

**Standard language in guidelines** – see the response to the fourth annual consultation on miscellaneous amendments for more detail

Reference	Text
<b>A</b>	<p><b>Step 1 – Determining the offence category</b></p> <p>The court should determine the offence category with reference only to the factors in the tables below. In order to determine the category the court should assess <b>culpability</b> and <b>harm</b>.</p>
<b>B</b>	<p><b>Culpability</b></p> <p>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.</p>
<b>C</b>	<p><b>Harm</b></p> <p>Where there are factors present from more than one category of harm, the court should weigh those factors in order to decide which category most resembles the offender's case.</p>
	<b>Step 2 – Starting point and category range</b>
<b>D</b>	<p>Having determined the category at step one, the court should use the corresponding 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.</p> <p>An adjustment from the starting point, upwards or downwards, may 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).</p>
<b>E</b>	<p>The tables below contain a <b>non-exhaustive</b> 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.</p>

The table below notes guidelines where changes have been made:

- X indicates that the wording has changed (in some cases the wording will have been adjusted from that above).
- Blanks indicate that no change has been made (either because there is a reason not to use the standard wording or because the standard wording was already in use).

Guideline	A	B	C	D	E
Abstracting electricity	X	X	X	X	X
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		X	X	X	X
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	X		X	X	X
Administering a substance with intent				X	X
Affray	X	X	X	X	X
Alcohol sale offences (Revised 2017)	X	X		X	X
Animal cruelty	X	X	X	X	X
Arson (criminal damage by fire)	X	X	X	X	X
Assault occasioning actual bodily harm / Racially or religiously aggravated ABH		X		X	X
Assault with intent to resist arrest		X		X	X
Being in charge of a motor vehicle with a specified drug above the specified limit	X			X	X
Benefit Fraud	X	X		X	X
Blackmail				X	
Bladed articles and offensive weapons – having in a public place				X	X
Bladed articles and offensive weapons – threats				X	X
Bladed articles and offensive weapons (having in public/education premises and threats) – children and young people					
Breach of a community order					
Breach of a criminal behaviour order				X	X
Breach of a protective order (restraining and non-molestation orders)				X	X
Breach of a sexual harm prevention order				X	X
Breach of a Slavery and Trafficking Prevention Order/ Breach of a Slavery and Trafficking Risk Order					
Breach of a suspended sentence order					
Breach of disqualification from acting as a director	X			X	X
Breach of disqualification from keeping an animal	X			X	X
Breach of post-sentence supervision					
Breach offences (other)					
Bribery	X	X	X	X	X

Guideline	A	B	C	D	E
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	X		X	X	X
Care workers: sexual activity with a person with a mental disorder/ Care workers: causing or inciting sexual activity	X		X	X	X
Careless Driving (drive without due care and attention) (Revised 2017)	X	X		X	X
Causing a person to engage in sexual activity without consent	X			X	X
Causing death by careless or inconsiderate driving	X	X		X	X
Causing death by driving: unlicensed or uninsured drivers	X	X		X	X
Causing or inciting a child under 13 to engage in sexual activity	X			X	X
Causing or inciting prostitution for gain/ Controlling prostitution for gain	X	X		X	X
Causing or inciting sexual exploitation of a child/ Controlling a child in relation to sexual exploitation/ Arranging or facilitating sexual exploitation of a child	X	X		X	X
Causing serious injury by careless or inconsiderate driving	X	X		X	X
Causing serious injury by dangerous driving	X	Y		X	X
Causing serious injury by driving: disqualified drivers	X	X		X	X
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	X	X		X	X
Committing an offence with intent to commit a sexual offence					
Committing offence with intent to commit a human trafficking offence					
Common assault / Racially or religiously aggravated common assault/ Battery/ Common assault on emergency worker		X		X	X
Communication network offences (Revised 2017)	X			X	X
Controlling or coercive behaviour in an intimate or family relationship		X	X	X	X
Corporate offenders: fraud, bribery and money laundering		X		X	X
Criminal damage (other than by fire) value exceeding £5,000/ Racially or religiously aggravated criminal damage		X	X	X	X
Criminal damage (other than by fire) value not exceeding £5,000/ Racially or religiously aggravated criminal damage		X		X	X
Cruelty to a child – assault and ill treatment, abandonment, neglect, and failure to protect		X	X	X	X
Dangerous driving	X	X		X	X
Disclosing or threatening to disclose private sexual images		X	X	X	X
Disorderly behaviour with intent to cause harassment, alarm or distress/ Racially or religiously aggravated				X	X

Guideline	A	B	C	D	E
disorderly behaviour with intent to cause harassment, alarm or distress					
Disorderly behaviour/ Racially or religiously aggravated disorderly behaviour				X	X
Domestic burglary	X	X	X	X	X
Drive whilst disqualified (Revised 2017)		X	X	X	X
Driving or Attempting to Drive with a specified drug above the specified limit				X	X
Drugs – class A – fail to attend/remain for initial assessment	X			X	X
Drugs – class A – fail/refuse to provide a sample	X			X	X
Drunk and disorderly in a public place (Revised 2017)					
Encouragement of terrorism		X	X	X	X
Engaging in sexual activity in the presence of a child/ Causing a child to watch a sexual act	X		X	X	X
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	X		X	X	X
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	X		X	X	X
Environmental offences (other)					
Excess Alcohol (drive/attempt to drive) (Revised 2017)					X
Excess Alcohol (in charge) (Revised 2017)					X
Exposure				X	X
Fail to comply with notification requirements					
Fail to provide specimen for analysis (drive/attempt to drive) (Revised 2017)					X
Fail to provide specimen for analysis (in charge) (Revised 2017)					X
Fail to stop/report road accident (Revised 2017)				X	X
Failure to disclose information about acts of terrorism		X		X	X
Failure to ensure animal welfare	X	X		X	X
Failure to surrender to bail					
Firearms – Importation		X	X	X	X
Firearms – Carrying in a public place		X	X	X	X
Firearms – Possession by person prohibited		X	X	X	X
Firearms – Possession of prohibited weapon		X	X	X	X
Firearms – Possession without certificate		X	X	X	X
Football related offences (Revised 2017)				X	X
Fraud	X	X		X	X
Fraudulent evasion of a prohibition by bringing into or taking out of the UK a controlled drug				X	X

Guideline	A	B	C	D	E
Funding terrorism		X	X	X	X
Going equipped for theft or burglary		X		X	X
Handling stolen goods	X	X		X	X
Harassment (fear of violence)/ Stalking (fear of violence)/ Racially or religiously aggravated harassment (fear of violence)/stalking (fear of violence)		X	X	X	X
Harassment/ Stalking/ Racially or religiously aggravated harassment/stalking		X	X	X	X
Importing or exporting a psychoactive substance	X			X	X
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	X	X		X	X
Individuals: Breach of food safety and food hygiene regulations	X	X	X	X	X
Individuals: Sale of knives etc by retailers to persons under 18	X	X		X	X
Individuals: Trade mark, unauthorised use of etc.	X	X		X	Y
Individuals: Unauthorised or harmful deposit, treatment or disposal etc of waste/ Illegal discharges to air, land and water		X	X	X	X
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	X		X	X	X
Inflicting grievous bodily harm/ Unlawful wounding/ Racially or religiously aggravated GBH/ Unlawful wounding		X	X	X	X
Keeping a brothel used for prostitution	X	X		X	X
Making Off Without Payment		X		X	X
Meeting a child following sexual grooming	X			?	Y
Money laundering	X	X		X	X
Motoring offences appropriate for imposition of fine or discharge					
No insurance (Revised 2017)				X	X
Non-domestic burglary		X	X	X	X
Obstruct/ resist a police constable in execution of duty (Revised 2017)				X	X
Offences with a terrorist connection: guidance					
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	X	X		X	X
Organisations: Breach of food safety and food hygiene regulations	X	X	X	X	X
Organisations: Sale of knives etc by retailers to persons under 18	X	X		X	X
Organisations: Trade mark, unauthorised use of etc.	X	X		X	X

Guideline	A	B	C	D	E
Organisations: Unauthorised or harmful deposit, treatment or disposal etc of waste/ Illegal discharges to air, land and water		X	X	X	X
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)	X	X	X	X	X
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	X	X	X	X	X
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	X	X	X	X	X
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	X	X		X	X
Paying for the sexual services of a child	X		X	X	X
Permitting premises to be used		X	X	X	X
Possession for terrorist purposes		X	X	X	X
Possession of a controlled drug					
Possession of a prohibited dog/ Breeding, selling, exchanging or advertising a prohibited dog	X		X	X	X
Possession of articles for use in frauds/ Making or supplying articles for use in frauds	X	X		X	X
Possession of indecent photograph of child/ Indecent photographs of children					X
Producing a psychoactive substance				X	
Production of a controlled drug/ Cultivation of cannabis plant				X	
Proscribed organisations – membership		X		X	X
Proscribed organisations – support		X	X	X	X
Racial hatred offences/ Hatred against persons on religious grounds or grounds of sexual orientation		X	X	X	X
Railway fare evasion (Revised 2017)					
Revenue fraud	X	X		X	X
Robbery – Sentencing children and young people					
School non-attendance (Revised 2017)		X		X	X
Sex with an adult relative: penetration/ Sex with an adult relative: consenting to penetration				X	X
Sexual activity in a public lavatory	X			X	X
Sexual activity with a child family member/ Inciting a child family member to engage in sexual activity	X		X	X	X
Sexual activity with a child/ Causing or inciting a child to engage in sexual activity	X		X	X	X
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	X		X	X	X
Sexual assault	X		X	X	X

Guideline	A	B	C	D	E
Sexual assault of a child under 13	X		X	X	X
Sexual communication with a child	X			X	X
Sexual offences – Sentencing children and young people					
Slavery, servitude and forced or compulsory labour/ Human trafficking	X	X	X	X	X
Speeding (Revised 2017)					X
Supplying or offering to supply a controlled drug/ Possession of a controlled drug with intent to supply it to another				X	X
Supplying or offering to supply a psychoactive substance/ Possession of psychoactive substance with intent to supply				X	X
Taxi touting/soliciting for hire (Revised 2017)				X	X
Theft – general	X	X		X	X
Theft from a shop or stall	X	X	N	X	X
Threatening behaviour – fear or provocation of violence/ Racially or religiously aggravated threatening behaviour – fear or provocation of violence				X	X
Threats to destroy or damage property		X	X	X	X
Threats to kill		X	X	X	X
Trespass with intent to commit a sexual offence		X	X	X	X
TV licence payment evasion (Revised 2017)		X		X	X
Unfit through drink or drugs (drive/ attempt to drive) (Revised 2017)				X	X
Unfit through drink or drugs (in charge) (Revised 2017)				X	X
Vehicle interference (Revised 2017)				X	X
Vehicle taking, without consent (Revised 2017)		X		X	X
Violent disorder			X	X	
Voyeurism				X	X
Witness Intimidation		X	X	X	X
Aggravated burglary		X	X	X	X
Arson/criminal damage with intent to endanger life or reckless as to whether life endangered			X	X	X
Assault by penetration	X			X	X
Assault of a child under 13 by penetration	X			X	X
Attempted murder		X		X	X
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	X	X			X
Causing death by dangerous driving		X		X	X
Causing death by driving; disqualified drivers	X	X		X	X

Guideline	A	B	C	D	E
Causing grievous bodily harm with intent to do grievous bodily harm / Wounding with intent to do GBH	X	X	X	X	X
Causing injury by wanton or furious driving	X	X	X	X	X
Causing or allowing a child to suffer serious physical harm/ Causing or allowing a child to die		X		X	X
Corporate manslaughter					X
Explosive substances (terrorism only)		X	X	X	X
Failing to protect girl from risk of genital mutilation		X		X	X
Firearms – Possession with intent – other offences		X	X	X	X
Firearms – Possession with intent to cause fear of violence		X	X	X	X
Firearms – Possession with intent to endanger life		X	X	X	X
Firearms – Transfer and manufacture		X	X	X	X
Gross negligence manslaughter		X		X	X
Manslaughter by reason of diminished responsibility				X	X
Manslaughter by reason of loss of control		X		X	X
Perverting the Course of Justice		X	X	X	X
Preparation of terrorist acts		X	X	X	X
Rape	X			X	X
Rape of a child under 13	X			X	X
Riot				X	
Robbery – dwelling		X	X	X	X
Robbery – professionally planned commercial	X	X	X	X	X
Robbery – street and less sophisticated commercial	X	X	X	X	X
Unlawful act manslaughter		X		X	X