



Coroners and Justice Act 2009

2009 CHAPTER 25

PART 4

SENTENCING

CHAPTER 1

SENTENCING COUNCIL FOR ENGLAND AND WALES

Guidelines

124 Proposals by Lord Chancellor or Court of Appeal

- (1) The Lord Chancellor may propose to the Council—
 - (a) that sentencing guidelines be prepared or revised by the Council under section 120—
 - (i) in relation to a particular offence, particular category of offence or particular category of offenders, or
 - (ii) in relation to a particular matter affecting sentencing;
 - (b) that allocation guidelines be prepared or revised by the Council under section 122.
- (2) Subsection (3) applies where the criminal division of the Court of Appeal (“the appeal court”) is seised of an appeal against, or a reference under section 36 of the Criminal Justice Act 1988 (c. 33) (reviews of sentencing) with respect to, the sentence passed for an offence (“the relevant offence”).
- (3) The appeal court may propose to the Council that sentencing guidelines be prepared or revised by the Council under section 120—
 - (a) in relation to the relevant offence, or
 - (b) in relation to a category of offences within which the relevant offence falls.

Changes to legislation: Coroners and Justice Act 2009, Section 124 is up to date with all changes known to be in force on or before 24 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) View outstanding changes

- (4) A proposal under subsection (3) may be included in the appeal court's judgment in the appeal.
- (5) If the Council receives a proposal under subsection (1) or (3) to prepare or revise any guidelines, it must consider whether to do so.
- (6) For the purposes of this section, the appeal court is seised of an appeal against a sentence if—
- (a) the court or a single judge has granted leave to appeal against the sentence under section 9 or 10 of the Criminal Appeal Act 1968 (c. 19) (appeals against sentence), or
 - (b) in a case where the judge who passed the sentence granted a certificate of fitness for appeal under section 9 or 10 of that Act, notice of appeal has been given,
- and the appeal has not been abandoned or disposed of.
- (7) For the purposes of this section, the appeal court is seised of a reference under section 36 of the Criminal Justice Act 1988 (reviews of sentencing) if it has given leave under subsection (1) of that section and the reference has not been disposed of.
- (8) This section is without prejudice to any power of the appeal court to provide guidance relating to the sentencing of offenders in a judgment of the court.

Commencement Information

II S. 124 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 8

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A and cross-heading inserted by [2023 c. 41 Sch. 11 para. 1\(1\)](#)
- Sch. 1A inserted by [2023 c. 41 Sch. 11 para. 1\(2\)](#)