

LEGAL AID, SENTENCING AND PUNISHMENT OF OFFENDERS ACT 2012

EXPLANATORY NOTES

SUMMARY

Part 3: Sentencing and punishment of offenders

Chapter 1: Sentencing

34. **Chapter 1** sets out changes to some general sentencing provisions contained in the 1991 Act and other legislation. In particular it does the following:
- It imposes a duty on courts to consider the imposition of compensation orders for certain types of offence;
 - It simplifies the provision setting out the court's duty to give reasons for and to explain the effect of a sentence imposed by the court;
 - It adds transgender identity to the personal characteristics which will be statutory aggravating factors in sentencing where any offence is motivated by hostility to the victim on this basis. It also provides for a starting point of 30 years for the minimum term for a life sentence for murder aggravated on the grounds of the victim's disability or transgender identity;
 - It makes a number of changes in relation to community orders for adults. These are non-custodial sentences with specific treatment or behaviour requirements attached. It clarifies when community orders come to an end and enables a court to impose a fine for breach of a community order. It makes amendments to certain requirements that may be imposed as part of community orders and suspended sentence orders, in particular curfew requirements and mental health, drug rehabilitation and alcohol treatment requirements. It also creates new powers to prohibit foreign travel and to impose alcohol abstinence and monitoring requirements as part of an order.
 - It amends the court's power to suspend a prison sentence by increasing the length of sentences that can be suspended, giving the court discretion not to impose community requirements as part of the sentence and enabling it to impose a fine for breach of a suspended sentence order.
 - It provides for offences currently punishable by the magistrates' court on summary conviction with a maximum fine of £5,000 to be punishable by an unlimited fine instead and gives the Secretary of State power to increase the maximum sentences of certain other fines and the sums specified as levels 1- 4 on the standard scale of fines.
35. **Chapter 1** amends the sentencing provisions of the Powers of Criminal Courts (Sentencing) Act 2000 that apply to youths. These will enable a court to impose a penalty for breach of a detention and training order even where the order has finished its

These notes refer to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10) which received Royal Assent on 1 May 2012

term. The Chapter amends provisions about referral orders to provide more flexibility and discretion for their repeated use. It also applies a number of the changes made in relation to community orders to youth rehabilitation orders.

36. [Chapter 1](#) repeals an unimplemented provision in the 1991 Act relating to “custody plus”, which was a new type of sentence for offenders sentenced to less than 12 months imprisonment, and intermittent custody, which would have enabled offenders to spend part of their sentence in prison and part in the community.