



Legal Aid, Sentencing and Punishment of Offenders Act 2012

2012 CHAPTER 10

PART 3

SENTENCING AND PUNISHMENT OF OFFENDERS

CHAPTER 1

SENTENCING

General

65 Sentencing where there is aggravation related to transgender identity

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) Section 146 (increase in sentence for aggravation related to disability or sexual orientation) is amended as follows.
- (3) In the heading, for “or sexual orientation” substitute “, sexual orientation or transgender identity”.
- (4) In subsection (2)(a)—
 - (a) after sub-paragraph (i) omit “or”;
 - (b) at the end insert—

“(iii) the victim being (or being presumed to be) transgender, or”.
- (5) In subsection (2)(b)—
 - (a) after sub-paragraph (i) omit “or”;
 - (b) at the end insert “, or

Status: Point in time view as at 03/12/2012. This version of this provision has been superseded.

Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012, Section 65 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(iii) by hostility towards persons who are transgender.”

(6) After subsection (5) insert—

“(6) In this section references to being transgender include references to being transsexual, or undergoing, proposing to undergo or having undergone a process or part of a process of gender reassignment.”

(7) Schedule 21 (determination of minimum term in relation to mandatory life sentence) is amended as follows.

(8) For paragraph 3 substitute—

“3

For the purposes of this Schedule—

- (a) an offence is aggravated by sexual orientation if it is committed in circumstances mentioned in section 146(2)(a)(i) or (b)(i);
- (b) an offence is aggravated by disability if it is committed in circumstances mentioned in section 146(2)(a)(ii) or (b)(ii);
- (c) an offence is aggravated by transgender identity if it is committed in circumstances mentioned in section 146(2)(a)(iii) or (b)(iii).”

(9) In paragraph 5(2)(g) (30 year starting point), after “aggravated by sexual orientation” insert “ , disability or transgender identity ”.

(10) Section 241 of the Armed Forces Act 2006 (increase in sentence for aggravation related to disability or sexual orientation) is amended as follows.

(11) In the heading, for “or sexual orientation” substitute “ , sexual orientation or transgender identity ”.

(12) In subsection (2)(a)—

- (a) after sub-paragraph (i) omit “or”;
- (b) at the end insert—

“(iii) the victim being (or being presumed to be) transgender, or”.

(13) In subsection (2)(b)—

- (a) after sub-paragraph (i) omit “or”;
- (b) at the end insert “ , or

(iii) by hostility towards persons who are transgender.”

(14) After subsection (5) insert—

“(6) In this section references to being transgender include references to being transsexual, or undergoing, proposing to undergo or having undergone a process or part of a process of gender reassignment.”

Commencement Information

II S. 65 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(a) (with art. 3)

Status:

Point in time view as at 03/12/2012. This version of this provision has been superseded.

Changes to legislation:

Legal Aid, Sentencing and Punishment of Offenders Act 2012, Section 65 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.