

Public given power to question 'lenient' prison sentences

- legislation laid today (29 October 2019) will add 14 new offences to Unduly Lenient Sentence scheme
- stalkers and child sex abusers could see prison terms increased
- gives more victims power to question 'lenient' sentences

Legislation laid today will add a further 14 offences to the Unduly Lenient Sentence (ULS) scheme – meaning criminals convicted of stalking, harassment, child sexual abuse and other sex offences could see their sentences increased.

The scheme gives victims or members of the public the power to ask the Attorney General to consider whether a sentence could be reconsidered by the Court of Appeal, where it could then be increased.

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

The extension follows wider action to restore faith in the criminal justice system – with the recruitment of 20,000 police officers, investing £2.75 billion in prisons, £85 million for the Crown Prosecution Service and reviewing sentencing to ensure violent and sexual offenders spend longer behind bars.

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

We know that victims and the public sometimes feel sentences don't match the crime and we are determined to give them a greater voice in the system.

Sentencing will always be decided by our independent judiciary, but by extending the scheme we are sending a clear signal that this Government will do everything in its power to build faith in the justice system and protect the public.

The Solicitor General, Rt Hon Michael Ellis QC MP, said:

This government is taking greater steps to tackle violent crime in our communities. The latest extension to the Unduly Lenient Sentence Scheme means that perpetrators of the most heinous crimes such as sex offences against children and vulnerable adults and controlling and coercive behaviour could have their sentences increased, bringing some comfort to victims and their families.

As a result of the extension becoming law, the Attorney General and I can look at even more sentences than before and we will do everything we can to challenge those that we regard to be clearly wrong.

A statutory instrument laid in Parliament today will come into force 21 days from now. Sentences imposed for these additional offences from then on will be in scope of the scheme, meaning anyone will be able to query these sentences with the Attorney General.

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.

Notes to editors

- 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.
- 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 ULS scheme under review; and
 - considering a further extension of the ULS 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.
- 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.