

But ? will it cert use the measure
The whole thing

PRIME MINISTER

5 February 1986

SENTENCING AND THE CRIMINAL JUSTICE BILL

H COMMITTEE, 4 FEBRUARY

The Home Secretary introduced his proposal to raise the status and statutory function of the Judicial Studies Board. He described this as the mildest of options to tackle the problem of lenient sentencing. The Attorney approved, but the Lord Chancellor said the exercise was clearly cosmetic. We agree with the Lord Chancellor. The Court of Appeal, of course, already makes guideline judgements and Judges are under duty to consider these decisions that are invariably reported in the criminal appeal reports.

If you would like to do something more on sentencing you might consider:

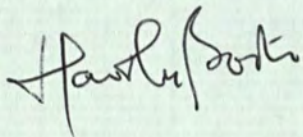
1. A wholesale review of maximum and minimum sentences.
This is the only point in the process when Government can properly influence sentencing. There has been no full-scale review since the 1970s when the Advisory Council on the Penal System was abolished.
2. You could bring back the legislation which allowed the Court of Appeal to increase the sentence on anyone who appealed frivolously. However, this cannot solve the principal problem of lenient sentences. The Lord Chief Justice approves of this suggestion, but the Home Office

officials doubt whether this would be effective or helpful.

3. You could go for the toughest option of all and bring in appeals against sentence by the prosecution. This would be approved by the Judiciary, but the Attorney, the Lord Chancellor, and Conservative lawyers in the Lords and the Commons would reject it.

Conclusion

We recommend you have a full-scale review of sentencing maxima and minima if you want to go further than the Criminal Justice Bill proposal.

A handwritten signature in cursive script, appearing to read 'Hartley Booth', is written in dark ink.

HARTLEY BOOTH