcript of sentencing remarks in Crown Court cases should be allowed.

As you are likely aware, victims of homicide or sexual offences can request free transcripts for sentencing remarks by completing an online form which has to be approved by the judge and may be redacted. Recently, the Department has announced it will make the same offer to victims of sexual offences. This followed on from a 12-month pilot and a recommendation in the David Gauke Sentencing Review.

Although legislation does not require judicial approval before issuing a transcript of sentencing remarks, the requirement is set out in guidance documents. For example, here: [Guidance for requesting a transcript - GOV.UK](#).

I would also refer you to a report undertaken by the Justice Select Committee: - [Public opinion and understanding of sentencing - Justice Committee](#)

In the report, the Committee says:

'We have previously made recommendations to the Government on the availability of sentencing remarks, both for victims of crime and bereaved families, and the wider public. Following our pre-legislative scrutiny of what was then the draft Victims Bill, we recommended that the Victims' Code should include a right for victims whose cases are heard in the Crown Court to be offered a free transcript of the judge's sentencing remarks, in a format that they can access.⁸³ In our November 2022 Report on open justice, we recommended that all Crown Court sentencing remarks should be published in audio and/or written form.⁸⁴ We also welcomed the broadcasting of Crown

Court sentencing remarks and suggested that the recording of sentencing in magistrates' courts could also be beneficial.⁸⁵

It would seem the Committee are of the view that victims should be able to freely access sentencing remarks. They also referenced the government's response and link to the [Victims Bill scrutiny sessions](#) where the government stated at 32:

'It is not appropriate for the victim to receive the transcript of judge's sentencing remarks in every case, and there are some exceptions where the Court can take the decision as to whether to provide the transcript. It would therefore not be appropriate to make this a universal Code right for all victims, so we do not consider any changes to be appropriate.'

I would be very interested to know when the Ministry of Justice feels it would be "inappropriate" for a victim of crime, whose perpetrator has been convicted in the Crown Court, ought not be allowed to have sight of a written transcript of the sentencing remarks. The remarks are made in open court, are often widely reported in the media and in some cases, are live streamed.

Access to sentencing remarks is essential for victims, as they offer critical insight into how justice has been served and provide clarity around the rationale behind the sentence. This understanding is particularly important for victims who are unable to attend sentencing hearings due to emotional distress, health challenges, or logistical barriers. In such circumstances, the absence of accessible sentencing remarks not only deepens the trauma but also deprives victims of a meaningful connection to the judicial process that directly affects them.

While the justice system has increasingly aimed to promote transparency, evidenced by the live broadcasting of sentencing remarks in certain cases, the ability of judges to veto the release of these remarks to victims undermines that very principle and lacks transparency.

In the interests of transparency and public confidence in the justice system, I am asking that judicial veto in sharing transcripts of sentencing remarks be rescinded.

A copy of this letter is being placed on my website.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Helen', with a long, sweeping underline.

Baroness Newlove LLD (hc) DCL
Victims' Commissioner for England and Wales