



Criminal Law Solicitors' Association
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CLSA response to:
Miscellaneous amendments to sentencing guidelines
consultation – 27th November 2024

The Criminal Law Solicitors' Association is the only national association entirely committed to professionals working in the field of criminal law. The CLSA represents criminal practitioners throughout England and Wales and membership of the Association is open to any solicitor - prosecution or defence - and to legal advisers, qualified or trainee - involved with, or interested in, the practice of criminal law. The CLSA is responding to the consultation on behalf of its members.

Question 5: Do you agree with the proposed addition to the fines guidance? If not, please provide any alternative suggestions.

We agree that a clearer approach is needed, but suggest that 4-6 weeks should not be 'set in stone'. In some cases, particularly where someone is self-employed, a general yearly income would provide a more accurate assessment.

Question 6: Do you agree to add the proposed guideline for the offence of using or keeping heavy goods vehicle if levy not paid? If not, please provide any alternative suggestions.

Yes

Question 7: Do you agree with the proposed changes to the Careless driving guideline? If not, please provide any alternative suggestions.

Although the reasoning for similar approaches in guidelines is understood, there are concerns that with the new approach, a significant number of cases will fall into 'Category B' which otherwise on the existing guidelines would have been 'lower culpability' resulting in a higher fines bracket.

Question 8: Do you have any views on the likely impact of the proposals on fines or disqualification?

As stated above, this new guideline is likely to see higher fines and more points being imposed than would be the case for the current guideline. We suggest that the change is not required; the current guidelines are adequate.

Question 9: Do you agree with the proposed change to the Drive otherwise than in accordance with a licence guideline? If not, please provide any alternative suggestions.

Yes

Question 10: Do you have any comments on the accuracy or clarity of the proposed additions to the Allocation guideline? Please provide any alternative suggestions.

This seems sensible.

Question 11: Do you agree with the proposed changes relating to offenders aged under 18? If not please provide any alternative suggestions.

Yes. The CLSA are pleased to see the much needed change in vocabulary in relation to children, and agree that this is an important step.

Question 12: Do you agree with the proposed addition of information on assistance to the prosecution? If not please provide any alternative suggestions.

Yes

Question 13: Do you agree with the proposed addition of wording relating to sentencing very large organisations? If not, please provide any alternative suggestions.

Yes

Question 14: Do you agree with the proposed new sentence table in the Revenue fraud guideline? If not, please provide any alternative suggestions.

Yes although the CLSA maintain that lengthy prison sentences are not always the most appropriate way of rehabilitating offenders and have a significant impact on resources of the prison system.

Question 15: Do you agree with the proposed standard wording in guidelines? If not, please provide any alternative suggestions.

Yes

Question 16: Do you agree with the proposed additions to the Totality guideline? If not, please provide any alternative suggestions.

Yes

Question 17: Do you agree with the proposed additions relating to financial hardship? If not, please provide any alternative suggestions.

Yes

Question 18: Do you agree with the proposed changes relating to community orders? If not, please provide any alternative suggestions.

Yes

Question 19: Do you agree with the proposed addition relating to minimum terms? If not, please provide any alternative suggestions.

We do not agree that the word 'burden' should be used, as this creates the impression that there is high standard of proof in order for the defendant to raise 'exceptional circumstances'. If clarity is needed, which we do not think is the case, it may be more suitable to say 'it is for the offender to raise exceptional circumstances'. If such a reference is included, there should also be guidance that unrepresented defendant's are pointed to this 'burden' by the court before proceeding to sentence.

Question 20: Do you agree to add the domestic abuse aggravating factor to the listed guidelines? If not, please provide any alternative suggestions.

We do not believe that this aggravating factor should be added to the following guidelines: breach of a criminal behaviour order; Firearms – Carrying in a public place; Firearms – Possession by person prohibited; Firearms – Possession of prohibited weapon; Firearms – Possession with intent – other offences; Theft – general.

Question 21: Are there any equalities issues relating to the proposals that should be addressed?

No.

Question 22: Do you have any comments on the likely impact of the proposals on sentencing practice?

None other than what is stated above.

Question 23: Are there any other comments you wish to make on the proposals?

No.