

# More victims able to challenge 'unduly lenient' prison sentences

- 14 new offences added to Unduly Lenient Sentence scheme
- prison terms for a range of sexual offences to come into scope
- part of wider action to ensure punishment properly reflects severity of crimes

Criminals convicted of stalking, harassment, child sexual abuse and other sex offences could see their sentences increased if victims or the public think their punishment is too lenient.

Under plans confirmed by ministers today (17 September 2019), the Unduly Lenient Sentence (ULS) scheme will be extended to 14 new offences – giving victims the power to query the sentences of a wider range of crimes.

The scheme gives anyone the power to ask the Attorney General to consider referring a sentence to the Court of Appeal for reconsideration – where it could then be potentially increased if deemed unduly lenient. In July, such an intervention increased the sentence of a mother who allowed her partner to rape her daughter from three to five years behind bars.

Crimes such as murder, robbery, and a range of terror offences are already covered, however the government has pledged to extend the scheme to further protect the public and make sure victims see justice done.

The move will bring offences including controlling and coercive behaviour within scope as well as further child sexual abuse offences, such as those involving the taking, distributing and publishing of indecent images of children and abusing a position of trust with a child.

Secretary of State for Justice, Rt Hon Robert Buckland QC MP, said:

We are determined that those found guilty of heinous crimes such as child sex offences receive the sentences their actions warrant.

Sentences are decided by our independent judiciary based on the facts before them, but it is absolutely right that victims have a voice in the system when punishments don't appear to fit the crime.

We are today sending a clear message that this government will use every tool at its disposal to make sure justice is done and the public is kept safe.

Whilst in the vast majority of cases sentences are deemed appropriate, since its introduction 30 years ago the scheme has helped hundreds of victims and their families – with 99 criminals seeing their sentences increased following review by the courts in 2018 alone.

Today's announcement delivers on a key commitment in the cross-government Victims' Strategy, published last year. It comes as an urgent review, ordered by the Prime Minister, is ongoing to ensure violent and sexual offenders serve sentences that truly reflect the severity of their crimes.

The Solicitor General, Michael Ellis QC MP, said:

The Unduly Lenient Sentence Scheme can bring comfort to victims and their families across the country. The latest extension means that the Attorney General and I can look at even more sentences which look like they don't fit the crime.

Anyone can apply to the scheme and although there is a high bar to any appeal we will do everything we can to challenge a sentence that we regard to be clearly wrong.

## Notes to editors

- The ULS scheme allows prosecutors, victims of crime, their family and the public to ask the Attorney General a review of certain sentences they believe to be too low.
- The Attorney General may then refer a case he believes to be unduly lenient to the Court of Appeal who is able to increase the sentence.
- The government published the cross-government Victims' Strategy in September 2018. It was the first time we have looked in such detail and in such a joined-up way at how we treat victims in the wake of crime. Commitments in the strategy included:
  - keeping the scope of the Unduly Lenient Sentence Scheme under review; and
  - considering a further extension of the Unduly Lenient Sentence Scheme, particularly for some additional harassment, sexual, and indecent images offences.
- An extension of the scheme so that it applies to further terrorism offences came into effect in August 2017 and nine more terror-related offences were added in January 2018.
- Through the cross-government Victims' Strategy we have committed to working with the Ministry of Justice, Attorney General's office and Crown Prosecution Service to address concerns around the lack of awareness of the ULS scheme.
- Government has agreed to extend the scheme to the following offences....
  - Abuse of position of trust: sexual activity with a child (s.16, Sexual Offences Act 2003),
  - Abuse of position of trust: causing or inciting a child to engage in sexual activity (s.17, Sexual Offences Act 2003)
  - Abuse of position of trust: sexual activity in the presence of a child (s.18, Sexual Offences Act 2003)
  - Abuse of position of trust: causing a child to watch a sexual act (s.19, Sexual Offences Act 2003)
  - Inciting a child family member to engage in sexual activity (s.26, Sexual Offences Act 2003)

- Sexual activity with a person with a mental disorder impeding choice (s.30, Sexual Offences Act 2003)
- Causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity (s.31, Sexual Offences Act 2003)
- Engaging in sexual activity in the presence of a person with a mental disorder impeding choice (s.32, Sexual Offences Act 2003)
- Causing a person, with a mental disorder impeding choice, to watch a sexual act (s.33, Sexual Offences Act 2003)
- Possession of indecent photograph of a child (Criminal Justice Act 1988, s.160)
- Taking, possessing, distributing, publishing Indecent Photographs of Children (s.1 Protection of Children Act 1978)
- Harassment: putting people in fear of violence (s.4, Protection from Harassment Act 1997)
- Stalking involving fear of violence or serious alarm or distress (Protection from Harassment Act 1997, s.4A, Protection from Harassment Act 1997)
- Controlling or Coercive Behaviour in an Intimate or Family Relationship (s.76, Serious Crime Act 201,).
- Applications to refer a case under the ULS Scheme should be directed to the [Attorney General's Office](#).
- Only one application is needed to review a sentence and the Attorney Generals' Office has 28 days after sentencing to make a decision.
- The government plans to make the necessary secondary legislation in the Autumn, and the change will come into effect shortly after that.
- In August the Prime Minister ordered an urgent [review into sentencing](#) – focussing on whether violent and sexual offenders are serving sentences that truly reflect the severity of their crimes.