

Magistrates' Court Sentencing Guidelines User guide to off-line app

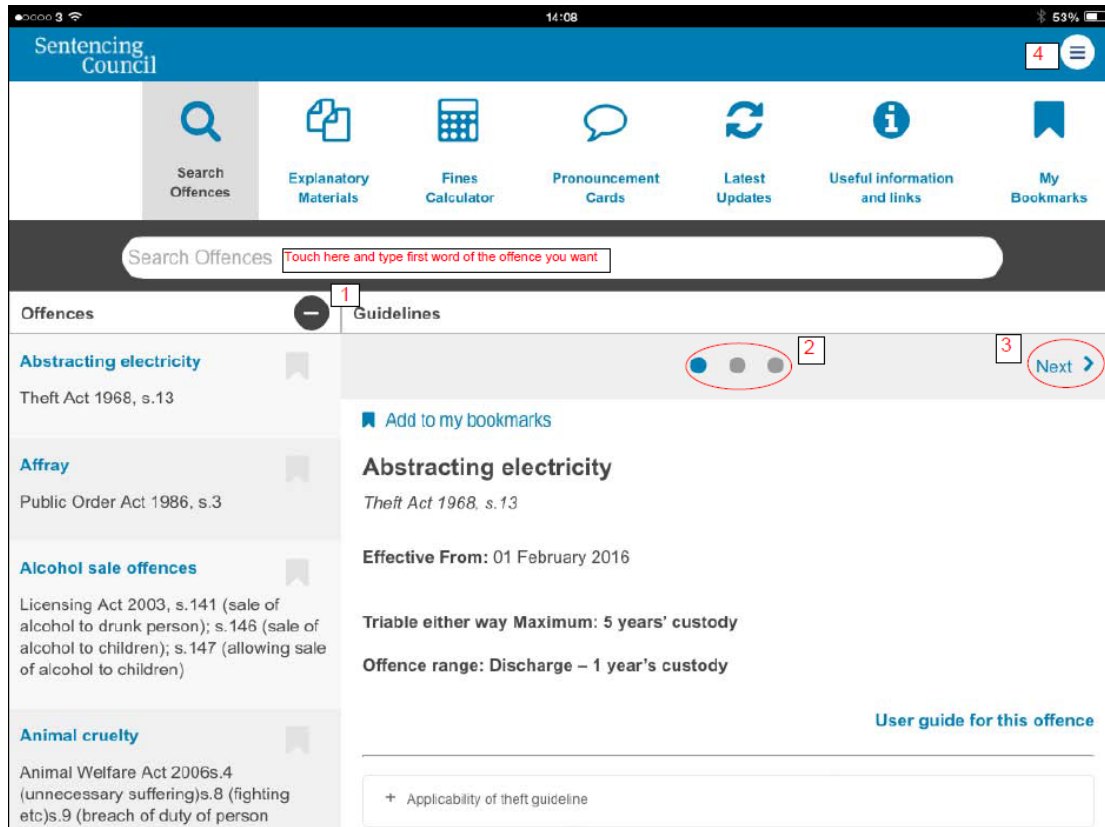
You can see the alphabetical list of offences on the left hand side – scroll down to see full list.

You can also search for offences – just start typing the name and it will start showing the results immediately.

To temporarily remove the list of offences on the left to make the guideline full screen, press the minus button (1).

There are usually a few pages to each guideline. You can go to the next pages by pressing the grey circles (2) or the “Next” button (3). You will normally need to scroll down to see all of each page.

To temporarily remove the top bar, press the button in the right hand side (4).

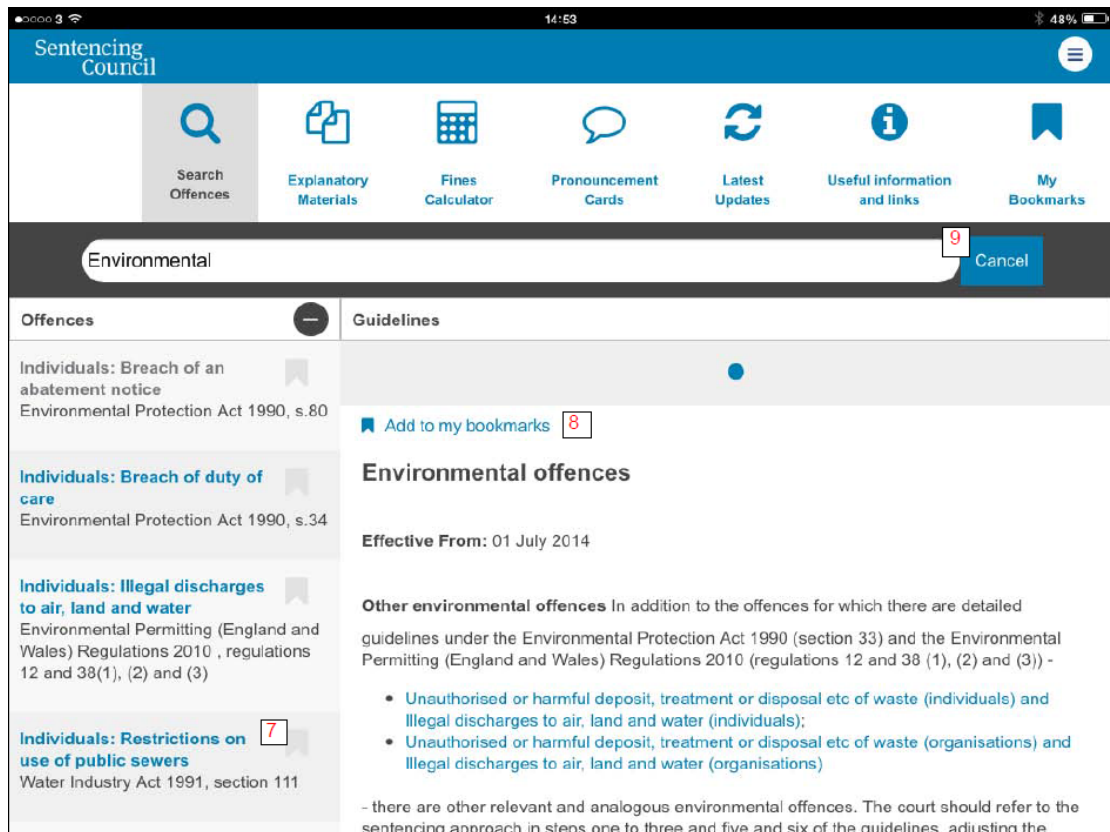


In order to show the list of offences press the plus button (5) and to show the top level icons press the top right hand side button (6).

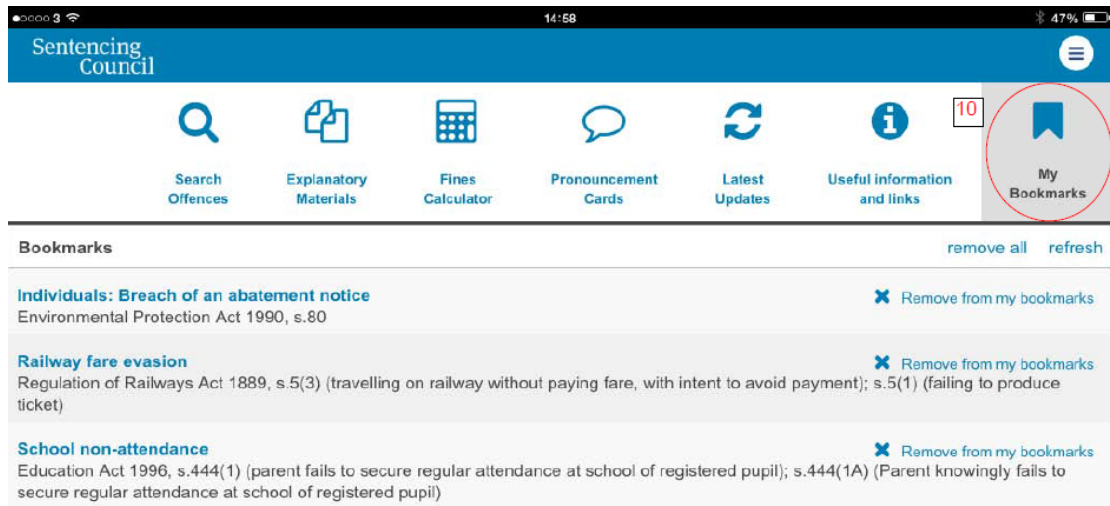
The screenshot shows the mobile app interface for the Sentencing Council. At the top, there is a blue header with the 'Sentencing Council' logo on the left and a red box containing the number '6' next to a menu icon on the right. Below the header is a dark grey search bar with the text 'Search Offences'. Underneath the search bar is a white bar with the word 'Guidelines' on the left and a red box containing the number '5' next to a plus sign icon on the right. Below this bar are three grey dots and a 'Next >' button. The main content area features the title 'Abstracting electricity' in bold, followed by the text 'Theft Act 1968, s.13'. Below this is the text 'Effective From: 01 February 2016'. Further down, it states 'Triable either way Maximum: 5 years' custody Offence range: Discharge – 1 year's custody'. A blue link 'User guide for this offence' is positioned to the right. A white box with a plus sign and the text '+ Applicability of theft guideline' is located below the main text. The bottom section is titled 'Step 1 - Determining the offence category' in blue. The final paragraph of text reads: 'The court should determine the offence category with reference **only** to the factors identified in the following tables. In order to determine the category the court should assess **culpability** and **harm**. The level of culpability is determined by weighing up all the factors of the case to determine the offender's role and the extent to which the offending was **planned** and the **sophistication** with which it was carried out.'

You can bookmark offence guidelines to make it easier to refer to these later. You can either press the bookmark symbol against an item in the list (7) or the “Add to bookmarks” text (8).

If you have searched for an offence and need to return to the alphabetical list of offence guidelines press the “Cancel” button (9).



Press “My bookmarks” (10) to see the list of those you have selected, which can easily be removed.



You may come across links that take you straight to the relevant part of the Explanatory materials (11).

The screenshot shows the Sentencing Council website interface. At the top, there is a navigation bar with icons for Search Offences, Explanatory Materials, Fines Calculator, Pronouncement Cards, Latest Updates, Useful information and links, and My Bookmarks. Below this is a search bar labeled 'Search Offences'. The main content area is split into two columns: 'Offences' and 'Guidelines'. The 'Offences' column lists several categories with their respective legal references: Abstracting electricity (Theft Act 1968, s.13), Affray (Public Order Act 1986, s.3), Alcohol sale offences (Licensing Act 2003, s.141, s.146, s.147), and Animal cruelty (Animal Welfare Act 2006, s.4, s.8, s.9). The 'Guidelines' column shows the selected guideline for '3. Affray' under the 'Public Order Act 1986, s.3'. It includes the effective date (04 August 2008) and several key points: 'Consider a reduction for a guilty plea', 'Consider ancillary orders, including compensation and football banning order (where appropriate)', and 'Decide Sentence Give reasons'. A link to 'View guidance on available ancillary orders and compensation.' is present, with the word 'compensation.' circled in red and a red box containing the number '11' next to it.

Offences

- Abstracting electricity**
Theft Act 1968, s.13
- Affray**
Public Order Act 1986, s.3
- Alcohol sale offences**
Licensing Act 2003, s.141 (sale of alcohol to drunk person); s.146 (sale of alcohol to children); s.147 (allowing sale of alcohol to children)
- Animal cruelty**
Animal Welfare Act 2006s.4 (unnecessary suffering)s.8 (fighting etc)s.9 (breach of duty of person

Guidelines

3. Affray
Public Order Act 1986, s.3

Effective From: 04 August 2008

Consider a reduction for a guilty plea

Consider ancillary orders, including compensation and football banning order (where appropriate)

View guidance on available ancillary orders and **compensation.** **11**

Decide Sentence Give reasons

To return to the previous offence guideline screen, please the “Search Offences” button (12).


The screenshot shows the Sentencing Council mobile application. At the top, there is a blue header with the Sentencing Council logo and a hamburger menu icon. Below the header is a navigation bar with several icons: a red circle around the 'Search Offences' icon (labeled '12'), 'Explanatory Materials', 'Fines Calculator', 'Pronouncement Cards', 'Latest Updates', 'Useful information and links', and 'My Bookmarks'. Below the navigation bar, the main content area is titled 'Welcome' and displays '1. Introduction to compensation'. A sidebar on the left shows a 'Back' button and a list of items, with '1. Introduction to compensation' selected. The main text area contains the following content:

1. Introduction to compensation

1. The court **must** consider making a compensation order in any case where personal injury, loss or damage has resulted from the offence. It can either be a sentence in its own right or an ancillary order. The court must give reasons if it decides not to order compensation (Powers of Criminal Courts (Sentencing) Act 2000, s.130). 2. There is no statutory limit on the amount of compensation that may be imposed in respect of offences for an offender aged 18 or over. Compensation may also be ordered in respect of offences taken into consideration (Powers of Criminal Courts (Sentencing) Act 2000, s.131). 3. Where the personal injury, loss or damage arises from a road accident, a compensation order may be made only if there is a conviction for an offence under the Theft Act 1968, or the offender is uninsured and the Motor Insurers' Bureau will not cover the loss. 4. Subject to consideration of the victim's views *(see paragraph 6 below)*, the court must order compensation wherever possible and should not have regard to the availability of other sources such as civil litigation or the Criminal Injuries Compensation Scheme. Any amount paid by an offender under a compensation order will generally be deducted from a subsequent civil award or payment under the Scheme to avoid double compensation. 5. Compensation may be ordered for such amount as the court considers appropriate having regard to any evidence and any representations made by the offender or prosecutor. The court must also take into account the offender's means *(see also paragraphs 9 -11 below)*. 6. Compensation should benefit, not inflict further harm on, the victim. Any financial recompense from the offender may cause distress. A victim may or may not want compensation from the offender and assumptions should not be made either way.

Some links will take you to external pages or PDFs. For instance links to the Pronouncement cards can be found from the link in the top bar. To return to the app press “Close” in the bottom left hand side (13).

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ADULT COURT PRONOUNCEMENT CARDS
 Updated April 2015

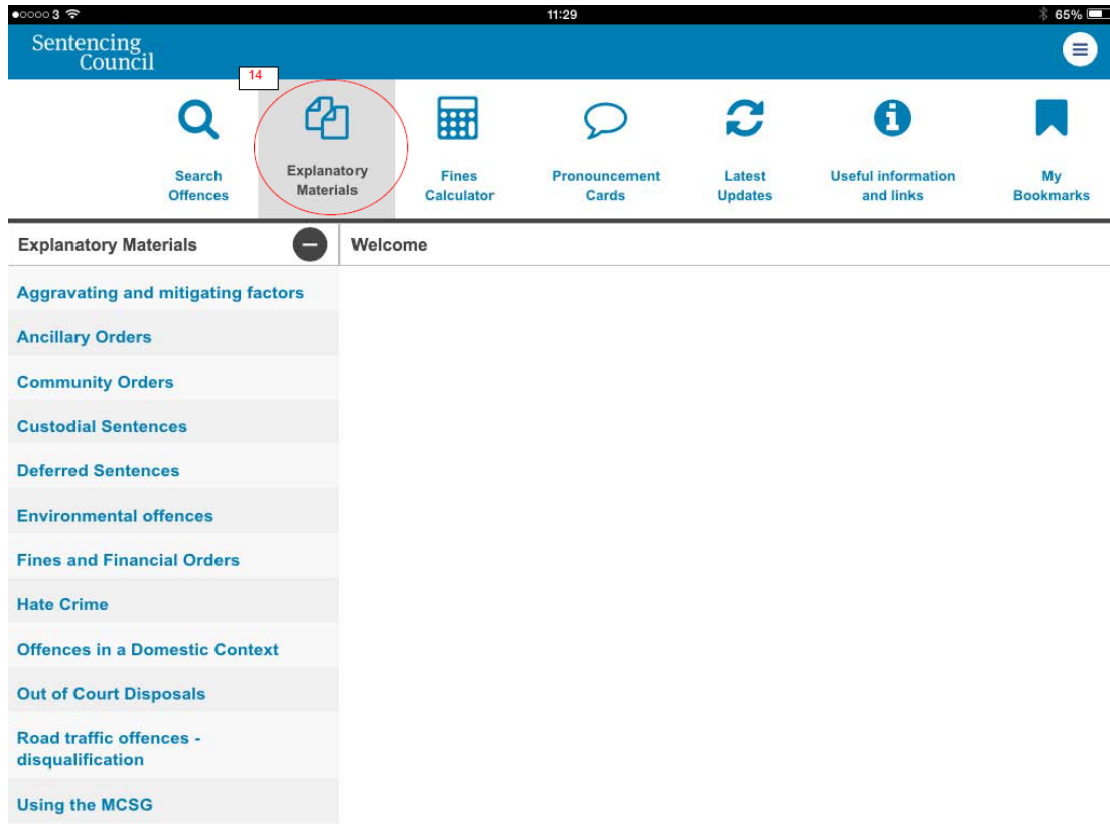
Contents
Sentencing: 1

Criminal behaviour order	1	Disqualification – interim	13
Individual support order	2	Disqualification – until test passed	14
Community order	3	Financial penalties:	15
Custodial sentence	7	• Compensation	15
Deferment of sentence	9	• Fine	15
Discharge – absolute	10	• Costs	16
Discharge – conditional	10	Hospital order	17
Disqualification – general	11	Referral order	18
Drink-driving rehabilitation courses	12	Suspended sentence order	19

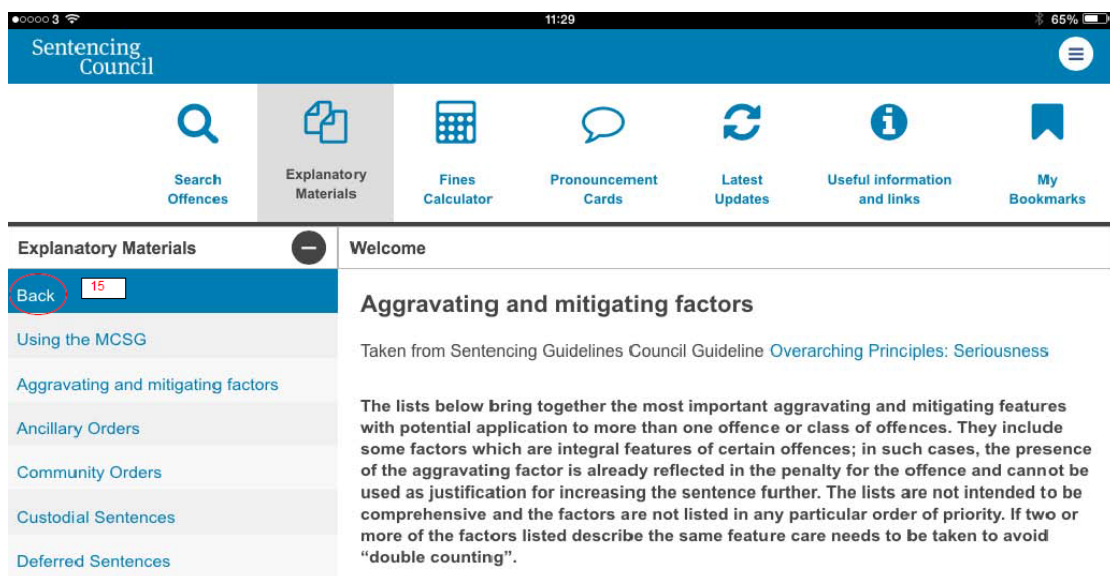
13

Close

A range of supporting information for sentencing in a magistrates' court is available from the "Explanatory materials" section (14).



If you have selected a section within the explanatory materials, you can return to the main list by pressing "Back" (15).



Other guidance can be found in relevant guidelines. For instance the additional note on knife crime (Povey) is available from the “Bladed article/offensive weapon, possession of” sentencing guideline (16).

The screenshot shows the Sentencing Council website interface. At the top, there is a navigation bar with the Sentencing Council logo and a search icon. Below this is a menu with seven items: Search Offences, Explanatory Materials, Fines Calculator, Pronouncement Cards, Latest Updates, Useful information and links, and My Bookmarks. A search bar is located below the menu. The main content area is divided into two columns: 'Offences' on the left and 'Guidelines' on the right. The 'Offences' column lists several items, including 'Bladed article/offensive weapon, possession of'. The 'Guidelines' column shows the details for the selected guideline, including the title 'Bladed article/offensive weapon, possession of', the relevant legislation 'Criminal Justice Act 1988, s.139 (bladed article)Prevention of Crime Act 1953, s.1 (offensive weapon)', the effective date '01 October 2014', and the sentencing options: 'Triable either way:', 'Maximum when tried summarily: Level 5 fine and/or 6 months', and 'Maximum when tried on indictment: 4 Years'. A link 'User guide for this offence' is provided, and a red box highlights the number '16' next to it. A red oval highlights the text 'Additional Note on Knife Crime' at the bottom of the page.

Search Offences

Explanatory Materials

Fines Calculator

Pronouncement Cards

Latest Updates

Useful information and links

My Bookmarks

Search Offences

Offences

Guidelines

Tax Credits Act 2002, s.35

Bladed article/offensive weapon, possession of

Criminal Justice Act 1988, s.139 (bladed article)Prevention of Crime Act 1953, s.1 (offensive weapon)

Brakes defective

Brakes defective (over 3.5 tonnes)

Breach of protective order

Family Law Act 1996, s.42A (breach of non-molestation order)Protection from

Bladed article/offensive weapon, possession of

Criminal Justice Act 1988, s.139 (bladed article)Prevention of Crime Act 1953, s.1 (offensive weapon)

Effective From: 01 October 2014

Triable either way:

Maximum when tried summarily: Level 5 fine and/or 6 months

Maximum when tried on indictment: 4 Years

User guide for this offence

16

Additional Note on Knife Crime

At the end of the Court session please clear any bookmarks you have set. Go to "Bookmarks" and press "remove all" (17).

