

**Proposed changes to definitive guidelines to reflect legislative and other external changes and improve clarity and consistency across guidelines.**

[This list is in summary note form only. If agreed by the Council a comprehensive list of proposed changes and the guidelines to which they would apply will be provided at consultation]

**1. Time spent on remand/ bail**

All guidelines to which this applies to have the wording used in the child cruelty guidelines:

**Consideration for time spent on bail (tagged curfew)**

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003.

**2. Dangerousness**

For specified offences not subject to a life sentence:  
In the title section of the guideline:

This is a specified offence for the purposes of section 226A (extended sentence for certain violent or sexual offences) of the Criminal Justice Act 2003

At the relevant step (typically step 5) of the guideline:

**Dangerousness**

The court should consider whether having regard to the criteria contained in Chapter 5 of Part 12 of the Criminal Justice Act 2003 it would be appropriate to impose an extended sentence (section 226A).

This is a specified offence for the purposes of section 226A (extended sentence for certain violent or sexual offences) of the Criminal Justice Act 2003

For specified offences carrying a life sentence and subject to the ‘two strikes’ provisions:  
In the title section:

This is a serious specified offence for the purposes of sections 224 and 225(2) (life sentences for serious offences) of the Criminal Justice Act 2003.

This is an offence listed in Part 1 of Schedule 15B for the purposes of section 224A (life sentence for a second listed offence) and section 226A (extended sentence for certain violent or sexual offences) of the Criminal Justice Act 2003.

At the relevant step (typically step 5) of the guideline:

**Dangerousness**

The court should consider whether having regard to the criteria contained in Chapter 5 of Part 12 of the Criminal Justice Act 2003 it would be appropriate to impose a life sentence (section 224A or section 225) or an extended sentence (section 226A).

When sentencing offenders to a life sentence under these provisions, the notional determinate sentence should be used as the basis for the setting of a minimum term.

**3. Maximum sentence**

**Fines:**

There is some inconsistency as to how the maximum sentence is expressed in the title section of guidelines, in some cases it is x years; custody and/or unlimited fine. In others x years custody. It is proposed that only where a fine is an option within a guideline that reference is made to the statutory maximum fine. Where the maximum fine is other than unlimited (e.g. level 3 fine) a link should be provided to a table giving the maximum amounts for each level.

**Either way offences:**

Most guidelines for either way offences give just one maximum sentence (effectively that for sentence on indictment) but some give the maximum when tried summarily and the maximum on indictment. It is proposed to only include the summary maximum if it is other than 6 months/unlimited fine

**Changes to maximum sentence:**

Where the change has been made since the guideline was issued a note should be included in the title section giving the date of the change and the 'before' and 'after' levels. If the change affects the applicability of the guideline the note should acknowledge this.

**Guidelines where a change in the maximum sentence has not been reflected:**

Causing death by disqualified driving – maximum has increased from two to 10 years.

**4. Other external changes**

References to obtaining financial information in guidelines for sentencing organisations: In the Environmental, Health and Safety, and Food Safety guidelines for organisations the following text is included:

*For health trusts:* the independent regulator of NHS Foundation Trusts is Monitor. It publishes quarterly reports and annual figures for the financial strength and stability of trusts from which the annual income can be seen, available via the [Monitor website](#). Detailed analysis of expenditure or reserves is unlikely to be called for.

Info on health trust in H&S g/l/s

Information on health trusts is no longer available on the Monitor website. The reference needs to be updated to direct users to the correct source of information.

Change references to 'Offence committed on licence' in the assault, burglary, dogs, fraud and environmental guidelines to 'Offence committed on licence or post sentence supervision'. This will ensure consistency across guidelines.