

Name

Royal Society for the Protection of Birds

Publication consent

Publish response with name

Q1) Do you agree or disagree with the Council’s approach to the distinction between a ‘principle’ and a ‘purpose’ of sentencing?

Agree

Please provide any reasons for your response.

Q2) Should there be an overarching principle of “fairness and proportionality”?

Yes

Please provide any reasons for your response.

Q3) Are the supporting principles which underlie the overarching principle of fairness and proportionality (as listed at paragraph 2(i)-(vi)) appropriate?

Yes

Please provide any reasons for your response.

Q4) Are the supporting principles expressed clearly and accurately?

Yes

Please provide any reasons for your response.

Q5) Are there any other supporting principles which should be included at paragraph 2?

No

Q6) Do you agree or disagree with the approach to the purposes of sentencing as set out at paragraph 4 of the draft guideline?

Agree

Please provide any reasons for your response.

Q7) Are the purposes as listed at paragraph 5(a)-(d) appropriate?

Yes

Please provide any reasons for your response.

Q8) Are the purposes expressed clearly and accurately?

Yes

Please provide any reasons for your response.

Q9) Are there any other purposes which should be included?

No

Q10) Do you agree or disagree with the approach set out at paragraph 6 of the draft guideline in relation to the efficient use of public resources?

Agree

Please provide any reasons for your response.

Q11) Is it appropriate to consider efficient use of public resources during the sentencing process?

Yes

Please provide any reasons for your response.

Q12) Do you agree or disagree that the guideline would lead to an increase in public understanding of how sentencing decisions are made?

Please provide any reasons for your response.

We don't know - such outcomes are difficult to predict.

Q13) Do you agree or disagree that the guideline would lead to an increase in public confidence in sentencing?

Please provide any reasons for your response.

We don't know - such outcomes are difficult to predict.

Q14) What costs (financial or otherwise) do you see arising from the introduction of this guideline, if any?

Q15) What benefits do you see arising from the introduction of this guideline, if any?

We welcome the introduction of explicit principles and purposes of sentencing, particularly the supporting principle that "reasons for sentencing decisions must be stated as clearly and openly as circumstances permit".

The existence of the above may encourage judges to provide a sentencing statement, which might facilitate understanding of the judge's decision, particularly if the statement follows the structure of the guidelines and refers explicitly to them.

Q16) Would you like to make any other comments in relation to any matter arising from this consultation?

We understand that the production of this guideline is the first step towards the production of sentencing guidelines for specific types of offences. We welcome the news that preparatory work is due to begin on guidelines specifically for the sentencing of wildlife offences, and look forward to having an opportunity to comment on those.