



Sentencing Act 2020

2020 CHAPTER 17

FIFTH GROUP OF PARTS Sentencing: miscellaneous provision and interpretation

PART 12

MISCELLANEOUS PROVISION ABOUT SENTENCING

CHAPTER 4

ASSISTANCE FOR PROSECUTION ETC: REVIEW OF SENTENCE

References under this Chapter: further provision

389 References under sections 387 and 388: appeals

- (1) Where a reference is made under section 387 or 388—
 - (a) the person in respect of whom the reference is made, or
 - (b) the specified prosecutor,may, with the leave of the Court of Appeal, appeal to the Court of Appeal against the decision of the Crown Court.
- (2) Section 33(3) of the Criminal Appeal Act 1968 (limitation on appeal from the criminal division of the Court of Appeal) does not prevent an appeal to the Supreme Court under this section.
- (3) In relation to any proceedings under this section, the Secretary of State may by regulations make provision corresponding to any provision in the Criminal Appeal Act 1968 (subject to any specified modifications).
- (4) Regulations under this section are subject to the negative resolution procedure.

390 Proceedings under section 387 or 388: exclusion of public

- (1) This section applies to—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (a) any proceedings relating to a reference made under section 387 or 388, and
 - (b) any other proceedings arising in consequence of such proceedings.
- (2) The court in which the proceedings will be or are being heard may make such order as it considers appropriate—
 - (a) to exclude from the proceedings any person who does not fall within subsection (4);
 - (b) to prohibit the publication of any matter relating to the proceedings (including the fact that the reference has been made).
- (3) The court may make an order under subsection (2) only if the court considers that the order is—
 - (a) necessary to protect the safety of any person, and
 - (b) in the interests of justice.
- (4) The following persons fall within this subsection—
 - (a) a member or officer of the court;
 - (b) a party to the proceedings;
 - (c) counsel or a solicitor for a party to the proceedings;
 - (d) a person otherwise directly concerned with the proceedings.
- (5) This section does not affect any other power which the court has by virtue of any rule of law or other enactment—
 - (a) to exclude any person from proceedings, or
 - (b) to restrict the publication of any matter relating to proceedings.

391 Proceedings under section 387 or 388: use of live link

Section 57E of the Crime and Disorder Act 1998 (use of live link in sentencing hearings) applies to hearings relating to a reference under section 387 or 388 as it applies to sentencing hearings.

392 Interpretation of Chapter

- (1) This section applies for the purposes of this Chapter.
- (2) A discounted sentence is a sentence passed in pursuance of—
 - (a) section 74, or
 - (b) section 388.
- (3) References—
 - (a) to a written agreement are to an agreement made in writing with a specified prosecutor;
 - (b) to a specified prosecutor are to be read in accordance with section 71 of the Serious Organised Crime and Police Act 2005 (assistance by offender: immunity from prosecution).