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Sentencing Law and Practice

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SENTENCING LAW AND PRACTICE

by

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Preface

The object of this book is to give an account of sentencing law and practice in the courts of England and Wales and of those aspects of the penal administration which relate to the implementation of sentencing decisions. Sentencing is the function which most occupies the criminal courts. As the range of options increases and consequent complexity results, it is hoped that a text which offers a systematic treatment of the available options, their purposes and the principles to be considered when deciding on their application, will be of use to all those involved in the sentencing process, not excluding those who come before the courts. It is hoped that those members of the general public interested in how the courts function in this important field will also find the book of value.

The idea for this work came after the publication of our first book together, *Sentencing law and Practice in Northern Ireland*. This book is to a large extent derived from that book with major revisions to take account of both the differences in the law between England and Wales and Northern Ireland and the developments over the two years since that book was published. Most of the revision work on this book has been carried out by Michael Allen.

For ease of reference the text for the most part follows a common structure: each sentencing option is briefly described, followed by a more detailed analysis of the legal requirements; there then follows a section on combining that sentence with other measures, a section on when the sentence is appropriate and finally a section on appeal rights.

It would be surprising if this exploration of the maze of statutory provisions governing sentencing did not throw up the occasional anomaly or lacuna. For example, there is no right of appeal where an offender is dealt with by the Crown Court for breach of a community service order where the order was originally made by the Crown Court following a conviction before a magistrates' court; there is such a right of appeal in Northern Ireland. With the emphasis in recent years on measures designed to keep offenders out of prison or other penal institutions it also appears anomalous that there is no power to suspend a detention centre order or a sentence of youth custody. Again, by contrast, an order for detention in a young offenders' centre (the Northern Ireland equivalent) may be suspended. Hopefully these faults will be rectified in due course.

The most important piece of legislation in this area of late has been the Criminal Justice Act 1982 which provided a totally new

legal framework of custodial sentences for offenders under 21 years of age as well as enacting changes in relation to supervision orders, partly suspended sentences, release on licence, fines, probation, compensation and community service orders. It is hoped that this book will help to explain these changes as well as all the other complexities of sentencing.

July 1985

M. J. Allen
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