



The Sentencing Guidelines Committee

Stage One: Identifying Sentencing Guidelines

1. Every court must, in sentencing an offender, have regard to any sentencing guidelines which are relevant to the offender's case, and must follow those guidelines unless satisfied it would be contrary to the interests of justice to do so¹.
2. The first stage of sentencing is to identify the sentencing guidelines that are relevant to the case. Sentencing guidelines are divided into two categories:

Overarching guidelines which set out the general sentencing principles that should be considered in all cases to which they relate.

Offence specific guidelines which set out sentence starting points and ranges for specific criminal offences.

3. In the vast majority of cases sentencers will need to refer to two sentencing guidelines. This Overarching Sentencing Guideline and the relevant offence specific guideline.

Sentencing guidelines – Falkland Islands

4. Sentencing guidelines in the Falkland Islands are issued by the Sentencing Guidelines Committee which is part of the Criminal Justice Council. Falkland Islands sentencing guidelines have precedence over any other guideline and **must** be followed unless it would be contrary to the interests of justice.

Sentencing guidelines – England and Wales

5. Where sentencing guidelines have not been published for the relevant offence a court **may** have regard to the guidelines issued by the Sentencing Council (England and Wales)². The Sentencing Council (England and Wales) publishes guidelines online at the following web address: <https://www.sentencingcouncil.org.uk/>
6. The law provides sentencers with a wider discretion as to whether they have regard to guidelines issued by the Sentencing Council (England and Wales), but in practice

¹ Section 482(3) Criminal Procedure and Evidence Ordinance 2014

² Section 482(4) Criminal Procedure and Evidence Ordinance 2014

sentencers **shall** follow relevant guidelines from England and Wales unless it would be contrary to the interests of justice to do so. Sentencers will rarely need to depart from relevant guidelines issued by the Sentencing Council (England and Wales).

7. When using offence specific guidelines issued by the Sentencing Council (England and Wales) sentencers should use the guideline for the criminal offence that is the closest equivalent of the offence for which the offender is being sentenced in the Falkland Islands.