

Miscellaneous amendments to sentencing guidelines.

Changes coming into effect on 1 June 2025

(Careless driving coming into effect 1 July 2025)

Supplementary information

Approach to fines	Previous wording	Revised wording as of 1 June 2025
3. Definition of relevant weekly income	Where: • an offender is in receipt of income from employment or is self-employed and • that income is more than £120 per week after deduction of tax and national insurance (or equivalent where the offender is self-employed), - the actual income is the relevant weekly income.	Where: • an offender is in receipt of income from employment or is self-employed and • that income is more than £120 per week after deduction of tax and national insurance (or equivalent where the offender is self-employed), - the actual income is the relevant weekly income. In cases where the offender has a variable income, the court should ordinarily take an average of four to six weeks' income to assess the relevant weekly income. However, if such an approach would fail to provide a fair reflection of the offender's means, the court should consider the offender's broader financial circumstances and exercise its judgement to ensure the fine reflects the seriousness of the offence and the financial circumstances of the offender. Where an offender expresses their income in terms of an hourly rate, the court should make enquiries as to how many hours work they typically work each week and apply the approach above.

Guideline	Previous wording	Revised wording as of 1 June 2025
<u>Abuse of position of trust: sexual activity in the presence of a child/ Abuse of position of trust: causing a child to watch a sexual act</u>	Where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme requirement under <u>part 3 of Schedule 9 of the Sentencing Code</u> can be a proper alternative to a short or moderate length custodial sentence.	Where there is a sufficient prospect of rehabilitation, a community order with programme requirement under <u>part 3 of Schedule 9 of the Sentencing Code</u> (an accredited programme for people convicted of sexual offences) can be a proper alternative to a short or moderate length custodial sentence. Alternatively, in appropriate cases, the Probation Service may be able to address the offending behaviour through a community order with a rehabilitation activity requirement. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
<u>Abuse of position of trust: sexual activity with a child/ Abuse of position of trust: causing or inciting a child to engage in sexual activity</u>	Where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme requirement under <u>part 3 of Schedule 9 of the Sentencing Code</u> can be a proper alternative to a short or moderate length custodial sentence.	Where there is a sufficient prospect of rehabilitation, a community order with programme requirement under <u>part 3 of Schedule 9 of the Sentencing Code</u> (an accredited programme for people convicted of sexual offences) can be a proper alternative to a short or moderate length custodial sentence. Alternatively, in appropriate cases, the Probation Service may be able to address the offending behaviour through a community order with a rehabilitation activity requirement. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).

<u>Care workers: sexual activity in the presence of a person with a mental disorder/ Care workers: causing a person with a mental disorder to watch a sexual act</u>	Where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme requirement under <u>part 3 of Schedule 9 of the Sentencing Code</u> can be a proper alternative to a short or moderate length custodial sentence.	Where there is a sufficient prospect of rehabilitation, a community order with programme requirement under <u>part 3 of Schedule 9 of the Sentencing Code</u> (an accredited programme for people convicted of sexual offences) can be a proper alternative to a short or moderate length custodial sentence. Alternatively, in appropriate cases, the Probation Service may be able to address the offending behaviour through a community order with a rehabilitation activity requirement. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
<u>Care workers: sexual activity with a person with a mental disorder/ Care workers: causing or inciting sexual activity</u>	Where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme requirement under <u>part 3 of Schedule 9 of the Sentencing Code</u> can be a proper alternative to a short or moderate length custodial sentence.	Where there is a sufficient prospect of rehabilitation, a community order with programme requirement under <u>part 3 of Schedule 9 of the Sentencing Code</u> (an accredited programme for people convicted of sexual offences) can be a proper alternative to a short or moderate length custodial sentence. Alternatively, in appropriate cases, the Probation Service may be able to address the offending behaviour through a community order with a rehabilitation activity requirement. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).

<u>Causing a person to engage in sexual activity without consent</u>	Where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme requirement under <u>part 3 of Schedule 9 of the Sentencing Code</u> can be a proper alternative to a short or moderate length custodial sentence.	Where there is a sufficient prospect of rehabilitation, a community order with programme requirement under <u>part 3 of Schedule 9 of the Sentencing Code</u> (an accredited programme for people convicted of sexual offences) can be a proper alternative to a short or moderate length custodial sentence. Alternatively, in appropriate cases, the Probation Service may be able to address the offending behaviour through a community order with a rehabilitation activity requirement. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
<u>Causing or inciting sexual exploitation of a child/ Controlling a child in relation to sexual exploitation/ Arranging or facilitating sexual exploitation of a child</u>	Where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme requirement under <u>part 3 of Schedule 9 of the Sentencing Code</u> can be a proper alternative to a short or moderate length custodial sentence.	Where there is a sufficient prospect of rehabilitation, a community order with programme requirement under <u>part 3 of Schedule 9 of the Sentencing Code</u> (an accredited programme for people convicted of sexual offences) can be a proper alternative to a short or moderate length custodial sentence. Alternatively, in appropriate cases, the Probation Service may be able to address the offending behaviour through a community order with a rehabilitation activity requirement. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).

<u>Engaging in sexual activity in the presence of a child/ Causing a child to watch a sexual act</u>	Where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme requirement under <u>part 3 of Schedule 9 of the Sentencing Code</u> can be a proper alternative to a short or moderate length custodial sentence.	Where there is a sufficient prospect of rehabilitation, a community order with programme requirement under <u>part 3 of Schedule 9 of the Sentencing Code</u> (an accredited programme for people convicted of sexual offences) can be a proper alternative to a short or moderate length custodial sentence. Alternatively, in appropriate cases, the Probation Service may be able to address the offending behaviour through a community order with a rehabilitation activity requirement. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
<u>Engaging in sexual activity in the presence of a person with mental disorder impeding choice/ Causing a person, with mental disorder impeding choice, to watch a sexual act</u>	Where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme requirement under <u>part 3 of Schedule 9 of the Sentencing Code</u> can be a proper alternative to a short or moderate length custodial sentence.	Where there is a sufficient prospect of rehabilitation, a community order with programme requirement under <u>part 3 of Schedule 9 of the Sentencing Code</u> (an accredited programme for people convicted of sexual offences) can be a proper alternative to a short or moderate length custodial sentence. Alternatively, in appropriate cases, the Probation Service may be able to address the offending behaviour through a community order with a rehabilitation activity requirement. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).

<u>Engaging in sexual activity in the presence procured by inducement, threat or deception, of a person with mental disorder/ Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception</u>	Where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme requirement under <u>part 3 of Schedule 9 of the Sentencing Code</u> can be a proper alternative to a short or moderate length custodial sentence.	Where there is a sufficient prospect of rehabilitation, a community order with programme requirement under <u>part 3 of Schedule 9 of the Sentencing Code</u> (an accredited programme for people convicted of sexual offences) can be a proper alternative to a short or moderate length custodial sentence. Alternatively, in appropriate cases, the Probation Service may be able to address the offending behaviour through a community order with a rehabilitation activity requirement. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
<u>Exposure</u>	Where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme requirement under <u>part 3 of Schedule 9 of the Sentencing Code</u> can be a proper alternative to a short or moderate length custodial sentence.	Where there is a sufficient prospect of rehabilitation, a community order with programme requirement under <u>part 3 of Schedule 9 of the Sentencing Code</u> (an accredited programme for people convicted of sexual offences) can be a proper alternative to a short or moderate length custodial sentence. Alternatively, in appropriate cases, the Probation Service may be able to address the offending behaviour through a community order with a rehabilitation activity requirement. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
<u>Inducement, threat or deception to procure sexual activity with a person with a mental</u>	Where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme requirement under <u>part 3 of Schedule 9 of the Sentencing</u>	Where there is a sufficient prospect of rehabilitation, a community order with programme requirement under part 3 of Schedule 9 of the Sentencing Code (an accredited programme for people convicted of sexual offences) can be a proper alternative to a short

disorder/ Causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception	Code can be a proper alternative to a short or moderate length custodial sentence.	or moderate length custodial sentence. Alternatively, in appropriate cases, the Probation Service may be able to address the offending behaviour through a community order with a rehabilitation activity requirement. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
Paying for the sexual services of a child	Where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme requirement under part 3 of Schedule 9 of the Sentencing Code can be a proper alternative to a short or moderate length custodial sentence.	Where there is a sufficient prospect of rehabilitation, a community order with programme requirement part 3 of Schedule 9 of the Sentencing Code (an accredited programme for people convicted of sexual offences) can be a proper alternative to a short or moderate length custodial sentence. Alternatively, in appropriate cases, the Probation Service may be able to address the offending behaviour through a community order with a rehabilitation activity requirement. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
Possession of indecent photograph of child/ Indecent photographs of children	Where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme requirement under part 3 of Schedule 9 of the Sentencing Code can be a proper alternative to a short or moderate length custodial sentence.	Where there is a sufficient prospect of rehabilitation, a community order with programme requirement part 3 of Schedule 9 of the Sentencing Code (an accredited programme for people convicted of sexual offences) can be a proper alternative to a short or moderate length custodial sentence. Alternatively, in appropriate cases, the Probation Service may be able to address the offending behaviour through a community order with a rehabilitation activity requirement.

		However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
Sex with an adult relative: penetration/ Sex with an adult relative: consenting to penetration	Where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme requirement under part 3 of Schedule 9 of the Sentencing Code can be a proper alternative to a short or moderate length custodial sentence.	Where there is a sufficient prospect of rehabilitation, a community order with programme requirement part 3 of Schedule 9 of the Sentencing Code (an accredited programme for people convicted of sexual offences) can be a proper alternative to a short or moderate length custodial sentence. Alternatively, in appropriate cases, the Probation Service may be able to address the offending behaviour through a community order with a rehabilitation activity requirement. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
Sexual activity with a child family member/ Inciting a child family member to engage in sexual activity	Where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme requirement under part 3 of Schedule 9 of the Sentencing Code can be a proper alternative to a short or moderate length custodial sentence.	Where there is a sufficient prospect of rehabilitation, a community order with programme requirement part 3 of Schedule 9 of the Sentencing Code (an accredited programme for people convicted of sexual offences) can be a proper alternative to a short or moderate length custodial sentence. Alternatively, in appropriate cases, the Probation Service may be able to address the offending behaviour through a community order with a rehabilitation activity requirement. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the

		Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
<u>Sexual activity with a child/ Causing or inciting a child to engage in sexual activity</u>	Where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme requirement under <u>part 3 of Schedule 9 of the Sentencing Code</u> can be a proper alternative to a short or moderate length custodial sentence.	Where there is a sufficient prospect of rehabilitation, a community order with programme requirement <u>part 3 of Schedule 9 of the Sentencing Code</u> (an accredited programme for people convicted of sexual offences) can be a proper alternative to a short or moderate length custodial sentence. Alternatively, in appropriate cases, the Probation Service may be able to address the offending behaviour through a community order with a rehabilitation activity requirement. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
<u>Sexual activity with a person with a mental disorder impeding choice/ Causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity</u>	Where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme requirement under <u>part 3 of Schedule 9 of the Sentencing Code</u> can be a proper alternative to a short or moderate length custodial sentence.	Where there is a sufficient prospect of rehabilitation, a community order with programme requirement <u>part 3 of Schedule 9 of the Sentencing Code</u> (an accredited programme for people convicted of sexual offences) can be a proper alternative to a short or moderate length custodial sentence. Alternatively, in appropriate cases, the Probation Service may be able to address the offending behaviour through a community order with a rehabilitation activity requirement. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).

Sexual assault	Where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme requirement under part 3 of Schedule 9 of the Sentencing Code can be a proper alternative to a short or moderate length custodial sentence.	Where there is a sufficient prospect of rehabilitation, a community order with programme requirement part 3 of Schedule 9 of the Sentencing Code (an accredited programme for people convicted of sexual offences) can be a proper alternative to a short or moderate length custodial sentence. Alternatively, in appropriate cases, the Probation Service may be able to address the offending behaviour through a community order with a rehabilitation activity requirement. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
Sexual assault of a child under 13	Where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme requirement under part 3 of Schedule 9 of the Sentencing Code can be a proper alternative to a short or moderate length custodial sentence.	Where there is a sufficient prospect of rehabilitation, a community order with programme requirement part 3 of Schedule 9 of the Sentencing Code (an accredited programme for people convicted of sexual offences) can be a proper alternative to a short or moderate length custodial sentence. Alternatively, in appropriate cases, the Probation Service may be able to address the offending behaviour through a community order with a rehabilitation activity requirement. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).

Sexual communication with a child	Where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme requirement under part 3 of Schedule 9 of the Sentencing Code can be a proper alternative to a short or moderate length custodial sentence.	Where there is a sufficient prospect of rehabilitation, a community order with programme requirement part 3 of Schedule 9 of the Sentencing Code (an accredited programme for people convicted of sexual offences) can be a proper alternative to a short or moderate length custodial sentence. Alternatively, in appropriate cases, the Probation Service may be able to address the offending behaviour through a community order with a rehabilitation activity requirement. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
Voyeurism	Where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme requirement under part 3 of Schedule 9 of the Sentencing Code can be a proper alternative to a short or moderate length custodial sentence.	Where there is a sufficient prospect of rehabilitation, a community order with programme requirement part 3 of Schedule 9 of the Sentencing Code (an accredited programme for people convicted of sexual offences) can be a proper alternative to a short or moderate length custodial sentence. Alternatively, in appropriate cases, the Probation Service may be able to address the offending behaviour through a community order with a rehabilitation activity requirement. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).

Assault by penetration	Where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme requirement under part 3 of Schedule 9 of the Sentencing Code can be a proper alternative to a short or moderate length custodial sentence.	Where there is a sufficient prospect of rehabilitation, a community order with programme requirement part 3 of Schedule 9 of the Sentencing Code (an accredited programme for people convicted of sexual offences) can be a proper alternative to a short or moderate length custodial sentence. Alternatively, in appropriate cases, the Probation Service may be able to address the offending behaviour through a community order with a rehabilitation activity requirement. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
Arson (criminal damage by fire)	Where the offender is dependent on or has a propensity to misuse drugs or alcohol, which is linked to the offending, a community order with a drug rehabilitation requirement under part 10, or an alcohol treatment requirement under part 11, of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence. Where the offender suffers from a medical condition that is susceptible to treatment but does not warrant detention under a hospital order, a community order with a mental health treatment requirement under part 9 of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence.	Where the offender is dependent on or has a propensity to misuse drugs or alcohol, which is linked to the offending, a community order with a drug rehabilitation requirement under part 10, or an alcohol treatment requirement under part 11, of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence. Where the offender suffers from a medical condition that is susceptible to treatment but does not warrant detention under a hospital order, a community order with a mental health treatment requirement under part 9 of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power

		to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
Criminal damage (other than by fire) value exceeding £5,000/Racially or religiously aggravated criminal damage	At step 2: Where the offender is dependent on or has a propensity to misuse drugs or alcohol, which is linked to the offending, a community order with a drug rehabilitation requirement under part 10, or an alcohol treatment requirement under part 11, of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence. Where the offender suffers from a medical condition that is susceptible to treatment but does not warrant detention under a hospital order, a community order with a mental health treatment requirement under part 9 of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence.	At step 2: Where the offender is dependent on or has a propensity to misuse drugs or alcohol, which is linked to the offending, a community order with a drug rehabilitation requirement under part 10, or an alcohol treatment requirement under part 11, of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence. Where the offender suffers from a medical condition that is susceptible to treatment but does not warrant detention under a hospital order, a community order with a mental health treatment requirement under part 9 of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).

Criminal damage (other than by fire) value not exceeding £5,000/ Racially or religiously aggravated criminal damage	At step 2: Where the offender is dependent on or has a propensity to misuse drugs or alcohol, which is linked to the offending, a community order with a drug rehabilitation requirement under part 10, or an alcohol treatment requirement under part 11, of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence. Where the offender suffers from a medical condition that is susceptible to treatment but does not warrant detention under a hospital order, a community order with a mental health treatment requirement under part 9 of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence.	At step 2: Where the offender is dependent on or has a propensity to misuse drugs or alcohol, which is linked to the offending, a community order with a drug rehabilitation requirement under part 10, or an alcohol treatment requirement under part 11, of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence. Where the offender suffers from a medical condition that is susceptible to treatment but does not warrant detention under a hospital order, a community order with a mental health treatment requirement under part 9 of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
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Domestic burglary	At step 2: Where the offender is dependent on or has a propensity to misuse drugs or alcohol and there is sufficient prospect of success, a community order with a drug rehabilitation requirement under part 10, or an alcohol treatment requirement under part 11, of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence.	At step 2: Where the offender is dependent on or has a propensity to misuse drugs or alcohol and there is sufficient prospect of success, a community order with a drug rehabilitation requirement under part 10, or an alcohol treatment requirement under part 11, of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
Non-domestic burglary	Where the offender is dependent on or has a propensity to misuse drugs or alcohol and there is sufficient prospect of success, a community order with a drug rehabilitation requirement under part 10, or an alcohol treatment requirement under part 11, of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence.	Where the offender is dependent on or has a propensity to misuse drugs or alcohol and there is sufficient prospect of success, a community order with a drug rehabilitation requirement under part 10, or an alcohol treatment requirement under part 11, of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).

Fraudulent evasion of a prohibition by bringing into or taking out of the UK a controlled drug	Where the defendant is dependent on or has a propensity to misuse drugs and there is sufficient prospect of success, a community order with a drug rehabilitation requirement under part 10 of Schedule 9 of the Sentencing Code can be a proper alternative to a short or moderate length custodial sentence.	Where the defendant is dependent on or has a propensity to misuse drugs and there is sufficient prospect of success, a community order with a drug rehabilitation requirement under part 10 of Schedule 9 of the Sentencing Code can be a proper alternative to a short or moderate length custodial sentence. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
Permitting premises to be used	Where the defendant is dependent on or has a propensity to misuse drugs and there is sufficient prospect of success, a community order with a drug rehabilitation requirement under part 10 of Schedule 9 of the Sentencing Code can be a proper alternative to a short or moderate length custodial sentence.	Where the defendant is dependent on or has a propensity to misuse drugs and there is sufficient prospect of success, a community order with a drug rehabilitation requirement under part 10 of Schedule 9 of the Sentencing Code can be a proper alternative to a short or moderate length custodial sentence. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).

Possession of a controlled drug	Where the defendant is dependent on or has a propensity to misuse drugs and there is sufficient prospect of success, a community order with a drug rehabilitation requirement under section 209 of the Criminal Justice Act 2003 may be a proper alternative to a custodial sentence.	Where the defendant is dependent on or has a propensity to misuse drugs and there is sufficient prospect of success, a community order with a drug rehabilitation requirement under part 10 of Schedule 9 of the Sentencing Code can be a proper alternative to a short or moderate length custodial sentence. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
Benefit Fraud	Mitigating factor: Offender experiencing significant financial hardship or pressure at time fraud was committed due to exceptional circumstances	Add expanded explanation: Care should be taken to avoid double counting factors including those already taken into account in assessing culpability or harm Where the offence was motivated by circumstances arising out of exceptional and immediate financial hardship, this may be relevant to the offender's responsibility for the offence. This factor may apply independently of or in conjunction with the wider factor of 'Difficult and/or deprived background or personal circumstances'

Theft from a shop or stall	Mitigating factor: Offender experiencing exceptional financial hardship	Mitigating factor: Offender experiencing exceptional financial hardship at the time the theft was committed Add expanded explanation: Care should be taken to avoid double counting factors including those already taken into account in assessing culpability or harm Where the offence was motivated by circumstances arising out of exceptional and immediate financial hardship, this may be relevant to the offender's responsibility for the offence. This factor may apply independently of or in conjunction with the wider factor of 'Difficult and/or deprived background or personal circumstances'
Theft from a shop or stall	At step 2: Where the offender is dependent on or has a propensity to misuse drugs or alcohol and there is sufficient prospect of success, a community order with a drug rehabilitation requirement under part 10, or an alcohol treatment requirement under part 11, of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence. Where the offender suffers from a medical condition that is susceptible to treatment but does not warrant detention under a hospital order, a community order with a mental health treatment requirement under part 9 of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence.	At step 2: Where the offender is dependent on or has a propensity to misuse drugs or alcohol and there is sufficient prospect of success, a community order with a drug rehabilitation requirement under part 10, or an alcohol treatment requirement under part 11, of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence. Where the offender suffers from a medical condition that is susceptible to treatment but does not warrant detention under a hospital order, a community order with a mental health treatment requirement under part 9 of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power

		to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
Theft - general	At step 2: Where the offender is dependent on or has a propensity to misuse drugs or alcohol and there is sufficient prospect of success, a community order with a drug rehabilitation requirement under part 10, or an alcohol treatment requirement under part 11, of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence. Where the offender suffers from a medical condition that is susceptible to treatment but does not warrant detention under a hospital order, a community order with a mental health treatment requirement under part 9 of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence.	At step 2: Where the offender is dependent on or has a propensity to misuse drugs or alcohol and there is sufficient prospect of success, a community order with a drug rehabilitation requirement under part 10, or an alcohol treatment requirement under part 11, of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence. Where the offender suffers from a medical condition that is susceptible to treatment but does not warrant detention under a hospital order, a community order with a mental health treatment requirement under part 9 of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
Threats to destroy or damage property	At step 2: Where the offender is dependent on or has a propensity to misuse drugs or alcohol and there is sufficient prospect of success, a community order with a drug rehabilitation requirement under part 10, or an alcohol treatment requirement	At step 2: Where the offender is dependent on or has a propensity to misuse drugs or alcohol and there is sufficient prospect of success, a community order with a drug rehabilitation requirement under part 10, or an alcohol treatment requirement under part 11, of Schedule

	under part 11, of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence. Where the offender suffers from a medical condition that is susceptible to treatment but does not warrant detention under a hospital order, a community order with a mental health treatment requirement under part 9 of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence.	9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence. Where the offender suffers from a medical condition that is susceptible to treatment but does not warrant detention under a hospital order, a community order with a mental health treatment requirement under part 9 of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence. However, if a magistrates' court is of the opinion that that the offending is so serious that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order if that is the sentence passed).
Explosive substances (terrorism only)	At step 3: Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing.	At step 3: Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing. It is for the offender to establish that the exceptional circumstances exist.

<u>Firearms – Carrying in a public place</u>	At step 3: 7. Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing.	At step 3: 7. Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing. It is for the offender to establish that the exceptional circumstances exist.
<u>Firearms – Possession of prohibited weapon</u>	At step 3: 7. Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing.	At step 3: 7. Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing. It is for the offender to establish that the exceptional circumstances exist.
<u>Firearms – Possession with intent – other offences</u>	At step 3: 7. Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing.	At step 3: 7. Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing. It is for the offender to establish that the exceptional circumstances exist.

<u>Firearms – Possession with intent to cause fear of violence</u>	At step 3: 7. Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing.	At step 3: 7. Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing. It is for the offender to establish that the exceptional circumstances exist.
<u>Firearms – Possession with intent to endanger life</u>	At step 3: 7. Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing.	At step 3: 7. Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing. It is for the offender to establish that the exceptional circumstances exist.
<u>Firearms – Transfer and manufacture</u>	At step 3: 7. Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing.	At step 3: 7. Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing. It is for the offender to establish that the exceptional circumstances exist.

Permitting premises to be used	At step 3: Step 3 – Minimum Terms For class A cases, section 313 of the Sentencing Code provides that a court should impose an appropriate custodial sentence of at least seven years for a third class A trafficking offence except where the court is of the opinion that there are particular circumstances which (a) relate to any of the offences or to the offender; and (b) would make it unjust to do so in all the circumstances. Unjust in all of the circumstances In considering whether a statutory minimum sentence would be ‘unjust in all of the circumstances’ the court must have regard to the particular circumstances of the offence and the offender. If the circumstances of the offence, the previous offences or the offender make it unjust to impose the statutory minimum sentence then the court must impose either a shorter custodial sentence than the statutory minimum provides or an alternative sentence. The offence Having reached this stage of the guideline the court should have made a provisional assessment of the seriousness of the current offence. In addition, the court must consider the seriousness of the previous offences and the period of time that has elapsed between offences. Where the seriousness of the combined offences is such that it falls below the custody threshold, or where there has been a significant period of time between the offences, the court may consider it unjust to impose the statutory minimum sentence.	At step 3: Step 3 – Minimum Terms For class A cases, section 313 of the Sentencing Code provides that a court should impose an appropriate custodial sentence of at least seven years for a third class A trafficking offence except: • (If the offence was committed on or after 28 June 2022) where the court is of the opinion that there are exceptional circumstances which (a) relate to any of the offences or to the offender; and (b) justify not doing so; or • (If the offence was committed before 28 June 2022) where the court is of the opinion that there are particular circumstances which (a) relate to any of the offences or to the offender; and (b) would make it unjust to do so in all the circumstances. Exceptional circumstances (offence committed on or after 28 June 2022) In considering whether there are exceptional circumstances that would justify not imposing the minimum term the court must have regard to: • the particular circumstances which relate to any of the offences and • the particular circumstances of the offender. either of which may give rise to exceptional circumstances. Where the issue of exceptional circumstances has been raised the court should give a clear explanation as to why those circumstances have or have not been found. Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing. It is for the offender to establish that the exceptional circumstances exist.
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	The offender The court should consider the following factors to determine whether it would be unjust to impose the statutory minimum sentence; • any strong personal mitigation; • whether there is a realistic prospect of rehabilitation; • whether custody will result in significant impact on others.	Principles The circumstances must truly be exceptional. Circumstances are exceptional if the imposition of the minimum term would result in an arbitrary and disproportionate sentence. It is important that courts adhere to the statutory requirement and do not too readily accept that the circumstances are exceptional. A factor is unlikely to be regarded as exceptional if it would apply to a significant number of cases. The court should look at all of the circumstances of the case taken together. A single striking factor may amount to exceptional circumstances, or it may be the collective impact of all of the relevant circumstances. The seriousness of the previous offence(s) and the period of time that has elapsed between offences will be a relevant consideration. The mere presence of one or more of the following should not in itself be regarded as exceptional: • One or more lower culpability factors • One or more mitigating factors • A plea of guilty Where exceptional circumstances are found If there are exceptional circumstances that justify not imposing the statutory minimum sentence then the court must impose either a shorter custodial sentence than the statutory minimum provides or an alternative sentence. Unjust in all of the circumstances (offence committed before 28 June 2022) In considering whether a statutory minimum sentence would be 'unjust in all of the circumstances' the court must have regard to the particular circumstances of the offence and the offender. Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing.
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		It is for the offender to establish that the exceptional circumstances exist. If the circumstances of the offence, the previous offence or the offender make it unjust to impose the statutory minimum sentence then the court must impose either a shorter custodial sentence than the statutory minimum provides or an alternative sentence. The offence Having reached this stage of the guideline the court should have made a provisional assessment of the seriousness of the current offence. In addition, the court must consider the seriousness of the previous offence(s) and the period of time that has elapsed between offences. Where the seriousness of the combined offences is such that it falls far below the custody threshold, or where there has been a significant period of time between the offences, the court may consider it unjust to impose the statutory minimum sentence. The offender The court should consider the following factors to determine whether it would be unjust to impose the statutory minimum sentence; • any strong personal mitigation; • whether there is a realistic prospect of rehabilitation; • whether custody will result in significant impact on others.
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Preparation of terrorist acts	At step 3: Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing.	At step 3: Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing. It is for the offender to establish that the exceptional circumstances exist.
Domestic burglary	At step 3 in both “Exceptional circumstances” and “Unjust in all of the circumstances” dropdowns: Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing.	At step 3 in both “Exceptional circumstances” and “Unjust in all of the circumstances” dropdowns: Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing. It is for the offender to establish that the exceptional circumstances exist.
Aggravated burglary	At step 3 in both “Exceptional circumstances” and “Unjust in all of the circumstances” dropdowns: Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing.	At step 3 in both “Exceptional circumstances” and “Unjust in all of the circumstances” dropdowns: Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing. It is for the offender to establish that the exceptional circumstances exist.
Bladed articles and offensive weapons - having in a public place	At step 3 in both “Exceptional circumstances” and “Unjust in all of the circumstances” dropdowns: Where the factual circumstances are disputed, the procedure should follow that of a Newton	At step 3 in both “Exceptional circumstances” and “Unjust in all of the circumstances” dropdowns: Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing.

	hearing: see Criminal Practice Directions 9.3.3 Sentencing.	It is for the offender to establish that the exceptional circumstances exist.
Bladed articles and offensive weapons - threats	At step 3 in both “Exceptional circumstances” and “Unjust in all of the circumstances” dropdowns: Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing.	At step 3 in both “Exceptional circumstances” and “Unjust in all of the circumstances” dropdowns: Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing. It is for the offender to establish that the exceptional circumstances exist.
Bladed articles and offensive weapons (having in public/education premises and threats) – children and young people	At step 3 in both “Exceptional circumstances” and “Unjust in all of the circumstances” dropdowns: Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing.	At step 3 in both “Exceptional circumstances” and “Unjust in all of the circumstances” dropdowns: Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing. It is for the offender to establish that the exceptional circumstances exist.
Fraudulent evasion of a prohibition by bringing into or taking out of the UK a controlled drug	At step 3 in both “Exceptional circumstances” and “Unjust in all of the circumstances” dropdowns: Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing.	At step 3 in both “Exceptional circumstances” and “Unjust in all of the circumstances” dropdowns: Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing. It is for the offender to establish that the exceptional circumstances exist.
Supplying or offering to supply a controlled drug/ Possession of a controlled drug with intent to supply it to another	At step 3 in both “Exceptional circumstances” and “Unjust in all of the circumstances” dropdowns: Where the factual circumstances are disputed, the procedure should follow that of a Newton	At step 3 in both “Exceptional circumstances” and “Unjust in all of the circumstances” dropdowns:

	hearing: see Criminal Practice Directions 9.3.3 Sentencing.	Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing. It is for the offender to establish that the exceptional circumstances exist.
Organisations: Breach of duty of employer towards employees and non-employees/ Breach of duty of self-employed to others/ Breach of Health and Safety regulations	At Step 2: Very large organisation Where an offending organisation's turnover or equivalent very greatly exceeds the threshold for large organisations, it may be necessary to move outside the suggested range to achieve a proportionate sentence.	At step 2: Very large organisation Where an offending company's turnover or equivalent very greatly exceeds the threshold for large companies, courts should consider fines outside the range for large companies it may be necessary to move outside the suggested range to achieve a proportionate sentence. There is no precise level of turnover at which an organisation becomes "very large". In the case of most organisations it will be obvious if it either is or is not very large. In the case of very large organisations the appropriate sentence cannot be reached by merely applying a mathematical formula to the starting points and ranges for large organisations. In setting the level of fine for a very large organisation the court must consider the seriousness of the offence with reference to the culpability and harm factors above and the aggravating and mitigating factors below, the purposes of sentencing (including punishment and deterrence) and the financial circumstances of the offending organisation. Regard should be had to the principles set out under at steps 3 and 4 below. Particular regard should be had to making the fine proportionate to the means of the organisation, sufficiently large to constitute appropriate punishment depending on the seriousness of the

		offence, and sufficient to bring home to the management and shareholders the need to comply with health and safety legislation.
Organisations: Breach of food safety and food hygiene regulations	At Step 2: Very large organisation Where an offending organisation's turnover or equivalent very greatly exceeds the threshold for large organisations, it may be necessary to move outside the suggested range to achieve a proportionate sentence.	At step 2: Very large organisation Where an offending company's turnover or equivalent very greatly exceeds the threshold for large companies, courts should consider fines outside the range for large companies it may be necessary to move outside the suggested range to achieve a proportionate sentence. There is no precise level of turnover at which an organisation becomes "very large". In the case of most organisations it will be obvious if it either is or is not very large. In the case of very large organisations the appropriate sentence cannot be reached by merely applying a mathematical formula to the starting points and ranges for large organisations. In setting the level of fine for a very large organisation the court must consider the seriousness of the offence with reference to the culpability and harm factors above and the aggravating and mitigating factors below, the purposes of sentencing (including punishment and deterrence) and the financial circumstances of the offending organisation. Regard should be had to the principles set out under at steps 3 and 4 below. Particular regard should be had to making the fine proportionate to the means of the organisation, sufficiently large to constitute appropriate punishment depending on the seriousness of the offence, and sufficient to bring home to the management and shareholders the need to comply with health and safety legislation.

<u>Organisations: Sale of knives etc by retailers to persons under 18</u>	At step 2: Very large organisation Where an offending organisation's turnover or equivalent very greatly exceeds the threshold for large organisations, it may be necessary to move outside the suggested range to achieve a proportionate sentence.	At step 2: Very large organisation Where an offending company's turnover or equivalent very greatly exceeds the threshold for large companies, courts should consider fines outside the range for large companies it may be necessary to move outside the suggested range to achieve a proportionate sentence. There is no precise level of turnover at which an organisation becomes "very large". In the case of most organisations it will be obvious if it either is or is not very large. In the case of very large organisations the appropriate sentence cannot be reached by merely applying a mathematical formula to the starting points and ranges for large organisations. In setting the level of fine for a very large organisation the court must consider the seriousness of the offence with reference to the culpability and harm factors above and the aggravating and mitigating factors below, the purposes of sentencing (including punishment and deterrence) and the financial circumstances of the offending organisation. Regard should be had to the principles set out under at step 3 below. Particular regard should be had to making the fine proportionate to the means of the organisation, sufficiently large to constitute appropriate punishment depending on the seriousness of the offence, and sufficient to bring home to the management and shareholders the need comply with the law.
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Organisations: Unauthorised or harmful deposit, treatment or disposal etc of waste/ Illegal discharges to air, land and water	At Step 4: Very large organisations Where a defendant company's turnover or equivalent very greatly exceeds the threshold for large companies, it may be necessary to move outside the suggested range to achieve a proportionate sentence.	At Step 4: Very large organisations Where an offending company's turnover or equivalent very greatly exceeds the threshold for large companies, courts should consider fines outside the range for large companies it may be necessary to move outside the suggested range to achieve a proportionate sentence. There is no precise level of turnover at which an organisation becomes "very large". In the case of most organisations it will be obvious if it either is or is not very large. In the case of very large organisations the appropriate sentence cannot be reached by merely applying a mathematical formula to the starting points and ranges for large organisations. In setting the level of fine for a very large organisation the court must consider the seriousness of the offence with reference to the culpability and harm factors above and the aggravating and mitigating factors below, the purposes of sentencing (including punishment and deterrence) and the financial circumstances of the offending organisation. Regard should be had to the principles set out under "General principles in setting a fine" above and at steps 5 to 7 below. Particular regard should be had to making the fine proportionate to the means of the organisation, sufficiently large to constitute appropriate punishment depending on the seriousness of the offence, and sufficient to bring home to the management and shareholders the need for regulatory compliance.
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Corporate manslaughter	At Step 2: Very large organisation Where an offending organisation's turnover or equivalent very greatly exceeds the threshold for large organisations, it may be necessary to move outside the suggested range to achieve a proportionate sentence.	At Step 2: Very large organisation Where an offending company's turnover or equivalent very greatly exceeds the threshold for large companies, courts should consider fines outside the range for large companies it may be necessary to move outside the suggested range to achieve a proportionate sentence. There is no precise level of turnover at which an organisation becomes "very large". In the case of most organisations it will be obvious if it either is or is not very large. In the case of very large organisations the appropriate sentence cannot be reached by merely applying a mathematical formula to the starting points and ranges for large organisations. In setting the level of fine for a very large organisation the court must consider the seriousness of the offence with reference to the culpability and harm factors above and the aggravating and mitigating factors below, the purposes of sentencing (including punishment and deterrence) and the financial circumstances of the offending organisation. Regard should be had to the principles set out at steps 3 and 4 below. Particular regard should be had to making the fine proportionate to the means of the organisation, sufficiently large to constitute appropriate punishment depending on the seriousness of the offence, and sufficient to bring home to the management and shareholders the need to achieve a safe environment for workers and members of the public affected by their activities.
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Unlawful act manslaughter	At step 3: 9. Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing.	At step 3: 9. Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see Criminal Practice Directions 9.3.3 Sentencing. It is for the offender to establish that the exceptional circumstances exist.
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Careless driving	
Previous wording	Revised wording as of 1 July 2025
Step 1 – Determining the offence category The Court should determine the offence category using the table below. Offence category Category 1 - Higher culpability and greater harm Category 2 - Higher culpability and lesser harm or lower culpability and greater harm Category 3 - Lower culpability and lesser harm	Step 1 – Determining the offence category 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. Culpability Where there are factors present from more than one category of culpability, the court should weigh those factors in order to decide which category most resembles the offender’s case. A Standard of driving was just below threshold for dangerous driving and/or includes extreme example of a culpability B factor

The court should determine the offender's culpability and the harm caused with reference only to the factors below. Where an offence does not fall squarely into a category, individual factors may require a degree of weighting before making an overall assessment and determining the appropriate offence category.

Culpability demonstrated by one or more of the following

Factors indicating higher culpability

- Excessive speed or aggressive driving
- Carrying out other tasks while driving
- Vehicle used for the carriage of heavy goods or for the carriage of passengers for reward
- Tiredness or driving whilst unwell
- Driving contrary to medical advice (including written advice from the drug manufacturer not to drive when taking any medicine)

Factors indicating lower culpability

- All other cases

Harm

Factors indicating greater harm

- Injury to others
- Damage to other vehicles or property
- High level of traffic or pedestrians in vicinity

Factors indicating lesser harm

- All other cases

B

- Unsafe manoeuvre or positioning
- Engaging in a brief but avoidable distraction
- Driving at a speed that is inappropriate for the prevailing road or weather conditions
- Driving impaired by consumption of alcohol and/or drugs
- Driving vehicle which is unsafe or where driver's visibility or controls are obstructed
- Driving impaired as a result of a known medical condition and/or in disregard of advice relating to the effects of medical condition or medication
- Driving when deprived of adequate sleep or rest
- The offender's culpability falls between the factors as described in culpability A and C

C

- Standard of driving was just over threshold for careless driving
- Momentary lapse of concentration

Harm

Category 1

- Offence results in injury to others
- Damage caused to vehicles or property

Category 2

- All other cases

Step 2 – Starting point and category range

Having determined the category at step one, the court should use the appropriate starting point to reach a sentence within the category range in the table below. The starting point applies to all offenders irrespective of plea or previous convictions.

Level of seriousness	Starting Point	Range	Disqualification/ points
Category 1	Band C fine	Band C fine	Consider disqualification OR 7 – 9 points
Category 2	Band B fine	Band B fine	5 – 6 points
Category 3	Band A fine	Band A fine	3 – 4 points

- **Must endorse and may disqualify. If no disqualification impose 3 – 9 points**

Fines [dropdown]

The court should then consider further adjustment for any aggravating or mitigating factors. The following is a **non-exhaustive** list of additional factual elements providing the context of the offence and factors relating to the offender. Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the sentence arrived at so far.

Factors increasing seriousness

Step 2 – Starting point and category range

Having determined the category at step one, the court should use the corresponding starting point to reach a sentence in the table below. The starting point applies to all offenders irrespective of plea or previous convictions.

An adjustment from the starting point, upwards or downwards, may then be necessary to reflect particular features of culpability and/or harm (for example, the presence of multiple factors within one category, the presence of factors from more than one category (where not already taken into account at step 1), or where a case falls close to a borderline between categories.).

For this offence the fine band given as the **starting point** also represents the **range**

Culpability			
Harm	A	B	C
Harm 1	Starting point Band D fine	Starting point Band C fine	Starting point Band B fine
Harm 2	Starting point Band C fine	Starting point Band B fine	Starting point Band A fine

Fines [dropdown]

- **Must endorse and may disqualify. If no disqualification impose 3 – 9 points**

Statutory aggravating factors • Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction • Offence committed whilst on bail Other aggravating factors 1. Failure to comply with current court orders 2. Offence committed on licence or post sentence supervision 3. Contravening a red signal at a level crossing Factors reducing seriousness or reflecting personal mitigation • No previous convictions or no relevant/recent convictions • Remorse • Positive character and/or exemplary conduct (regardless of previous convictions) Step 3 – Consider any factors which indicate a reduction, such as assistance to the prosecution The court should take into account section 74 of the Sentencing Code (reduction in sentence for assistance to prosecution) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator. Step 4 – Reduction for guilty pleas	<table border="1"> <thead> <tr> <th>Culpability level</th><th>Disqualification/points</th></tr> </thead> <tbody> <tr> <td>A</td><td>Consider disqualification OR 7 – 9 points</td></tr> <tr> <td>B</td><td>5 – 6 points OR Consider disqualification of up to 56 days</td></tr> <tr> <td>C</td><td>3 – 4 points</td></tr> </tbody> </table> See Step 6 for more information on driving disqualification The table below contains a non-exhaustive list of additional factual elements providing the context of the offence and factors relating to the offender. Identify whether any combination of these, or other relevant factors, should result in a further upward or downward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range. Factors increasing seriousness Statutory aggravating factors: • Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction • Offence committed whilst on bail Other aggravating factors: • Offence committed in the vicinity of vulnerable road users, including pedestrians, cyclists, horse riders, motorcyclists • Driving for commercial purposes • Driving a goods vehicle, PSV etc • Other driving offences committed at the same time as the careless driving • Blame wrongly placed on others	Culpability level	Disqualification/points	A	Consider disqualification OR 7 – 9 points	B	5 – 6 points OR Consider disqualification of up to 56 days	C	3 – 4 points
Culpability level	Disqualification/points								
A	Consider disqualification OR 7 – 9 points								
B	5 – 6 points OR Consider disqualification of up to 56 days								
C	3 – 4 points								

The court should take account of any potential reduction for a guilty plea in accordance with [section 73 of the Sentencing Code](#) and the [Reduction in Sentence for a Guilty Plea](#) guideline.

Step 5 – Totality principle

If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the overall offending behaviour in accordance with the [Totality](#) guideline.

Step 6 – Compensation and ancillary orders

In all cases, the court should consider whether to make [compensation](#) and/or other [ancillary orders](#), including [disqualification from driving](#).

Where the offence has resulted in personal injury, loss or damage the court must give reasons if it decides not to order compensation ([Sentencing Code, s.55](#)).

- [Ancillary orders – Magistrates' Court](#)

Step 7 – Reasons

[Section 52 of the Sentencing Code](#) imposes a duty to give reasons for, and explain the effect of, the sentence.

- Failed to stop and/or obstructed or hindered attempts to assist at the scene
- Passengers in the offender's vehicle, including children
- Vehicle poorly maintained
- Offence committed on licence or while subject to court order(s)

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions or no relevant/recent convictions
- Good driving record
- Actions of the victim or a third party contributed significantly to collision
- Offence due to inexperience rather than irresponsibility (where offender qualified to drive)
- Genuine emergency
- Efforts made to assist or seek assistance for victim(s)
- Remorse

Step 3 – Consider any factors which indicate a reduction for assistance to the prosecution

The court should take into account [section 74 of the Sentencing Code](#) (reduction in sentence for assistance to prosecution) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator.

Step 4 – Reduction for guilty pleas

The court should take account of any potential reduction for a guilty plea in accordance with [section 73 of the Sentencing Code](#) and the [Reduction in Sentence for a Guilty Plea](#) guideline.

Step 5 – Totality principle

	If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the overall offending behaviour in accordance with the Totality guideline. Step 6 – Disqualification, compensation and ancillary orders In all cases the court should consider whether to make compensation and/or other ancillary orders. • Ancillary orders – Magistrates' Court
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Motoring offences appropriate for imposition of fine or discharge

Previous wording

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Offence	Maximum	Points	Starting point	Special considerations
Drive otherwise than in accordance with licence (where could be covered) (Road Traffic Act 1988, s.87(1))	L3	–	A	

Revised wording as of 1 June 2025

Add:				
Offence	Maximum	Points	Starting point	Special considerations
Using or keeping heavy goods vehicle if levy not paid (HGV Road User Levy Act 2013, s.11)	L5	–	B (driver) B* (owner-driver) C (owner-company)	

Offence	Maximum	Points	Starting point	Special considerations
Drive otherwise than in accordance with licence (where could be covered*) (Road Traffic Act 1988, s.87(1))	L3	–	A	* This applies where the offender's driving would have been in accordance with any licence that could have been granted to them

Revenue Fraud	
Previous wording	Revised wording as of 1 June 2025
In the header: Fraudulent evasion of VAT; False statement for VAT purposes; Conduct amounting to an offence, Value Added Tax Act 1994 (section 72) Fraudulent evasion of income tax, Taxes Management Act 1970 (section 106A) Fraudulent evasion of excise duty; Improper importation of goods, Customs and Excise Management Act 1979 (sections 50, 170 and 170B) Triable either way Maximum: 7 years' custody Note: for offences committed on or after February 22, 2024 the statutory maximum has increased from 7 to 14 years' custody. The guideline has not yet been updated to reflect this change Offence range: Band C fine – 6 years and 6 months' custody	In the header: Fraudulent evasion of VAT; False statement for VAT purposes; Conduct amounting to an offence, Value Added Tax Act 1994 (section 72) Fraudulent evasion of income tax, Taxes Management Act 1970 (section 106A) Fraudulent evasion of excise duty; Improper importation of goods, Customs and Excise Management Act 1979 (sections 50, 170 and 170B) Triable either way Maximum: 14 years' custody. Note: for offences committed before 22 February 2024 the statutory maximum is 7 years' custody. Offence range: Band C fine – 13 year's custody
At step 2: Table 2 Section 17 Theft Act 1968: False Accounting Maximum: 7 years' custody Section 72(1) Value Added Tax Act 1994: Fraudulent evasion of VAT Section 72(3) Valued Added Tax Act 1994: False statement for VAT purposes	At step 2: Table 2 Section 17 Theft Act 1968: False Accounting Maximum: 7 years' custody Table 2: Revenue Fraud – False accounting

Section 72(8) Value Added Tax Act 1994: Conduct amounting to an offence Section 106(a) Taxes Management Act 1970: Fraudulent evasion of income tax Section 170(1)(a)(i), (ii), (b), 170(2)(a), 170B Customs and Excise Management Act 1979: Fraudulent evasion of excise duty Section 50(1)(a), (2) Customs and Excise Management Act 1979: Improper importation of goods Maximum: 7 years' custody Note: for offences committed on or after February 22, 2024 the statutory maximum has increased from 7 to 14 years' custody. The guideline has not yet been updated to reflect this change Table 2: Revenue Fraud - other revenue fraud offences	
	Add at step 2: Table 4 Section 72(1) Value Added Tax Act 1994: Fraudulent evasion of VAT Section 72(3) Valued Added Tax Act 1994: False statement for VAT purposes Section 72(8) Value Added Tax Act 1994: Conduct amounting to an offence Section 106(a) Taxes Management Act 1970: Fraudulent evasion of income tax Section 170(1)(a)(i), (ii), (b), 170(2)(a), 170B Customs and Excise Management Act 1979: Fraudulent evasion of excise duty Section 50(1)(a), (2) Customs and Excise Management Act 1979: Improper importation of goods Maximum: 14 years' custody

	Note: for offences committed before 22 February 2024 the maximum is 7 years' custody			
	Table 4: Revenue Fraud - other revenue fraud offences			
At step 2:	Culpability			
	Harm	A	B	C
	Category 1 £50 million or more Starting point based on £80 million	Starting point 11 years' custody	Starting point 7 years' custody	Starting point 5 years' custody
		Category range 9 – 13 years' custody	Category range 6 – 11 years' custody	Category range 4 – 7 years' custody
	Category 2 £10 million–£50 million Starting point based on £30 million	Starting point 9 years' custody	Starting point 6 years' custody	Starting point 4 years' custody
		Category range 7 – 11 years' custody	Category range 5 – 9 years' custody	Category range 3 – 6 years' custody
	Category 3 £2 million–£10 million Starting point based on £5 million	Starting point 7 years' custody	Starting point 5 years' custody	Starting point 3 years' custody
		Category range 5 – 9 years' custody	Category range 4 – 7 years' custody	Category range 2 – 5 years' custody

	Category 4 £500,000 – £2 million Starting point based on £1 million	Starting point 5 years 6 months' custody	Starting point 4 years' custody	Starting point 2 years 6 months' custody
		Category range 4 years' – 6 years 6 months' custody	Category range 2 years 6 months' – 5 years' custody	Category range 1 year 3 months' – 3 years 6 months' custody
	Category 5 £100,000 – £500,000 Starting point based on £300,000	Starting point 4 years' custody	Starting point 2 years 6 months' custody	Starting point 1 year 3 months' custody
		Category range 2 years 6 months' – 5 years' custody	Category range 1 year 3 months' – 3 years 6 months' custody	Category range 26 weeks' – 2 years 6 months' custody
	Category 6 £20,000 – £100,000 Starting point based on £50,000	Starting point 2 years 6 months' custody	Starting point 1 year 3 months' custody	Starting point High level community order
		Category range 1 year 3 months' – 3 years 6 months' custody	Category range High level community order – 2 years 6 months' custody	Category range Low level community order – 36 weeks' custody
	Category 7 Less than £20,000	Starting point 1 year 3 months' custody	Starting point 26 weeks' custody	Starting point Medium level community order

	Starting point based on £12,500	Category range 26 weeks' – 2 years 6 months' custody	Category range Medium level community order – 1 year 3 months' custody	Category range Band C fine – High level community order
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Allocation	
Previous wording	Revised wording as of 1 June 2025
Guideline title: Allocation	Guideline title: Allocation and committal for sentence
Venue for trial It is important to ensure that all cases are tried at the appropriate level. - In general, either way offences should be tried summarily unless: - the outcome would clearly be a sentence in excess of the court's powers for the offence(s) concerned after taking into account personal mitigation and any potential reduction for a guilty plea; or - for reasons of unusual 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. Other circumstances where this exception will apply are likely to be rare and case specific; the court will rely on the submissions of the parties to identify relevant cases. - In cases with no factual or legal complications the court should bear in mind its power to commit for sentence after a trial and may retain	Venue for trial It is important to ensure that all cases are tried at the appropriate level. - In general, either way offences should be tried summarily unless: - the outcome would clearly be a sentence in excess of the court's powers for the offence(s) concerned after taking into account personal mitigation and any potential reduction for a guilty plea; or - for reasons of unusual 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 (see CPD 5.16 and 5.9.5). Other circumstances where this exception will apply are likely to be rare and case specific; the court will rely on the submissions of the parties to identify relevant cases. - In cases with no factual or legal complications the court should bear in mind its power to commit for sentence after a trial and may retain

jurisdiction notwithstanding that the likely sentence might exceed its powers. 3. Cases may be tried summarily even where 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 (if any) 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, including any personal mitigation to which the defence wish to refer. 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, if the defendant consents to summary trial and is convicted by the court or pleads guilty, the defendant may be committed to the Crown Court for sentence.	jurisdiction notwithstanding that the likely sentence might exceed its powers. 3. Cases may be tried summarily even where the defendant is subject to a Crown Court suspended sentence order or community order. (The power to commit the case to the Crown Court to be dealt with under para 11(2) of Schedule 16 or para 24 of Schedule 10 to the Sentencing Code can be exercised if the defendant is convicted.) 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 (if any) 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, including any personal mitigation to which the defence wish to refer. 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, if the defendant consents to summary trial and is convicted by the court or pleads guilty, the defendant may be committed to the Crown Court for sentence.
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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 the offence and one or more offences associated with it was so serious that the Crown Court should 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 the Crown Court for sentence.³

The court should refer to any definitive guideline to arrive at the appropriate sentence taking into account all of the circumstances of the case including personal mitigation and the appropriate guilty plea reduction.

In borderline cases the court should consider obtaining a pre-sentence report before deciding whether to commit to the Crown Court for sentence.

Where the offending is so serious that the court is of the opinion that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order, if that is the sentence passed).

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 the offence and one or more offences associated with it was so serious that the Crown Court should have the power to deal with the offender in any way it could deal with him if he had been convicted on indictment' ([Sentencing Code s.14](#)).

In cases involving very large fines the court should have regard to the relevant practice direction ([CPD 5.16 and 5.9.5](#)).

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 the Crown Court for sentence (Magistrates' Courts Act 1980, [s.22](#) and [Sch. 2](#))

The court should refer to any definitive guideline to arrive at the appropriate sentence taking into account all of the circumstances of the case including personal mitigation and the appropriate guilty plea reduction.

In borderline cases the court should consider obtaining a pre-sentence report before deciding whether to commit to the Crown Court for sentence.

Where the offending is so serious that the court is of the opinion that the Crown Court should have the power to deal with the offender, the case should be committed to the Crown Court for sentence even if a community order may be the appropriate sentence (this will allow the Crown Court to deal with any breach of a community order or offence committed during such an order, if that is the sentence passed).

Footnotes: Notes 1. The power to commit the case to the Crown Court to be dealt with under para 11(2) of Schedule 16 or para 24 of Schedule 10 to the Sentencing Code can be exercised if the defendant is convicted. 2. Sentencing Code s.14. 3. Magistrates' Courts Act 1980, s.3(4) and s.22.	[Delete footnotes]
	Add annex [not part of the guideline]

Totality		
Previous wording	Revised wording as of 1 June 2025	
	Specific applications – custodial sentences In the 'Existing determinate sentence, where determinate sentence to be passed' dropdown Add:	
	Circumstance	Approach
	Offender subject to an existing community order imposed by a	If an offender, in respect of whom a community order made by a magistrates' court is in force, is convicted by a magistrates' court of an additional offence, the magistrates' court should ordinarily revoke the previous community order and sentence afresh for both the original and the additional offence (see below under non-custodial sentences for further guidance).

	magistrates' court	When sentencing both the original offence and the new offence the sentencing court should consider the overall seriousness of the offending behaviour taking into account the additional offence and the original offence. The court should consider whether the combination of associated offences is sufficiently serious to justify a custodial sentence. The court must take into account the extent to which the offender complied with the requirements of the community order.
	Offender subject to an existing community order imposed by the Crown Court	Where an offender, in respect of whom a community order made by the Crown Court is in force, is convicted by a magistrates' court, the magistrates' court may, and ordinarily should, commit the offender to the Crown Court, in order to allow the Crown Court to re-sentence for the original offence. The magistrates' court may also commit the new offence to the Crown Court for sentence where there is a power to do so. Where the magistrates' court has no power to commit the new offence it should sentence the new offence and commit the offender to the Crown Court to be re-sentenced for the original offence. When sentencing both the original offence and the new offence the sentencing court should consider the overall seriousness of the offending behaviour taking into account the additional offence and the original offence. The court should consider whether the combination of associated offences is sufficiently serious to justify a custodial sentence. The court must

			take into account the extent to which the offender complied with the requirements of the community order.
Specific applications – non-custodial sentences In the ‘Community orders’ dropdown		Specific applications – non-custodial sentences In the ‘Community orders’ dropdown	
Community orders		Community orders	
Circumstance	Approach	Circumstance	Approach
Offender convicted of an offence while serving a community order	The power to deal with the offender depends on the offender being convicted while the order is still in force; it does not arise where the order has expired, even if the additional offence was committed while it was still current. (Paragraphs 22 and 25 of Schedule 10 to the Sentencing Code) Community order imposed by magistrates’ court If an offender, in respect of whom a community order made by a magistrates’ court is in force, is convicted by a magistrates’ court of an additional offence, the magistrates’ court should ordinarily revoke the previous community order and sentence afresh for both the original and the additional offence. Community order imposed by the Crown Court Where an offender, in respect of whom a community order made by the Crown Court is in force, is convicted by a magistrates’ court, the magistrates’ court may, and ordinarily should, commit the offender to the Crown Court, in order to allow the Crown Court to re-sentence for the original offence. The magistrates’ court may also commit the new	Offender convicted of an offence while serving a community order	The power to deal with the offender depends on the offender being convicted while the order is still in force; it does not arise where the order has expired, even if the additional offence was committed while it was still current. (Paragraphs 22 and 25 of Schedule 10 to the Sentencing Code) Community order imposed by magistrates’ court If an offender, in respect of whom a community order made by a magistrates’ court is in force, is convicted by a magistrates’ court of an additional offence, the magistrates’ court should ordinarily revoke the previous community order and sentence afresh for both the original and the additional offence (see below for further guidance). Community order imposed by the Crown Court Where an offender, in respect of whom a community order made by the Crown Court is in force, is convicted by a magistrates’ court, the magistrates’ court may, and ordinarily should, commit the offender to the Crown Court, in order to allow the Crown Court to re-sentence for the original offence. The magistrates’ court may also commit the new

	offence to the Crown Court for sentence where there is a power to do so. Where the magistrates' court has no power to commit the new offence it should sentence the new offence and commit the offender to the Crown Court to be re-sentenced for the original offence. When sentencing both the original offence and the new offence the sentencing court should consider the overall seriousness of the offending behaviour taking into account the additional offence and the original offence. The court should consider whether the combination of associated offences is sufficiently serious to justify a custodial sentence. If the court does not consider that custody is necessary, it should impose a single community order that reflects the overall totality of criminality. The court must take into account the extent to which the offender complied with the requirements of the previous order.		offence to the Crown Court for sentence where there is a power to do so. Where the magistrates' court has no power to commit the new offence it should sentence the new offence and commit the offender to the Crown Court to be re-sentenced for the original offence. When sentencing both the original offence and the new offence the sentencing court should consider the overall seriousness of the offending behaviour taking into account the additional offence and the original offence. The court should consider whether the combination of offences is sufficiently serious to justify a custodial sentence. If the court does not consider that custody is necessary, it should impose identical community orders for each offence to run concurrently that reflect the totality of the overall criminality. The court must take into account the extent to which the offender complied with the requirements of the previous order. Where the offender was subject to an unpaid work requirement on the earlier order, the number of hours remaining to be completed on that requirement should ordinarily be added to the number of hours of unpaid work the court would impose for the new offence. If the aggregate number of hours would exceed 300 (which cannot be exceeded in the new order), the court should consider imposing a further punitive requirement (or a fine) in addition to unpaid work. In all cases the court must ensure that requirements imposed are the most suitable for the offender – see

	the Imposition of community and custodial sentences guideline. While it is generally preferable to revoke any earlier order, there may be situations where for reasons of continuity it would be helpful to allow an existing order to continue alongside a new order. It is not unlawful for the court to leave the existing community order running and impose a new community order even if the aggregate number of hours of unpaid work exceeded 300. However, it will be generally undesirable to make an order which imposes an unpaid work requirement which means that the aggregate number of unpaid work hours is significantly greater.
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Sentencing Children and Young People	
Previous wording	Revised wording as of 1 June 2025
	Before Section one: General approach add: Note: This guideline applies to sentencing those aged under 18 at the date of finding of guilt, but many of the principles will also be relevant to sentencing young adults (aged 18-25). Where an offender has turned 18 between the commission of the offence and conviction, the court should take as its starting point the sentence likely to have been imposed on the date at which the offence was committed, but applying the purposes of sentencing adult offenders. The expanded explanation of the mitigating factor 'Age and/or lack of maturity' should also be considered. See paragraphs 6.1 to 6.3 below.

Domestic abuse – see list of relevant guidelines below

Add aggravating factor of:

- Offence committed in a domestic abuse context

With expanded explanation:

Care should be taken to avoid double counting factors including those already taken into account in assessing culpability or harm or those inherent in the offence

Refer to the [Domestic abuse - overarching principles](#) guideline

Guideline step – Consider any factors which indicate a reduction, such as assistance to the prosecution

Add the following information in a drop down:

Guidance on the effect of providing assistance to law enforcement authorities on sentencing

Case law has established that there are no inflexible rules as to the method by which any reduction should be assessed nor the amount of the reduction. It will be a fact specific decision in each case. The rationale for making a reduction is the same whether the statutory procedure or the common law “text” procedure has been engaged. In principle, there is no reason to distinguish between the two procedures in terms of the extent of the reduction which is made. See also the relevant Criminal Procedure Rules: [CPR 28.11](#) (statutory procedure) [CPR 28.12](#) (text procedure).

The following sequence of matters for a sentencing court to consider reflects case law:

1. The court should assess the seriousness of the offences being sentenced following any relevant sentencing guidelines.
2. The court should then consider the quality and quantity of the material provided by the offender in the investigation and subsequent prosecution of crime. The court should take into account the period of time over which the information was provided and the seriousness of the offending to which it relates. Particular value should be attached to those cases where the offender provides evidence in the form of a witness statement or is prepared to give evidence at any subsequent trial, especially where the information either produces convictions for the most serious offences, or prevents them, or which leads to disruption of major criminal networks. In cases where it is too early to say what impact the information will have, the Court should take into account the potential value of the information provided.

3. This consideration should be made in the context of the nature and extent of the personal risks to, and potential consequences faced by, the offender and members of the offender's family.
4. A guilty plea is not an essential prerequisite of the making of a reduction for information and assistance provided, but contesting guilt may be one of the factors relevant to the extent of the reduction made for that assistance. The extent to which an offender has been prepared to admit the full extent of their criminality is relevant to the level of the reduction.
5. Any reduction for a guilty plea is separate from and additional to the appropriate reduction for assistance provided by the offender. The reduction for the assistance provided by the offender should be assessed first to arrive at a notional sentence and any guilty plea reduction applied to that notional sentence.
6. A mathematical approach to determining the level of reduction for assistance to the authorities is liable to produce an inappropriate answer – the totality principle is fundamental.
7. Where the statutory procedure applies, the court should take into account that this requires offenders to reveal the whole of their previous criminal activities which will often entail pleading guilty to offences which the offender would never otherwise have faced.
8. An informer can generally only expect to receive credit once for past information or assistance, and for that reason the court should be notified whether particular information and assistance has been taken into account in imposing a previous sentence or when making an application to the Parole Board.
9. The court should enquire whether an offender has received payment for assistance provided and if so, how much. Financial reward and a reduction in sentence are complementary means of incentivising the disclosure of the criminal activities of others and therefore a financial reward, unless exceptionally generous, should play only a small, if any, part in the sentencer's decision.
10. The totality principle is critical in the context of an offender who is already serving a sentence, and who enters into an agreement to provide information which discloses previous criminal activities and comes before the court to be sentenced for the new crimes, as well as for a review of the original sentence (under section 388 of the Sentencing Code).
11. Where an offender has committed serious crimes, neither the statutory nor common law process provide immunity from punishment, and, subject to appropriate reductions, an appropriate sentence should be passed. By providing assistance to the authorities the offender is entitled to a reduction from the sentence which would otherwise be appropriate to reflect the assistance provided to the administration of justice, and to encourage others to do the same.
12. It is only in the most exceptional case that the appropriate level of reduction would exceed three quarters of the total sentence which would otherwise be passed. The normal level for the provision of valuable information will be a reduction of somewhere between one half and two thirds of that sentence.
13. In cases where the information provided was of limited value, the reduction may be less than one half and where the information given is unreliable, vague, lacking in practical utility or already known to the authorities, any reduction made will be minimal.
14. The risk to an offender who provides information, and the importance of the public interest in encouraging criminals to inform on other criminals, will often mean that the court will not be able to make any explicit reference to the provision of information or the reduction of the sentence on that ground. The duty to give reasons for the sentence will be discharged in such cases by the judge stating that the court has considered all the matters of mitigation which have been brought to its attention. See also [CPR 28.12\(4\)](#).

Guidelines affected by addition of information on assistance to the prosecution or the domestic abuse aggravating factor

Key

Pros = Assistance to the prosecution dropdown added

DA agg = Domestic abuse aggravating factor added

Offence guidelines	Pros	DA agg
Abstracting electricity	Step 3	
Abuse of position of trust: sexual activity in the presence of a child/ Abuse of position of trust: causing a child to watch a sexual act	Step 3	
Abuse of position of trust: sexual activity with a child/ Abuse of position of trust: causing or inciting a child to engage in sexual activity	Step 3	
Administering a substance with intent	Step 3	✓
Affray	Step 3	
Aggravated burglary	Step 4	✓
Aggravated vehicle taking – damage caused to vehicle or other property	Step 3	
Aggravated vehicle taking – dangerous driving	Step 3	
Aggravated vehicle taking – death caused	Step 3	
Aggravated vehicle taking – injury caused	Step 3	
Alcohol sale offences (Revised 2017)	Step 3	
Animal cruelty	Step 3	
Arranging or facilitating the commission of a child sex offence		
Arson (criminal damage by fire)	Step 3	
Arson/criminal damage with intent to endanger life or reckless as to whether life endangered	Step 3	
Assault by penetration	Step 3	

Assault occasioning actual bodily harm / Racially or religiously aggravated ABH	Step 4	
Assault of a child under 13 by penetration	Step 3	
Assault with intent to resist arrest	Step 3	
Attempted murder	Step 3	
Being in charge of a motor vehicle with a specified drug above the specified limit	Step 3	
Benefit Fraud	Step 3	
Blackmail	Step 3	
Bladed articles and offensive weapons - having in a public place	Step 4	✓
Bladed articles and offensive weapons - threats	Step 4	✓
Breach of a criminal behaviour order	Step 3	✓
Breach of a protective order (restraining and non-molestation orders)	Step 3	✓
Breach of a sexual harm prevention order	Step 3	
Breach of disqualification from acting as a director	Step 3	
Breach of disqualification from keeping an animal	Step 3	
Bribery	Step 3	
Care workers: sexual activity in the presence of a person with a mental disorder/ Care workers: causing a person with a mental disorder to watch a sexual act	Step 3	
Care workers: sexual activity with a person with a mental disorder/ Care workers: causing or inciting sexual activity	Step 3	
Careless Driving (drive without due care and attention) (Revised 2017)	Step 3	
Causing a person to engage in sexual activity without consent	Step 3	
Causing death by careless driving whilst under the influence of drink or drugs/ Causing death by careless driving when under the influence of drink or drugs or having failed either to provide a specimen for analysis or to permit analysis of a blood sample	Step 3	
Causing death by careless or inconsiderate driving	Step 3	

Causing death by dangerous driving	Step 3	
Causing death by driving: unlicensed or uninsured drivers	Step 3	
Causing death by driving; disqualified drivers	Step 3	
Causing grievous bodily harm with intent to do grievous bodily harm / Wounding with intent to do GBH	Step 3	
Causing injury by wanton or furious driving	Step 3	
Causing or allowing a child to suffer serious physical harm/ Causing or allowing a child to die	Step 3	
Causing or inciting a child under 13 to engage in sexual activity	Step 3	
Causing or inciting prostitution for gain/ Controlling prostitution for gain	Step 3	✓
Causing or inciting sexual exploitation of a child/ Controlling a child in relation to sexual exploitation/ Arranging or facilitating sexual exploitation of a child	Step 3	
Causing serious injury by careless or inconsiderate driving	Step 3	
Causing serious injury by dangerous driving	Step 3	
Causing serious injury by driving: disqualified drivers	Step 3	
Child sex offences committed by children or young persons (sections 9-12) (offender under 18)/ Sexual activity with a child family member (offender under 18)/ Inciting a child family member to engage in sexual activity (offender under 18)		
Collection of terrorist information	Step 3	
Committing an offence with intent to commit a sexual offence		✓*
Common assault / Racially or religiously aggravated common assault/ Battery/ Common assault on emergency worker	Step 4	
Communication network offences (Revised 2017)	Step 3	
Controlling or coercive behaviour in an intimate or family relationship	Step 3	
Corporate manslaughter	Step 5	
Corporate offenders: fraud, bribery and money laundering	Step 6	

*For this guideline a link to the domestic abuse guideline has been added

Criminal damage (other than by fire) value exceeding £5,000/ Racially or religiously aggravated criminal damage	Step 4	
Criminal damage (other than by fire) value not exceeding £5,000/ Racially or religiously aggravated criminal damage	Step 4	
Cruelty to a child – assault and ill treatment, abandonment, neglect, and failure to protect	Step 3	
Dangerous driving	Step 3	
Disclosing or threatening to disclose private sexual images	Step 3	
Disorderly behaviour with intent to cause harassment, alarm or distress/ Racially or religiously aggravated disorderly behaviour with intent to cause harassment, alarm or distress	Step 4	
Disorderly behaviour/ Racially or religiously aggravated disorderly behaviour	Step 4	
Domestic burglary	Step 4	✓
Drive whilst disqualified (Revised 2017)	Step 3	
Driving or Attempting to Drive with a specified drug above the specified limit	Step 3	
Drugs – class A – fail to attend/remain for initial assessment	Step 3	
Drugs – class A – fail/refuse to provide a sample	Step 3	
Drunk and disorderly in a public place (Revised 2017)	Step 3	
Encouragement of terrorism	Step 3	
Engaging in sexual activity in the presence of a child/ Causing a child to watch a sexual act	Step 3	
Engaging in sexual activity in the presence of a person with mental disorder impeding choice/ Causing a person, with mental disorder impeding choice, to watch a sexual act	Step 3	✓
Engaging in sexual activity in the presence procured by inducement, threat or deception, of a person with mental disorder/ Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception	Step 3	✓
Excess Alcohol (drive/attempt to drive) (Revised 2017)	Step 3	
Excess Alcohol (in charge) (Revised 2017)	Step 3	

Explosive substances (terrorism only)	Step 4	
Exposure	Step 3	
Fail to comply with notification requirements	Step 3	
Fail to provide specimen for analysis (drive/attempt to drive) (Revised 2017)	Step 3	
Fail to provide specimen for analysis (in charge) (Revised 2017)	Step 3	
Fail to stop/report road accident (Revised 2017)	Step 3	
Failing to protect girl from risk of genital mutilation	Step 3	
Failure to disclose information about acts of terrorism	Step 3	
Failure to ensure animal welfare	Step 3	
Failure to surrender to bail	Step 3	
Firearms – Carrying in a public place	Step 4	✓
Firearms – Importation	Step 3	
Firearms – Possession by person prohibited	Step 3	✓
Firearms – Possession of prohibited weapon	Step 4	✓
Firearms – Possession with intent – other offences	Step 4	✓
Firearms – Possession with intent to cause fear of violence	Step 4	✓
Firearms – Possession with intent to endanger life	Step 4	✓
Firearms – Possession without certificate	Step 3	✓
Firearms – Transfer and manufacture	Step 4	
Football related offences (Revised 2017)	Step 3	
Fraud	Step 3	
Fraudulent evasion of a prohibition by bringing into or taking out of the UK a controlled drug	Step 4	
Funding terrorism	Step 3	
Going equipped for theft or burglary	Step 3	
Gross negligence manslaughter	Step 3	
Handling stolen goods	Step 3	

Harassment (fear of violence)/ Stalking (fear of violence)/ Racially or religiously aggravated harassment (fear of violence)/stalking (fear of violence)	Step 3	
Harassment/ Stalking/ Racially or religiously aggravated harassment/stalking	Step 3	
Importing or exporting a psychoactive substance	Step 3	
Individuals: Breach of duty of employer towards employees and non-employees/ Breach of duty of self-employed to others/ Breach of duty of employees at work/ Breach of Health and Safety regulations/ Secondary liability	Step 4	
Individuals: Breach of food safety and food hygiene regulations	Step 4	
Individuals: Sale of knives etc by retailers to persons under 18	Step 4	
Individuals: Trade mark, unauthorised use of etc.	Step 3	
Individuals: Unauthorised or harmful deposit, treatment or disposal etc of waste/ Illegal discharges to air, land and water	Step 7	
Inducement, threat or deception to procure sexual activity with a person with a mental disorder/ Causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception	Step 3	
Inflicting grievous bodily harm/ Unlawful wounding/ Racially or religiously aggravated GBH/ Unlawful wounding	Step 4	
Keeping a brothel used for prostitution	Step 3	
Kidnap/ False Imprisonment	Step 3	
Making Off Without Payment	Step 3	
Manslaughter by reason of diminished responsibility	Step 6	
Manslaughter by reason of loss of control	Step 3	
Meeting a child following sexual grooming	Step 3	
Money laundering	Step 3	
No insurance (Revised 2017)	Step 3	
Non-domestic burglary	Step 3	✓
Obstruct/ resist a police constable in execution of duty (Revised 2017)	Step 3	

Organisations: Breach of duty of employer towards employees and non-employees/ Breach of duty of self-employed to others/ Breach of Health and Safety regulations	Step 5	
Organisations: Breach of food safety and food hygiene regulations	Step 5	
Organisations: Sale of knives etc by retailers to persons under 18	Step 4	
Organisations: Trade mark, unauthorised use of etc.	Step 6	
Organisations: Unauthorised or harmful deposit, treatment or disposal etc of waste/ Illegal discharges to air, land and water	Step 8	
Owner or person in charge of a dog dangerously out of control in any place in England or Wales (whether or not a public place)	Step 3	
Owner or person in charge of a dog dangerously out of control in any place in England or Wales (whether or not a public place) where a person is injured	Step 3	
Owner or person in charge of a dog dangerously out of control in any place in England or Wales (whether or not a public place) where an assistance dog is injured or killed	Step 3	
Owner or person in charge of a dog dangerously out of control in any place in England or Wales (whether or not a public place) where death is caused	Step 3	
Paying for the sexual services of a child	Step 3	
Permitting premises to be used	Step 4	
Perverting the course of justice	Step 3	
Possession for terrorist purposes	Step 3	
Possession of a controlled drug	Step 3	
Possession of a prohibited dog/ Breeding, selling, exchanging or advertising a prohibited dog	Step 3	
Possession of articles for use in frauds/ Making or supplying articles for use in frauds	Step 3	
Possession of indecent photograph of child/ Indecent photographs of children	Step 3	

Preparation of terrorist acts	Step 4	
Producing a psychoactive substance	Step 3	
Production of a controlled drug / Cultivation of cannabis plant	Step 4	
Proscribed organisations - membership	Step 3	
Proscribed organisations - support	Step 3	
Racial hatred offences/ Hatred against persons on religious grounds or grounds of sexual orientation	Step 3	
Railway fare evasion (Revised 2017)	Step 3	
Rape	Step 3	
Rape of a child under 13	Step 3	
Revenue fraud	Step 3	
Riot	Step 3	
Robbery – dwelling	Step 3	✓
Robbery – professionally planned commercial	Step 3	
Robbery – Sentencing children and young people	Step 3	
Robbery – street and less sophisticated commercial	Step 3	
School non-attendance (Revised 2017)	Step 3	
Sex with an adult relative: penetration/ Sex with an adult relative: consenting to penetration	Step 3	
Sexual activity in a public lavatory	Step 3	
Sexual activity with a child family member/ Inciting a child family member to engage in sexual activity	Step 3	
Sexual activity with a child/ Causing or inciting a child to engage in sexual activity	Step 3	
Sexual activity with a person with a mental disorder impeding choice/ Causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity	Step 3	
Sexual assault	Step 3	

Sexual assault of a child under 13	Step 3	
Sexual communication with a child	Step 3	
Sexual offences – Sentencing children and young people		
Slavery, servitude and forced or compulsory labour/ Human trafficking	Step 3	
Speeding (Revised 2017)	Step 3	
Strangulation or suffocation / Racially or religiously aggravated strangulation or suffocation	Step 4	
Supplying or offering to supply a controlled drug/ Possession of a controlled drug with intent to supply it to another	Step 4	
Supplying or offering to supply a psychoactive substance/ Possession of psychoactive substance with intent to supply	Step 3	
Taxi touting/soliciting for hire (Revised 2017)	Step 3	
Theft - general	Step 3	✓
Theft from a shop or stall	Step 3	
Threatening behaviour – fear or provocation of violence/ Racially or religiously aggravated threatening behaviour – fear or provocation of violence	Step 4	
Threats to destroy or damage property	Step 3	
Threats to kill	Step 3	
Trespass with intent to commit a sexual offence	Step 3	✓
TV licence payment evasion (Revised 2017)	Step 3	
Unfit through drink or drugs (drive/ attempt to drive) (Revised 2017)	Step 3	
Unfit through drink or drugs (in charge) (Revised 2017)	Step 3	
Unlawful act manslaughter	Step 4	
Vehicle interference (Revised 2017)	Step 3	
Vehicle registration fraud	Step 3	
Vehicle taking, without consent (Revised 2017)	Step 3	
Violent disorder	Step 3	
Voyeurism	Step 3	✓

Witness intimidation	Step 3	
Overarching guideline		
General guideline	Step 3	

