



House of Lords  
House of Commons  
Joint Committee on  
Consolidation Bills

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# Sentencing Bill [HL]

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**First Report of Session 2019–21**

*Ordered by the House of Lords to be  
printed on 20 July 2020*

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**HL Paper 108**  
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## Joint Committee on Consolidation Bills

The Joint Committee on Consolidation Bills is appointed by the House of Lords and the House of Commons to consider Consolidation Bills, Statute Law Revision Bills and Statute Law Repeal Bills.

The Joint Committee has a maximum of twelve Members appointed by each House, of whom the quorum for any formal proceedings is three from the House of Lords and two from the House of Commons.

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### Publications

The reports and proceedings of the Committee are published by Order of both Houses. All publications of the Committee are on the Internet at <https://committees.parliament.uk/committee/171/consolidation-c-bills-joint-committee/>

### Committee staff

The current staff of the Committee are: Christine Salmon Percival (Lords Clerk), Yohanna Sallberg (Commons Clerk), Louise Andrews (Committee Assistant) and Ben Dunleavy (Committee Assistant).

### Contacts

All correspondence should be addressed to the Clerk of the Joint Committee on Consolidation Bills, Public Bill Office, House of Lords, London, SW1A 0PW. The telephone number for general enquiries is 020 7219 3153.

# Sentencing Bill [HL]

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1. The Committee has considered the Sentencing Bill, which was referred to it. The Committee has heard evidence on the Bill and is of the opinion that the Bill is pure consolidation and represents the existing law. The Committee has made amendments (set out in the Annex to this Report) to improve the Bill's form. There is no other point to which the special attention of Parliament should be drawn.<sup>1</sup>

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<sup>1</sup> Drafter's notes on the Sentencing Bill and Notes about proposed amendments for the Joint Committee, which were provided to the Joint Committee by the Office of the Parliamentary Counsel, can be found here: <https://services.parliament.uk/Bills/2019-21/sentencing/documents.html>.

# Annex

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Amendments made by the Joint Committee on Consolidation Bills:

*Sentencing Bill [HL]*

**Clause 2**

- 1 Page 2, line 16, leave out “1 October 2020” and insert “the commencement date”

**Clause 119**

- 2 Page 66, line 20, at end insert “(unless an Act passed after 31 December 1879 expressly provides to the contrary)”

**Clause 120**

- 3 Page 67, line 9, leave out “1 October 2020” and insert “the commencement date”

**Clause 244**

- 4 Page 132, line 34, leave out “1 October 2020” and insert “the commencement date”

- 5 Page 133, line 9, leave out “1 October 2020” and insert “the commencement date”

**Clause 245**

- 6 Page 133, line 20, leave out “1 October 2020” and insert “the commencement date”

- 7 Page 133, line 40, leave out “1 October 2020” and insert “the commencement date”

**Clause 263**

- 8 Page 141, line 24, leave out “with which the offence is punishable” and insert “that it may impose for the offence”

**Clause 311**

- 9 Page 167, line 19, at end insert—

“But this is subject to subsection (5).

(5) In the case of an offence within paragraph 5 of Schedule 20, “the required minimum term” means—

(a) in the case of an offender who was aged under 18 when convicted, 3 years;

(b) in the case of an offender who was aged 18 or over when convicted, 5 years.”

**Clause 353**

- 10 Page 191, line 15, leave out subsection (1)

**Clause 376**

- 11 Page 200, line 26, after “to” insert “section 37(8) of the Mental Health Act 1983 (order under this section not to be made where hospital or guardianship order is made) and to”

**Clause 397**

- 12 Page 212, line 8, leave out “clerk of” and insert “designated officer for”

**Clause 414**

- 13 Page 220, line 22, at end insert—

“(e) paragraph 18 of Schedule 16 (duty of court in Scotland or Northern Ireland when informed of suspended sentence).”

**Clause 416**

- 14 Page 221, line 37, leave out “1 October 2020” and insert “a date specified by the Secretary of State by regulations”

- 15 Page 221, line 38, at end insert—

“(1A) Subsections (4) to (6) of section 407 do not apply to the power conferred by subsection (1).”

- 16 Page 221, line 44, after “2006),” insert— “(ba) subsection (3A),”

- 17 Page 222, line 2, at end insert—

“(3A) Regulations under this Act may be made before the commencement date, but may not—

(a) come into force before that date, or

(b) bring a provision into force before that date.”

- 18 Page 222, line 9, leave out “1 October 2020” and insert “the commencement date”

**Clause 417**

- 19 Page 222, line 29, leave out subsections (2) and (3)

- 20 Page 222, line 39, at end insert—

“(za) paragraphs 35A to 35C, 35E, 35F, 40A and 40B;”

- 21 Page 222, line 44, leave out “64 and 65” and insert “62B, 62C and 64 to 65B”

- 22 Page 223, line 4, leave out “1 October 2020” and insert “the commencement date”

- 23 Page 223, line 7, leave out “1 October 2020” and insert “the commencement date”
- 24 Page 223, line 14, leave out “1 October 2020” and insert “the commencement date”
- 25 Page 223, line 32, at end insert “or, if later, on the commencement date”

#### **Schedule 4**

- 26 Page 231, line 30, leave out “each” and insert “any”
- 27 Page 231, line 41, leave out “9,” and insert “9(2),”
- 28 Page 233, line 17, leave out “9,” and insert “9(2),”
- 29 Page 233, line 30, leave out “9,” and insert “9(2),”
- 30 Page 235, line 34, leave out “9,” and insert “9(2),”

#### **Schedule 5**

- 31 Page 238, line 25, leave out “sub-paragraph (4) the” and insert “this paragraph—  
“relevant offence” means the offence in respect of which the reparation order was made, and  
the”

#### **Schedule 7**

- 32 Page 274, line 17, leave out “summons” and insert “has summoned”
- 33 Page 275, line 2, leave out “summons” and insert “has summoned”
- 34 Page 275, line 23, leave out “summons” and insert “has summoned”

#### **Schedule 8**

- 35 Page 281, line 36, leave out “32(3) and 35(3)” and insert “32(1)(b) and (3) and 35(2)(a) and (3)”
- 36 Page 287, leave out lines 38 to 41 and insert—

“21 (1) For the purposes of this Schedule, in relation to a youth rehabilitation order—

“breach”, in relation to a requirement of the order, means a failure to comply with it, and related expressions are to be read accordingly;

“corresponding order” ”

#### **Schedule 9**

- 37 Page 292, line 13, leave out “the” and insert “each”

**Schedule 10**

- 38 Page 318, line 20, leave out “summons” and insert “has summoned”
- 39 Page 318, line 36, leave out “summons” and insert “has summoned”
- 40 Page 319, line 18, leave out “summons” and insert “has summoned”

**Schedule 16**

- 41 Page 354, line 42, leave out “The court” and insert “Where the court deals with the case under paragraph 13, it”
- 42 Page 355, line 28, leave out from “Paragraph” to “is” in line 29 and insert “13(1)(d)(i) (power to impose more onerous requirements)”

**Schedule 17**

- 43 Page 370, line 36, leave out “offender’s home local justice area” and substitute “same local justice area as the original court”

**Schedule 22**

- 44 Page 396, line 32, at end insert—  
     “(b) in paragraph 14, for “13” substitute “13A.””
- 45 Page 397, line 16, at end insert—  
     “(ba) in subsection (5), in the opening words omit “or detained”;
- 46 Page 406, line 31, leave out paragraphs 36 and 37 and insert—  
     “35A In section 15(1)(b) (committal for sentence of dangerous adult offenders), omit—  
         (a) “of detention in a young offender institution or”;  
         (b) “266 or”.
- 35B In section 59(2)(h) (sentencing guidelines: general duty of court), for “sections 273 and” substitute “section”.
- 35C In section 61 (extended sentences and life sentences)—  
         (a) in subsection (2), omit “, 268(2)”;  
         (b) in subsection (3), omit “273 or”;  
         (c) in subsection (4), omit “273(4) or”;  
         (d) in subsection (8)—  
             (i) in paragraph (a), at the end insert “or”;

(ii) omit paragraph (c) (and the word “or” immediately before it).

35D In section 129(5)(c) (fine imposed on offender by Crown Court: duty to make term in default order), omit “, custody for life or detention in a young offender institution”.

35E In section 166(5) (extension of disqualification where custodial sentence also imposed), in the table, omit paragraphs 3 and 4.

35F In section 221 (overview of Part 10)—

(a) omit subsection (3);

(b) in subsection (4), omit “aged at least 21 at the time of conviction”.

47 Page 407, line 9, at end insert—

“40A In section 230(3) (threshold for imposing discretionary custodial sentence), for “sections 273(4) and” substitute “section”.

40B In section 231 (length of discretionary custodial sentences: general provision)—

(a) in subsection (3), for “sections 273(4) and” substitute “section”;

(b) in subsection (4), omit paragraph (b) (but not the word “or” immediately after it);

(c) in subsection (6), omit “, 268(2)”.

48 Page 408, line 9, at end insert—

“55A In section 308(1) (the assessment of dangerousness)—

(a) in paragraph (a), omit “, 267”;

(b) in paragraph (b), omit “, 274”.

55B In section 310 (certificates of conviction), in the words following paragraph (c), omit “267, 273,”.

49 Page 408, line 38, at end insert—

“62A (1) In section 384(3)(b) (commencement of sentence), for “, 257 and 270” substitute “and 257”.

(2) The amendment made by sub-paragraph (1) does not affect the validity of any order made under section 270(2).

62B In section 397(1) (interpretation: general), in the definition of “extended sentence”, omit paragraph (b) (but not the word “or” immediately after that paragraph).



62C In section 399(b) (mandatory sentences)—

- (a) in the opening words, omit “, custody for life”;
- (b) in sub-paragraph (i), omit “, 274”;
- (c) in sub-paragraph (ii), omit “273 or”.

50 Page 409, line 23, at end insert—

“65A In Schedule 14 (extended sentences: the earlier offence condition: offences), in paragraph 15(b), for “section 267(1)(a) or 280(1)(a) (as appropriate)” substitute “section 280(1)(a)”.

65B In Schedule 15 (life sentence for second offence: listed offences), in paragraph 24(1), omit the definition of “index offence”.

### Schedule 23

51 Page 417, line 11, leave out sub-paragraph (5)

52 Page 418, line 16, leave out sub-paragraph (5)

53 Page 419, line 31, leave out sub-paragraph (4)

### Schedule 24

54 Page 428, line 29, after “that Act” insert “, as it extends to England and Wales,”

55 Page 429, line 19, at end insert—

“32A(1) Section 5 of that Act, as it extends to Scotland, is amended—

- (a) if section 18 of the Management of Offenders (Scotland) Act 2019 (asp 14) (the “2019 Act”) does not come into force on or before the commencement date, as set out in sub-paragraphs (2) and (3);
  - (b) if section 19 of the 2019 Act does not come into force on or before that date, as set out in sub-paragraphs (4) to (10).
- (2) In subsection (1)(d)—
- (a) after “under section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000” insert “, under section 250 or 259 of the Sentencing Code”;
  - (b) after “under section 91 of the said Act of 2000” insert “or section 250 of that Code”.
- (3) In subsection (1)(f), after “228 of that Act” insert “or section 254, 266 or 279 of the Sentencing Code”.

(4) In subsection (2), in Table B, in the fourth entry, after “under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000” insert “or section 250 of the Sentencing Code”.

(5) In subsection (4A), after “section 177 of the Criminal Justice Act 2003” insert “or Chapter 2 of Part 9 of the Sentencing Code”.

(6) In subsection (4B)—

(a) in the opening words, after “the Powers of Criminal Courts (Sentencing) Act 2000” insert “or Chapter 1 of Part 6 of the Sentencing Code”;

(b) in paragraph (a)—

(i) after “section 23 of that Act” insert “or section 96 of that Code”;

(ii) after “section 24 of that Act” insert “or section 97 of that Code”.

(7) In subsection (4C)—

(a) in the opening words, after “paragraph 11 or 12 of Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000” insert “or paragraph 15 of Schedule 4 to the Sentencing Code”;

(b) in paragraph (a)—

(i) after “section 23 of that Act” insert “or section 96 of that Code”;

(ii) after “section 24 of that Act” insert “or section 97 of that Code”.

(8) In subsection (5)(da), after “Part 1 of the Criminal Justice and Immigration Act 2008” insert “or Chapter 1 of Part 9 of the Sentencing Code”.

(9) In subsection (6A), after “section 100 of the Powers of Criminal Courts (Sentencing) Act 2000” insert “or section 233 of the Sentencing Code”.

(10) In subsection (9)(b), after “section 91 of the Powers of Criminal Courts (Sentencing) Act 2000” insert “or section 250 of the Sentencing Code”.

56 Page 445, line 29, at end insert—

“122A In section 1AB(2) of the Prisoners and Criminal Proceedings (Scotland) Act 1993—

(a) in paragraph (b)—

- (i) after “section 31” insert “of the Counter-Terrorism Act 2008”;
    - (ii) for “the Counter-Terrorism Act 2008” substitute “that Act or section 69 of the Sentencing Code”;
  - (b) in paragraph (c), after “that Act” insert “or section 69 of that Code (as applied by section 238(6) of the Armed Forces Act 2006)”.
- 57** Page 445, line 30, leave out “the Prisoners and Criminal Proceedings (Scotland) Act 1993” and insert “that Act”.
- 58** Page 451, line 10, leave out “(1)(b),” and insert “(1)—
- (a) at the end of paragraph (aa), insert “or”;
  - (b) in paragraph (b),”
- 59** Page 455, line 28, at end insert—
- “168A(1) In section 23A(4) of the Terrorism Act 2000—
- (a) after “Counter-Terrorism Act 2008” insert “or Schedule 1 to the Sentencing Code”;
  - (b) in paragraph (a), after “that Act” insert “or section 69 of the Sentencing Code”.
- 60** Page 455, line 29, leave out “the Terrorism Act 2000” and insert “that Act—
- (a) in paragraph 1, in the definition of “relevant offence”, in paragraph (c), for “Schedule 2 to the Counter-Terrorism Act 2008” substitute “Schedule 1 to the Sentencing Code”;
  - (b) ”
- 61** Page 459, line 5, after “section” insert “264 or”
- 62** Page 462, line 39, leave out “1 October 2020” and insert “the commencement date within the meaning of the Sentencing Act 2020”
- 63** Page 464, line 15, at end insert— “(1A) In subsection (2)—
- (a) in paragraph (b)—
    - (i) after “section 30” insert “of the Counter-Terrorism Act 2008 or section 69 of the Sentencing Code”;
    - (ii) for “the Counter-Terrorism Act 2008” substitute “that Act”;
  - (b) in paragraph (c), after “that Act” insert “or section 69 of the Sentencing Code as applied by section 238(6) of the Armed Forces Act 2006”.

- 64 Page 466, line 9, at end insert— “(2A) In subsection (6A)(a)—
- (a) for “228,” substitute “228 of this Act or section 254, 266 or 279 of the Sentencing Code,”;
  - (b) for “236A,” substitute “236A of this Act or section 265 or 278 of that Code,”.
- 65 Page 466, line 27, after “section” insert—
- “(a) references to a detention and training order include an order made under section 211 of the Armed Forces Act 2006, and
  - (b) ”
- 66 Page 468, line 33, at end insert—
- “243A In Schedule 19ZA to the CJA 2003, in the heading of Part 2, after “Counter-Terrorism Act 2008” insert “or Sentencing Code”.”
- 67 Page 472, line 35, at end insert—
- “Government of Wales Act 2006 (c. 32)
- 251A In Schedule 1A to the Government of Wales Act 2006, in paragraph 7—
- (a) the words following “subject to” become paragraph (a);
  - (b) at the end insert “or
  - (b) an order under Chapter 2 of Part 11 of the Sentencing Code”.
- 68 Page 473, line 33, at end insert— “256A In section 4(3) of that Act—
- (a) in paragraph (a), for “paragraph 13, 14, 17, 19A or 20 of Schedule 8 to the Criminal Justice Act 2003” substitute “paragraph 14, 15, 18, 20 or 21 of Schedule 10 to the Sentencing Code”;
  - (b) in paragraph (b), for paragraph 13, 15, 17 or 18 of Schedule 12 to that Act” substitute “paragraph 22, 25 or 27 of Schedule 16 to that Code”;
  - (c) in paragraph (c), for “that Act” substitute “the Criminal Justice Act 2003”.
- 69 Page 477, line 12, at end insert—
- “267A(1) Section 42 of that Act is amended as follows.
- (2) In subsection (1)—
  - (a) before paragraph (a) insert—

“(za) an offence as to which a court has determined under section 69 of the Sentencing Code (sentences for offences with a terrorist connection: England and Wales) that the offence has a terrorist connection,”;

(b) in paragraph (a) omit “England and Wales and”.

(3) In subsection (2), for “(1)(a)” substitute “(1)(za) or (a)”.

(4) In subsection (4)—

(a) after “Schedule 2,” insert “or regulations are made under paragraph 1 of Schedule 23 to the Sentencing Act 2020 removing an offence from the list in Schedule 1 to the Sentencing Code,”;

(b) after “comes” insert “, or the regulations come,”.

70 Page 477, line 22, after “Act” insert “—

(a) in paragraph 2(1), for “section 32” substitute “section 69 of the Sentencing Code (as applied by section 238(6) of the Armed Forces Act 2006)”;

(b) ”

71 Page 479, line 19, at end insert—

“284A In section 44(2) of that Act, at the end insert—

“(e) section 69 of the Sentencing Code (including as it is applied by section 238(6) of the Armed Forces Act 2006), and Schedule 1 to that Code (terrorist connection).”

72 Page 480, line 22, at end insert—

“*Coronavirus Act 2020 (c. 7)*

292A(1) Schedule 23 to the Coronavirus Act 2020 is amended as follows.

(2) In paragraph 2(3)(i), after “section 155 of the Powers of Criminal Courts (Sentencing) Act 2000” insert “or section 385 of the Sentencing Code”.

(3) In paragraph 8, in paragraph 2(9) of the Schedule 3A treated as inserted into the Criminal Justice Act 2003, after “section 155 of the Powers of Criminal Courts (Sentencing) Act 2000” insert “or section 385 of the Sentencing Code”.

292B In Schedule 24 to that Act, after paragraph 13 insert—

*“Sentencing Code*

14 The Sentencing Code has effect as if section 391 were omitted.”

73 Page 480, line 28, at end insert “of the English language text”

74 Page 480, line 35, at end insert —

“(2A) In subsection (2)(c) of the Welsh language text—

(a) in sub-paragraph (i), for “paragraff 4 o Atodlen 1 neu baragraff 6 o Atodlen 8 i Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000” substitute “paragraff 5 o Atodlen 4 neu baragraff 7 o Atodlen 5 i’r Cod Dedfrydu”;

(b) in sub-paragraph (ii), for “paragraff 21 o Atodlen 2 i Ddeddf Cyfiawnder Troseddol a Mewnfudo 2008” substitute “paragraff 25 o Atodlen 7 i’r Cod hwnnw”.

75 Page 480, line 36, after “subsection (3)” insert “of the English language text”

76 Page 481, line 4, at end insert —

“(4) For subsection (3) of the Welsh language text substitute— “(3) Yn is-adran (2)—

mae i “gofyniad preswyllo awdurdod lleol” (*“local authority residence requirement”*) yr ystyr a roddir gan baragraff 24 o Atodlen 6 i’r Cod Dedfrydu;

mae i “gorchymyn adsefydlu ieuenctid” (*“youth rehabilitation order”*) yr ystyr a roddir gan adran 173 o’r Cod hwnnw;

mae i “gorchymyn adsefydlu ieuenctid â maethu” (*“youth rehabilitation order with fostering”*) yr ystyr a roddir gan adran 176 o’r Cod hwnnw.”

77 Page 481, line 5, after first “of” insert “the English language text of”

78 Page 481, line 8, at end insert—

“(2) In section 188(1) of the Welsh language text of that Act, in paragraph (e) of the definition of “llety cadw ieuenctid” (*“youth detention accommodation”*), for “drwy orchymyn o dan adran 107(1) (e) o Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000” substitute “drwy reoliadau o dan adran 248(1)(f) o’r Cod Dedfrydu”.

79 Page 481, line 9, after first “of” insert “the English language text of”

80 Page 481, line 11, at end insert—

“(2) In section 194(6)(c) of the Welsh language text of that Act, for “o dan Ran 1 o Ddeddf Cyfiawnder a Mewnfudo 2008” substitute “ym Mhennod 1 o Ran 9 o’r Cod Dedfrydu”.”

81 Page 481, line 12, after “to” insert “the English language text of”

82 Page 481, line 13, at end insert—

“(2) In Schedule 1 to the Welsh language text of that Act, in paragraph 1(8), for paragraph (c) substitute—

“(c) adran 260 o’r Cod Dedfrydu.””

83 Page 481, line 15, after “of” insert “the English language text of”

84 Page 481, line 17, at end insert—

“(2) In section 70(1)(j)(i) of the Welsh language text of that Act, after “adran 76 o Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000” insert “neu adran 222 o’r Cod Dedfrydu”.”

85 Page 481, line 18, after first “of” insert “the English language text of”

86 Page 481, line 21, at end insert—

“(2) In section 99 of the Welsh language text of that Act, in paragraph (e) of the definition of “llety cadw ieuenctid” (“youth detention accommodation”), for “gan orchymyn o dan adran 107(1)(e) o Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000” substitute “drwy reoliadau o dan adran 248(1)(f) o’r Cod Dedfrydu”.”

87 Page 481, line 23, after first “of” insert “the English language text of”

88 Page 481, line 25, at end insert—

“(2) In section 120(6) of the Welsh language text of that Act, after “adran 76 o Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000 (p.6)” insert “neu adran 222 o’r Cod Dedfrydu”.”

89 Page 481, line 35, at end insert—

*“Management of Offenders (Scotland) Act 2019 (asp 14)*

301A If section 18 of the Management of Offenders (Scotland) Act 2019 does not come into force on or before the commencement date, subsection (2)(b) of that section is amended as follows—

(a) in sub-paragraph (i), for “third” substitute “fourth”;

(b) in sub-paragraph (iii), after “2000” insert “or section 250 of that Code”.”

90 Page 482, line 2, at end insert—

*“Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))*

301B In Article 6(1)(g)(iii) of the Rehabilitation of Offenders (Northern Ireland) Order 1978, at the end insert “or section 254, 266 or 279 of the Sentencing Code”.

91 Page 482, line 31, at end insert—

“(iv) Part 2 of Schedule 10 (breach of requirement of community order);

(v) Part 2 of Schedule 16 (breach of community requirement of suspended sentence order or conviction of further offence).”

92 Page 484, line 14, at end insert—

“314A In rule 5A(2)(b)(iii) of those rules, after “section 100 of the Powers of Criminal Courts (Sentencing) Act 2000” insert “or section 233 of the Sentencing Code”.

93 Page 488, line 21, after “of” insert “the English language text of”

94 Page 488, line 26, at end insert—

“(2) In regulation 2(1) of the Welsh language text of those Regulations, in the definition of “canolfan hyfforddi ddiogel” (“secure training centre”), for “o dan adran 100 o Ddeddf Pwerau'r Llysoedd Troseddol (Dedfrydu) 2000 (tramgwyddwyr o dan 18 oed: gorchmynion dal gafael a hyfforddi)” substitute “o fewn yr ystyr a roddir gan adran 233 o'r Cod Dedfrydu”.

95 Page 489, line 34, leave out paragraphs (c) and (d)

96 Page 490, line 6, leave out from beginning to “in” and insert—

“356 In the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009, after article 102 insert—

**“102A Seriousness of offence with terrorist connection**

In section 238(6) of AFA 2006 (seriousness of offence with terrorist connection) the references—

(a) to an offence under section 42 of that Act include an SDA civil offence, and

(b) to the corresponding offence under the law of England and Wales includes the corresponding civil offence.”

356A In Schedule 1 to that Order,”



- 97 Page 495, line 9, after “of” insert “the English language text of”
- 98 Page 495, line 11, at end insert—  
“(2) In regulation 3(9)(ch) of the Welsh language text of those Regulations, after “adran 12 o Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000” insert “neu adran 79 neu 80 o’r Cod Dedfrydu.”
- 99 Page 496, line 13, after “section” insert “264 or”
- 100 Page 496, line 22, after “section” insert “264 or”
- 101 Page 496, line 43, at end insert— “(1A) In paragraph (f)—  
(a) for “section 22 of the Anti-social Behaviour, Crime and Policing Act 2014” substitute “section 330 of the Sentencing Code”;  
(b) after “section 103A of the Sexual Offences Act 2003” insert “or Chapter 2 of Part 11 of the Sentencing Code”.
- 102 Page 497, line 32, leave out paragraphs (c) and (d)
- 103 Page 500, line 5, leave out from “for” to second “of” in line 5 and insert “the words following “a conviction of an offence” substitute “falling within section 308(3)(a)”
- 104 Page 502, line 30, after “of” insert “the English language text of”
- 105 Page 502, line 33, at end insert—  
“(2) In regulation 2(j)(i) of the Welsh language text of those Regulations, after “adran 76 o Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000” insert “neu adran 222 o’r Cod Dedfrydu.”
- 106 Page 502, line 37, at end insert “of the English language text”
- 107 Page 502, line 41, at end insert—  
“(2A) In paragraph (a) of the Welsh language text—  
(a) after “adran 209 o Ddeddf Cyfiawnder Troseddol 2003” insert “neu baragraff 19 o Atodlen 9 i’r Cod Dedfrydu”;  
(b) after “adran 177 o’r Ddeddf honno” insert “neu adran 200 o’r Cod hwnnw”;  
(c) after “adran 189 o’r Ddeddf honno” insert “neu adran 286 o’r Cod hwnnw”.
- 108 Page 502, line 42, at end insert “of the English language text”
- 109 Page 503, line 4, at end insert—  
“(4) In paragraph (b) of the Welsh language text—

(a) after “adran 212 o Ddeddf Cyfiawnder Troseddol 2003” insert “neu baragraff 23 o Atodlen 9 i’r Cod Dedfrydu”;

(b) after “adran 177 o’r Ddeddf honno” insert “neu adran 200 o’r Cod hwnnw”;

(c) after “adran 189 o’r Ddeddf honno” insert “neu adran 286 o’r Cod hwnnw”.

110 Page 503, line 6, after “of” insert “the English language text of”

111 Page 503, line 8, at end insert—

“(2) In regulation 14(a) of the Welsh language text of those Regulations, after “adran 90 neu 91 o Ddeddf Pwerau’r Llysoedd Troseddol (Dedfrydu) 2000” insert “neu adran 250 neu 259 o’r Cod Dedfrydu”.

112 Page 503, line 39, at end insert—

*“Release of Prisoners (Alteration of Relevant Proportion of Sentence) Order 2020 (S.I. 2020/158)*

426A In article 5(c) of the Release of Prisoners (Alteration of Relevant Proportion of Sentence) Order 2020, after “section 236A of the 2003 Act” insert “or section 265 or 278 of the Sentencing Code”.

113 Page 504, line 17, at end insert—

“section 430(4A) of the Insolvency Act 1986;”

114 Page 504, line 20, after “139A(5ZA)” insert “(as to be inserted by section 45(5) of the Offensive Weapons Act 2019)”

115 Page 504, line 32, at end insert “(as to be inserted by section 42 of the Crime and Security Act 2010)”

116 Page 505, line 44, after “to” insert “the English language text of”

117 Page 506, line 1, leave out “Schedule 2” and insert “Schedule 22”

118 Page 506, line 31, after “to” insert “the English language text of”

119 Page 507, line 18, at end insert—

“(2) In the Welsh language text of paragraph 10(2) of Schedule A1 to the Learner Travel (Wales) Measure 2008 (nawm 2), for “adran 154(1) o Ddeddf Cyfiawnder Troseddol 2003” substitute “paragraff 24(2) o Atodlen 22 i Ddeddf Dedfrydu 2020”.

(3) In the Welsh language text of paragraph 9 of Schedule 5 to the Mobile Homes (Wales) Act 2013 (anaw 6), for “adran 154(1) o Ddeddf Cyfiawnder Troseddol 2003” substitute “baragraff 24(2) o Atodlen 22 i Ddeddf Dedfrydu 2020”.

- 120 Page 507, line 18, at end insert—  
 “428A In the following provisions, for “section 154(1) of that Act” substitute “paragraph 24(2) of Schedule 22 to the Sentencing Act 2020”—  
 (a) paragraph 52(2) of Schedule 11 to the Government of Wales Act 2006;  
 (b) section 22(4)(b) of the Public Bodies Act 2011.”
- 121 Page 507, line 33, after first “of” insert “the English language text of”
- 122 Page 507, line 42, leave out “14(4)” and insert “14(14)”
- 123 Page 507, line 46, after “to” insert “the English language text of”
- 124 Page 508, line 5, at end insert—  
 “article 4(5) of the Export Control (Somalia) Order (S.I. 2011/146);”
- 125 Page 509, leave out lines 42 and 43
- 126 Page 510, line 1, after “to” insert “the English language text of”
- 127 Page 510, line 50, at end insert—  
 “article 9(1)(b)(i) and (2)(b)(i) of the Andrey Lugovoy and Dmitri Kovtun Freezing Order 2020 (S.I. 2020/36);  
 regulation 30(4) of the Cyber (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/597);  
 regulation 31(4) of the Bosnia and Herzegovina (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/608);  
 regulation 30(4) of the Nicaragua (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/610);  
 regulation 24(3) of the Lebanon (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/612);  
 regulation 49(5) of the Central African Republic (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/616);  
 regulation 25(3) of the Lebanon (Sanctions) (Assassination of Rafiq Hariri and others) (EU Exit) Regulations 2020 (S.I. 2020/617);  
 regulation 63(5) of the Somalia (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/642);  
 regulation 32(4) of the Global Human Rights Sanctions Regulations 2020 (S.I. 2020/680).”

128 Page 510, line 50, at end insert—

“(2) In the Welsh language text of regulation 6(7) of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848 (W.177)), for “adran 154(1) o Ddeddf Cyfiawnder Troseddol 2003” substitute “paragraff 24(2) o Atodlen 22 i Ddeddf Dedfrydu 2020”.

(3) In the Welsh language text of the following provisions, for “adran 154(1) o Ddeddf Cyfiawnder Troseddol 2003” substitute “baragraff 24(2) o Atodlen 22 i Ddeddf Dedfrydu 2020”—

paragraph 6(2) of Schedule 3 to the Environmental Civil Sanctions (Wales) Order 2010 (S.I. 2010/1821 (W.178));

paragraph 16(2) of the Schedule to the Environmental Protection (Microbeads) (Wales) Regulations 2018 (S.I. 2018/760 (W.151)).”

129 Page 511, line 5, leave out “1 October 2020” and insert “the commencement date”

130 Page 512, leave out line 25 and insert “paragraphs 168A and 169 (amendments of the”

131 Page 512, line 47, leave out from beginning to “the” and insert “paragraphs 267, 267A and 269(a) (amendments of sections 30 and 42 of, and paragraph 2(1) of Schedule 6 to,”

#### Schedule 25

132 Page 534, line 9, leave out “with which the offence is punishable” and insert “that it may impose for the offence”

133 Page 543, line 43, leave out “a service offence” and insert “an offence under section 42”

134 Page 543, line 45, leave out from first “as” to “is” in line 46 and insert “a reference to an offence under section 42 as respects which the corresponding offence under the law of England and Wales”

#### Schedule 26

135 Page 551, line 10, leave out paragraph 17

136 Page 551, line 42, at end insert—

“21A In section 262A (conversion of sentence of detention to sentence of imprisonment), in subsection (4) omit the paragraphs (d), (e) and (f) treated as substituted in subsection (7) of section 329 of the Sentencing Code.”

#### Schedule 27

137 Page 552, line 27, after “guidance,” insert “accreditation, arrangement,”

138 Page 553, line 9, after “161,” insert “169(a),”

- 139 Page 553, line 10, after “256,” insert “256A,”
- 140 Page 553, line 38, leave out “1 October 2020” and insert “the commencement date”
- 141 Page 554, line 43, leave out “1 October 2020” and insert “the commencement date”
- 142 Page 555, line 17, leave out “1 October 2020” and insert “the commencement date”
- 143 Page 555, line 32, leave out “1 October 2020” and insert “the commencement date”
- 144 Page 556, line 17, leave out “1 October 2020” and insert “the commencement date”
- 145 Page 556, line 30, leave out “1 October 2020” and insert “the commencement date”
- 146 Page 556, line 33, leave out “1 October 2020” and insert “the commencement date”
- 147 Page 556, line 44, leave out “1 October 2020” and insert “the commencement date”
- 148 Page 557, line 11, leave out “1 October 2020” and insert “the commencement date”
- 149 Page 557, line 14, leave out “1 October 2020” and insert “the commencement date”
- 150 Page 557, line 19, leave out “1 October 2020” and insert “the commencement date”
- 151 Page 558, line 39, at end insert—

*“Exercise of powers to amend amounts*

22A (1) A reference in sub-paragraph (4) of paragraph 5 or 7 of Schedule 23 to regulations previously made under that paragraph includes a reference to an order previously made under the corresponding provision of section 143 of the Magistrates’ Courts Act 1980.

(2) Sub-paragraph (3) applies to regulations under paragraph 5, 6, 7, 10, 14 or 17 of Schedule 23 to amend an amount specified in a provision of the Sentencing Code so as to specify a different amount that, immediately before the commencement date, is specified in the corresponding provision repealed by this Act by virtue of an order made under a provision repealed by this Act.

(3) The regulations are to be treated for the purposes of that paragraph of Schedule 23 as being made and coming into force on the dates on which the order was made and came into force.

*Saving for list of offences applied for other purposes*

22B The repeal by Schedule 28 of section 224 of the Criminal Justice Act 2003 does not affect Schedule 15 to that Act (certain specified offences) so far as it continues to apply for any purpose on and after the commencement date.”

**Schedule 28**

152 Page 560, line 13, column 2, after “paragraphs” insert “(ca),”

153 Page 560, leave out line 31

154 Page 561, line 28, after “148,” insert “149,”

155 Page 562, line 17, leave out “(8) and (12)” and insert “and (8)”

156 Page 562, line 37, at end insert—

“In section 337(2)—  
  
(a) the entries relating to sections 180 and 194 and Schedules 9 and 13;  
  
(b) the entry relating to paragraph 12(3) of Schedule 12.”

157 Page 564, line 33, in column 2, at beginning insert—

“Section 32.”

158 Page 566, line 11, in column 2, leave out “, 16”

159 Page 566, line 29, leave out “9” and insert “9(3) and (4)”

160 Page 566, line 44, leave out “44” and insert “43”

161 Page 566, line 46, at end insert—

<p>“Criminal Justice Act 2003 (Sentencing) (Transitory Provisions) Order 2005 (S.I. 2005/643)</p>	<p>Article 2. In article 3, paragraphs (2), (3), (4), (6), (8) and (16).”</p>
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162 Page 567, line 2, after “to” insert “65, 67 to 71, 73 to 79, 81, 82, 84 and”

# Minutes of Proceedings

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**Monday 20 July 2020**

Minutes of the (virtual) meeting of the Joint Committee on Consolidation Bills on Monday 20 July at 3 pm.

Present:

Lord Thomas of Cwmgeidd, in the Chair

Baroness Andrews	Simon Baynes MP
Baroness D’Souza	Elliot Colburn MP
Lord Eames	Maria Eagle MP
Viscount Eccles	Simon Jupp MP
Viscount Hanworth	Christina Rees MP
Baroness Mallalieu	Andrew Slaughter MP
Lord Razzall	Jane Stevenson MP
Baroness Thomas	

Lord Thomas of Cwmgeidd took the Chair, the motion to appoint Lord Thomas of Cwmgeidd as Chair having been agreed by correspondence in advance of the meeting.

## Declarations of interest

Members of the Joint Committee declared the following interests:

### **Maria Eagle MP**

Former practising solicitor.

### **Baroness Mallalieu**

Retired criminal barrister and Recorder. Mother of a practicing criminal barrister.

### **Christina Rees MP**

Registered as a non-practising barrister.

### **Lord Thomas of Cwmgeidd**

Former judge and former barrister.

The Joint Committee considered the Sentencing Bill [HL], with the assistance of the following witnesses:

Professor David Ormerod QC (formerly at the Law Commission)  
 Alison Bertlin (Office of the Parliamentary Counsel)  
 Catherine Elkington (Ministry of Justice)  
 Douglas Hall (Office of the Parliamentary Counsel)  
 Lyndon Harris (formerly at the Law Commission)  
 Sebastian Walker (formerly at the Law Commission)  
 Ben Bridge (Ministry of Defence)

## In the Clauses

Clause 1 read and *agreed to*.

Amendment 1 read and *agreed to*.

Clause 2 as amended read and *agreed to*.

Clauses 3 to 118 read and *agreed to*.

Amendment 2 read and *agreed to*.

Clause 119 as amended read and *agreed to*.

Amendment 3 read and *agreed to*.

Clause 120 as amended read and *agreed to*.

Clauses 121 to 243 read and *agreed to*.

Amendments 4 and 5 read and *agreed to*.

Clause 244 as amended read and *agreed to*.

Amendments 6 and 7 read and *agreed to*.

Clause 245 as amended read and *agreed to*.

Clauses 246 to 262 read and *agreed to*.

Amendment 8 read and *agreed to*.

Clause 263 as amended read and *agreed to*.

Clauses 264 to 310 read and *agreed to*.

Amendment 9 read and *agreed to*.

Clause 311 as amended read and *agreed to*.

Clauses 312 to 352 read and *agreed to*.

Amendment 10 read and *agreed to*.

Clause 353 as amended read and *agreed to*.

Clauses 354 to 375 read and *agreed to*.

Amendment 11 read and *agreed to*.

Clause 376 as amended read and *agreed to*.

Clauses 377 to 396 read and *agreed to*.

Amendment 12 read and *agreed to*.

Clause 397 as amended read and *agreed to*.

Clauses 398 to 413 read and *agreed to*.

Amendment 13 read and *agreed to*.

Clause 414 as amended read and *agreed to*.

Clause 415 read and *agreed to*.

Amendments 14 to 18 read and *agreed to*.

Clause 416 as amended read and *agreed to*.

Amendments 19 to 25 read and *agreed to*.



Clause 417 as amended read and *agreed to*.

Clauses 418 to 420 read and *agreed to*.

#### **In the Schedules**

Schedules 1 to 3 read and *agreed to*.

Amendments 26 to 30 read and *agreed to*.

Schedule 4 as amended read and *agreed to*.

Amendment 31 read and *agreed to*.

Schedule 5 as amended read and *agreed to*.

Schedule 6 read and *agreed to*.

Amendments 32 to 34 read and *agreed to*.

Schedule 7 as amended read and *agreed to*.

Amendments 35 and 36 read and *agreed to*.

Schedule 8 as amended read and *agreed to*.

Amendment 37 read and *agreed to*.

Schedule 9 as amended read and *agreed to*.

Amendments 38 to 40 read and *agreed to*.

Schedule 10 as amended read and *agreed to*.

Schedules 11 to 15 read and *agreed to*.

Amendments 41 to 42 read and *agreed to*.

Schedule 16 as amended read and *agreed to*.

Amendment 43 read and *agreed to*.

Schedule 17 as amended read and *agreed to*.

Schedules 18 to 21 read and *agreed to*.

Amendments 44 to 50 read and *agreed to*.

Schedule 22 as amended read and *agreed to*.

Amendments 51 to 53 read and *agreed to*.

Schedule 23 as amended read and *agreed to*.

Amendments 54 to 131 read and *agreed to*.

Schedule 24 as amended read and *agreed to*.

Amendments 132 to 134 read and *agreed to*.

Schedule 25 as amended read and *agreed to*.

Amendments 135 and 136 read and *agreed to*.

Schedule 26 as amended read and *agreed to*.

Amendments 137 to 151 read and *agreed to*.

Schedule 27 as amended read and *agreed to*.

Amendments 152 to 162 read and *agreed to*.

Schedule 28 as amended read and *agreed to*.

Schedule 29 read and *agreed to*.

#### **In the Title**

Title of the Bill read and *agreed to*.

Draft Report laid before the Committee—

The Committee has considered the Sentencing Bill, which was referred to it. The Committee has heard evidence on the Bill and is of the opinion that the Bill is pure consolidation and represents the existing law. The Committee has made amendments (set out in the Annex to this Report) to improve the Bill's form. There is no other point to which the special attention of Parliament should be drawn.

Report *agreed to*.

*Ordered*, That the draft report be the First Report of the Joint Committee.

*Ordered*, That the Lord in the Chair do make the Report to the House of Lords and Maria Eagle MP do make the Report to the House of Commons and do report the Minutes of Proceedings.

*Ordered*, That the Committee be adjourned *sine die*.