

Revise SQE:

Criminal Practice Update

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UPDATE IN SUMMARY

As of 18 November 2024, the sentencing powers for the magistrates' court for a single either-way offence will increase from six months' imprisonment to 12 months' imprisonment. There are no further changes to sentencing powers to update at this point.

UPDATE IN DETAIL

On 17 October 2024, the Lord Chancellor, Shabana Mahmood KC MP, announced plans to increase the maximum sentence of imprisonment that could be imposed by the magistrates' court. The present power of a maximum of six months' imprisonment for a single either-way offence will be doubled to a maximum of 12 months' imprisonment. No further changes to sentencing powers have been announced at this stage.

This change is said to be designed to tackle the Crown Court backlog, claiming that it will save "approximately 2,000 days in the Crown Court, so that time can be reserved for the most serious and complex cases". The Government also consider the move to assist in the overcrowding in prisons by reducing the number of offenders on remand awaiting trial/ sentence.

Readers will know that magistrates sentencing powers were previously increased to 12 months' imprisonment for a single offence in May 2022 by the then Conservative Government, but was reduced back to six months' imprisonment in March 2023.

The Statutory Instrument to increase sentencing powers is due to be laid on 28 October and changes will come into force on 18 November.

RELEVANCE TO YOUR SQE1 AND SQE2 ASSESSMENT

This update will be relevant to both your SQE1 and SQE2 assessments. Candidates must now be aware that the maximum sentencing powers will increase from six months' imprisonment to 12 months' imprisonment for a single either-way offence. No other changes are made to sentencing powers.

This update will be relevant for candidates attempting SQE2 in April 2025 and SQE1 in July 2025. It will NOT impact candidates sitting either SQE1 or SQE2 in January 2024 as the cut-off date for the law upon which candidates are examined in the SQE will be four calendar months prior to the date of the first assessment in an assessment window. Candidates will be tested on the law as it stood at that date (i.e. six months' imprisonment for a single either-way offence).