

**REDUCTION IN SENTENCE FOR A GUILTY PLEA**  
**DEFINITIVE SENTENCING GUIDELINE PUBLISHED 7 MARCH 2017**

*The new guideline applies regardless of the date of the offence to all offenders aged 18 and over and to organisations in cases where the first hearing is on or after 1 June 2017 and applies to both magistrates' courts and the Crown Court. Note that the benefits of a reduction in sentence apply regardless of the strength of the evidence against an offender.*

Where a guilty plea is *indicated at the first stage of proceedings* then a reduction of **one-third** should be made. The first stage will normally be the first hearing at which a plea or indication of a plea is sought and recorded by the court. In cases where, in accordance with the CPR, a defendant is given the opportunity to enter a guilty plea without attending a court hearing, doing so within the required time limits will constitute a plea at the first stage of proceedings.

After the first stage of proceedings, the maximum level of reduction is **25%** with a sliding scale of reduction thereafter. It should be decreased to a maximum of **10%** on the first day of trial having regard to the time when the guilty plea is first indicated to the court relative to the progress of the case and the trial date.

Normally the reduction should be reduced to **zero** if the guilty plea is entered during the course of the trial.

***A trial is deemed to have started when pre-recorded cross-examination has begun.***

The reduction in sentence for a guilty plea can be taken into account by imposing one type of sentence rather than another; for example by reducing a custodial sentence to a community sentence or the latter to a fine.

If the court adopts that approach there should normally be no further reduction on account of a guilty plea. However, where the less severe sentence is justified by other factors the appropriate reduction for the plea should be applied in the normal way.

Where a court is dealing with more than one summary offence the aggregate sentence is limited to a maximum of six months. In such a case the court has a **discretion** to make an additional modest reduction to the overall sentence to reflect the benefits derived from the guilty pleas.

Where a defendant pleads guilty in the magistrates court to an either way offence leading to the court retaining jurisdiction rather than committing the case to the Crown Court for sentence, the court should apply the appropriate reduction to the sentence for the offence(s) arrived at in accordance with any specific sentencing guideline and if the resulting sentence is then within the court's jurisdiction it should proceed to sentence.

What are the exceptions to the above?

## **SPECIFIC EXCEPTIONS**

**Newton hearings and special reasons hearings.** If the court rejects the defendant's account then the reduction that would have been available at the stage of the proceedings the plea was indicated should normally be **halved**. If witnesses were called it may be appropriate to decrease the reduction further.

**If convicted of a lesser or different offence.** If the defendant has earlier made an unequivocal indication of a guilty plea to such an offence to the prosecution and the court the court should give the level of reduction that is appropriate to the stage in the proceedings at which this indication was made taking into account any other of the exceptions that apply. However, in the Crown Court where the offered plea is permissible on the indictment as charged the defendant will not be treated as having made such an unequivocal indication unless he has entered that plea.

**Section 51A of the Firearms Act 1968.** No reduction will apply if the effect of doing so would be to reduce the length of sentence below the required minimum term.

**Appropriate sentences for persons aged 18 or over when convicted.** Where an *appropriate* sentence of at least six months falls to be imposed on a person aged 18 or over who has been convicted of certain possession of knives or offensive weapons offences or a *prescribed* custodial sentence falls to be imposed for drug trafficking or burglary offences, the court **may** impose any sentence in accordance with the guideline which is not less than **80%** of that *appropriate* or *prescribed* custodial period.

## **THE GENERAL EXCEPTION**

This is the exception most likely to cause the courts and practitioners most difficulty and it will apply in the more complex cases and no doubt those in which certain regulatory offending is alleged. These will include for example a regulatory case that requires consideration of whether a defendant can establish a defence on a balance of probabilities pursuant to a reverse burden of proof.

If the court is satisfied that there were particular circumstances which **significantly** reduced the defendant's ability to understand what was alleged or **otherwise made it unreasonable** to indicate a guilty plea **sooner than was done**, a reduction of **one-third** should still be made.

The Guidance does not attempt to define "**significantly**" or "**unreasonable**".

In considering whether this exception applies the court should distinguish between cases in which **it is necessary to receive legal advice and/or have sight of evidence** in order to understand whether the defendant is in fact and in law guilty of the offence(s) charged and cases in which a defendant merely delays a guilty plea(s)

in order to assess the strength of the prosecution evidence and the prospects of conviction or acquittal.

If there has been late service of evidence or a defendant is advised to obtain expert evidence before a proper evaluation of the merits of the case can be identified then these will be clear factors capable of satisfying the criteria.

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