

PRIME MINISTER

Prime Minister

2

APPEAL AGAINST LENIENT SENTENCES

Mus 16/9

The proposals which Leon put to you last week would, I am sure, help to ease public disquiet about the treatment of violent criminals. But there will be stiff opposition against the "tariff" idea from the judges, and the opposition would be stiffer still if we also pursue, at the same time, the idea of giving the Crown a right of appeal against lenient sentences.

The lawyers - in this case the criminal bar - are likely to team up with the civil liberties lobby again, as they did on the Police and Criminal Evidence Bill.

I think the idea is likely to provoke rather than appease public indignation. It would weaken the feeling that justice had been done, by introducing the possibility of two levels of justice: the sentence which the judge actually handed out (which the defendant would in fact still serve, whatever the judgment of the Court of Appeal); and the tougher sentence which the Court of Appeal found to be "correct". There would then be public outrage that the criminal in question would not be serving the correct sentence.

This would surely weaken the authority of the courts. It would also, as Leon said, be a major alteration in our system of justice.

We suggest that you might discuss it further with Leon after he has talked to the Attorney-General, but before he "goes public".

||
→ Amend mt.

FERDINAND MOUNT

fm

Home Affairs : Sending Policy

7/79