

LEGAL AID, SENTENCING AND PUNISHMENT OF OFFENDERS ACT 2012

EXPLANATORY NOTES

BACKGROUND

Part 3 Sentencing and Punishment of Offenders

12. The current sentencing framework is broadly governed by the Criminal Justice Act 2003 (“the 1991 Act”).
13. In *The Coalition: Our Programme for Government*, the Government set out its intention to: “conduct a full review of sentencing policy to ensure that it is effective in deterring crime, protecting the public, punishing offenders and cutting reoffending.”
14. On 7 December 2010, the Ministry of Justice published a consultation paper entitled “*Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*”¹. The document set out the Government’s plans to cut crime and reoffending through fundamental changes to the criminal justice system. The consultation paper proposed a number of reforms to the existing sentencing legislation including a number of changes to the sentencing framework, reform of release and recall arrangements, and reforms to the youth justice system. The consultation ran for 12 weeks and concluded on 4 March 2011. The Ministry of Justice published its response to the consultation on 21 June 2011. This Act implements a number of the sentencing reforms that formed part of the consultation.
15. On 13 July 2011, the Ministry of Justice published a consultation paper entitled “*Options for dealing with squatting*.”² The purpose of the consultation was to gather more information about the nature and extent of squatting in England and Wales, and to invite views on whether, and how, existing criminal and civil mechanisms should be strengthened to deal with it. The consultation ran for 12 weeks and concluded on 5 October 2011. The Ministry of Justice published its response to the consultation on 26 October 2011. Following the consultation, a new offence of squatting in a residential building was added to the Bill during its passage through Parliament (see what is now section 144).

¹ “*Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*” Cm 7972 available at www.justice.gov.uk/consultations/consultation-040311

² “*Options for dealing with squatting*” CP12/2011 available at www.justice.gov.uk/consultations/dealing-with-squatters.htm.