

**EXPLANATORY MEMORANDUM TO
THE CRIMINAL JUSTICE ACT 1988 (REVIEWS OF SENTENCING)
(AMENDMENT) ORDER 2014**

2014 No. 1651

1. This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument extends the circumstances in which the Attorney General can refer a case to the Court of Appeal where he considers that the sentencing has been unduly lenient.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 Part 4 of the Criminal Justice Act 1988 makes provision for the Attorney General to refer a case to the Court of Appeal where he considers that the sentencing has been unduly lenient ('the Unduly Lenient Sentence Scheme'). The Criminal Justice Act 1988 (Reviews of Sentencing) Order 2006 ('the 2006 Order') lists the categories of case or offence in respect of which such a reference may be made.

4.2 This instrument amends the 2006 Order in order to bring within the Unduly Lenient Sentence Scheme offences of slavery, servitude and forced or compulsory labour under section 71 of the Coroners and Justice Act 2009, including attempts to commit these offences and inciting, encouraging and assisting the commission of these offences.

5. Territorial Extent and Application

5.1 This instrument extends to England and Wales.

6. European Convention on Human Rights

6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- *What is being done and why*

7.1 The policy objective of Part 4 of the 1988 Act is to enable the Attorney General to refer to the Court of Appeal sentences imposed in the Crown Court in respect of very serious offences which he considers to be unduly lenient.

7.2 Offences involving slavery, servitude and forced or compulsory labour under section 71 of the Coroners and Justice Act 2009 are serious offences with potentially severe impacts on the victims. The Government considers them to be comparable with the offences of trafficking people for exploitation under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 and trafficking for sexual exploitation under sections 57, 58 and 59 of the Sexual Offences Act 2003, which are already listed in the 2006 Order. It is desirable that section 71 too should fall within the Unduly Lenient Sentence Scheme.

- ***Consolidation***

7.3 The present amendments are (for England and Wales) the second to be made to the 2006 Order, which itself consolidated previous changes. Further amendments are likely to be necessary if the Modern Slavery Bill now before Parliament is enacted, in order to take account of changes that it will make to offences within the Scheme. Consolidation will be considered at that time.

8. Consultation outcome

8.1 No public consultation was undertaken. The change was discussed within Government, but as it is simply an extension of an established policy it was not considered that external consultation was needed.

9. Guidance

9.1 No guidance is necessary as giving effect to the enlarged policy is for the Attorney General.

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The operation of the Unduly Lenient Sentence Scheme is kept under constant review by the Attorney General's Office.

13. Contact

13.1 Richard Chown at the Ministry of Justice [Tel: 020 3334 6077 or email: richard.chown@justice.gsi.gov.uk] can answer any queries regarding the instrument.