



# Legal Aid, Sentencing and Punishment of Offenders Act 2012

## 2012 CHAPTER 10

### PART 3

#### SENTENCING AND PUNISHMENT OF OFFENDERS

#### CHAPTER 1

#### SENTENCING

#### *General*

#### **65 Sentencing where there is aggravation related to transgender identity**

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) Section 146 (increase in sentence for aggravation related to disability or sexual orientation) is amended as follows.
- (3) In the heading, for “or sexual orientation” substitute “, sexual orientation or transgender identity”.
- (4) In subsection (2)(a)—
  - (a) after sub-paragraph (i) omit “or”;
  - (b) at the end insert—
    - “(iii) the victim being (or being presumed to be) transgender, or”.
- (5) In subsection (2)(b)—
  - (a) after sub-paragraph (i) omit “or”;
  - (b) at the end insert “, or

---

*Status: This is the original version (as it was originally enacted).*

---

(iii) by hostility towards persons who are transgender.”

(6) After subsection (5) insert—

“(6) In this section references to being transgender include references to being transsexual, or undergoing, proposing to undergo or having undergone a process or part of a process of gender reassignment.”

(7) Schedule 21 (determination of minimum term in relation to mandatory life sentence) is amended as follows.

(8) For paragraph 3 substitute—

“3 For the purposes of this Schedule—

- (a) an offence is aggravated by sexual orientation if it is committed in circumstances mentioned in section 146(2)(a)(i) or (b)(i);
- (b) an offence is aggravated by disability if it is committed in circumstances mentioned in section 146(2)(a)(ii) or (b)(ii);
- (c) an offence is aggravated by transgender identity if it is committed in circumstances mentioned in section 146(2)(a)(iii) or (b)(iii).”

(9) In paragraph 5(2)(g) (30 year starting point), after “aggravated by sexual orientation” insert “, disability or transgender identity”.

(10) Section 241 of the Armed Forces Act 2006 (increase in sentence for aggravation related to disability or sexual orientation) is amended as follows.

(11) In the heading, for “or sexual orientation” substitute “, sexual orientation or transgender identity”.

(12) In subsection (2)(a)—

- (a) after sub-paragraph (i) omit “or”;
- (b) at the end insert—

“(iii) the victim being (or being presumed to be) transgender, or”.

(13) In subsection (2)(b)—

- (a) after sub-paragraph (i) omit “or”;
- (b) at the end insert “, or

(iii) by hostility towards persons who are transgender.”

(14) After subsection (5) insert—

“(6) In this section references to being transgender include references to being transsexual, or undergoing, proposing to undergo or having undergone a process or part of a process of gender reassignment.”