



## **Sentencing Bill [HL]** **HL Bill 105 of 2019–21**

The Law Commission describes sentencing legislation as “inefficient” and lacking in transparency. This is partly due to existing sentencing law being spread across multiple pieces of legislation. In 2012, an analysis of 262 randomly selected cases in the Court of Appeal (Criminal Division) found that 36 percent had received unlawful sentences. The commission attributed these results to the level of complexity in the existing legislation.

To mitigate this, the Law Commission initiated the sentencing code project in January 2015. This project aimed to streamline the existing framework for sentencing law into a single statute. This statute would be known as the ‘sentencing code’. The sentencing code would provide a clear and comprehensive source of sentencing procedure legislation for the public, the judiciary and practitioners. It would also update the language within the legislation to make it easier to understand.

The Law Commission also recommended the introduction of a new technical device known as a “clean sweep”. The clean sweep would allow anyone convicted once the code is in force to be automatically sentenced under current legislation. There are exceptions to the clean sweep to ensure that an offender’s fundamental rights are protected.

The Sentencing Bill is a consolidation bill that will introduce the sentencing code. Before consolidation bills are enacted, pre-consolidation amendments are made to legislation to streamline the law in the area being consolidated. The Government introduced the Sentencing (Pre-consolidation Amendments) Bill in the House of Lords on 21 January 2020. This paves the way for the sentencing code and gives effect to the clean sweep. The pre-consolidation bill received royal assent on 8 June 2020.

The Sentencing Bill has 420 clauses, which is printed in two volumes, together with a table of origins. The bill has not been accompanied by explanatory notes. The Law Commission cited stakeholders’ “strong support” for the sentencing code, stating there was a “near-universal endorsement of every proposed reform”.

The [Sentencing Bill \[HL\]](#) (HL Bill 105 of session 2019–21) was introduced in the House of Lords on 5 March 2020.

Claire Brader | 17 March 2020

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## I. Law Commission and consolidation

### *Role of the Law Commission*

The Law Commission is a statutory independent body established under the Law Commissions Act 1965. The Law Commission aims to ensure that the law is fair, modern, simple and as cost-effective as possible.<sup>1</sup> It conducts research, consultations and makes recommendations to Parliament. It also aims to codify the law, repeal out-of-date enactments and reduce the number of separate statutes.

### *Consolidation bills*

One of the Law Commission's statutory functions is consolidation.<sup>2</sup> The purpose of consolidation is to make statutory law "clearer, shorter and more accessible".<sup>3</sup> Consolidation gathers several different enactments on a topic and collates them into a single statutory text. This type of Act is known as a consolidation bill. The process of consolidating removes distorted structures, making the law more intelligible and easier to navigate and interpret.

Consolidation bills are customarily introduced in the House of Lords and are subject to scrutiny by the Joint Committee on Consolidation Bills.<sup>4</sup> Such bills fall into several categories, including:

- bills, whether public or private, which are limited to re-enacting existing law;
- bills to consolidate any enactments with amendments to give effect to Law Commission recommendations;
- statute law repeals bills, which the Law Commission prepares to promote the reform of the statute law by the repeal of enactments which are "no longer of practical utility".<sup>5</sup>

### *Pre-consolidation amendments*

Before a consolidation bill is enacted, pre-consolidation amendments are made to legislation to aid the consolidation of existing law. Pre-consolidation amendments commence immediately before the consolidation is brought into force. The Law Commission says that pre-consolidation amendments are used to "streamline the law in the area being consolidated".<sup>6</sup> Pre-consolidation amendments are a standard device used in consolidation bills.

## 2. Background: Sentencing code project

The law on sentencing is spread across multiple pieces of legislation. The Law Commission has described the current law as "inefficient" and lacking in transparency.<sup>7</sup> It said the absence of a clear

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<sup>1</sup> Law Commission, '[About us](#)', accessed 6 March 2020.

<sup>2</sup> Law Commission, '[Consolidation](#)', accessed 2 March 2020.

<sup>3</sup> *ibid.*

<sup>4</sup> House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2017, para 8.203.

<sup>5</sup> *ibid.*

<sup>6</sup> Law Commission, [The Sentencing Code Volume 1: Report](#), 22 November 2018, HC 1724 of session 2017–19, p 3.

<sup>7</sup> Law Commission, [The Sentencing Code: Summary of Report](#), 22 November 2018, p 2.

structure made the law difficult to navigate. It continued:

When we compiled all of the current law of sentencing, we discovered that it was more than 1300 pages long. [...] Even our lengthy compilation of the law does not convey the true complexity and inaccessibility of the law. That 1300 pages was only the law the court would have to apply if they were sentencing an offence committed today.<sup>8</sup>

The Law Commission highlighted that for offences committed in the past, courts are required to apply historic versions of sentencing law.<sup>9</sup> This makes the law technical and “difficult to decipher”.<sup>10</sup>

The Law Commission said that the complexity has led to “significant rates of error [...]”. Following a 2012 analysis of 262 randomly selected cases in the Court of Appeal (Criminal Division), the commission found 36 percent had received unlawful sentences.<sup>11</sup> Sir Brian Leveson, President of the Queen’s Bench Division, said:

The complexity of sentencing legislation is such that errors [in sentencing] are inevitably becoming more frequent as judges and advocates struggle with (and take time to resolve) the multiplicity of disposals and the statutory requirements for each.<sup>12</sup>

### **Sentencing code project**

In July 2014, the sentencing code project (‘the project’) formed part of the Law Commission’s 12th programme of law reform.<sup>13</sup> The project began in January 2015. The project aimed to introduce a single sentencing statute.<sup>14</sup> This would be known as the sentencing code (‘the code’). The code would provide a clear and comprehensive source of sentencing procedure legislation for the public, the judiciary and practitioners.<sup>15</sup> The language included within the code would also be updated to make it easier to navigate and understand. Professor David Ormerod QC, the law commissioner for criminal law, said:

Our reforms will save time and money and make the law clearer and easier to apply. This will help the judiciary to navigate the law, and the wider public to understand it.<sup>16</sup>

The Law Commission described the project as having three main aims:

- to ensure the law relating to sentencing procedure is readily comprehensible and operates within a clear framework;
- to increase public confidence in the criminal justice system; and

<sup>8</sup> Law Commission, [The Sentencing Code: Summary of Report](#), 22 November 2018, p 2.

<sup>9</sup> *ibid.*

<sup>10</sup> *ibid.*

<sup>11</sup> *ibid.*, p 3.

<sup>12</sup> *R v Thompson* [2018] EWCA Crim 639, [2018] 2 Cr. App. R (S.) 19

<sup>13</sup> Law Commission, [Twelfth Programme of Law Reform](#), 22 July 2014, HC 364 of session 2014–15.

<sup>14</sup> Law Commission, [‘Sentencing code: current project status’](#), accessed 2 March 2020.

<sup>15</sup> Law Commission, [The Sentencing Code: Summary of Report](#), 22 November 2018, p 3.

<sup>16</sup> Law Commission, [‘New sentencing code to help prevent unlawful sentences being handed out’](#), 22 November 2018.

- to ensure the criminal justice system operates as efficiently as possible.<sup>17</sup>

As part of the project, the Law Commission recommended the introduction of a new technical device known as a “clean sweep”.<sup>18</sup> The clean sweep would allow anyone convicted once the code was in force to be automatically sentenced under current legislation. There are limited exceptions to this.

The Law Commission cited several benefits to the introduction of a sentencing code. Amongst other things, it said that the code could save over £250 million by helping to avoid unnecessary appeals and reducing delays in sentencing.<sup>19</sup> It also said the code would improve public confidence in the law and mitigate against unlawful sentences being given.

### ***Consultations and project close***

Four formal public consultations were held as part of the project. During the project, the Law Commission published two draft versions of the sentencing bill that were substantively similar, but not identical, to the latest version. Following an analysis of the feedback, the “chorus of support” reassured the Law Commission that the code would provide greater clarity in sentencing law.<sup>20</sup>

In November 2018, the Law Commission published a concluding report on the project.<sup>21</sup> It stated that stakeholders had given “strong support” to the project, citing there to be a “near-universal endorsement of every proposed reform”.<sup>22</sup> Supporters included Lord Justice Holroyde, chairman of the Sentencing Council. Lord Holroyde said that the code would make the law clearer and more accessible to judges, legal practitioners and the general public.<sup>23</sup> Max Hill QC, the director of public prosecutions, also said that a sentencing code would mark a “significant leap forward”, allowing those involved in criminal justice to read the sentencing provisions clearly and in one place.<sup>24</sup> The Sentencing Council “strongly supported” the sentencing code, saying:

[The Sentencing Council] is confident that [the sentencing code] will achieve its aims of providing a sentencing procedure which is clear, accessible and coherent. The council agrees that the code will provide benefits for all users of the criminal justice system and the wider public.<sup>25</sup>

### ***Clean sweep***

The Law Commission described the clean sweep as a “technical device” that removes the requirement to refer to previous layers of legislation.<sup>26</sup>

<sup>17</sup> Law Commission, [The Sentencing Code Volume 1: Report](#), 22 November 2018, HC 1724 of session 2017–19, p 9.

<sup>18</sup> Law Commission, [‘New sentencing code to help prevent unlawful sentences being handed out’](#), 22 November 2018.

<sup>19</sup> Law Commission, [The Sentencing Code Volume 1: Report](#), 22 November 2018, HC 1724 of session 2017–19, p 12.

<sup>20</sup> Law Commission, [Appendix 5: Main Consultation Analysis](#), 22 November 2018, p 4, para 5.17.

<sup>21</sup> Law Commission, [The Sentencing Code Volume 1: Report](#), 22 November 2018, HC 1724 of session 2017–19.

<sup>22</sup> *ibid*, p 21.

<sup>23</sup> Law Commission, [‘Sentencing code: current project status’](#), accessed 9 March 2020.

<sup>24</sup> *ibid*.

<sup>25</sup> Law Commission, [The Sentencing Code: Summary of Report](#), 22 November 2018, p 2.

<sup>26</sup> Law Commission, [The Sentencing Code Volume 1: Report](#), 22 November 2018, HC 1724 of session 2017–19, p 1.

It says that the clean sweep will:

1. Repeal in their entirety provisions concerning sentencing procedure which have been repealed but partially saved for discrete classes of historical case; and
2. Commence, for all cases where the conviction occurs after the commencement of the code, provisions which have been commenced prospectively only, irrespective of the date of the offence.<sup>27</sup>

As the code is being enacted by consolidation, the Law Commission stated that the clean sweep must be achieved “by an amendment of the existing law, to come into force before the consolidation comes into force”.<sup>28</sup> The clean sweep was therefore introduced in a bill that preceded the main consolidation: the Sentencing (Pre-consolidation Amendments) Bill. The pre-consolidation bill received royal assent on 8 June 2020. Prior to its enactment, the Law Commission said:

The clause [in the pre-consolidation bill that introduces the clean sweep] is a technical one which, once enacted, will no longer need to be considered by users of the code. It will operate on the current law once—immediately before the sentencing bill is enacted—effecting the necessary changes to achieve the clean sweep policy, after which it will not need to be considered. It will not have effect for any legislative changes made after the enactment of the code.<sup>29</sup>

The Law Commission described the clean sweep as a “technical drafting device”.<sup>30</sup> It said that:

The provisions amended by the Sentencing (Pre-consolidation Amendments) Bill will then instantaneously be consolidated by the sentencing code, thereby giving effect to the clean sweep.<sup>31</sup>

As the clean sweep will only have effect prior to the enactment of the code, the Law Commission said “it will not be necessary for practitioners, judges or the public to look at, understand and apply the [clean sweep] clause”.<sup>32</sup>

Once the Sentencing Bill is in force, offenders who have been convicted are automatically sentenced under the code. The clean sweep will “consign to history” historic sentencing procedure.<sup>33</sup> The Law Commission said that there will no longer be a requirement for criminal justice practitioners to interpret several historical versions of sentencing law. Instead, the most recent legislation will apply to all cases, regardless of the date of the offence.

### **Exceptions**

The Law Commission highlighted exceptions to the clean sweep that would be maintained to ensure

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<sup>27</sup> Law Commission, [The Sentencing Code Volume 1: Report](#), 22 November 2018, HC 1724 of session 2017–19, p 60.

<sup>28</sup> *ibid*, p 65.

<sup>29</sup> *ibid*.

<sup>30</sup> *ibid*.

<sup>31</sup> *ibid*, p 76.

<sup>32</sup> *ibid*, p 65.

<sup>33</sup> *ibid*, p 60.

that an offender's fundamental rights are protected.<sup>34</sup> The exceptions are found within schedule 1 of the Sentencing (Pre-consolidation Amendments) Bill. The Law Commission said that one implication of article 7 of the European Convention of Human Rights<sup>35</sup> and the principle of non-retroactivity, is that judges will be required to refer to maximum sentences available for offences at the time they were committed.<sup>36</sup> It said that this would only be relevant for a small minority of cases where offences were committed in the past. On this basis, the Law Commission did not envisage the code to contain references to maximum sentences, tariffs or sentencing regimes.<sup>37</sup> This information would continue to appear in the Acts where the provisions were originally enacted.

With these considerations in mind, the Law Commission said that the code could be given retroactive effect as long as “the intention that it have such effect is expressed clearly and unambiguously”.<sup>38</sup> In response, the Bar Council said:

We agree with the Law Commission's analysis of article 7 rights and the principle of non-retroactivity.<sup>39</sup> We agree therefore that, provided article 7 rights of offenders remain protected, the [new sentencing code] should represent a ‘clean sweep’ so that sentencing options are included within a single document and apply from a particular point.<sup>40</sup>

The Law Commission cited “overwhelmingly positive” responses to the clean sweep principle during consultation.<sup>41</sup>

### 3. Sentencing (Pre-consolidation Amendments) Bill

On 8 June 2020, the Sentencing (Pre-consolidation Amendments) Bill received royal assent. The pre-consolidation bill paves the way for the code and has two main objectives: (1) removing the historic layers of sentencing legislation and giving effect to the clean sweep, and (2) making changes to the existing law of sentencing procedure to enable the consolidation in the code to take place.<sup>42</sup> Neither the code nor the pre-consolidation bill would alter existing maximum penalties or minimum sentencing provisions, nor would they introduce new sentencing disposals.<sup>43</sup>

This is the third occasion that a version of the pre-consolidation bill has been introduced to the House of Lords. Two previous, but not identical, versions of the bill were introduced during 2019.

<sup>34</sup> Law Commission, [The Sentencing Code Volume 1: Report](#), 22 November 2018, HC 1724 of session 2017–19, p 60.

<sup>35</sup> An excerpt from Article 7 of the European Convention on Human rights states: “No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed [...]”

<sup>36</sup> Law Commission, [A New Sentencing Code for England and Wales Transition—Final Report and Recommendations](#), 19 May 2016, HC 30 of session 2016–17, p 15.

<sup>37</sup> *ibid.*

<sup>38</sup> *ibid.*

<sup>39</sup> The Law Commission described retroactive law, for these purposes, as law which purports to apply to events which pre-date the commencement of the law as though it were the law at the time of those past event(s).

<sup>40</sup> Law Commission, [A New Sentencing Code for England and Wales Transition—Final Report and Recommendations](#), 19 May 2016, HC 30 of session 2016–17, p 25.

<sup>41</sup> *ibid.*

<sup>42</sup> [Explanatory notes to Sentencing \(Pre-consolidation amendments\) Bill](#), p 5.

<sup>43</sup> Law Commission, [The Sentencing Code Volume 1: Report](#), 22 November 2018, HC 1724 of session 2017–19, p 14.

They were lost following the prorogation of Parliament and then at dissolution for the 2019 general election.<sup>44</sup>

During the latest version of the pre-consolidation bill's second reading debate, several peers highlighted their support for the bill and the forthcoming code. Baroness Hallett (Crossbench) described the code as being greeted "with acclaim by the informed legal community".<sup>45</sup> Lord Adonis (Labour) commented on the extent of the law, saying:

It says something about the complexities that we are dealing with that it takes a prior bill to get the consolidation bill to bring about the reforms that we want. This further demonstrates the need for these pieces of legislation.<sup>46</sup>

During second reading committee in the House of Commons, Bambos Charalambous (Opposition Whip) spoke in support of the bill. Mr Charalambous said:

We also support any measure that will simplify our sentencing system and will benefit the legal process, legal professionals, the judiciary, and ultimately, the public.<sup>47</sup>

#### **4. What the Sentencing Bill does**

The Sentencing Bill is a consolidation bill and will be introducing the sentencing code.

The printed version of the bill is made up of two volumes and a table of origins:

- Volume one comprises of 420 clauses, divided into 14 parts. The 14 parts have been placed into six 'groups of parts'.
- Volume two comprises of 29 schedules.
- The table of origins provides the origin of the provisions within the bill. It has been published as a separate document annexed to the bill. The table of origins has no official status.

For the [online version of the bill](#), the volumes have been collated into one document. No explanatory notes have been published with the bill.

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<sup>44</sup> [Sentencing \(Pre-consolidation Amendments\) Bill HL 2017–19](#); [Sentencing \(Pre-consolidation Amendments\) Bill HL 2019](#).

<sup>45</sup> [HL Hansard](#), 11 February 2020, col 2243–5.

<sup>46</sup> *ibid*, col 2250–2.

<sup>47</sup> [HC Hansard](#), 17 March 2020, col 6.

#### 4.1 Sentencing code: structure

The code is made up of parts 2 to 13 of the bill. The code's structure follows the chronology of a sentencing hearing and is set out as follows:

Before sentencing:

- Part 2 is about powers exercisable by a court before passing sentence.

Sentencing:

- Part 3 is about court procedure when sentencing.
- Part 4 is about the discretion a court has when sentencing.

Sentences:

- Part 5 is about absolute and conditional discharges.
- Part 6 is about orders relating to conduct.
- Part 7 is about fines and other orders relating to property.
- Part 8 is about disqualification.
- Part 9 is about community sentences.
- Part 10 is about custodial sentences.
- Part 11 is about behaviour orders.

General:

- Part 12 contains miscellaneous and general provisions about sentencing.
- Part 13 deals with interpretation.

Part 14 of the Act contains the supplementary provision.

#### 4.2 Volume one: clauses of the bill

##### ***First group of parts: introductory provisions and overview***

The first group of parts comprises of part 1 only (clauses 1 to 2). It would provide the introductory provisions and overview of the bill. The part confirms that the code would not apply to a person convicted of an offence before 1 October 2020.

##### ***Second group of parts: provisions applying to sentencing courts generally***

The second group of parts comprises of parts 2 to 4 (clauses 3 to 78).

Part 2 provides the powers that are exercisable before a sentence is passed. It provides courts with

the power to issue deferment orders.<sup>48</sup> The part also provides the various procedures for committing a person to the crown court for sentence. This includes committals following summary trials for offenders under the age of 18, adults and corporations.

Part 3 provides court procedure when sentencing. It covers the procedure for providing pre-sentence reports, probation service reports, youth offending team reports, and financial circumstances orders.<sup>49</sup> The part also provides the procedure for derogatory assertion orders, surcharges, criminal court charges and the court's duty to give reasons for a sentence.

Part 4 provides the procedure on the exercising of a court's discretion. This includes the purposes of sentencing, sentencing guidelines, and the concept of seriousness.<sup>50</sup>

### ***Third group of parts: disposals***

The third group of parts comprises of parts 5 to 10 (clauses 79 to 329).

Part 5 provides the procedure for absolute and conditional discharges. An 'absolute discharge' is an order discharging an offender absolutely in respect of an offence. A 'conditional discharge' is an order discharging an offender of an offence, so long as the offender commits no offence during the period specified in the order.

Part 6 provides procedures for orders about conduct. This includes referral orders and reparation orders for offenders aged under 18 years.

Part 7 provides the procedure for financial orders, orders about property, and compensation orders. The part also provides procedure for restitution orders, deprivation orders, and orders of forfeiture and confiscation under several Acts.

Part 8 provides the procedure about disqualification. This covers driving disqualification orders and disqualification orders for offences relating to animals.

Part 9 provides the procedure for community sentences. This includes the provisions and procedure relating to the issuance of youth rehabilitation orders. This part also holds the provisions about community orders.<sup>51</sup>

Part 10 provides the procedure for custodial sentences. This gives the custodial provisions for offenders under 18 years of age, adults between 18 and 21 years of age, adults 21 years and above,

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<sup>48</sup> A 'deferment order' is an order that defers the passing of a sentence on an offender until the date specified in the order. This enables the court to have regard to an offender's conduct after conviction (where applicable), or any change in the offender's circumstances.

<sup>49</sup> A 'financial circumstances order' requires an individual to provide the court with a statement of the individual's assets and other financial circumstances as the court may require. This must be done in the time period specified on the order.

<sup>50</sup> Where a court is considering the 'seriousness' of an offence, it must consider (1) an offender's culpability, and (2) any harm that was caused, intended to cause or might foreseeably have caused. The court considers any applicable aggravating and mitigating factors when determining the seriousness of an offence.

<sup>51</sup> A 'community order' imposes an obligation on an offender to fulfil one or more of the specified community order requirements. This includes an unpaid work requirement, rehabilitation activity requirement and a curfew requirement. The full list of requirements is included within schedule 9 of the Sentencing Bill.

and suspended sentences. This part also covers custodial sentences for dangerous offenders and the minimum sentences for particular offences. The effect of life sentences and general provisions around sentence administration make up the final clauses of part 10.

#### ***Fourth group of parts: further powers relating to sentencing***

The fourth group of parts comprises of part 11 only (clauses 330 to 379).

Part 11 covers the provisions of behaviour orders. This includes criminal behaviour orders, sexual harm prevention orders, restraining orders, parenting orders, certain binding over orders including the binding over of a parent or guardian,<sup>52</sup> and other applicable behaviour orders.

#### ***Fifth group of parts: sentencing: miscellaneous provision and interpretation***

The fifth group of parts comprises of parts 12 to 13 (clauses 380 to 406).

Part 12 provides the miscellaneous provisions about sentencing. This includes costs, fines and other financial orders where an offender is aged under 18. It also includes the commencement and alteration of a sentence, and deportation.

The part also covers orders imposing community requirements and provisions surrounding the process of executing warrants between England, Wales and Scotland.

Part 13 provides the interpretation of terms within parts 2 to 12.

#### ***Sixth group of parts: supplementary provisions***

The sixth group of parts comprises of part 14 only (clauses 407 to 420). This provides the supplementary provisions for the bill. Part 14 is not part of the code.

Clauses 407 to 413 include the powers of the Secretary of State to make amendments to the code, consequential amendments, provisions relating to the armed forces, and repeals and revocations.

#### ***Territorial extent***

Clause 414 would mean that the majority of clauses within the bill extend to England and Wales only. The exceptions to this are listed below.

The following provisions extend to England and Wales, Scotland and Northern Ireland:

- clause 219 and schedule 11 (transfer of community orders to Scotland or Northern Ireland);

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<sup>52</sup> 'Binding over a parent or guardian' is designed to prevent future misconduct. It requires a parent/guardian of an offender under 18 to consent to entering into a recognizance to take proper care of the offender and exercise "proper control". If a parent/guardian refuses to consent to the recognizance and the court considers this to be unreasonable, they may be required to pay a specified sum of money.

- clause 304 and schedule 17 (transfer to Scotland or Northern Ireland of suspended sentence orders which impose community requirements);
- clause 349(2) (effect of making sexual harm prevention order where order already exists);
- clauses 414 (extent of bill) and 416 to 420 (further supplementary provisions).

The following clauses extend to England, Wales and Northern Ireland:

- clause 196 and schedule 8 (transfer of youth rehabilitation orders to Northern Ireland);
- clause 351 (variation of sexual harm prevention order by court in Northern Ireland);
- clause 407 (regulations and rules); and
- paragraph 12 of schedule 23 (power to amend schedule 8 in consequence of changes to the law in Northern Ireland).

The following clauses extend to England, Wales and Scotland:

- clauses 38, 40 and 41 (effect of derogatory assertion orders);
- clause 82 (effect of order for absolute discharge and order for conditional discharge);
- clause 396 (execution of process between England, Wales and Scotland).

Any amendments, repeals or revocations made by schedules 22, 24, 25, 26, and 28 would have the same extent in the UK as the provisions to which it relates. A list of the titles of the schedules can be found at section 4.3 of this briefing.

Clause 415 would allow an order in council to extend any relevant provision to the Channel Islands or the Isle of Man.

### **Commencement**

Clause 416 states that the Act would come into force on 1 October 2020. Clauses 417 to 418 provide the commencement provisions for schedule 22 (amendments of the sentencing code and related amendments) and schedule 26 (further amendments to the Armed Forces Act 2006). Clause 419 provides the secretary of state with the power to state the effect of commencement provisions.

Clause 420 confirms that the Act would be cited as the ‘Sentencing Act 2020’.

### **4.3 Volume two: schedules to the bill**

Volume two of the bill is made up of 29 schedules. A list of the schedules, titles, and corresponding clauses within the bill have been listed below:

**Table 1: Schedules to the Sentencing Bill**

	<b>Title of schedule</b>	<b>Corresponding clauses in Sentencing Bill</b>
<b>Schedule 1</b>	Offences where terrorist connection to be considered	69
<b>Schedule 2</b>	Order for conditional discharge: commission of further offence	81
<b>Schedule 3</b>	Youth offender contract: programme of behaviour	96
<b>Schedule 4</b>	Referral order: further court proceedings	104
<b>Schedule 5</b>	Breach, revocation and amendment of reparation order	115
<b>Schedule 6</b>	Youth rehabilitation orders: requirements	173
<b>Schedule 7</b>	Breach, revocation or amendment of youth rehabilitation order	195
<b>Schedule 8</b>	Transfer of youth rehabilitation orders to Northern Ireland	196
<b>Schedule 9</b>	Community orders and suspended sentence orders: requirements	206, 290
<b>Schedule 10</b>	Breach, revocation or amendment of community order	218
<b>Schedule 11</b>	Transfer of community orders to Scotland or Northern Ireland	219
<b>Schedule 12</b>	Detention and training order: breach of supervision requirements and further offences	243
<b>Schedule 13</b>	Special sentence for offenders of particular concern: offences	265, 278
<b>Schedule 14</b>	Extended sentences: the earlier offence condition: offences	267, 280
<b>Schedule 15</b>	Life sentence for second offence: listed offences	273, 283
<b>Schedule 16</b>	Breach or amendment of suspended sentence order and effect of further conviction	303
<b>Schedule 17</b>	Transfer of suspended sentence orders to Scotland or Northern Ireland	304
<b>Schedule 18</b>	Specified offences for purposes of section 306	306
<b>Schedule 19</b>	Schedule 19 offences	307
<b>Schedule 20</b>	Detention under section 250 and minimum sentences: firearms offences	249, 311
<b>Schedule 21</b>	Determination of minimum term in relation to mandatory life sentence for murder etc	322

	<b>Title of schedule</b>	<b>Corresponding clauses in Sentencing Bill</b>
<b>Schedule 22</b>	Amendments of the sentencing code and related amendments or other legislation	408
<b>Schedule 23</b>	Powers to amend the sentencing code	409
<b>Schedule 24</b>	Consequential amendments	410
<b>Schedule 25</b>	Amendments to the Armed Forces Act 2006	411
<b>Schedule 26</b>	Further amendments of the Armed Forces Act 2006	411
<b>Schedule 27</b>	Transitional provisions and savings	412
<b>Schedule 28</b>	Repeals and revocations	413
<b>Schedule 29</b>	Repeals and revocations for England and Wales	413

## 5. Further information

- House of Lords Library, [Sentencing \(Pre-consolidation Amendments\) Bill \[HL\]](#), 4 February 2020.

*This House of Lords Library briefing provides an overview of the Sentencing (Pre-consolidation amendments) Bill, the sentencing code project and applicable background.*

- Law Commission, [Impact Assessment of Sentencing Code](#), 21 November 2018.

*The impact assessment provides an overview of the policy objectives and economic and business assessment of the draft sentencing code. The latest version of the bill is not identical, but is substantively the same, as the draft version.*