

**Sentencing Council meeting:**  
**Paper number:**  
**Lead Council member:**  
**Lead official:**

**17 December 2021**  
**SC(21)DEC05 – Animal Cruelty**  
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## **1 ISSUE**

1.1 Agreeing updates to the guideline for offences committed under section 9 of the Animal Welfare Act 2006 (breach of duty of person responsible for animal to ensure welfare). These arise as a consequence of the revision to the animal cruelty guidelines, following the increase in maximum penalty for other offences under that Act from six months' to five years' imprisonment.

## **2 RECOMMENDATIONS**

2.1 That Council:

- agree the revisions to the section 9 guideline;
- confirm the revisions agreed at November's meeting to the animal cruelty guidelines.

## **3 CONSIDERATION**

3.1 The offence of breach of a duty to ensure animal welfare (set out in full at **Annex A**) has remained a summary only offence with a maximum of six months' imprisonment. Its guideline is currently part of the overall animal cruelty guideline which we are revising to reflect the new maximum penalty for other animal cruelty offences (causing unnecessary suffering, mutilation, tail docking, poisoning and fighting).

3.2 Like all animal welfare offences, section 9 is relatively low volume. There were around 50 offenders sentenced for this offence as the principal offence in 2020. These figures are affected no doubt by the pandemic, but even in 2018 and 2019 there were only around 160 and 140 offenders sentenced, respectively.

3.3 Given this offence alone is remaining summary only, I believe it makes most sense to retain a separate magistrates' guideline for section 9, without the need for substantial changes (it was most recently revised in 2017), but with a few necessary updates to reflect the splitting-off of the guidelines and to ensure the two resulting guidelines are consistent.

**Question 1: do you agree to maintain a separate magistrates' guideline for section 9 offences?**

3.4 If you agree, the first question to consider is the title of the guideline (a draft of which is at **Annex B**). Currently it is "Animal Cruelty", but this seems misleading if the section 9 offence is the only one being covered, it being more about neglect than deliberate intent to cause suffering. We could simply replicate the title of the section in full: "breach of duty of person responsible for animal to ensure welfare". That would mean anyone searching for the offence could find it easily with a search although it could risk confusion with a breach guideline in the alphabetical online list. A snappier title could be "Failure to ensure animal welfare" or simply "Animal welfare" or "Animal neglect", although it may not be clear to the magistrate in a hurry which offence these last titles refer to, and we want to avoid confusion with the other animal cruelty guideline.

3.5 On balance I recommend "Failure to ensure animal welfare" as a title which is short, readily searchable but which describes the offence adequately and accurately.

**Question 2: do you agree to change the title of the guideline to "Failure to ensure animal welfare"?**

3.6 Given that Parliament has left this offence as it is, there is no evidence that the guideline is proving difficult to use in practice, and it was last revised in 2017, I do not propose a thoroughgoing revision. However, various of the elements in the existing guideline are unnecessary or inappropriate for the offence of failing to ensure an animal's welfare.

3.7 It seems evident that "Deliberate or gratuitous attempt to cause suffering" from high culpability can be removed as that would be a section 4 offence. The higher culpability factors "Prolonged or deliberate ill treatment or neglect" and "Ill treatment in a commercial context" could stand, although I question whether "ill treatment" should remain. I do not believe it is wrong to describe this offending as "ill treatment", but it seems odd to split out the concepts of ill treatment and neglect for an offence which either of those descriptors alone could cover sufficiently.

3.8 Although marginal, I believe "ill treatment" in the current guideline is meant to cover behaviour seen under section 4 and 8 offences (causing unnecessary suffering and fighting), and that "neglect" is a more apt description for section 9 offending. I therefore propose amending those culpability factors to "Prolonged or deliberate neglect" and "Neglect in a commercial context"

3.9 I see no reason to move away from the current middle category capturing anything between high and low. In the context of neglect, it is possible to envisage grey areas for

offenders who ought to know better, but are still somewhat misguided rather than wilfully neglectful.

3.10 For low culpability, as well as the existing factors I propose adding “Momentary or brief lapse in judgement” and “Involved through coercion, intimidation or exploitation” for consistency with the guideline we are drafting for sections 4 to 8.

**Question 3: do you agree to amend the relevant high culpability factors to become “Prolonged or deliberate neglect” and “Neglect in a commercial context”?**

**Question 4: do you agree that the middle level of culpability should remain anything falling between high and low?**

**Question 5: do you agree adding “Momentary or brief lapse in judgement” and “Involved through coercion, intimidation or exploitation” to low culpability?**

3.11 As I have said in previous papers, the current harm table has the benefit of simplicity (raised harm being indicated by death or serious injury/harm to animal, or a high level of suffering caused) and lower harm being any other case.

3.12 I still think that this basic two-tier system works, bearing in mind this is a summary only offence and extensive inquiries into the nature of any injuries or conditions suffered by the animals and their impact may be disproportionate or impossible. I would therefore recommend keeping this model, but modifying the wording slightly to be “death (including condition necessitating euthanasia) or serious harm to animal” as i) including euthanasia brings this into line with the cruelty guideline we are drafting and ii) injuries are probably less relevant to this offending

3.13 However, if Council members wished to provide more detail, one option could be for us to try and replicate some of the elements we are consulting on for the other animal cruelty guidelines. In/if doing so, we should bear in mind that we are calibrating those in a particular way which could see some quite serious harm be categorised as being medium-level where at present the guideline simply seeks to distinguish the worst sorts of harm.

3.14 To make sure that we did not unintentionally downgrade certain harms, I would therefore propose borrowing heavily from our draft category 2 harm elements:

- Death (including condition necessitating euthanasia) or serious harm to animal;
- Offence results in a condition which has a substantial and/or lasting effect
- High level of pain and/or suffering caused

3.15 However, my recommendation remains to continue with the two harm model, with the above amendments.

**Question 6: do you agree to continue with higher harm being marked out with “Death (including condition necessitating euthanasia) or serious harm to animal” and high level of suffering caused”, and lower harm being all other cases?**

3.16 The current sentencing table has a range all the way from a Band A fine to 26 weeks’ custody (the statutory maximum). Given Parliament has not changed this offence, I see no reason to change the sentencing levels.

3.17 One might argue that, with the most culpable, sadistic, deliberate acts of cruelty removed from this guideline, there was a case for moving sentencing levels down or decreasing the top of the range. However, the possibility exists for the worst cases of neglect to be captured by the highest culpability now, and very severe cases - where an offender wilfully ignores their responsibilities, and where the results of that neglect are obvious - can certainly be said to justify six months’ custody.

**Question 7: do you agree to leave the sentencing table as it stands?**

3.18 The step two factors do not need significant adjustment, although several aggravating factors are inappropriate or unnecessary for this offence. I propose retaining the existing factors, but deleting the following:

- Use of weapon;
- Use of technology to publicise or promote cruelty;
- Use of another animal to inflict death or injury;
- Animal being used in public service or as an assistance dog

3.19 There are some further amendments which should be made for consistency’s sake. We are changing “Offender in a position of responsibility” to “Offender in position of professional responsibility for animal” as part of the revision of the guideline for the other animal cruelty offences. The current mitigating factor “Age and/or lack of maturity where it affects the responsibility of the offender” should be amended to simply “Age and/or lack of maturity” in line with the current standard wording.

**Question 8: do you agree to amend the step two factors as above?**

**Question 9: are there any other points you wish to raise in relation to the revised section 9 guideline?**

3.20 The draft guideline for consultation for animal cruelty offences (sections 4 to 8 of the 2006 Act) is at **Annex C**. This incorporates the changes discussed at November's meeting, including (among other things):

- the possibility of category B culpability cases being raised to category A by the extreme nature of one or more category B factors or the extreme impact caused by a combination of those factors;
- an explicit reference to tail docking, ear clipping and similar forms of mutilation at Category B harm;
- guidance before the sentencing table which suggests that a particularly culpable case or one involving a significant numbers of animals could see a starting point elevated within a range and aggravated outside of it.

3.21 With apologies, one aspect of culpability was unclear from last month's discussion: should "serious neglect" be counted in the highest category of culpability? On the one hand where there is wilful and wanton neglect from offenders who do know better, and it is perfectly possible for serious and widespread harm to occur as a result, this should be reflected in setting a category. For example, a farmer who leaves tens of horses in a crumbling stable malnourished and dying in their own waste.

3.22 However, we do want to reserve this top category for very serious offenders who reasonably can face in excess of a year in prison because they have deliberately and sadistically caused animals unnecessary suffering. These offenders, as we discussed last month, may face penalties similar to those who inflict life-changing violence on other humans, including children. These sorts of cases were the ones most prominent in parliamentary and public discussion around the increase in maximum penalties. I am minded to remove the reference to neglect from high culpability, but would welcome discussion.

**Question 9: do you agree to remove "serious neglect" from the highest category of culpability?**

**Question 10: otherwise, are you content with the draft guideline for consultation at Annex C?**

## **4 EQUALITIES**

4.1 There is very limited data on the demographics of animal cruelty offenders because until earlier this year (2021) the offence was summary only. In the vast majority of cases (85 per cent of offenders sentenced in 2020) the ethnicity of the offender was either not recorded or not known. Most offenders sentenced for section 4 offences are under 40 and in a typical

year, over a third of offenders are female, which corresponds with the average proportion across all summary non-motoring offences.

4.2 Given the lack of data, we have no evidence or suggestion that there are disproportionate outcomes in terms of age, race or sex. However, we will seek views on this point during consultation, and ask if there are ways the proposed guideline could create or contribute to disparities.

## **5 IMPACT AND RISKS**

5.1 We will present a resource assessment to Council in March at the point of sign-off for the consultation stage draft revisions, setting out the expected impacts. As well as potential impacts on prison places, this will consider the impact on Crown Court case load.

5.2 We are likely to face criticism that we have not set sentencing levels for the revised animal welfare guideline high enough within the new maximum set by Parliament. The consultation document can explain in greater or lesser detail why we have set sentencing levels as we have, whilst making clear that it is common to leave “headroom” for the worst types of offending, including offending with significant numbers of victims.

**Animal Welfare Act 2006**

**Section 9 Duty of person responsible for animal to ensure welfare**

(1) A person commits an offence if he does not take such steps as are reasonable in all the circumstances to ensure that the needs of an animal for which he is responsible are met to the extent required by good practice.

(2) For the purposes of this Act, an animal's needs shall be taken to include—

- (a) its need for a suitable environment,
- (b) its need for a suitable diet,
- (c) its need to be able to exhibit normal behaviour patterns,
- (d) any need it has to be housed with, or apart from, other animals, and
- (e) its need to be protected from pain, suffering, injury and disease.

(3) The circumstances to which it is relevant to have regard when applying subsection (1) include, in particular—

- (a) any lawful purpose for which the animal is kept, and
- (b) any lawful activity undertaken in relation to the animal.

(4) Nothing in this section applies to the destruction of an animal in an appropriate and humane manner.

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# Failure to ensure animal welfare

**Animal Welfare Act 2006, s.9 (breach of duty of person responsible for animal to ensure welfare)**

**Effective from: XXXXXX**

**Triable only summarily**

**Maximum: Unlimited fine and/or 6 months**

**Offence range: Band A fine – 26 weeks' custody**

## Step 1 – Determining the offence category

The court should determine culpability and 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

The court should weigh all the factors set out below in determining the offender's culpability. Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.

<b>A High Culpability</b>	<ul style="list-style-type: none"> <li>● <del>Deliberate or gratuitous attempt to cause suffering</del></li> <li>● Prolonged or deliberate <del>ill treatment or</del> neglect</li> <li>● <del>ill treatment</del> Neglect in a commercial context</li> <li>● A leading role in illegal activity</li> </ul>
<b>B Medium culpability</b>	<ul style="list-style-type: none"> <li>● All cases not falling into high or low culpability</li> </ul>
<b>C Lower culpability</b>	<ul style="list-style-type: none"> <li>● Well intentioned but incompetent care</li> <li>● <del>Momentary or brief lapse in judgement</del></li> <li>● <del>Involved through coercion, intimidation or exploitation.</del></li> <li>● Mental disorder or learning disability, where linked to the commission of the offence</li> </ul>

### Harm demonstrated by one or more of the following

The court should consider the factors set out below to determine the level of harm that has been caused or was intended to be caused to the victim.

Factors indicating greater harm	<ul style="list-style-type: none"> <li>● Death or serious injury/harm to animal</li> <li>● High level of suffering caused</li> </ul>
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Factors indicating lesser harm	<ul style="list-style-type: none"> <li>All other cases</li> </ul>
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[ALTERNATIVE HARM TABLE]

Factors indicating greater harm	<ul style="list-style-type: none"> <li>Death (including condition necessitating euthanasia) or serious harm to animal;</li> <li>Offence results in a condition which has a substantial and/or lasting effect</li> <li>High level of pain and/or suffering caused</li> </ul>
Factors indicating lesser harm	<ul style="list-style-type: none"> <li>All other cases</li> </ul>

## 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 within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of culpability in step one, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out below.

	High culpability	Medium culpability	Low culpability
<b>Greater harm</b>	<b>Starting point</b> 18 weeks' custody	<b>Starting point</b> Medium level community order	<b>Starting point</b> Band C fine
	<b>Category range</b> 12-26 weeks' custody	<b>Category range</b> Low level community order – High level community order	<b>Category range</b> Band B fine – Low level community order
<b>Lesser harm</b>	<b>Starting point</b> High level community order	<b>Starting point</b> Low level community order	<b>Starting point</b> Band B fine
	<b>Category range</b> Low level community order – 12 weeks' custody	<b>Category range</b> Band C fine – Medium level community order	<b>Category range</b> Band A fine – Band C fine

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

### *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
- Offence motivated by, or demonstrating hostility based on any of the following characteristics or presumed characteristics of the owner/keeper of the animal: religion, race, disability, sexual orientation or transgender identity

### *Other aggravating factors*

- Distress caused to owner where not responsible for the offence
- Failure to comply with current court orders
- Offence committed on licence or post sentence supervision
- Significant number of animals involved
- ~~Use of a weapon~~
- Allowing person of insufficient experience or training to have care of animal(s)
- ~~Use of technology, including circulating details/photos/videos etc of the offence on social media to record, publicise or promote cruelty~~
- Ignores warning/professional advice/declines to obtain professional advice
- ~~Use of another animal to inflict death or injury~~
- Offender in position of **professional** responsibility **for animal**
- Animal requires significant intervention to recover
- ~~Animal being used in public service or as an assistance dog~~

### *Factors reducing seriousness or reflecting personal mitigation*

- No previous convictions **or** no relevant/recent convictions
- Remorse
- Good character and/or exemplary conduct
- Serious medical condition requiring urgent, intensive or long-term treatment
- Age and/or lack of maturity ~~where it affects the responsibility of the offender~~
- Mental disorder or learning disability, where not linked to the commission of the offence
- Sole or primary carer for dependent relatives
- Offender has been given an inappropriate level of trust or responsibility
- Voluntary surrender of animals to authorities
- Cooperation with the investigation
- Isolated incident

## **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**

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 deprivation of ownership and disqualification of ownership of animals.

- 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.

#### **Step 8 – Consideration for time spent on bail (tagged curfew)**

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003 and section 325 of the Sentencing Code.

# Animal Cruelty

**Animal Welfare Act 2006, s.4 (unnecessary suffering), s.5 (mutilation), s.6 (docking of dogs' tails), s.7 (administration of poisons etc), s.8 (fighting etc)**

**Effective from: XXXXXXXXX**

**Triable either way**

**Maximum: 5 years' custody**

**Offence range: Band A fine – 3 years' custody**

## Step 1 – Determining the offence category

The court should determine culpability and 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

The court should weigh all the factors set out below in determining the offender's culpability. Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.

<p><b>A High Culpability</b></p>	<ul style="list-style-type: none"> <li>• Prolonged and/or multiple incidents of serious cruelty, [serious neglect?] and/or sadistic behaviour</li> <li>• Use of very significant force</li> <li>• Leading role in illegal activity</li> <li>• A category B offence may also be elevated to category A by –               <ul style="list-style-type: none"> <li>○ the extreme nature of one or more factors</li> <li>○ the extreme impact caused by a combination of factors</li> </ul> </li> </ul>
<p><b>B Medium culpability</b></p>	<ul style="list-style-type: none"> <li>• Deliberate or gratuitous attempt to cause suffering</li> <li>• Prolonged and/or multiple incidents of cruelty or neglect</li> <li>• Use of significant force</li> <li>• Ill treatment in a commercial context</li> <li>• Deliberate disregard for the welfare of the animal (including failure to seek treatment)</li> <li>• Other cases that fall between categories A or C because:               <ul style="list-style-type: none"> <li>- Factors are present in A and C which balance each other out and/or</li> <li>- The offender's culpability falls between the factors as described in A and C</li> </ul> </li> </ul>

<b>C Lower culpability</b>	<ul style="list-style-type: none"> <li>• Well intentioned but incompetent care</li> <li>• Momentary or brief lapse in judgement</li> <li>• Involved through coercion, intimidation or exploitation.</li> <li>• Mental disorder or learning disability, where linked to the commission of the offence</li> </ul>
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### Harm demonstrated by one or more of the following

The court should consider the factors set out below to determine the level of harm that has been caused or was intended to be caused to the victim.

Category 1	<ul style="list-style-type: none"> <li>• Death (including injury necessitating euthanasia)</li> <li>• Particularly grave or life-threatening injury or condition caused</li> <li>• Very high level of pain and/or suffering caused</li> </ul>
Category 2	<ul style="list-style-type: none"> <li>• Offence results in an injury or condition which has a substantial and/or lasting effect (including cases of tail docking, ear clipping and similar forms of mutilation)</li> <li>• Substantial level of pain and/or suffering caused</li> </ul>
Category 3	<ul style="list-style-type: none"> <li>• Little or no physical, developmental harm or distress</li> <li>• All other levels of pain and/or suffering</li> </ul>

### 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 within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by a combination of high culpability factors or significant numbers of animals, could merit upward adjustment from the starting point, before further adjustment for aggravating or mitigating features, set out below, and may attract a sentence higher than the category range

	<b>High culpability</b>	<b>Medium culpability</b>	<b>Low culpability</b>
<b>High harm</b>	<b>Starting point</b> 18 months' custody	<b>Starting point</b> 26 weeks' custody	<b>Starting point</b> Low level community order
	<b>Category range</b> 26 weeks' custody – 3 years' custody	<b>Category range</b> 18 weeks' – 12 months' custody	<b>Category range</b> Band B fine – Medium level community order
<b>Medium harm</b>	<b>Starting point</b> 26 weeks' custody	<b>Starting point</b> 12 weeks' custody	<b>Starting point</b> Band C fine
	<b>Category range</b> 18 weeks' – 12 months' custody	<b>Category range</b> Medium level community order – 26 weeks' custody	<b>Category range</b> Band B fine – Low level community order

<b>Low harm</b>	<b>Starting point</b> 12 weeks' custody	<b>Starting point</b> Medium level community order	<b>Starting point</b> Band B fine
	<b>Category range</b> Medium level community order – 26 weeks' custody	<b>Category range</b> Low level community order – High level community order	<b>Category range</b> Band A fine – Band C fine

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

### *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
- Offence motivated by, or demonstrating hostility based on any of the following characteristics or presumed characteristics of the owner/keeper of the animal: religion, race, disability, sexual orientation or transgender identity

### *Other aggravating factors*

- Distress caused to owner where not responsible for the offence
- Failure to comply with current court orders
- Offence committed on licence or post sentence supervision
- Significant number of animals involved
- Use of a weapon
- Allowing person of insufficient experience or training to have care of animal(s)
- Use of technology, including circulating details/photos/videos etc of the offence on social media to record, publicise or promote cruelty
- Ignores warning/professional advice/declines to obtain professional advice
- Use of another animal to inflict death or injury
- Offender in position of professional responsibility for animal
- Offence committed in the presence of other(s), especially children
- Animal requires significant intervention to recover
- Animal being used in public service or as an assistance dog

### *Factors reducing seriousness or reflecting personal mitigation*

- No previous convictions **or** no relevant/recent convictions
- Remorse
- Good character and/or exemplary conduct
- Serious medical condition requiring urgent, intensive or long-term treatment

- Age and/or lack of maturity
- Mental disorder or learning disability, where not linked to the commission of the offence
- Sole or primary carer for dependent relatives
- Offender has been given an inappropriate level of trust or responsibility
- Voluntary surrender of animals to authorities
- Cooperation with the investigation
- Isolated incident

### **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**

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 deprivation of ownership and disqualification of ownership of animals.

- Ancillary orders – Magistrates' Court
- Ancillary orders – Crown Court Compendium

### **Step 7 – Reasons**

Section 52 of the Sentencing Code imposes a duty to give reasons for, and explain the effect of, the sentence.

### **Step 8 – Consideration for time spent on bail (tagged curfew)**

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003 and section 325 of the Sentencing Code.