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Robert Banks, a barrister, writes Banks on Sentence. It is the second-largest selling criminal practitioner's text book and is used by judges for sentencing more than any other. The book is classified by the Ministry of Justice as a core judicial text book. The 2015 edition of the book and app was published recently. The app is for Apple iPads and Windows 8 tablets and computers and costs £99 (incl. VAT). Updates will appear in the relevant paragraph. The print copy costs £106 and there will be regular updates on www.banksr.com. There is also a discount available when the print copy and app are purchased together. If you have access to a computer, you can follow Robert on twitter: @BanksonSentence and you can receive his weekly sentencing Alert.

Q I am in for drugs and there is someone in here for child sex. The screw who has seen the papers says his name has been removed from the paperwork with the judges' decision. Everyone should be able to know who he is and what he has done to protect kids. The screw thought that too. Are the courts mad? I bet no one would keep my name secret.

A This should be a simple question to answer but it isn't. I wouldn't say the courts are mad. The truth is that the issuing of transcripts has been in a muddle for a very long time. The courts issue orders to protect the identity of victims. This is particularly important for child victims. Difficulties can be particularly acute when the defendant has been abusing his own children or his relatives. The courts are also meant to pursue a policy of as much disclosure of the work of the court as possible. So if a defendant says they don't want their name revealed because it would be very embarrassing for their children to know what they have done, the application will be refused. The public are considered to have a right to know the defendant's name.

Transcripts of the Judge's sentencing remarks do not have the defendant's name removed as they are not normally made available to the public. If they are, journalists abide by the rules about not revealing the identity of the child victims. This means that the transcript the prison officer saw was a Court of Appeal transcript. The Court of Appeal staff issue the transcripts to legal providers like Casetrack in two categories. One is suitable for general release. The other is for restricted distribution. I am given access to both categories. Sometimes when there is an issue that needs to be kept secret, like the discount for an informer, the Court issues two transcripts. One has all the details, and this is a closed transcript which is not issued to anyone, save by an order of the Judge. The second transcript, which is released, omits those details. That transcript will not list the name of the defendant but will refer to him or her by a letter.

This system should work well but it doesn't. There are three distinct problems. First, some judges often put the details of the victims in the transcripts by accident. Second, court staff put cases where there is an order protecting the identity of the victim in the restricted category. More often than not there is no need to do so as the transcript discloses no secret matters. Third, defendants whose transcripts are in the restricted category are frequently listed with a letter when there is no need to do that.

What should happen is a member of the staff at the Court of Appeal should read all the transcripts which are not closed transcripts and remove the details which reveal the identity of the victims or some other fact that should be kept secret. They should then issue all those transcripts so they can be read by everyone. That is of course far too simple and sensible ever to be adopted.

Q I was convicted of some betting shop robberies and received 10 years. The Judge gave me 10 years' disqualification. He also said I had used a car to travel between the shops and disqualification would act as way to deter me from further offending and act as a punishment.

Most people I have heard about find that their disqualification runs out about the time they have finished their sentence. 10 years must be too long.

A This issue is about two sentence principles which are in conflict. The first is that long periods of disqualification can be counterproductive. The disqualification will make it more difficult for the defendant to obtain a job on his release. Also, if a defendant is disqualified for a long time he or she will be tempted to drive. When they do so, they will be driving without insurance and if there is an accident, the other party will not be able to claim on the defendant's insurance.

They may be able to make a claim on the Motor Insurers' Bureau, but they are unlikely to receive all the compensation they need. This can be a dreadful loss if someone is seriously injured, say as a pedestrian. Courts are instructed to pass 'proportionate' periods of disqualification. It works like this. If a thief who uses his car to steal is sentenced to 2 years, he will be out within 1 year and a 2-year period of disqualification would be appropriate. Applying this principle to you is more difficult as if you are tempted to commit more betting shop robberies, I doubt the fact that you were disqualified would stop you from committing them. It would certainly impede your rehabilitation.

The second principle follows a campaign by victims and relatives of victims who were killed or injured by drunk drivers or drivers driving dangerously. They were incensed that when the defendant in their case was released from prison, the disqualification period was mostly over. As you would expect, the authorities listened in a way they have not listened to those campaigning about the inequity of IPP. The result of this was Criminal Justice and Courts Act 2015 s 30. This applies to obligatory and both types of discretionary disqualification, and totting up disqualification for all defendants receiving a custodial sentence on or after 13 April 2015. Those defendants must now be given a disqualification period comprising two parts. The first part is the appropriate term for the offence. The second part is an extension period equal to half the length of the custodial term. There are similar provisions for those sentenced to life imprisonment and extended sentences. The effect of these provisions means that if someone is sentenced to 6 years for causing death by dangerous driving, he or she must be sentenced to at least 2 years' disqualification, because that is the minimum period. That person's disqualification must now be extended by half the custodial term (6 years ÷ 2) making an extra 3 years. That has the desired effect that the necessary disqualification period (in this case a minimum of 2 years) will be served in its entirety after the defendant is released from the custodial term which is halfway through his or her 6-year sentence.

Back to your question. I assume you were sentenced after the provisions came into force. I don't know what your driving record is like but I can't see the Court of Appeal considering a 5-year disqualification (which is the part before its 5-year extension) too long. In any event there was a case similar to yours recently where the Court of Appeal upheld a 10-year disqualification period for a robber who had received a 10-year sentence. This was on the principle that the disqualification period should be about the same length as the custodial term.

The change in law is, of course, completely bonkers as it will generate a huge increase in disqualified driving, is very unfair to those held for long periods on remand and gives the court no power to disapply the provisions where there are exceptional circumstances.

I wonder if we will have to wait 10 years for these provisions to be repealed. That might be after all those injured (or their relatives) after a car crash involving a defendant with these new extended periods of disqualification start to complain about the struggles they are enduring by having received no or no proper insurance pay-out.

Asking Robert and Jason questions

All letters should be sent to Inside Time, marked for Robert Banks or Jason Elliott. Letters are then sent by Inside Time to David Wells of Wells Burcombe, who forwards them to Robert and Jason.

Please make sure your question concerns sentence, prison law or release and not conviction. Prison law and release are dealt with by Jason Elliott (PO Box 847, North Shields, NE29 1FJ). Unless you say you don't want your question and answer published in Inside Time, it will be assumed you have no objection to publication. It is usually not possible to determine whether a particular defendant has grounds of appeal without seeing all the paperwork. Analysing all the paperwork is not possible. The column is designed for simple questions and answers. Robert and Jason cannot in their answers in effect do the work that should be done by solicitors and barristers who have the relevant case papers.

No one will have their identity revealed. Letters which: a) are without an address, b) cannot be read, or c) are sent direct to Robert, cannot be answered. If your solicitor wants to see previous questions and answers, they are at www.banksr.com.