

§ Law in Context

SENTENCING and CRIMINAL JUSTICE

Sixth Edition

ANDREW ASHWORTH

CAMBRIDGE

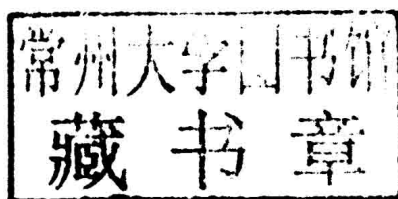


Sentencing and Criminal Justice

Sixth edition

ANDREW ASHWORTH

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Sentencing and Criminal Justice

Now in its sixth edition, *Sentencing and Criminal Justice* has been extensively rewritten to reflect recent legislation, guidelines and judicial decisions. New material includes comparative sentencing research, which looks at models from other countries in comparison with the approach in England and Wales, and an additional chapter focusing on civil preventive orders and other ancillary orders. Written with clarity of expression coupled with critical analysis, this textbook offers an unrivalled combination of expertise, accessibility and coverage. This is the essential text for anyone interested in criminal justice.

Andrew Ashworth is Vinerian Professor of English Law Emeritus, University of Oxford and Fellow of All Souls College, Oxford. He was a member of the Sentencing Advisory Panel for eleven years and Chairman from 2007 to 2010.

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Preface

The five years since the publication of the fifth edition have seen further changes in the form of the English sentencing system, although one of the key features (the size of the prison population) has seen little change, unfortunately. There are four major sources considered in this book – legislation, judicial case-law, sentencing guidelines, and scholarly research and writing – and I have tried to take account of materials available to me on 1 December 2014.

The pace of sentencing legislation has relented a little. There has been only one major statute, the Legal Aid, Sentencing and Punishment of Offenders Act 2012; several other statutes on criminal justice have been enacted, but without bringing major changes to the sentencing system.

Judicial case-law has continued to flow from the Court of Appeal (and, to a much smaller extent, from the Supreme Court), and full account is taken of judicial precedents in this new edition. A high proportion of case-law is now concerned with the application of sentencing guidelines, and that confirms the focus of the new edition.

Definitive sentencing guidelines from the Sentencing Council are now at the heart of sentencing in England and Wales, and are therefore central to this edition. From Chapter 1 through to Chapter 14, there is analysis of the applicable guidelines, and mostly those created in the last four years by the Sentencing Council.

Scholarly research and writing has also burgeoned, largely through the various initiatives of Julian Roberts, whom I am fortunate to have as a colleague. In the last few years he has edited and written in books of essays on a range of central topics in sentencing, and those essays – which have enriched analysis of the theory and practice of sentencing – are taken into account here, along with other recent writings.

There are some small changes to the format of the book. Chapter 11 formerly covered both ancillary orders and sentencing procedures, but those topics are now dealt with separately – Chapter 11 on ancillary orders and civil preventive orders, and Chapter 13 on sentencing procedures. The book concludes with a new Chapter 14, with more comparative materials than hitherto. A further change is that the statistical tables have been moved from the text

into an appendix. There are now three appendices for reference purposes: Appendix A contains selected statutory provisions from the Criminal Justice Act 2003 and the Coroners and Justice Act 2009; the statistical tables will be found in Appendix B; and Appendix C sets out parts of two definitive guidelines, on assault occasioning bodily harm and on the importation of drugs. I am grateful to Keir Irwin Roger for assistance with Appendix B.

Finally, I must record my admiration for Von, whose support throughout this edition's intrusion into my semi-retirement has been unstinting and warmly appreciated.

A. A.

Oxford, December 2014

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