



Ministry
of Justice

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THE SENTENCING CODE – GOVERNMENT'S INTERIM RESPONSE

I am writing to provide the Government's interim response to the Law Commission's Report (Law Com No. 382) on the Sentencing Code.

Firstly, I would like to reiterate my sincere thanks for all the work that the Commission has carried out on the Sentencing Code project over four years. The draft Code stands as a testament to the expertise, diligence and persistence of the Law Commission and its staff. Replacing the complex, multi-layered statute on sentencing procedure with a single source of all procedural provisions for sentencers should be of benefit to the judiciary, and providing an accessible source for these provisions should improve public confidence in our criminal justice system.

I am pleased to say that the Government accepts the principal recommendation in the report to enact the draft Sentencing Code Bill and draft Sentencing (Pre-consolidation Amendments) Bill. We will look to secure the passage of the Sentencing Code Bill, following passage of the Sentencing (Pre-consolidation Amendments) Bill, which should be introduced to Parliament very shortly.

The report makes 11 further recommendations. The issues raised in these recommendations are complex and finely balanced and as is mentioned in the report, in some cases, the proposed measures would be unsuitable to introduce as part of the consolidation process or are outside the terms of reference of the project. However, all the recommendations deserve careful consideration, which I will continue to give ahead of a fuller response to you in due course. As your report acknowledges, they are not set out in the draft legislation and, as drafted, this can be enacted without taking any of these additional recommendations forward at this time. Indeed, once enacted, one of the benefits of the Code will be that it will be readily open to this Parliament and future parliaments to make changes to sentencing procedure – whether technical, substantive, or substantial - to a single source of law.

May I congratulate you once again on your achievement.

RT HON DAVID GAUKE MP