



Consultation on proposed amendments to the Allocation guideline

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Introduction

The Sentencing Council is seeking feedback from sentencers, justices' clerks, legal advisers, prosecutors, defence representatives and other court users on proposals to update the definitive Allocation guideline. The draft allocation guideline can be found here:

<http://www.sentencingcouncil.org.uk/publications/item/allocation-consultation/> or at Annex B below.

The consultation runs for six weeks from 19 June 2015 to 31 July 2015. This is a shorter period than is customary for Sentencing Council consultations. The reasons for this are:

- the consultation relates to a concise, technical guideline likely to be of interest only to those directly concerned with criminal proceedings;
- key stakeholders have already been consulted on the issue of allocation as part of Sir Brian Leveson's Review of Efficiency in Criminal Proceedings; and
- we want to deliver improvements as soon as possible.

We will treat all responses as public documents in accordance with the Freedom of Information Act and we may attribute comments and include a list of all respondents' names in any final report we publish. If you wish to submit a confidential response, you should contact us before sending the response. PLEASE NOTE – We will disregard automatic confidentiality statements generated by an IT system.

Please respond by email to: allocation.feedback@sentencingcouncil.gsi.gov.uk.

Please use the same email address for any queries you may have about the consultation.

The Sentencing Council will review the responses to the questions and will use these to produce an amended definitive Allocation guideline.

Current position

The Sentencing Council issued the definitive Allocation Guideline on 11 June 2012; it forms part of the Magistrates' Courts Sentencing Guidelines (MCSG). This can be seen here: http://www.sentencingcouncil.org.uk/wp-content/uploads/Allocation_guideline.pdf or at Annex A below.

The guideline should be used by magistrates' courts to determine whether cases should be dealt with in the magistrates' court or in the Crown Court.

Additional guidance is provided in the Criminal Practice Direction 9A Preliminary Proceedings: Allocation (see Annex C below). The Justices' Clerks Society and the Senior District Judge (Magistrates' Court) have recently issued joint interim guidance (see Annex D below) in response to the recommendations in Sir Brian Leveson's Review of Efficiency in Criminal Proceedings.

The review included the following recommendations at paragraphs 80 and 81:

The Sentencing Council should reconsider the Allocation Guideline and the Magistrates' Courts Sentencing Guidelines in the light of the amendments brought about by the implementation of Schedule 3 of the Criminal Justice Act 2003 (bringing committals to an end) and further to encourage the retention of jurisdiction in cases where a combination of lack of complexity and gravity point to the conclusion that summary trial is justified and does not satisfy the test that it is likely that the court's sentencing powers will be insufficient even if, after full examination of the circumstances, it then becomes appropriate to commit for sentence.

The Sentencing Guideline on Allocation should be construed such that, in cases where Magistrates are uncertain about the adequacy of their powers (short of it being likely that they are not [adequate]), they can retain the case and commit for sentence if they later take the view that the case falls outside their sentencing powers. This possibility needs to be made clear to the accused.

The Council's response

The Sentencing Council is proposing to amend the Allocation guideline to bring it up-to-date, to improve clarity and to include all the guidance in one document. The proposals are explained in detail in the following pages.

You may find it helpful to have a copy of the draft guideline open as you work through this document. This can be found on our website <http://www.sentencingcouncil.org.uk/publications/item/allocation-consultation/> or at Annex B below. A list of the questions is at Annex E below and can also be found on the website: <http://www.sentencingcouncil.org.uk/publications/item/allocation-consultation/>

The proposals – Applicability of guideline and statutory framework

Applicability of guideline

In accordance with section 122(2) of the Coroners and Justice Act 2009, the Sentencing Council issues this definitive guideline. It applies to all defendants in the magistrates' court (including youths jointly charged with adults) whose cases are dealt with on or after [tbc]. It will not be applicable in the youth court where a separate statutory procedure applies.

The extract from the Coroners and Justice Act 2009 has been moved from the 'applicability of guideline' section to the 'statutory framework' section at the end of the guideline. The information currently in the statutory framework section has also been moved to the end of the guideline but it is now in the form of an extract from section 19 of the Magistrates' Courts Act 1980. Moving the statutory framework section to the end is designed to give greater prominence to the guidance section.

Statutory Framework

Section 19 of the Magistrates' Courts Act 1980 provides that:

- (1) "The court shall decide whether the offence appears to it more suitable for summary trial or for trial on indictment.
- (2) Before making a decision under this section, the court –
 - (a) shall give the prosecution an opportunity to inform the court of the accused's previous convictions (if any); and
 - (b) shall give the prosecution and the accused an opportunity to make representations as to whether summary trial or trial on indictment would be more suitable.
- (3) In making a decision under this section, the court shall consider –
 - (a) whether the sentence which a magistrates' court would have power to impose for the offence would be adequate; and
 - (b) any representations made by the prosecution or the accused under subsection (2)(b) above, and shall have regard to any allocation guidelines (or revised allocation guidelines) issued as definitive guidelines under section 122 of the Coroners and Justice Act 2009.
- (4) Where –
 - (a) the accused is charged with two or more offences; and
 - (b) it appears to the court that the charges for the offences could be joined in the same indictment or that the offences arise out of the same or connected circumstances, subsection (3)(a) above shall have effect as if references to the sentence which a magistrates' court would have power to impose for the offence were a reference to the maximum aggregate sentence which a magistrates' court would have power to impose for all of the offences taken together."

Section 125(1) of the Coroners and Justice Act 2009 provides that when sentencing offences committed after 6 April 2010:

"Every court –

- (a) must, in sentencing an offender, follow any sentencing guideline which is relevant to the offender's case, and
- (b) must, in exercising any other function relating to the sentencing of offenders, follow any sentencing guidelines which are relevant to the exercise of the function, unless the court is satisfied that it would be contrary to the interests of justice to do so."

Question 1: Do you agree with the proposed changes to the Applicability of guideline and Statutory framework sections? Please give your reasons if you do not agree.

The proposals – Guidance

The 'Guidance' section has been expanded with the intention of assisting the court to make allocation decisions which will result in more cases being retained for summary trial. The use of numbered paragraphs and bullet points is designed to assist in making the guidance a useful tool that can be referred to in court by sentencers and advocates. To take each in turn:

Guidance

It is important to ensure that all cases are tried at the appropriate level.

1. In general, either way offences should be tried summarily unless:

- the outcome would result in a sentence in excess of the court's powers for a single offence after taking into account personal mitigation and any reduction for a guilty plea; or
- the case involves complex questions of fact or difficult questions of law, including difficult issues of disclosure of sensitive material, in which case the court should consider sending for trial notwithstanding that its powers may be sufficient.

The opening statement at paragraph 1 sets the default position at retaining jurisdiction. The two bullet points set out the main exceptions to that rule.

The first bullet point reflects the most common exception - namely, that the offence warrants a sentence outside the powers of a magistrates' court. The wording has been altered from that in the current definitive guideline so that the court is specifically referred to the need to consider reductions that may be made to the sentence for mitigation or a guilty plea before concluding that its powers would be insufficient.

The second bullet point sets out a far more unusual exception which applies when, for reasons of legal, procedural or factual complexity, the case should be tried in the Crown Court. This exception may apply in cases where a very substantial fine is the likely sentence (a magistrates' court being able to impose a fine of any amount), for example where the defendant is a corporation and is charged with a serious environmental or health and safety offence. Other circumstances where this exception will apply are likely to be case specific and the court will rely on the submissions of the parties to identify relevant cases. This exception does not appear in the current definitive guideline but it is in the Criminal Practice Direction; the Council considers it important to include all relevant guidance in one accessible source.

Question 2: Do you agree with the proposed wording at paragraph 1 of the Guidance section? Please give your reasons if you do not agree.

The proposals – Guidance continued

2. However, in **straightforward cases** the court should bear in mind its **power to commit for sentence after a trial** and may **retain jurisdiction** notwithstanding that the likely sentence would exceed its powers.

Paragraph 2 is an addition to the present guideline and represents a change to current practice. The rationale for including it is that there are relatively straightforward cases where a magistrates' court would be an appropriate venue for the trial even though upon conviction the case would need to be committed for sentence. By keeping such trials in the magistrates' court there would be savings in terms of time and money which could be of benefit to the courts, the defendant and witnesses.

Question 3: Do you agree with the proposed change of practice as set out at paragraph 2? Is the wording clear? Please give your reasons if you do not agree.

3. In addition, straightforward cases should be tried summarily even when it is apparent from the list of previous convictions that the defendant is subject to a Crown Court Suspended Sentence Order or Community Order.¹

¹ The power to commit the case to the Crown Court to be dealt with under para 11(1) of Schedule 12 or para 22 of Schedule 8 to the Criminal Justice Act 2003 can be exercised if the defendant is convicted.

This factor is taken from the final paragraph of the interim guidance at Annex D. The Council considers that it will provide useful assistance to sentencers and avoid certain cases being committed for trial unnecessarily.

Question 4: Do you agree with the proposed guidance at paragraph 3? Please give your reasons if you do not agree.

4. All parties should be asked by the court to make representations as to whether the case is suitable for summary trial. The court should refer to definitive guidelines to assess the likely sentence for the offence in the light of the facts alleged by the prosecution case, taking into account all aspects of the case including those advanced by the defence to include personal mitigation.

This factor is a re-wording of the guidance in the current guideline with added emphasis that the court should be actively seeking the representations of the parties. The Council is concerned that magistrates' courts currently often do not have the benefit of representations from the defence and that this lack of information may lead to cases being sent to the Crown Court unnecessarily.

Question 5: Do you agree with the proposed guidance at paragraph 4? Please give your reasons if you do not agree.

The proposals – Guidance continued

Where the court decides that the case is suitable to be dealt with in the magistrates' court, it must warn the defendant that all sentencing options remain open and, that if the defendant consents to summary trial and is convicted by the court, the defendant may be committed to the Crown Court for sentence.

The final paragraph in the proposed Guidance section appears in a similar form in the current guideline in the Committal for sentence section. Its purpose is to ensure that where case is retained by a magistrates' court, the court does not fetter its power to commit for sentence by raising an expectation that the case will be sentenced within magistrates' courts powers. It is proposed that this paragraph is more useful placed at the end of the guidance section. A small but significant change to the existing wording is proposed: 'it should warn' has been changed to 'it must warn' to emphasise the need for the warning.

Question 6: Do you agree with the proposed final paragraph of the Guidance section? Please give your reasons if you do not agree.

The proposals - Linked cases

The Linked cases section is largely unchanged from the current guideline. The only changes are to the wording of the second bullet point – the meaning is unchanged.

Linked Cases

Where a youth and an adult are jointly charged, the youth must be tried summarily unless the court considers it to be in the interests of justice for both the youth and the adult to be sent to the Crown Court for trial. Examples of factors that should be considered when deciding whether to separate the youth and adult defendants include:

- whether separate trials can take place without causing undue inconvenience to witnesses or injustice to the case as a whole;
- the age of the youth, particularly where the age gap between the youth and adult defendant is substantial;
- the immaturity of the youth;
- the relative culpability of the youth compared with the adult and whether or not the role played by the youth was minor; and the lack of previous convictions on the part of the youth.

Question 7: Do you agree that the Linked cases section should be unchanged? Please give your reasons if you do not agree.

The proposals - Committal for sentence

The Committal for sentence section has been updated to reflect the current test in section 3 of the Powers of Criminal Courts (Sentencing) Act 2000 – namely, ‘that the offence or the combination of offence and one or more offences associated with it was so serious that the Crown Court, should in the court’s opinion, have the power to deal with the offender in any way it could deal with him if he had been convicted on indictment’.

Committal for sentence

There is ordinarily no statutory restriction on committing an either way case for sentence following conviction. The general power of the magistrates’ court to commit to the Crown Court for sentence after a finding that a case is suitable for summary trial and/or conviction continues to be available where the court is of the opinion ‘that the offence or the combination of offence and one or more offences associated with it was so serious that the Crown Court, should in the court’s opinion, have the power to deal with the offender in any way it could deal with him if he had been convicted on indictment’.²

However, where the court proceeds to the summary trial of certain offences relating to criminal damage, upon conviction there is no power to commit to Crown Court for sentence.³

2. Powers of Criminal Courts (Sentencing) Act 2000, s.3.

3. Magistrates’ Courts Act 1980, s.3(4) and s.22.

Question 8: Do you agree with the proposed guidance in the Committal for sentence section? Please give your reasons if you do not agree.

General comments

Question 9: Please provide any additional comments or suggestions that you have about the proposals.

About you

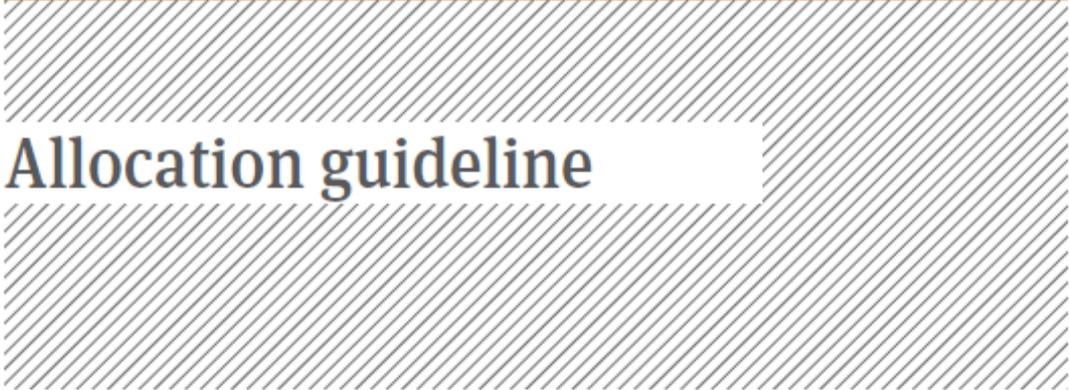
Question 10: What is your name?

Question 12: What is your organisation?

Thank you very much for your time. Your answers will be very valuable in revising the Allocation guideline

Annex A the current definitive guideline

Allocation Definitive Guideline



Allocation guideline

Applicability of guideline

In accordance with section 122(2) of the Coroners and Justice Act 2009, the Sentencing Council issues this definitive guideline. It applies to all defendants in the magistrates' court (including youths jointly charged with adults) whose cases are dealt with on or after 11 June 2012. It will not be applicable in the youth court where a separate statutory procedure applies.

Section 125(1) of the Coroners and Justice Act 2009 provides that when sentencing offences committed after 6 April 2010:

"Every court -

(a) must, in sentencing an offender, follow any sentencing guideline which is relevant to the offender's case, and

(b) must, in exercising any other function relating to the sentencing of offenders, follow any sentencing guidelines which are relevant to the exercise of the function,

unless the court is satisfied that it would be contrary to the interests of justice to do so."

Statutory framework

In accordance with section 19 of the Magistrates' Courts Act 1980, where a defendant pleads not guilty or has not indicated an intention to plead guilty to an offence triable either way, a magistrates' court must decide whether the offence should be sent to the Crown Court for trial.

When deciding whether an either way offence is more suitable for summary trial or trial on indictment, section 19 of the Magistrates' Courts Act 1980 provides that the court shall give the prosecutor and the accused the opportunity to make representations as to which court is more suitable for the conduct of the trial.¹

The court must also have regard to:

- a) the nature of the case;
- b) whether the circumstances make the offence one of a serious character;
- c) whether the punishment which a magistrates' court would have the power to inflict for the offence would be adequate; and
- d) any other circumstances which appear to the court to make the offence more suitable for it to be tried in one way rather than the other.²

¹ s.19(2) Magistrates' Courts Act 1980

² s.19(1) *Ibid*

Guidance

It is important to ensure that all cases are tried at the appropriate level. **In general, either way offences should be tried summarily unless it is likely that the court's sentencing powers will be insufficient.** Its powers will generally be insufficient if the outcome is likely to result in a sentence in excess of six months' imprisonment for a single offence.

The court should assess the likely sentence in the light of the facts alleged by the prosecution case, taking into account all aspects of the case including those advanced by the defence.

The court should refer to definitive guidelines to assess the likely sentence for the offence.

Committal for sentence

There is ordinarily no statutory restriction on committing an either way case for sentence following conviction. The general power of the magistrates' court to commit to the Crown Court for sentence after a finding that a case is suitable for summary trial and/or conviction continues to be available where the court is of the opinion that the offence (and any associated offences) is so serious that greater punishment should be inflicted than the court has power to impose.³ Where the court decides that the case is suitable to be dealt with in the magistrates' court, it should remind the defendant that all sentencing options remain open, including committal to the Crown Court for sentence at the time it informs the defendant of this decision.

However, where the court proceeds to the summary trial of certain offences relating to criminal damage, upon conviction there is no power to commit to Crown Court for sentence.⁴

Linked cases

Where a youth and an adult are jointly charged, the youth must be tried summarily unless the court considers it to be in the interests of justice for both the youth and the adult to be committed to the Crown Court for trial. Examples of factors that should be considered when deciding whether to separate the youth and adult defendants include:

- whether separate trials can take place without causing undue inconvenience to witnesses or injustice to the case as a whole;
- the young age of the defendant, particularly where the age gap between the adult and youth offender is substantial;
- the immaturity of the youth;
- the relative culpability of the youth compared with the adult and whether or not the role played by the youth was minor; and
- the lack of previous convictions on the part of the youth.

³ s.3 Powers of Criminal Courts (Sentencing) Act 2000

⁴ s.2 and s.33 Magistrates' Courts Act 1980

Annex B the draft guideline

Allocation Draft Guideline – not in force



Allocation guideline

Determining whether cases should be dealt with by a magistrates' court or the Crown Court

Applicability of guideline

In accordance with section 122(2) of the Coroners and Justice Act 2009, the Sentencing Council issues this definitive guideline. It applies to all defendants in the magistrates' court (including youths jointly charged with adults) whose cases are dealt with on or after [tbc]. It will not be applicable in the youth court where a separate statutory procedure applies.

Guidance

It is important to ensure that all cases are tried at the appropriate level.

1. In general, either way offences should be tried summarily unless:

- the outcome would result in a sentence in excess of the court's powers for a single offence after taking into account personal mitigation and any reduction for a guilty plea; or
- the case involves complex questions of fact or difficult questions of law, including difficult issues of disclosure of sensitive material, in which case the court should consider sending for trial notwithstanding that its powers may be sufficient.

2. However, in **straightforward cases** the court should bear in mind its **power to commit for sentence after a trial** and may **retain jurisdiction** notwithstanding that the likely sentence would exceed its powers.

3. In addition, straightforward cases should be tried summarily even when it is apparent from the list of previous convictions that the defendant is subject to a Crown Court Suspended Sentence Order or Community Order.¹

4. All parties should be asked by the court to make representations as to whether the case is suitable for summary trial. The court should refer to definitive guidelines to assess the likely sentence for the offence in the light of the facts alleged by the prosecution case, taking into account all aspects of the case including those advanced by the defence to include personal mitigation.

Where the court decides that the case is suitable to be dealt with in the magistrates' court, it must warn the defendant that all sentencing options remain open and, that if the defendant consents to summary trial and is convicted by the court, the defendant may be committed to the Crown Court for sentence.

¹ The power to commit the case to the Crown Court to be dealt with under para 11(i) of Schedule 12 or para 22 of Schedule 8 to the Criminal Justice Act 2003 can be exercised if the defendant is convicted.

Linked Cases

Where a youth and an adult are jointly charged, the youth must be tried summarily unless the court considers it to be in the interests of justice for both the youth and the adult to be sent to the Crown Court for trial. Examples of factors that should be considered when deciding whether to separate the youth and adult defendants include:

- whether separate trials can take place without causing undue inconvenience to witnesses or injustice to the case as a whole;
- the age of the youth, particularly where the age gap between the youth and adult defendant is substantial;
- the immaturity of the youth;
- the relative culpability of the youth compared with the adult and whether or not the role played by the youth was minor; and the lack of previous convictions on the part of the youth.

Committal for sentence

There is ordinarily no statutory restriction on committing an either way case for sentence following conviction. The general power of the magistrates' court to commit to the Crown Court for sentence after a finding that a case is suitable for summary trial and/or conviction continues to be available where the court is of the opinion 'that the offence or the combination of offence and one or more offences associated with it was so serious that the Crown Court, should in the court's opinion, have the power to deal with the offender in any way it could deal with him if he had been convicted on indictment'.²

However, where the court proceeds to the summary trial of certain offences relating to criminal damage, upon conviction there is no power to commit to Crown Court for sentence.³

². Powers of Criminal Courts (Sentencing) Act 2000, s.3.
³. Magistrates' Courts Act 1980, s.3(4) and s.22.

Statutory Framework

Section 19 of the Magistrates' Courts Act 1980 provides that:

- (1) "The court shall decide whether the offence appears to it more suitable for summary trial or for trial on indictment.
- (2) Before making a decision under this section, the court –
 - (a) shall give the prosecution an opportunity to inform the court of the accused's previous convictions (if any); and
 - (b) shall give the prosecution and the accused an opportunity to make representations as to whether summary trial or trial on indictment would be more suitable.
- (3) In making a decision under this section, the court shall consider –
 - (a) whether the sentence which a magistrates' court would have power to impose for the offence would be adequate; and
 - (b) any representations made by the prosecution or the accused under subsection (2)(b) above, and shall have regard to any allocation guidelines (or revised allocation guidelines) issued as definitive guidelines under section 122 of the Coroners and Justice Act 2009.
- (4) Where –
 - (a) the accused is charged with two or more offences; and
 - (b) it appears to the court that the charges for the offences could be joined in the same indictment or that the offences arise out of the same or connected circumstances, subsection (3)(a) above shall have effect as if references to the sentence which a magistrates' court would have power to impose for the offence were a reference to the maximum aggregate sentence which a magistrates' court would have power to impose for all of the offences taken together."

Section 125(1) of the Coroners and Justice Act 2009 provides that when sentencing offences committed after 6 April 2010:

"Every court –

- (a) must, in sentencing an offender, follow any sentencing guideline which is relevant to the offender's case, and
 - (b) must, in exercising any other function relating to the sentencing of offenders, follow any sentencing guidelines which are relevant to the exercise of the function, unless the court is satisfied that it would be contrary to the interests of justice to do so."
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Extract from CRIMINAL PRACTICE DIRECTIONS DIVISION II
PRELIMINARY PROCEEDINGS

CPD II Preliminary proceedings 9A: ALLOCATION (MODE OF TRIAL)

- 9A.1 Courts must follow the Sentencing Council's guideline on Allocation (mode of trial) when deciding whether or not to send defendants charged with "either way" offences for trial in the Crown Court under section 51(1) of the Crime and Disorder Act 1998. The guideline refers to the factors to which a court must have regard in accordance with section 19 of the Magistrates' Courts Act 1980. Section 19(2)(a) permits reference to previous convictions of the defendant.
- 9A.2 The Allocation guideline lists four factors, a) to d), that the court must also have regard to. No examples or guidance are given, however, the following could be a consideration when applying the factors: that where cases involve complex questions of fact or difficult questions of law, including difficult issues of disclosure of sensitive material, the court should consider sending for trial.
- 9A.3 Certain general observations can also be made:
- (a) the court should never make its decision on the grounds of convenience or expedition; and
 - (b) the fact that the offences are alleged to be specimens is a relevant consideration (although it has to be borne in mind that difficulties can arise in sentencing in relation to specimen counts: see *Rv Clark* [1996] 2 Cr. App. R. 282, [1996] 2 Cr. App. R. (S.) 351; *Rv Canavan and others* [1998] 1 W.L.R. 604, [1998] 1 Cr. App. R. 79, [1998] 1 Cr. App. R. (S.) 243 and *R v Oakes* [2012] EWCA Crim2435, [2013] 2 Cr. App. R. (S.) 22 (see case of *R v Restivo*)); the fact that the defendant will be asking for other offences to be taken into consideration, if convicted, is not.

Annex D

Draft Joint Guidance from the Senior District Judge (Magistrates' Courts) and the Justices' Clerk's Society**Allocation and Committal for Sentence**

The recent "Review of Efficiency in Criminal Proceedings" by the Rt Hon Sir Brian Leveson, President of the Queen's Bench Division highlighted issues with regard to the allocation process for offences that are triable either way. One of the key recommendations made within the Review included:

"Magistrates' Courts must be encouraged to be far more robust in their application of the allocation guideline which mandates that either way offences should be tried summarily unless it is likely that the court's sentencing powers will be insufficient. The word "likely" does not mean "possible" and permits the court to take account of potential mitigation and guilty plea, so can encompass cases where the discount for a guilty plea is the feature that brings the case into the Magistrates' jurisdiction. It is important to underline that, provided the option to commit for sentence is publicly identified, the decision to retain jurisdiction does not fetter discretion to commit for sentence even after requesting a pre-sentence report".¹

We understand the Sentencing Council intend to reconsider the Allocation Guideline. However in the interim, we are issuing this joint guidance on Allocation and Committal for sentence to support the Sentencing Council's Allocation Guideline and Criminal Practice Direction 9A Preliminary Proceedings : Allocation.

Interim Guidance

The Allocation Guideline makes clear that in general, either way offences should be tried summarily unless it is likely that the court's sentencing powers will be insufficient. There is no restriction on committing an either way case for sentence following conviction, where the provisions of section 3 (2) Powers of the Criminal Courts (Sentencing) Act 2000 apply, namely:

" that the offence or the combination of offence and one or more offences associated with it was so serious that the Crown Court, should in the court's opinion, have the power to deal with the offender in any way it could deal with him if he had been convicted on indictment"

That opinion is not dependent on information showing the offence or offences to be more serious than they were originally thought to be being received after the decision to try the case summarily was made. *R v. Sheffield Crown Court and Sheffield Stipendiary Magistrate, ex parte DPP [1994] 15 Cr App Rep (S) 768, 401.* The magistrates court must carefully consider the adequacy of its powers of sentence when determining allocation and consider the factors set out in s.19(3)

¹ Page 25, Review of Efficiency in Criminal Proceedings" Rt Hon Sir Brian Leveson, President of the Queen's Bench Division. January 2015

Annex E List of Consultation Questions

Question 1: Do you agree with the proposed changes to the Applicability of guideline and Statutory framework sections? Please give your reasons if you do not agree.

Question 2: Do you agree with the proposed wording at paragraph 1 of the Guidance section? Please give your reasons if you do not agree.

Question 3: Do you agree with the proposed change of practice as set out at paragraph 2? Is the wording clear? Please give your reasons if you do not agree.

Question 4: Do you agree with the proposed guidance at paragraph 3? Please give your reasons if you do not agree.

Question 5: Do you agree with the proposed guidance at paragraph 4? Please give your reasons if you do not agree.

Question 6: Do you agree with the proposed final paragraph of the Guidance section? Please give your reasons if you do not agree.

Question 7: Do you agree that the Linked cases section should be unchanged? Please give your reasons if you do not agree.

Question 8: Do you agree with the proposed guidance in the Committal for sentence section? Please give your reasons if you do not agree.

Question 9: Please provide any additional comments or suggestions that you have about the proposals.

Question 10: What is your name?

Question 12: What is your organisation?