



Sentencing

One topic that was suggested for inclusion in the 11th Programme was a codification of sentencing legislation. The current law is contained in a large number of statutes, many of which have quite different structures and approaches and which have been heavily amended. This renders the sentencing process difficult and time consuming and increases the risk of error. The proposal was for the Law Commission to consolidate the current law into a single statute, simplifying where necessary but without embarking upon substantive reform of the types of sentence or their availability. The suggestion was that this would make the law both easier for judges and practitioners to apply and more accessible to those without legal expertise. The complexity of the present exercise adds to the time and cost of trials.

Supporters of the proposal at that time included academics, the Senior Judiciary and the Sentencing Council. Proponents pointed to number of appeals against unlawful sentences each year. The volume of such appeals does not reflect the true scale of the problem as some are rectified under the slip rule and do not generate appeals, and others go unnoticed.

Although the Lord Chancellor did not support the simplification/consolidation project in the 11th Programme, he indicated that a project of this nature may be requested in the future.

We are interested to know whether those involved in sentencing continue to face such complexities in significant numbers of cases and whether there is a clear need for a project in the 12th Programme to codify and simplify sentencing law.