

Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)

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CATEGORY:
ARTICLE

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) received Royal Assent on 1 May 2012. Changes brought about by LASPO will give Magistrates the power to impose significantly higher fines than they were able to previously.

Fines that are presently capped at £5,000 on a summary conviction will become unlimited in England and Wales, as a result of LASPO.

This new power bestowed on Magistrates will also extend to fines that are currently capped at a higher amount of say £20,000 or £50,000, which will also become unlimited under the new legislation.

However LASPO has given the Secretary of State the power to impose new caps, and to disapply these provisions with further secondary legislation.

Reasons for the changes

The Ministry of Justice submitted, in the Equality Impact Assessment, the reasoning behind the government's introduction of this legislation. The government sought to:

- Encourage the Magistrates' court to use fines as a punishment
- Allow the Magistrates' court to impose fines that are more proportionate for corporate offenders
- Limit bureaucracy and cost, by reducing the need for magistrates' courts to refer an offender to the Crown Court for sentencing in either way offences (ie case that can be dealt with in either court)

Practical Impact

When these changes are implemented they will affect all business sectors. Companies and individuals will need to consider carefully the defences that are available to them. Fines that may previously have been a minor concern could now have a greater significance.

More thought will need to be given to 'choice of venue' submissions i.e whether the case should be heard in the Magistrates' court or the Crown court. Previously one of the factors influencing this decision was whether the magistrates' court had sufficient sentencing powers. It appears now that those powers have been greatly increased.