

**Baroness Drake CBE**  
Chair,  
Lords Constitution Committee  
House of Lords  
London  
SW1A 0AW

**MoJ ref:** SUB117973

17 October 2024

Dear Baroness Drake,

### **MAGISTRATES' COURT SENTENCING POWERS**

In order to bear down on the remand population and reduce the outstanding caseload in the Crown Court, the Lord Chancellor has decided to increase magistrates' court sentencing powers from 6 months to 12 months' maximum imprisonment for a single triable either-way offence.

Making this change will allow us to manage pressure on our record high remand population, which is putting significant strain on our reception prisons. As you will know, the remand population are placed in "reception" or "Category B prisons". Until they are tried and sentenced, they cannot be moved elsewhere in the estate, but it is in reception prisons that we face the most acute capacity pressure in the country. Unless we address our remand population, we risk overflowing in reception prisons, whilst having space we cannot use in Category C and D prisons.


Increasing magistrates' court sentencing powers will also allow us to reduce the Crown Court outstanding caseload, which remains one of the biggest challenges facing the criminal justice system, and leaves victims waiting years to have their case heard. It will result in more cases being retained in the magistrates' courts and therefore being heard more quickly. It will also free up capacity in the Crown Court for other, more serious cases to be heard.

The Statutory Instrument to increase magistrates' court sentencing powers is due to be laid on 28 October 2024 and will come into force on 18 November 2024. This will apply to cases convicted on or after the legislation comes into force.

My officials are working with operational partners, including Judicial College, Judicial Office and HMCTS, in order to support them in preparing for the change and I am grateful to all parties for their constructive collaboration to enable timely implementation

of this policy. This measure supports our commitment to bring waiting times down. It helps ensure that more victims access swifter justice, and that more criminal receive the punishment they deserve.

Kind regards,

A handwritten signature in black ink, appearing to read "Ponsonby", written in a cursive style. The signature is centered within a light gray rectangular box.

**LORD PONSONBY OF SHULBREDE**