

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

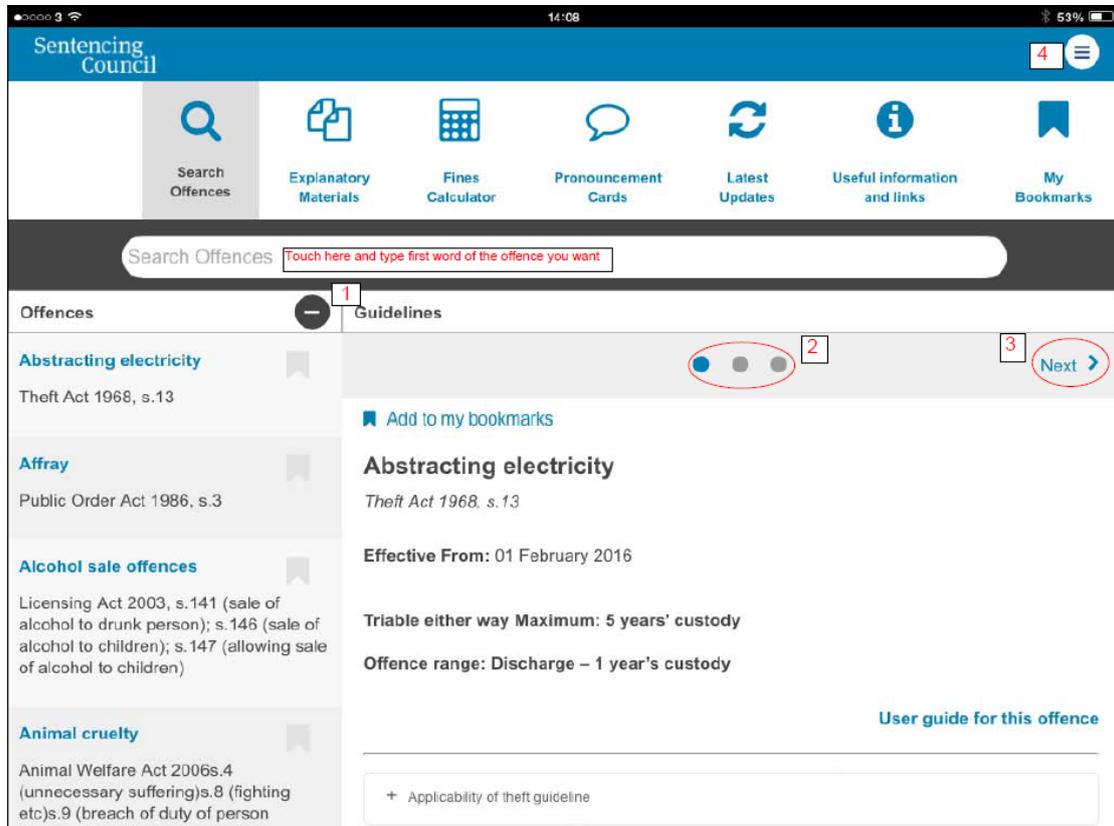
You can see the alphabetical list of offences on the left hand side – scroll down to see full list.

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

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

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

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



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

The screenshot shows the mobile app interface for the Sentencing Council. At the top, there is a blue header with the 'Sentencing Council' logo and a search bar labeled 'Search Offences'. A red box labeled '6' highlights a menu icon in the top right corner. Below the search bar is a 'Guidelines' section with a red box labeled '5' highlighting a plus sign icon. The main content area displays the title 'Abstracting electricity' and the reference 'Theft Act 1968, s.13'. It also shows the effective date '01 February 2016' and the offence range 'Discharge – 1 year's custody'. A link for 'User guide for this offence' is visible. A section titled 'Step 1 - Determining the offence category' contains text explaining the factors for determining the offence category, such as culpability, harm, and the offender's role and sophistication.

**Abstracting electricity**  
*Theft Act 1968, s.13*

**Effective From:** 01 February 2016

**Triable either way Maximum: 5 years' custody Offence range: Discharge – 1 year's custody**

[User guide for this offence](#)

+ Applicability of theft guideline

### 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**. The level of culpability is determined by weighing up all the factors of the case to determine the offender's role and the extent to which the offending was **planned** and the **sophistication** with which it was carried out.

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

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

Sentencing Council

Search Offences Explanatory Materials Fines Calculator Pronouncement Cards Latest Updates Useful information and links My Bookmarks

Environmental Cancel

Offences Guidelines

Individuals: Breach of an abatement notice  
Environmental Protection Act 1990, s.80

Individuals: Breach of duty of care  
Environmental Protection Act 1990, s.34

Individuals: Illegal discharges to air, land and water  
Environmental Permitting (England and Wales) Regulations 2010, regulations 12 and 38(1), (2) and (3)

Individuals: Restrictions on use of public sewers 7  
Water Industry Act 1991, section 111

Add to my bookmarks 8

Environmental offences

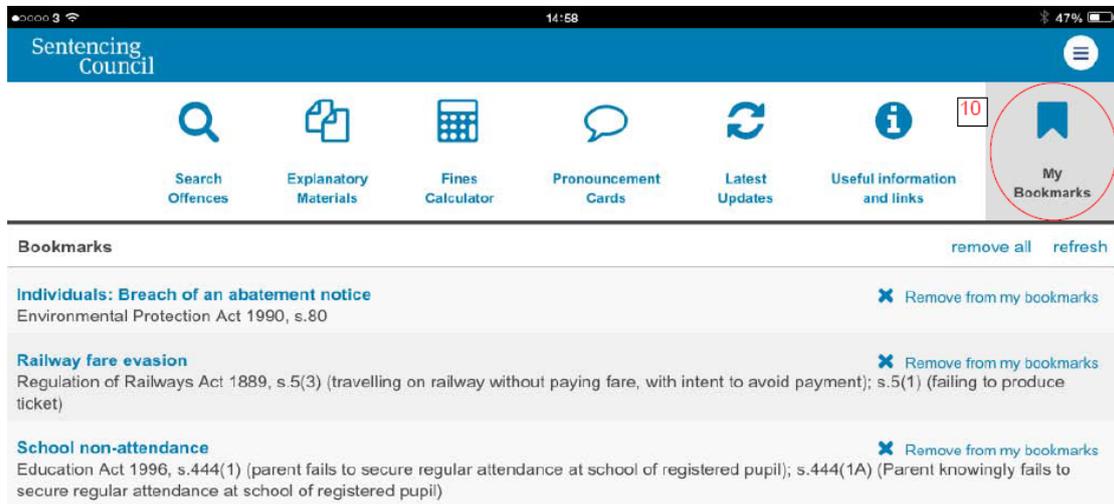
Effective From: 01 July 2014

Other environmental offences In addition to the offences for which there are detailed guidelines under the Environmental Protection Act 1990 (section 33) and the Environmental Permitting (England and Wales) Regulations 2010 (regulations 12 and 38 (1), (2) and (3)) -

- Unauthorised or harmful deposit, treatment or disposal etc of waste (individuals) and illegal discharges to air, land and water (individuals);
- Unauthorised or harmful deposit, treatment or disposal etc of waste (organisations) and illegal discharges to air, land and water (organisations)

- there are other relevant and analogous environmental offences. The court should refer to the sentencing approach in steps one to three and five and six of the guidelines, adjusting the

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



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

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

**Offences**

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

**Guidelines**

**3. Affray**  
*Public Order Act 1986, s.3*

**Effective From:** 04 August 2008

**Consider a reduction for a guilty plea**

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

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

**Decide Sentence Give reasons**

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

The screenshot shows the Sentencing Council app interface. At the top, there is a blue header with the Sentencing Council logo and a hamburger menu icon. Below the header is a navigation bar with several icons: a search icon (circled in red), Explanatory Materials, Fines Calculator, Pronouncement Cards, Latest Updates, Useful information and links, and My Bookmarks. Below the navigation bar, there is a section titled 'Explanatory Materials' with a 'Back' button and a list of items: '1. Introduction to compensation' and '2. Suggested starting points for physical and mental injuries'. The main content area displays the text for '1. Introduction to compensation', which includes a list of points and detailed paragraphs explaining the court's duty to consider compensation orders.

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Search Offences

Explanatory Materials

Fines Calculator

Pronouncement Cards

Latest Updates

Useful information and links

My Bookmarks

Explanatory Materials

Welcome

Back

1. Introduction to compensation

2. Suggested starting points for physical and mental injuries

### 1. Introduction to compensation

1. The court **must** consider making a compensation order in any case where personal injury, loss or damage has resulted from the offence. It can either be a sentence in its own right or an ancillary order. The court must give reasons if it decides not to order compensation (Powers of Criminal Courts (Sentencing) Act 2000, s.130). 2. There is no statutory limit on the amount of compensation that may be imposed in respect of offences for an offender aged 18 or over. Compensation may also be ordered in respect of offences taken into consideration (Powers of Criminal Courts (Sentencing) Act 2000, s.131). 3. Where the personal injury, loss or damage arises from a road accident, a compensation order may be made only if there is a conviction for an offence under the Theft Act 1968, or the offender is uninsured and the Motor Insurers' Bureau will not cover the loss. 4. Subject to consideration of the victim's views

*(see paragraph 6 below)*, the court must order compensation wherever possible and should not have regard to the availability of other sources such as civil litigation or the Criminal Injuries Compensation Scheme. Any amount paid by an offender under a compensation order will generally be deducted from a subsequent civil award or payment under the Scheme to avoid double compensation. 5. Compensation may be ordered for such amount as the court considers appropriate having regard to any evidence and any representations made by the offender or prosecutor. The court must also take into account the offender's means

*(see also paragraphs 9 -11 below)*. 6. Compensation should benefit, not inflict further harm on, the victim. Any financial recompense from the offender may cause distress. A victim may or may not want compensation from the offender and assumptions should not be made either way.

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

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JUDICIAL  
COLLEGE

## ADULT COURT PRONOUNCEMENT CARDS

Updated April 2015

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