

# **Factsheet: Sentencing Bill 2023: Whole Life Orders**

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**Headline: These reforms will ensure that those who commit the very worst crimes are given the most severe punishment available.**

## **1 What are we going to do?**

- Whole Life Orders (WLOs) are the most severe punishment available for a judge to hand down. Under a WLO, the offender does not have the possibility of release by the Parole Board, and must spend the rest of their life in prison.
- These reforms will create a new duty for the court to impose a WLO for cases of murder which are currently normally subject to a WLO starting point, unless the court is of the opinion that there are exceptional circumstances.
- The Government is also adding the murder of a single victim involving sexual or sadistic conduct to the list of those offences that will become subject to the new duty to impose a WLO (unless there are exceptional circumstances).
- These reforms should reassure the public that in these cases life means life.

## **2 How are we going to do it?**

- New legislation will create a new subsection 321(2A) of the Sentencing Act 2020 specifying that for certain cases the court is required to impose a WLO. Those cases will be listed in a new subsection 321(2B) and include all cases for which a WLO is currently a starting point and, additionally, the murder of an individual involving sexual or sadistic conduct (currently subject to a 30-year starting point).
- The court will only be able to depart from this requirement to impose a WLO where there are exceptional circumstances relating to the offender, or the offence, that justify not imposing a WLO. These will be truly exceptional circumstances to allow for judicial discretion, a cornerstone of our democracy.
- The change will affect all those sentenced for murder after the legislation is commenced, including those who have committed murder prior to commencement.

## **3 Frequently asked questions**

### **3.1 Why has this law been introduced?**

- This change is designed to ensure that those who commit the very worst murders face the most severe punishment available.

### **3.2 How will adding the murder of a single victim involving sexual or sadistic conduct alter the current law around WLOs?**

- We propose that the court must impose a WLO where the murder of a single victim involves sexual or sadistic conduct, unless there are exceptional circumstances.
- The imposition of a WLO is still subject to judicial discretion, but the legislation will set out that the expectation in these circumstances is that a WLO would be imposed.
- Currently, alongside other heinous categories of murder, such as the murder of a child if involving the abduction of the child, a WLO is only the starting point for the murder of *two or more* persons, where each murder involves sexual or sadistic conduct.

### **3.3 How many more cases will get a WLO as a result of these proposed changes?**

- WLOs are the most severe form of punishment that the courts can impose. As such, they are rare and reserved for the most heinous cases of murder. It would be very difficult to determine how many WLOs there will be as a result of these changes as the imposition of a WLO would still be subject to judicial discretion.

### **3.4 What are exceptional circumstances?**

- Ultimately this will be a matter for the judiciary. However, existing case law suggests that circumstances would be exceptional if giving a WLO would result in an arbitrary and disproportionate sentence.
- We would expect the court to look at all the circumstances of the case taken together. A single striking factor may amount to exceptional circumstances, or it may be the collective impact of all the relevant circumstances.