

**AUTUMN CRIMINAL LAW 2024 UPDATE – THURSDAY 17<sup>th</sup> OCTOBER 2024 – 4PM –  
5PM – COST - £75 + VAT**

It's that time of year when people's thoughts begin to turn to whether or not they have done sufficient training for the year. It's probably been another one of those years where you have simply been too busy to keep up with everything that is happening.

During the presentation we shall be considering important amendments to legislation by way of **Statutory Instruments** – important **Case-law** handed down by the High Court and the Court of Appeal – **Guidelines** from the **Sentencing Council** – the **Criminal Practice Directions** from the **Lord Chief Justice**.

This 1-hour zoom presentation will take you through a list of **20 Things** that have happened and of which you should be aware

**20 THINGS**

- 1 – The abolition of the '**4-year rule**' in relation to being possibly eligible for early release under the **Home Detention Curfew Scheme** – those offenders who are ineligible by Statute and those offenders who are presumed ineligible and must make out a case that there are Exceptional Circumstances
- 2 – The possibility of early release having completed **40%** of the sentence rather than **50%** – the offenders to whom this applies and the maths of it all
- 3 – Domestic Violence Protection Orders and the 2024 High Court decision of the **Chief Constable of Cleveland Police and Jemmett [2024] EWHC 1172 (Admin)**
- 4 – A consideration of the current position in relation to clients on pre-charge bail – **Extensions** by police officers and **Extensions** by a Magistrate
- 5 – The current law as regards **Zombie Knives**
- 6 – The **Pet Abduction Act 2024** – abduction of dogs and abduction of cats
- 7 – **Statutory Instrument 2024 No. 966 – The Victims and Prisoners Act 2024 (Commencement No. 3) Regulations 2024** – 1<sup>st</sup> November 2024 – amendments to the licence periods of those offenders subject to **IPP Sentences** and **DPP Sentences** (Imprisonment for Public Protection and Detention for Public Protection)
- 8 – The **Criminal Practice Directions** published by the Lord Chief Justice which replaced the 2015 **Directions**
- 9 – **12 Guidelines** published by the Sentencing Council concerning road traffic offences
- 10 – The 2024 Court of Appeal decision of **Rex v Chigona [2024] EWCA Crim 858** – causing serious injury by careless driving – the relatively new road traffic offence created by the **Police, Crime, Sentencing and Courts Act 2022**

11 – The **Online Safety Act 2023 – Part 10** of which came into force on the 31st January 2024 – new **Communication Offences created** – old **Communication Offences repealed** – **new Sexual Offences** inserted into the **Sexual Offences Act 2003**

12 – The 2024 High Court decision of the **DPP and Ridings [2024] EWHC 498 (Admin)** – a consideration by the High Court of the burden and standard of proof in a hip-flask defence case i.e. post-driving consumption of alcohol

13 – **Statutory Instrument 2024 No. 137** – statutory aggravating factors and one new mitigating factor re the determination of the minimum term in a life sentence case

14 – **Statutory Instrument 2023 No. 1164 – The Dangerous Dogs (Designated Types) England and Wales Order 2023** – with effect from 31st January 2024 XL Bully dogs become a breed to which **Section 1 of the Dangerous Dogs Act 1991** applies

15 – **Statutory Instrument 2023 No. 1091 – The Misuse of Drugs Act 1971 (Amendment) Order 2023** – 8<sup>th</sup> November 2023 – Nitrous Oxide became a Class C drug – simple possession – 2 years on indictment – possession with intent to supply – 14 years on indictment

16 – **Statutory Instrument 2023 No. 1108 – The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) (Revocation and Amendment) Regulations 2023** – 18th October 2023 – sentencing as regards **Bail Act** offences – maximum 3 months in the Magistrates' Court – maximum 12 months on indictment

17 – **Statutory Instrument 2023 No. 705 – The Police, Crime, Sentencing and Courts Act 2022 (Youth Rehabilitation Order with Intensive Supervision and Surveillance) Piloting Regulations 2023 – Parts 2 and 3 of Schedule 16** of the **Act** being piloted between the July 3rd 2023 and 3rd January 2025 in the areas listed in the **Schedule** to the **Statutory Instrument** – higher number of activity days when given a YRO with ISS – also mandatory to impose an Electronic Whereabouts Monitoring Requirement when sentencing a child to a YRO with ISS

18 – **Rex v Khan [2024] EWCA Crim 401** (The Court of Appeal considering the appropriateness of the sentence imposed upon an offender who had crossed an age threshold)

19 – **Rex v Wood [2024] EWCA Crim 472** (The Court of Appeal reduced the sentence and decided that, on that basis, increasing the term of disqualification from driving would not offend **Section 11 (3)** of the **Criminal Appeal Act 1968**)

20 – **Rex v Kelt [2024] EWCA Crim 982** (The Court of Appeal altering the sentence where an offender had effectively served that sentence on remand)

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