



Justice Committee

Right Honourable Lady Justice May
Chair of the Sentencing Council

Royal Courts of Justice
Strand
London
WC2A 2LL

By email only

9 September 2026

Dear Juliet,

IMPOSITION OF COMMUNITY AND CUSTODIAL SENTENCES GUIDELINE

I am writing on behalf of the Justice Committee as Acting Chair. The Committee welcomes the opportunity to contribute to the Sentencing Council's consultation (the Consultation) on the proposed changes to the Imposition of Community and Custodial Sentences Guideline (the Guideline).

The Committee notes that, following publication of the Consultation, the Court of Appeal in *R v Corey Morgan* clarified the law regarding the presumption of suspension for sentences of up to 12 months under the Sentencing Act 2020. The Council responded by amending the Guideline on 6 August to reflect this clarification.¹ The Committee welcomes this amendment and agrees that it draws a clearer distinction between the different routes by which the presumption of suspension may be displaced.

¹ *R v Morgan* [2026] EWCA Crim 886; Sentencing Council, [Amendment to Imposition of community and custodial sentences guideline as a result of case law](#), 06 August 2026



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In relation to the changes proposed in the Consultation, the Committee also welcomes the proposed amendment requiring courts to give reasons as to why exceptional circumstances have, or have not, been found. Where this issue arises, the Committee agrees that it is essential for the court to provide a clear explanation as to whether or whether the statutory threshold has been met.

Whilst the Committee understands why the Council has decided not to provide guidance on the meaning of "exceptional" at this stage, it recommends that the Council keep this under review and consider developing further guidance as the case law develops. Since courts will now be required to give reasons for finding, or not finding, exceptional circumstances, the Committee anticipates that guidance on the meaning of "exceptional" will become necessary as the proposed amendments to the Guideline take effect.

The Committee looks forward to working with the Council on future guidelines.

Yours sincerely,

Tessa Munt MP
Acting Chair
Justice Committee