

24 April 2018

**LCCSA RESPONSE TO LAW COMMISSION**  
**CONSULTATION PAPER No 234 ("The Sentencing**  
**Code: Disposals relating to children and young persons:**  
**Consultation Paper")**



The London Criminal Courts Solicitors' Association (LCCSA) represents the interests of specialist criminal lawyers in the London area. Founded in 1948, it now has around 620 members including lawyers in private practice, Crown prosecutors, freelance advocates and many honorary members who are circuit and district judges.

The objectives of the LCCSA are to encourage and maintain the highest standards of advocacy and practice in the criminal courts in and around London, to participate in discussions on developments in the criminal process, to represent and further the interest of the members on any matters which may affect solicitors who practice in the criminal courts and to improve, develop and maintain the education and knowledge of those actively concerned with the criminal courts including those who are in the course of their training.

This response has been prepared by the following members of the LCCSA. If you have any queries about please contact:

- Edward Jones, Law Reform Officer  
[ejones@hja.net](mailto:ejones@hja.net)
- Mel Stooks, Sentencing sub-committee member  
[m.stooks@gtstewart.co.uk](mailto:m.stooks@gtstewart.co.uk)
- Emma Lipscombe, Sentencing sub-committee member  
[elipscombe@lewisnedas.co.uk](mailto:elipscombe@lewisnedas.co.uk)
- Tony Meisels, Sentencing sub-committee member  
[TMeisels@lewisnedas.co.uk](mailto:TMeisels@lewisnedas.co.uk)

**President**

**Greg Powell**

Powell Spencer & Partners  
270 Kilburn High Road  
London  
NW6 2BY

DX: 123862 Kilburn 2  
020 7604 5606

Email: [gregpowell@psplaw.co.uk](mailto:gregpowell@psplaw.co.uk)

**Training Officer**

**Diana Payne**

**Blackfords LLP**

Hill House, 1 Mint Walk  
Croydon CR0 1EA  
DX 2617 Croydon

Tel: 020 8686 6232

[diana.payne@blackfords.com](mailto:diana.payne@blackfords.com)

**Hon. Secretary**

**Mark Troman**

Powell Spencer & Partners  
290 Kilburn High Road  
London NW6 2DD  
DX: 123862 Kilburn 2  
Tel: 020 7604 5600

[marktroman@psplaw.co.uk](mailto:marktroman@psplaw.co.uk)

**Hon. Treasurer**

**Rakesh Bhasin**

Steel & Shamash  
12 Baylis Road  
London SE1 7AA

DX: 36503 Lambeth  
Tel: 020 7803 3999

[rakesh.bhasin@steelandshamash.co.uk](mailto:rakesh.bhasin@steelandshamash.co.uk)

**Administrator**

**Sara Boxer**

**29 Church Vale**

**London**

**N2 9PB**

[admin@lccsa.org.uk](mailto:admin@lccsa.org.uk)

- Question 1

We agree that the draft provisions in Appendix 2 reflect the current law in relation to sentencing orders concerning the sentencing of children and young persons, bearing in mind the pre- consolidation amendments that have been proposed, and the effect of the clean sweep.

- Question 2

We agree with the proposed structure of the clauses relating to referral orders (clauses 80 to 105 and Schedules 3 and 4).

- Question 3

We do consider that the substantial re-drafting of sections 137 and 138 of the Powers of Criminal Courts (Sentencing) Act 2000 makes the effect of the law clearer.

- Question 4

We agree with the decision to re-draft the provisions relating to parenting orders made under section 8(1)(c) and (d) of the Crime and Disorder Act 1998 in the Sentencing Code, rather than to signpost them.

- Question 5

We agree that parenting orders made by virtue of section 8(1)(d) of the Crime and Disorder Act 1998 constitute sentences for the purposes of section 108 of the Magistrates' Courts Act 1980 and section 9 of the Criminal Appeal Act 1968.

- Question 6

We do not have any comments on the re-structuring of the provisions relating to reparation orders.

- Question 7

We do not have any comments on the structure of the re-drafted provisions relating to youth rehabilitation orders.

- Question 8

We do not have any views as to the re-drafting of the provisions concerning the requirements capable of being imposed under a youth rehabilitation order.

- Question 9

We agree with the decision to amend paragraph 10(4) of the Criminal Justice and Immigration Act 2008 so that any subsequent amendments to the level of fine that can be

imposed for a breach of a youth rehabilitation order may have effect in relation to any conviction on or after that amendment.

- Question 10

We do not have any comments on the revised structure of the provisions concerning detention and training orders.

- Question 11

We do not see any need to repeal this piece of legislation.

- Question 12

We agree with the decision to disapply the clean sweep in relation to clause 240(1).

- Question 13

We agree with the decision to re-draft sections 104, 104A, 104B and 105 of the Powers of Criminal Courts (Sentencing) Act 2000 in a Schedule to the Sentencing Code, in line with the approach taken to other provisions relating to breaches of orders.