

THE MAGISTRATES' ASSOCIATION

SENTENCING POLICY & PRACTICE COMMITTEE

Response to Fairer and Better Environmental Enforcement

Thank you for including the Magistrates' Association in the consultation on the latest stage of the FBEE project.

The Association is of course principally concerned with those enforcement cases where prosecution is, or may be, considered. We note the draft guidance at section 3 of Annex 5 of the consultation material and believe that this gives a sensible indication on when prosecution should be considered. We would only comment that in our view when there is doubt as to whether cases should be prosecuted the benefit of that doubt should be given to prosecution.

We welcome the references to the Government's support for work by the Sentencing Guidelines Council to produce sentencing guidelines for environmental offences, to supplement the general guidance available in the Magistrates Courts Sentencing Guidelines issued in August 2008, and look forward to working with those concerned on any such guidelines. In the meantime, an updated version of the Association's guidance on sentencing for environmental crime, *Costing the Earth*, [has been] published.

The Association has taken particular note of section 6 of the Consultation Document and the initial proposals for new and/or increased powers for the criminal courts, which we note would need primary legislation and only follow further public consultation. We welcome the proposals and believe that they would be useful additions to the enforcement regime. Clearly the detail of how they might be used will need further work and the Association looks forward to contributing to that process.

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