

# Proposed Whole Life Custody (Scotland) Bill

## Introduction

A proposal for a Bill to give Scottish courts the power to sentence the worst criminals to custody for the rest of their lives. The consultation runs from 29 May 2019 to 30 August 2019. All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document. Questions marked with an asterisk (\*) require an answer. All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response. Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded. Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here: [Consultation document](#) [Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice attached to this consultation which explains how my personal data will be used

## About you

Please choose whether you are responding as an individual or on behalf of an organisation. Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

an individual

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

Member of the public

Please select the category which best describes your organisation

*No Response*

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your name or the name of your organisation. (Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

John Taylor

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. We will not publish these details.

## Aim and approach

Q1. Which of the following best expresses your view of giving Scottish courts the power to sentence the worst criminals to custody for the rest of their lives?

Fully supportive

**Please explain the reasons for your response.**

The law abiding public deserve to have robust protection of the law. Courts need the authority to treat crimes seriously instead of giving out joke sentences that a criminal will laugh at. Any person contemplating taking somebody's life must be made to realise it will not be treated lightly.

Q2. How would introducing Whole Life Custody Sentences affect your level of confidence in the Scottish justice system?

Significantly more confident in the justice system

**Please explain the reasons for your response**

For a life sentence not to mean life is ridiculous, it makes the law seem toothless and in many cases it probably is.

Q3. Which types of murder should have a Whole Life Custody Sentence as the starting point for sentencing? (Choose all that apply)

The murder of two or more persons, where each murder involves any of (1) a substantial degree of premeditation or planning, (2) the abduction of the victim, or (3) sexual or sadistic conduct

The murder of a child if involving the abduction of the child or sexual or sadistic motivation

The murder of a police or prison officer in the course of their duty

A murder carried out for the purpose of advancing a political, religious, racial or ideological cause

Q3. Which types of murder should have a Whole Life Custody Sentence as the starting point for sentencing? (Choose all that apply)

A murder by an offender previously convicted of murder

Other (please specify)

**Please explain the reasons for your response**

The murder of a police or prison officer where the killing takes place while the victim is off duty and a link is established or probable in connection with his/her occupation. This to include members of our armed forces.

Q4. Which sexual offences should have a Whole Life Custody Sentence as the starting point for sentencing? (Choose all that apply)

Rape of two or more persons

Rape of a young child

Sexual assault on a young child by penetration

Causing a young child to participate in a sexual activity

**Please explain the reasons for this response.**

Children need to be protected from those who would commit these offences. All victims of these crimes need to know the law supports them as much as possible.

Q5. Are there any other types of offence (other than murder or certain sexual offences) which should attract a Whole Life Custody Sentence as a 'starting point' for sentencing?

No- only murder and certain sexual offences should attract a Whole Life Custody Sentence

**Please explain the reason for your response.**

Taking a persons life or crimes of a sexual nature which may lead to the victim's death to prevent them giving evidence should always attract severe sentences to reflect the nature of the offence.

Q6. Which of the following best expresses your view on whether whole life custody should be a sentencing option for younger offenders?

Whole life custody should be limited to offenders aged 21 or over (at the time the offence was committed)

**Please explain the reasons for your response.**

Younger offenders may commit a crime without seriously thinking of the consequences. An age limit of 21 or over helps to allow for poor judgement due to immaturity.

## Financial Implications

Q7. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have? Please explain the reasons for your response.

While many sentences would be longer than at present the possibility of a lifetime in prison would be a substantial deterrent thus preventing some serious crimes from taking place and reminding the potential offender how serious the act is that they are contemplating.

## Equalities

Q8. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, maternity and pregnancy, marriage and civil partnership, race, religion or belief, sex, sexual orientation?

Positive

**Please explain the reasons for your response.**

While I would expect people in several of these groups e.g. elderly, disabled and expectant mothers to have improved protection there are some on which I prefer not to comment such as gender re-assignment and sexual orientation.

## Sustainability

Q9. Do you consider that the proposed Bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Unsure

**Please explain the reasons for your response.**

Only time would tell with regard to the long term effects. Young adults need to realise they must respect the law.

## General

Q10. Do you have any other comments or suggestions on the proposal?

Including members of H.M. Forces in the Bill would extend the benefits to those who serve our country in these ways and to their families.