

**S.R.**DRAFT

PS/Secretary of State

Why just scheduled?  
 What shd there be  
 compared with?

#### SENTENCING POLICY : MEETING WITH THE LORD CHANCELLOR

The Secretary of State will be meeting the Lord Chancellor shortly to discuss the possible introduction of minimum prison sentences in Northern Ireland.

2. In preparation for the meeting, the Lord Chancellor's Department has been asked to prepare a paper comparing sentences awarded in Northern Ireland and England and Wales. The latest draft is attached at Annex C. We have told the Lord Chancellor's Department that the paper is totally inadequate as background for the Ministerial meeting because it does not compare like with like. The Northern Ireland figures all relate to scheduled offences, the vast majority of which involved terrorist offenders. But the figures for England and Wales cover all offenders and include only a tiny proportion of terrorists. In any case, one year's figures are not statistically significant.

3. Our contention has always been that sentencing policy for terrorist offenders in Northern Ireland is far too lenient. Our figures show that maximum sentences are rarely applied; that average sentences are far too low; that for a number of serious offences the trend in recent years has been towards shorter sentences; and that terrorist offenders in England and Wales tend, on average, to receive much longer sentences.

4. I attach the figures on which our analysis is based. Annex A shows all the sentences imposed for scheduled offences in Northern Ireland between 1978 and 1986. Annex B lists the sentences imposed on all the terrorists currently held in prison in England and Wales.

**S.R.**

5. From our figures, the following conclusions can be drawn:

a) Maximum Sentences

Life is available as a maximum (rather than a mandatory) sentence for several of the most serious criminal offences commonly committed by terrorists. In the period 1978 - 1986 it was awarded in very few cases as follows:

- (i) 9 times out of 146 cases of attempted murder
- (ii) 2 times out of 81 cases of conspiracy to murder
- (iii) 2 times out of 120 cases of explosives with intent to GBH
- (iv) 6 times out of 137 cases of manslaughter
- (v) Once out of 262 cases of arson

There are 10 other offences which carry a maximum of life including Riotous Behaviour; Robbery; Aggravated Burglary; Hijacking; Firearms; Endangering Life; and Explosives Endangering Life. In the period 1978 - 86, no life sentences were imposed for these offences.

*Constraints on  
discret. life  
- better wd be  
long fixed terms.*

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b. Average Sentences

Average sentences were less than 6 years in a wide range of offences  
 carrying a maximum or life or 10 years or more.

	highest yearly average	lowest yearly average	How many cases?
possessing illegal documents (10 years)	6.0	2.0 (one case)	
firearms with criminal intent (14 years)	5.8	3.0	
wounding with intent to do GBH (life)	5.7	2.9	
membership (10 years)	5.7	3.0	
robbery (life)	5.3	2.7	
firearms in suspicious circumstances (10 years)	3.7	2.5 (one case)	
hijacking (life)	3.8	1.3	
arson (life)	3.6	1.5	
aggravated burglary (life)	3.5	1.2 (two case)	
riotous behaviour (life)	0.9	0.3	
criminal damage (10 years)	0.7	0.5	

surely this  
expect this  
sov or av.  
what is  
spread?

**R.**c. Trends

Clear trends are difficult to discern. But the offences for which a trend towards lower sentences is apparent include possession of firearms (with intent to endanger life); wounding (with intent to do grievous bodily harm); arson; robbery and hijacking.

Sentencing in England and Wales

6. Annex B provides details of the sentences given to a total of 46 persons from Northern Ireland or the Republic of Ireland convicted in England and Wales of terrorist offences since 1973. Many of these cases involved murder for which the penalty is mandatory life. But a review of some of the other sentences reveals the following information. There were 81 sentences handed down for a variety of explosives offences. These included 34 life sentences; 2 sentences of 25 years and 33 sentences of 20 years. The remaining 12 sentences were all of 10 years or more. Similarly there were 27 firearms offences which attracted custodial sentences: 8 of life; 1 of 25 years; 4 of 20 years; 11 of 18 years; 1 of 15 years and 2 of 6 months. It should be noted, however, that a large proportion of these sentences were imposed concurrently with mandatory life.

PERSONS SENTENCES TO IMPRISONMENT FOR SCHEDULED OFFENCES, 1978-86: NUMBER GIVEN  
MAXIMUM SENTENCE AND AVERAGE DETERMINATE SENTENCE

	1978	1979	1980	1981	1982	1983	1984	1985	1986
Offence & Maximum Sentence	No Max Av	No Max Av	No Max Av	No Max Av					
Attempted murder [LIFE] <u>146 - 13.6</u>	28 5 <u>12.3</u>	19 3 <u>14.4</u>	7 0 <u>18.6</u>	19 0 <u>15.7</u>	17 1 <u>14.7</u>	17 0 <u>13.0</u>	7 0 <u>9.2</u>	19 0 <u>12.8</u>	13 0 <u>12.1</u>
Conspiracy to murder [LIFE] <u>81 - 11.0</u>	3 0 <u>7.0</u>	6 0 <u>12.3</u>	7 0 <u>10.7</u>	8 1 <u>11.3</u>	7 0 <u>14.0</u>	9 0 <u>12.8</u>	12 1 <u>9.9</u>	9 0 <u>9.8</u>	20 0 <u>10.6</u>
Explosives intent to do GBH [LIFE] <u>120 - 10.1</u>	40 1 <u>10.1</u>	36 0 <u>10.5</u>	21 0 <u>10.5</u>	16 1 <u>9.0</u>	4 0 <u>10.0</u>	-	2 0 <u>6.5</u>	1 0 <u>10.0</u>	-
Explosives endangering life [LIFE] <u>145 - 8.5</u>	26 0 <u>10.0</u>	14 0 <u>5.8</u>	13 0 <u>8.3</u>	9 0 <u>9.6</u>	18 0 <u>6.1</u>	22 0 <u>11.3</u>	14 0 <u>9.8</u>	17 0 <u>5.9</u>	12 0 <u>8.3</u>
Explosives endangering property [LIFE] <u>20 - 8.1</u>	5 0 <u>4.6</u>	-	-	2 0 <u>9.0</u>	10 0 <u>9.6</u>	-	-	3 0 <u>8.3</u>	-
Other explosives [LIFE]	7 0 <u>10.9</u>	1 0 <u>10.0</u>	1 0 <u>2.0</u>	-	4 0 <u>6.0</u>	1 0 <u>0.5</u>	-	-	-
Firearms endangering life [LIFE]	34 0 <u>7.5</u>	40 0 <u>8.7</u>	16 0 <u>9.8</u>	40 0 <u>6.7</u>	69 0 <u>5.8</u>	44 0 <u>5.3</u>	24 0 <u>4.7</u>	47 0 <u>6.6</u>	30 0 <u>5.1</u>
Firearms (with criminal intent) [14 Years] <u>77 - 4.8</u>	8 0 <u>4.0</u>	18 1 <u>5.1</u>	21 1 <u>5.8</u>	15 0 <u>3.0</u>	9 0 <u>5.2</u>	-	-	-	6 0 <u>5.2</u>
Firearms suspicious circumstances [10 Years]	56 0 <u>3.5</u>	35 0 <u>3.7</u>	5 0 <u>3.4</u>	7 0 <u>3.1</u>	12 0 <u>3.5</u>	-	2 0 <u>3.5</u>	1 0 <u>2.5</u>	-

Offence & Maximum Sentence	1978	1979	1980	1981	1982	1983	1984	1985	1986
	No Max Av								
Other firearms (3/5 Years)	2 0 <u>1.6</u>	1 0 <u>0.7</u>	-	2 0 <u>1.7</u>	1 0 <u>0.1</u>	-	-	1 0 <u>0.2</u>	2 0 <u>0.5</u>
Manslaughter(LIFE)	18 0 <u>8.7</u>	27 1 <u>8.5</u>	10 0 <u>10.8</u>	17 2 <u>8.3</u>	18 0 <u>7.3</u>	11 0 <u>7.1</u>	9 0 <u>8.8</u>	11 2 <u>4.3</u>	16 1 <u>6.9</u>
Wounding (with intent to do GBH) (LIFE)	27 0 <u>5.7</u>	31 0 <u>4.7</u>	28 0 <u>4.0</u>	30 0 <u>4.5</u>	38 0 <u>4.4</u>	20 0 <u>2.9</u>	6 0 <u>4.7</u>	7 0 <u>4.3</u>	5 0 <u>3.1</u>
Wounding (inflicting GBH) (5 Years)	9 0 <u>0.5</u>	25 0 <u>2.2</u>	18 0 <u>0.9</u>	14 1 <u>1.4</u>	32 1 <u>2.7</u>	24 0 <u>2.0</u>	29 2 <u>1.6</u>	22 2 <u>2.3</u>	53 2 <u>1.9</u>
Assault occasioning actual bodily harm (5 Years)	79 1 <u>0.6</u>	88 0 <u>0.5</u>	74 0 <u>0.5</u>	102 0 <u>0.5</u>	77 0 <u>0.4</u>	73 0 <u>0.5</u>	128 1 <u>0.7</u>	124 3 <u>0.8</u>	129 0 <u>0.5</u>
Petrol bombing possession/throwing (5/10 Years)	5 0 <u>4.6</u>	3 0 <u>2.2</u>	2 0 <u>1.5</u>	28 0 <u>1.0</u>	20 0 <u>1.2</u>	-	19 0 <u>1.9</u>	20 0 <u>1.8</u>	46 0 <u>2.1</u>
Criminal Damage (10 Years)	33 0 <u>0.5</u>	51 0 <u>0.6</u>	44 0 <u>0.5</u>	71 0 <u>0.5</u>	39 0 <u>0.7</u>	38 0 <u>0.6</u>	54 0 <u>0.5</u>	42 0 <u>0.5</u>	73 0 <u>0.7</u>
Riotous behaviour (LIFE)	6 0 <u>0.4</u>	3 0 <u>0.3</u>	5 0 <u>0.4</u>	30 0 <u>0.4</u>	21 0 <u>0.9</u>	10 0 <u>0.3</u>	15 0 <u>0.8</u>	17 0 <u>0.5</u>	18 0 <u>0.6</u>
Arson (LIFE)	36 0 <u>3.6</u>	17 0 <u>3.2</u>	32 1 <u>2.0</u>	32 0 <u>2.2</u>	33 0 <u>2.1</u>	19 0 <u>2.2</u>	23 0 <u>1.9</u>	26 0 <u>1.5</u>	44 0 <u>1.9</u>
Robbery (LIFE)	114 0 <u>5.3</u>	122 0 <u>4.6</u>	118 0 <u>4.3</u>	148 0 <u>3.0</u>	157 0 <u>3.7</u>	166 0 <u>4.0</u>	122 0 <u>3.3</u>	117 0 <u>3.2</u>	113 0 <u>2.7</u>

Offence & Maximum Sentence	1978	1979	1980	1981	1982	1983	1984	1985	1986
	No Max Av	No Max Av	No Max Av	No Max Av					
Aggravated burglary (LIFE)	4 0 <u>3.5</u>	9 0 <u>2.3</u>	6 0 <u>2.5</u>	2 0 <u>1.2</u>	-	1 0 <u>1.7</u>	8 0 <u>1.8</u>	4 0 <u>1.9</u>	2 0 <u>2.7</u>
Hijacking (LIFE)	9 0 <u>3.5</u>	21 0 <u>3.8</u>	29 0 <u>3.3</u>	17 0 <u>3.0</u>	17 0 <u>1.3</u>	14 0 <u>2.3</u>	6 0 <u>1.5</u>	13 0 <u>1.9</u>	23 0 <u>1.7</u>
Kidnapping (LIFE)	7 0 <u>6.0</u>	8 0 <u>2.4</u>	8 0 <u>7.8</u>	1 0 <u>6.0</u>	1 0 <u>8.0</u>	1 0 <u>13.0</u>	5 0 <u>2.5</u>	2 0 <u>5.5</u>	2 0 <u>4.0</u>
Intimidation [5 Years]	4 0 <u>0.7</u>	-	-	-	-	1 0 <u>0.1</u>	-	-	7 0 <u>0.6</u>
Membership of illegal organisation [10 Years]	10 0 <u>3.0</u>	12 0 <u>3.4</u>	10 0 <u>4.2</u>	9 0 <u>3.7</u>	4 0 <u>4.1</u>	13 0 <u>4.4</u>	3 0 <u>5.0</u>	3 0 <u>5.7</u>	2 0 <u>3.0</u>
Possessing illegal documents [10 Years]	3 0 <u>3.3</u>	1 0 <u>3.0</u>	-	1 0 <u>2.0</u>	-	3 0 <u>6.0</u>	-	1 0 <u>3.0</u>	1 0 <u>4.0</u>
Assisting escapes [7 Years]	-	1 0 <u>2.0</u>	-	2 0 <u>1.2</u>	1 0 <u>3.0</u>	-	-	-	-

NOTES

- Column 1 = number of persons  
Column 2 = number of persons given maximum sentence  
Column 3 = average sentence
- Average sentence for attempted murder, manslaughter, conspiracy to murder explosives with intent to do GBH and arson excludes those given a life sentence
- Some of these cases may have been descheduled by the Attorney General.

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SENTENCING FOR TERRORIST OFFENCES IN ENGLAND AND WALES

The attached table, supplied by the Home Office, contains information about prisoners from Northern Ireland and the Republic of Ireland who are currently serving sentences in England and Wales for terrorist offences. Those from the South have ROI, in brackets, after their names. Two, marked with an asterisk, committed offences which would not be scheduled in Northern Ireland.

 LEGAL 'A' PRISONERS, BORN IN NORTHERN IRELAND AND THE REPUBLIC OF IRELAND, CONVICTED  
TERRORIST OFFENCES

NAME	OFFENCE	SENTENCE	DATE OF SENTENCE
ANDERSON Martine	Conspiracy to cause explosions	Life	23.6.86
ARMSTRONG Patrick	<u>Murder x 7</u>  Causing an explosion Conspiracy to cause explosions Conspiracy to murder	Life x 7 (Rec. min. 35 years) Life conct. 20 years' conct. 10 years' conct.	22.10.75 22.10.75 22.10.75 22.10.75
ARMSTRONG William Joseph	Causing an explosion x 2 Conspiracy to cause explosions	Life x 2 20 years' conct.	15.11.73 15.11.73
BAKER William James	Conspiracy to contravene the provisions of the Explosive Substances Act 1983 Wounding with intent	20 years 4 years consec.	26.11.76 28.6.84
BAKER Albert Walker	<u>Murder x 4</u>  Robbery x 9 Robbery Robbery	Life x 4 (Rec. min. 25 years) 8 years x 9 conct. 10 years conct. 10 years consec	15.10.73 15.10.73 15.10.73 15.10.73
BENNETT James	Conspiracy to contravene the provisions of the Explosive Substances Act 1983	20 years	26.11.76
BRADY Martyn Francis	Causing an explosion x 2 Conspiracy to cause explosions	Life x 2 20 years' conct.	15.11.73 15.11.73
BUTLER Edward (ROI)	<u>Murder x 6</u>  Causing an explosion Possessing a firearm with intent Using firearms with intent Manslaughter Conspiracy to cause explosions Conspiracy to discharge firearms False imprisonment Doing an act with intent to cause an explosion x 3	Life x 6 (Rec. min. 30 years) Life x 6 conct. Life x 6 conct. 18 years conct. 21 years conct. 20 years conct. 20 years conct. 20 years conct. 20 years x 3 conct.	10.2.77 10.2.77 10.2.77 10.2.77 10.2.77 10.2.77 10.2.77 10.2.77 10.2.77
CALLAGHAN Hugh Daniel	<u>Murder x 21</u>	Life x 21	15.8.75
COLLON Gerard Patrick	Conspiracy to cause explosions <u>Murder x 5</u> Causing an explosion	20 years Life x 5 Life (Rec. min. 30 years)	22.10.75 22.10.75 22.10.75

NAME	OFFENCE	SENTENCE	DATE OF SENTENCE
CUNNINGHAM Hugh Patrick Gerard	Conspiracy to cause explosions	20 years	18. 3.75
CUNNINGHAM Robert John (Released 10/12/87)	Conspiracy to cause explosions x 2	20 years x 2 conc.	18. 3.75
DONNELLY Adrian Vincent	<u>Murder</u>  Attempted murder x 3 Causing an explosion to endanger life Conspiracy to cause explosions Possession of an explosive substance Assault	Life (Rec. min. 30 years) Life x 3 Life 20 years conc. 20 years conc. 4 months conc.	30. 6.77 30. 6.77 30. 6.77 30. 6.77 30. 6.77 16.12.80
DDWD Brendan (ROI)	Conspiracy to cause explosions Conspiracy to murder Attempted murder x 3 Unlawful possession of firearms x 2 False imprisonment	20 years 10 years conc. Life x 3 18 years x 2 conc. 7 years conc.	11. 5.76 11. 5.76 11. 5.76 11. 5.76 11. 5.76
GIBSON Noel (ROI)	Possessing explosive substances Conspiracy to cause explosions Conspiracy to murder Attempted murder x 3 Attempted murder x 2 Unlawful possession of firearms and ammunition Using a firearm with intent	20 years conc. 20 years 10 years conc. 15 years x 3 conc. Life x 2 18 years conc. 18 years conc.	11. 5.76 11. 5.76 11. 5.76 11. 5.76 11. 5.76 11. 5.76 11. 5.76
GRIMES William (ROI)	Conspiracy to cause an explosion Possessing explosives	10 years 10 years conc.	6. 2.86 6. 2.86
EACKETT Patrick Joseph (ROI)	Causing an explosion Conspiracy to cause explosions Possession of an explosive substance	20 years 20 years conc. 20 years conc.	30. 6.77 30. 6.77 30. 6.77
EYES John (ROI)	Conspiracy to cause explosions Unlawful possession of an explosive substance Conspiracy to obstruct justice * Wounding with intent to commit GBH	20 years 20 years conc. 5 years conc. 4 years consec.	30. 6.77 30. 6.77 30. 6.77 16. 6.84
HILL Patrick Joseph	Murder x 21	Life x 21	15. 8.75
HILL Paul Michael	Conspiracy to cause explosions Murder x 7 Causing an explosion	20 years Life x 7 Life	22.10.75 22.10.75 22.10.75

NAME	OFFENCE	SENTENCE	DATE OF SENTENCE
HOLMES Paul Joseph	Causing an explosion x 2 Conspiracy to cause explosions	Life x 2 20 years conc.	15.11.73 15.11.73
HUNTER Robert Gerard	Murder x 21	Life x 21	15. 8.75
KAVANAGH Paul	Murder x 3  Doing an act with intent to cause an explosion Causing an explosion Possessing an explosive substance with intent Possessing firearms with intent Possessing an explosive substance with intent Possessing firearms with intent	Life x 3 (Rec. min. 35 years)  Life Life 20 years conc. 20 years conc 25 years conc 25 years conc.	7. 3.85  7. 3.85 7. 3.85 7. 3.88 7. 3.85 7. 3.85
KINSELLA Sean (ROI)	Conspiracy to cause explosions Conspiracy to murder Attempted murder x 3 Possession of a firearm x 2 Using a firearm x 2 False imprisonment Possession of explosive substances Wounding with intent to cause GBH	20 years 10 years Life x 3 18 years x 2 18 years x 2 7 years 20 years 4 years	11. 5.76 11. 5.76 11. 5.76 11. 5.76 11. 5.76 11. 5.76 11. 5.76 11. 5.76
KEENAN Brian Paschal	Conspiracy to cause explosions Conspiracy to possess firearms with intent Conspiracy to effect escape	18 years 18 years conc. 3 years consec.	25. 6.80 25. 6.80 17. 3.81
MCCARTNEY Ronald Joseph	Attempted murder x 3 Conspiracy to cause explosions Unlawful possession of firearms Using firearms with intent to resist arrest	Life x 3 20 years conc. 14 years conc. 14 years conc.	7. 5.76 7. 5.76 7. 5.76 7. 5.76
McCOMB John Gabriel	Conspiracy to cause explosions	17 years	26. 5.83
MCDONNELL Gerald Patrick	Conspiracy to cause explosions	Life	23. 6.86
McFADDEN Cornelius Michael (ROI)	Conspiracy to cause an explosion x 2 Conspiracy to commit arson Possessing explosives under suspicious circumstances	10 years x 2 conc. 18 years conc. 14 years conc.	18. 3.75 18. 3.75 18. 3.75

NAME	OFFENCE	SENTENCE	DATE OF SENTENCE
McILKENNY Noel Richard	Murder x 21	Life	15. 8.75
McKENNY Michael Joseph	Conspiracy to cause explosions	16 years	14. 4.87
McLAUGHLIN Patrick Joseph Noel	Conspiracy to cause explosions	Life	25.11.86
McNAMEE Gilbert Thomas	Conspiracy to cause an explosion	25 years	27.10.87
MAGEE Patrick Joseph	Possessing a firearm with intent Unlawful possession of explosives Murder x 5 Conspiracy to cause explosions	Life Life Life x 5 (Rec. min. 35 years) Life	23. 6.86 23. 6.86 23. 6.86 23. 6.86
MULRYAN Andrew Martin (Released 21.9.87) (ROI)	Conspiracy to cause explosions Possessing an explosive substance Unlawful possession of firearms Unlawful possession of ammunition	20 years 14 years conc. 6 months conc. 6 months conc.	18. 3.73 18. 3.73 18. 3.73 18. 3.73
MULRYAN Patrick Joseph (Released 15.10.87) (ROI)	Conspiracy to cause explosions Theft * Possessing explosive substances Unlawful possession of firearms Unlawful possession of ammunition	20 years 12 months conc. 14 years conc. 6 months conc. 6 months conc.	18. 3.75 18. 3.75 18. 3.75 18. 3.75 18. 3.75
NORNEY Paul Gerard	Conspiracy to cause explosions Conspiracy to murder Attempted murder x 5 Unlawful possession of a firearm Using a firearm with intent	20 years conc. 10 years conc. Life x 5 conc. 18 years conc. 18 years conc.	11. 5.76 11. 5.76 11. 5.76 11. 5.76 11. 5.76
O'CONNELL Martin Joseph (ROI )	Murder x 6  Causing an explosion x 5 Possessing firearms with intent Using firearms with intent Manslaughter Conspiracy to cause explosions Conspiracy to discharge firearms False imprisonment Doing an act with intent to cause an explosion x 3	Life x 6 (Rec. min. 30 years) Life x 5 conc. 18 years conc. Life conc. 21 years conc. 20 years conc. 20 years conc.  20 years conc. 20 years x 3 conc.	10. 2.77 10. 2.77 10. 2.77 10. 2.77 10. 2.77 10. 2.77 10. 2.77 10. 2.77
O'DWYER Ella (ROI )	Conspiracy to cause explosions	Life	23. 6.86

NAME	OFFENCE	SENTENCE	DATE OF SENTENCE
O'NEILL Eddie (Released 27.1.88)	Conspiracy to cause explosions	20 years	18. 3.75
POWER William	Murder x 21	Life x 21	15. 8.75
QUIGLEY Thomas Alphonsus	Murder x 3 Doing an act with intent to cause an explosion Causing an explosion Possessing an explosive substance with intent Possessing firearms with intent	Life x 3 Life Life 20 years conc. 20 years conc.	7. 3.85 7. 3.85 7. 3.85 7. 3.85 7. 3.85
SHERRY Peter John Joseph	Conspiring to cause explosions	Life	23. 6.86
VELLA Natalino (ROI)	Possessing an explosive substance with intent Possessing firearms with intent	15 years 15 years	7. 3.85 7. 3.85
WALKER John Francis	Murder x 21	Life x 21	15. 8.75
WALSH Robert Patrick	Causing explosions x 2 Conspiracy to cause explosions	Life x 2 20 years conc.	15.11.73 15.11.73

MAXIMUM SENTENCES

<u>Offence</u>	<u>Maximum Sentence</u>	<u>England</u>
		<u>N Ireland</u>
		<u>and</u>
		<u>Wales</u>
Murder	Life	Life
Attempted murder	Life	Life
Conspiracy/soliciting murder	Life	Life
Manslaughter	Life	Life
Causing grievous bodily explosives	Life	Life
Causing explosion with intent to cause GBH	Life	Life
Causing explosion likely to endanger life or damage property	Life	Life
Attempting to cause such an explosion and making/possessing explosives with intent to endanger life or cause serious damage to property	Life	Life
Making/possessing explosives in suspicious circumstances	14 years	14 years
Possessing firearm with intent to endanger life or cause serious damage to property	Life	Life
Possessing firearm in suspicious circumstances	10 years ]	
Carrying firearm with intent to commit indictable offence or prevent arrest of self or another	14 years ]	14 years
Use or attempted use of firearm prevent arrest of self or another	Life	Life
Causing GBH	5 years	5 years

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LENGTH OF SENTENCES

Attached is a comparison of the maximum sentences available in Northern Ireland and England and Wales for a wide range of the most serious offences commonly committed by terrorists. There is very little divergence between the sentences available in the two jurisdiction.

Assault occasioning actual bodily harm	5 years	5 years
(Common law) riot	Life	10 years
Use of petrol bombs	10 years	Life
Possession of petrol bombs	5 years	2 years
Arson	Life	Life
Hijacking vehicle	15 years	3 years
Kidnapping	Life	No maximum specified
False imprisonment	Life	No maximum specified
Intimidation	5 years	6 months
Theft/Aggravated burglary	Life	Life

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ANNEX C

A comparison of the average lengths of sentences passed and served  
 in specified offences in Northern Ireland and in England and Wales  
 (1986 figures)

Key:

A	Numer <sup>b</sup> of defendants
B	Number of defendants sentenced to life imprisonment
C	Average length of sentence passed in years (excluding life)
D	Average length of sentence served in years (excluding life)

Offence	A		B		C		D	
	N.I	E+W	N.I	E+W	N.I	E+W	N.I	E+W
Attempted Murder	13	19	0	2	12.1	9.7	54%	)
Conspiracy to Murder	20	5	0	0	10.6	6.9	54%	)
Possession of explosives with intent to endanger life	12	1	0	0	8.3	8.0	51%	)
Possession of a firearm with intent to endanger life	30	16	0	3	5.1	4.8	55%	)
Carrying firearms arms with intent	6	30	N/A	N/A	5.2	3.1	52%	55-60%
Manslaughter	16	227	1	8	6.9	3.4	55%	)
Wounding with intent to cause GBH	5	606	0	3	3.1	2.9	52%	)
Wounding or inflicting GBH	53	1331	N/A	N/A	1.9	1.2	50%	)
Riotous behaviour	18	344	0	0	0.6	1.4	51%	)
Arson	44	358	0	11	1.9	2.4	50%	)
Robbery	113	1707	0	2	2.7	3.9	52%	)

*✓ capable of being wiped out*

- Note (a) The information available in respect of average sentences for offences is distorted because of Home Office practice of aggregating similar type offences. The averages produced are based on that aggregate.
- (b) Murder has not been included in the above list since a conviction ~~for~~ of this offence carries an automatic life sentence. It should be noted however that a defendant convicted of a terrorist murder ~~may~~ expect to serve 20 years of a life sentence, whereas a defendant convicted of murder in England or Wales (which includes domestic murders) ~~may~~ only expect to serve approximately 10 years of a life sentence.