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IPP Legal Activity

Legal challenges that have been brought against the IPP sentence, and the landmark legal events that eventually led to its abolition.

2003

THE ORIGINAL CRIMINAL JUSTICE ACT 2003 – SECTION 225: LIFE SENTENCE OR IMPRISONMENT FOR PUBLIC PROTECTION FOR SERIOUS OFFENCES

The introduction of IPP sentences – the Criminal Justice Act 2003 - [here](#)

2007

CASE OF JOHNSON, R (ON THE APPLICATION OF) V. SECRETARY OF STATE FOR THE HOME DEPARTMENT & ANOR – FULL COURT JUDGEMENT

England and Wales Court of Appeal (Civil Division), 2007 - [here](#)

This case established the right of people serving an IPP sentence to apply for compensation if they had missed their earliest possible release date due to administrative or other delays.

WELLS & WALKER V. PAROLE BOARD AND SECRETARY OF STATE FOR JUSTICE. ENGLAND AND WALES HIGH COURT, QUEEN'S BENCH DIVISION.

Jurist - [here](#)

CASE OF WELLS V. THE PAROLE BOARD AND ANOR – FULL COURT JUDGEMENT

Royal Courts of Justice - [here](#)

2008

THE CRIMINAL JUSTICE AND IMMIGRATION ACT 2008 – CHAPTER 4, SECTION 13: SENTENCES OF IMPRISONMENT FOR PUBLIC PROTECTION

The Criminal Justice and Immigration Act 2008 - [here](#)

This Act made three important changes to the IPP sentence. It reduced the number of offences to which it could be applied; it restricted its application to crimes which would otherwise attract a determinate sentence of four years or more; and it allowed greater judicial discretion in its application. It did not apply retrospectively to those already serving an IPP sentence.

2009

WHEN INDEFINITE BECOMES ARBITRARY: JAMES, WELLS AND LEE VS UK – UK HUMAN RIGHTS BLOG

European Court of Human Rights - [here](#)

This case made the important distinction between 'indefinite' and 'arbitrary' detention. It established that when people are detained solely for reasons of public protection, they must be given reasonable and timely access to rehabilitative opportunities.

James, Wells and Lee were three people given an IPP sentence in 2005, with tariffs of two years, 12 months and nine months respectively. When their tariffs expired, they had had no opportunity to access rehabilitative programmes deemed necessary to reduce their risk. The court agreed that this violated Article 5.1 of the Human Rights Act (the right to liberty and security), brought about by the UK Government's failure to adequately plan for and provide rehabilitation opportunities when the sentence was introduced. The court ruled that the detention of James, Wells and Lee was unlawful, until such time that they were offered rehabilitative opportunities.

CASE OF JAMES, WELLS AND LEE V. THE UNITED KINGDOM – FULL COURT JUDGEMENT
Read the full court judgement to the case of James, Wells and Lee - [here](#)

2012

RESPONDING TO HUMAN RIGHTS JUDGEMENTS: REPORT TO THE JOINT COMMITTEE ON HUMAN RIGHTS ON THE GOVERNMENT RESPONSE TO HUMAN RIGHTS JUDGEMENTS 2012-13.

Ministry of Justice - [here](#)

SECTION 123 OF THE LASPO ACT – ABOLITION OF CERTAIN SENTENCES FOR DANGEROUS OFFENDERS

The abolition of the IPP sentence (LASPO) Act, 2012 - [here](#)

The LASPO act abolished the IPP sentence on the 3rd of December 2012. It was agreed to be unjust and unworkable. However, it was not abolished retrospectively, meaning that it did not remove the IPP sentence from those who were already serving it. This remains the case today.

2012

HANEY, KAIYAM, MASSEY, AND ROBINSON VS SECRETARY OF STATE FOR JUSTICE.

UK supreme court - [here](#)

This case built on the issues raised by James, Well and Lee. The four applicants were serving an automatic life sentence (the predecessor of the IPP sentence) and three IPP sentences with tariffs of seven years, two years and six months respectively. The four applicants maintained that their prospects of release were being hampered by lack of access to rehabilitative opportunities, including suitable programmes, and access to open prisons. The court agreed that the state had a duty to provide such opportunities, again arising from Article 5 of the Human Rights Act.
