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actual bodily harm (ABH); As an example (which helps explain how sentencing guidelines work in practice), imagine that the accused is charged with a crime of actual bodily harm (ABG), which is contrary to section 47 of the Crimes Against a Person Act 1861. The circumstances of the crime were that the accused, a 20-year-old man with no criminal record, was in the pub. Another 20-year-old man accidentally bumped into him in a bar. The accused reacted with a head kick once in the face. The victim had a bloodied nose and several bruises on his face that lasted several days. He was hospitalized, but after examination he was sent home with painkillers. His nose was not broken and he quickly made a full recovery. The accused denied the offence and was being tried at the Crown Court. A jury found him guilty. The Coroner's Court will now have to sentence the defendant. At the Crown Court, the maximum penalty for this offence is five years' imprisonment. Harm and culpabilityIn this example, when sentencing the defendant, the judge will look at the Sentencing Guide for Assault. (There are many sentencing guidelines covering most but not all offences.) As mentioned, before deciding on sentencing, the judge will have to decide which category the offence falls into. In order to find the category, the judge will have to consider both the damage and the guilt of the offender (the accused). The ABH guidelines range from category 1 (most serious) to category 3 (least serious). Category 1 is a case involving more harm (in cases where serious harm usually should be present) and higher culpability; Category 2 is a case involving more harm (in cases where serious harm usually should be present) and a decrease in culpability; or less harm and higher culpability; The Category 3 case involved less damage and lower culpability. The judge will then use a list of factors in the manual to decide where this case fits as follows: All cases begin in the Magistrates Court. Cases sown either: 2 or 3 Magistrates District Judge There is no jury in the Magistrates Court. A case the Magistrates Court has to deal with a magistrates court usually hears cases known as summary crimes, for example; most car offences are minor damages Assault (without causing significant harm) It can also deal with some of the most serious crimes such as: They are called in any way crimes and can be heard either in the Magistrates Court or the Crown Court. Find a local magistrate's court. Cases that magistrates refer to the Crown Magistrates Court always refer the most serious crimes to the Crown Court, for example: they are known as indictments. While in custody or granted bail In some cases the Magistrates Court will decide if you must be in custody before the next court hearing, or released on bail. This can happen if: another court hearing needs the court to need more information before sentencing your case referred to the Crown Court for trial or sentencing If you are released on bail, you may have to abide by strict conditions such as staying away from certain people or places, staying indoors or wearing a tag. If you do not appear in court after your release on bail, you may be put in jail. Sentences a magistrates court can give a court can give penalties including: up to 6 months in jail (or up to 12 months in total for more than one offence) a community penalty, how to do unpaid work in a community ban, for example, from driving or keeping animals courts can also give a combination of punishments - such as a fine and unpaid work in the community. Appeal the sentence or conviction If you do not agree with the verdict of the magistrates court, you may be able to appeal. We use cookies to gather information about how you GOV.UK. We use this information to make the website work as best as possible and improve public services. For centuries, society through the parliament has entrusted judges in the criminal courts with the task of sentencing the right offence. This responsibility should not be arbitrary, but exists within complex constraints. Parliament sets the maximum and in some cases minimum sentence for each offence, and general law has developed sentencing principles; requiring the judge to carefully examine the individual's individual crime, taking into account the seriousness of the crime within all crimes, the consequences of the crime for the victim and society, as well as the mitigating circumstances surrounding the defendant. The purpose of the sentencing guidelines is to increase the transparency and consistency of these judgements and to help members of the public better understand the sentencing process. This first-ever set of Sentencing Guidelines for Magistrates' Courts in Northern Ireland is just the beginning which should be a collection of guidelines on offences that go to magistrates' courts on a daily basis. I appreciate these sentences. judicial system, legal professions and the public. Rt. The Honourable Sir Declan Morgan Lord Chief Justice of Northern Ireland Now you can make temporary printing and PDF copies of crime specific and comprehensive guidelines from the website. Click on the print icon in the upper right-right right of the desired page. In the print dialogue field, choose either a local printer or Adobe pdf/print for pdf. To include drop box text such as Applicability or Band Ranges, open the drop box before printing. Note that one MCSG pdf is no longer available. You will find in these pages all the guidelines of the Sentencing Council and other materials necessary for magistrates in sentencing offenders in court. You can find any of the guidelines using Crime Search on the left side of the bar. On the left side rack are also available explanatory materials and a calculator of fines, as well as other useful documents and links. Sentencing app guidelines for use offline if you don't have access to Wi-Fi, Magistrates Court Sentencing Guidelines (MCSG) are also available as an app. You can access the MCSG app through iPads Bench Solution or download it to your own iPad for free from the App Store. Updates When we publish the new guidelines, we will post changes on the MCSG update page of this website and in the app. The new guidelines are added to the list of offences in purple in order to clearly distinguish between the guidelines that are not yet in force and those that are already in force. New recommendations are automatically added to the MCSG app. Help and support If there is additional material that you need, or you have trouble finding something, please let us know by email MCSGsupport@sentencingcouncil.gov.uk. We aim to respond to emails within 24 hours. If you urgently need help, call 020 7071 5793. This site will continue to grow and have new content and tools added. If you have suggestions of things that would be helpful or what you need when sentencing, please contact us. The Sentencing Council has published revised guidelines on offences in the Magistrates Court Sentencing Guidelines. The guidelines apply to all offenders aged 18 and over who are convicted on or after April 24, 2017, regardless of the date of the offence. They are available online. The revised guidelines will be displayed in purple until they come into force, and the current guidelines will also be available as long as possible. We're working on PDF versions of these guidelines will be available soon. The revised guidelines will be available on the pages of offences and can be viewed here directly: Alcohol-Related Offences - Licensing Act 2003, s.141; s.146; s.147 Animal Cruelty - Animal Welfare Act 2006, s.4; s.8 and s.9 Reckless Driving - Traffic Act 1988, s.3 Communications Network Violations - Communications Act 2003, s.127 (1) s.127(1) Network Offences - Communications Act 2003 s.127 (2) Drive while disqualified - Road Traffic Act 1988, s.103 Drugs - Not To Be Present/Stay for Initial Assessment - Drugs Act 2005, s.12 Drugs - Not/ Refuse to Provide Sample - Police and Criminal Evidence Act 1984, s.63B Drunk and Disorderly in Public Place - Criminal Justice Act 1967, s.91 Excess Alcohol (Drive/Attempt) - Road Traffic Act 1988, s.5 (1)a) Excess Alcohol (Responds) - Road Traffic Act 1988, s.5 (1) (b) Unable to provide a sample for analysis (drive/attempt) - Road Traffic Act 1988, s.7 (6) Fail to provide a sample for analysis (responds) - Road Traffic Act 1988, s.7 (6) Do not stop/report a traffic accident - The Road Traffic Act 1988 , s.170 (4) Football Related Offences - Sports Activities (Alcohol Control, etc.) Act 1985, s.2 (1) and s.2 (2), Football Crimes Act 1991, s.2, s.3 and s.4 and the Criminal Justice and Public Order Act 1994, s.166 No Insurance - Road Traffic Act 1988, s.143 Obstruct/resist Police Constable in the Line of Duty - Police Act 1996, s.89 (2) Rail Evasion - Rail Transport Regulation Act 1889, s.5 (1) and s.5 (3) Non-School - Education Act 1996, s.444(1) and s.444( 1A) Sexual activity in the public toilet - Sexual Offences Act 2003, s.71 Speeding - Traffic Regulation Act 1984, s.89 (1 ) Taxi advertise/extortion for hire - Criminal Justice and Public Order Act 1994 , s.167 TV license to pay for evasion - Communications Act 2003, s.363 Unfit through drink or drugs (drive/attempt) - Road Traffic Act 1988, s.4 (1) unfit for drinking or drugs (in charge) - Traffic Act 1988, s.4 (2) Vehicle Intervention - Criminal Attempts Act 1981, s.9 Vehicle Taking, Without Consent - Theft Act 1968, s.12 s.12

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