

APPENDIX A: DRAFTING IMPLICATIONS OF CLEAN SWEEP APPROACH

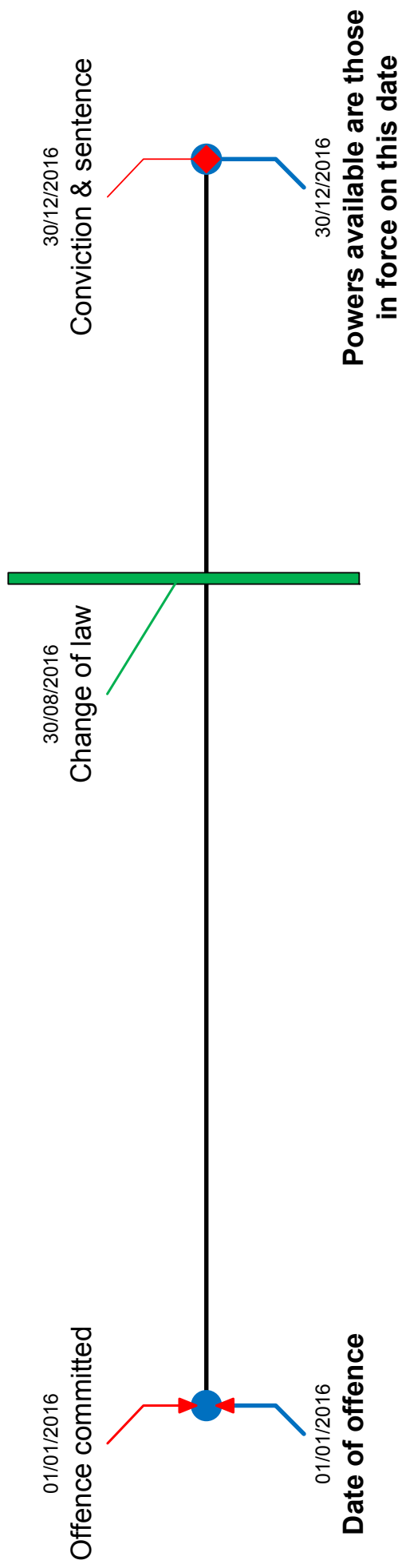
This appendix is designed to illustrate the practical outcomes in various scenarios, should our recommendation for a “clean sweep” approach to transition in sentencing law be adopted. It should be read alongside Part 5.

The **date of offence** is the date of the commission of the offence for which the offender is being sentenced in the exercise we are looking at.

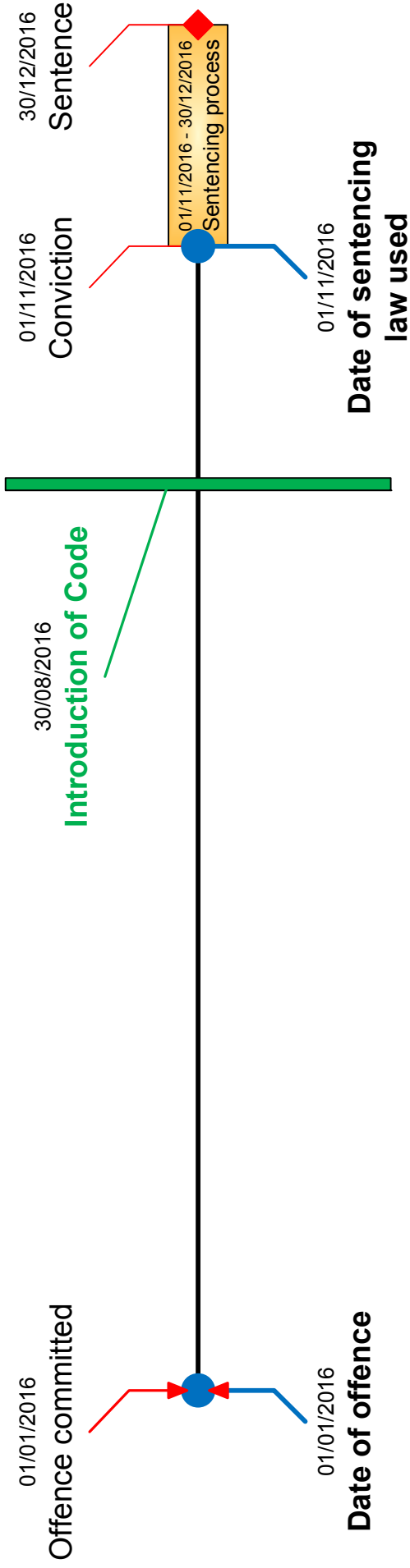
Powers available are those in force on this date means that this is the date by reference to which the powers available to the court in a particular sentencing exercise are determined. That is to say, changes before this point are to be taken into account (except where the safety valve test applies or the Code says that they are not to be for other reasons) but changes after this point are always irrelevant. This is because the sentencing exercise is considered to have started at this date. Generally, this date is the date of conviction.

The transition model explained in this paper is designed to work for both the introduction of the Code and for later amendments to it, so where one or the other is specified in the following examples, it is for illustrative purposes only.

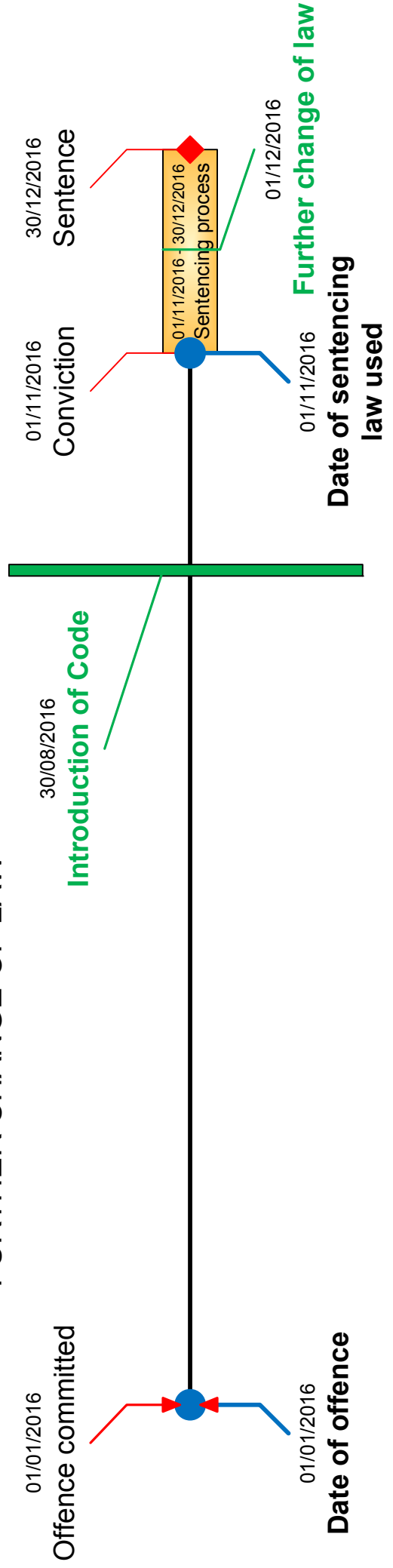
CASE 1: SENTENCE ON DAY OF CONVICTION



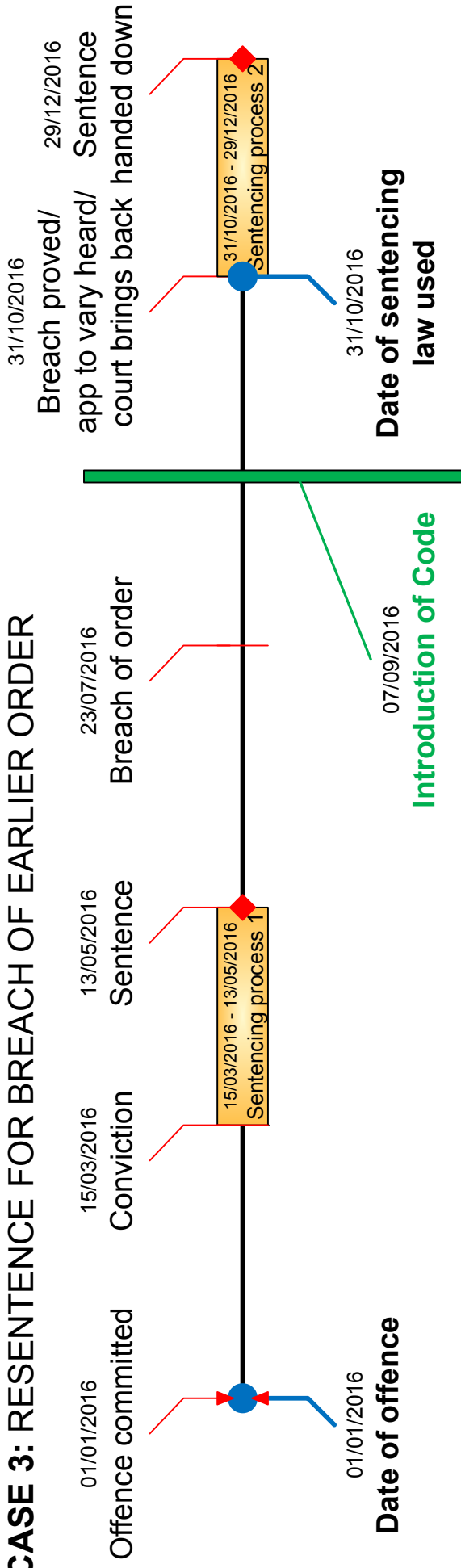
CASE 2A: SENTENCE PASSED 2 MONTHS AFTER CONVICTION



CASE 2B: SENTENCE PASSED 2 MONTHS AFTER CONVICTION & FURTHER CHANGE OF LAW



CASE 3: RESENTENCE FOR BREACH OF EARLIER ORDER



CASE 4: RESENTENCE FOR BREACH OF EARLIER ORDER BY COMMISSION OF A NEW OFFENCE

