

SCHEDULES

SCHEDULE 19

Section 122

LIFE SENTENCE FOR SECOND LISTED OFFENCE: CONSEQUENTIAL AND TRANSITORY PROVISION

PART 1

CONSEQUENTIAL PROVISION

Mental Health Act 1983 (c. 20)

- 1 In section 37 of the Mental Health Act 1983 (powers of courts to order hospital admission), in subsection (1A), after paragraph (b) insert—
“(ba) under section 224A of the Criminal Justice Act 2003,”.

Criminal Justice Act 1988 (c. 33)

- 2 In section 36 of the Criminal Justice Act 1988 (reviews of sentencing), in subsection (2)(b)(iii), after “section” insert “224A,”.

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 3 The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.
- 4 In section 12 (absolute and conditional discharge), in subsection (1), before “225(2)” insert “224A,”.
- 5 In section 130 (compensation orders against convicted persons), in subsection (2), before “225(2)” insert “224A,”.
- 6 In section 146 (driving disqualification for any offence), in subsection (2), before “225(2)” insert “224A,”.
- 7 In section 164 (interpretation), in subsection (3)(c), after “section” insert “224A,”.

Criminal Justice Act 2003 (c. 44)

- 8 The Criminal Justice Act 2003 is amended as follows.
- 9 In section 142 (purposes of sentencing: offenders aged 18 and over), in subsection (2)(c)—
- (a) after “weapon” insert “, under section 224A of this Act (life sentence for second listed offence for certain dangerous offenders)”, and
 - (b) for “(dangerous offenders)” substitute “(imprisonment or detention for life for certain dangerous offenders)”.

- 10 In section 150 (community sentence not available where sentence fixed by law etc),
at the end of paragraph (ca) (but before the “or”) insert—
“(cb) falls to be imposed under section 224A of this Act (life sentence for
second listed offence for certain dangerous offenders),”.
- 11 In section 152 (general restrictions on imposing discretionary custodial sentence), in
subsection (1)(b), before “225(2)” insert “224A,”.
- 12 In section 153 (length of discretionary custodial sentences: general provision), in
subsection (1), before “225” insert “224A,”.
- 13 In section 156 (pre-sentence reports and other requirements), after subsection (8)
insert—
“(9) References in subsections (1) and (3) to a court forming the opinions
mentioned in sections 152(2) and 153(2) include a court forming those
opinions for the purposes of section 224A(3).”
- 14 In section 163 (general power of Crown Court to fine offender convicted on
indictment) before “225(2)” insert “224A,”.
- 15 Before section 224 insert—

“Interpretation”.

- 16 In section 224 (meaning of “specified offence” etc), in subsection (2)(b), for “225”
substitute “224A”.
- 17 After section 224 (and before section 224A) insert—

“Life sentences”.

- 18 After section 226 insert—

“Extended sentences”.

- 19 Before section 231 insert—

“Supplementary”.

- 20 (1) Section 231 (appeals where convictions set aside) is amended as follows.
(2) Before subsection (1) insert—
“(A1) Subsection (2) applies where—
(a) a sentence has been imposed on a person under section 224A,
(b) a previous conviction of that person has been subsequently set aside
on appeal, and
(c) without that conviction, the previous offence condition in
section 224A(4) would not have been met.”
- (3) In subsection (1), for “This section” substitute “Subsection (2) also”.
- (4) After subsection (2) insert—
“(3) Subsection (4) applies where—
(a) a sentence has been imposed on a person under section 224A,

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

- (b) a previous sentence imposed on that person has been subsequently modified on appeal, and
- (c) taking account of that modification, the previous offence condition in section 224A(4) would not have been met.

(4) Notwithstanding anything in section 18 of the Criminal Appeal Act 1968, notice of appeal against the sentence mentioned in subsection (3)(a) may be given at any time within 28 days from the date on which the previous sentence was modified.”

21 After section 232 insert—

“232A Certificates of conviction

Where—

- (a) on any date after the commencement of Schedule 15B a person is convicted in England and Wales of an offence listed in that Schedule, and
 - (b) the court by or before which the person is so convicted states in open court that the person has been convicted of such an offence on that date, and
 - (c) that court subsequently certifies that fact,
- that certificate is evidence, for the purposes of section 224A, that the person was convicted of such an offence on that date.”

22 In section 305(4) (interpretation of Part 12), after paragraph (ba) insert—

- “(bb) a sentence falls to be imposed under section 224A if the court is obliged by that section to pass a sentence of imprisonment for life.”.

Coroners and Justice Act 2009 (c. 25)

23 In section 125(6) of the Coroners and Justice Act 2009 (sentencing guidelines: duty of court) after paragraph (d) insert—

- “(da) section 224A of that Act (life sentence for second listed offence for certain dangerous offenders);”.

PART 2

TRANSITORY PROVISION

24 (1) In relation to any time before the coming into force of section 61 of the Criminal Justice and Court Services Act 2000 (abolition of sentences of detention in a young offender institution, custody for life etc), Part 12 of the Criminal Justice Act 2003 (sentencing) has effect with the following modifications.

(2) In section 224A (life sentence for second listed offence)—

- (a) in subsection (2), after “imprisonment for life” insert “or, in the case of a person aged at least 18 but under 21, custody for life under section 94 of the Sentencing Act”, and
- (b) in subsection (3), after “more” insert “or, if the person is aged at least 18 but under 21, a sentence of detention in a young offender institution for such a period”.

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

- (3) In section 305(4) (interpretation of Part 12), in paragraph (bb) (inserted by paragraph 22 of this Schedule), after “imprisonment for life” insert “or, if the person is aged at least 18 but under 21, custody for life”.