

*These notes refer to the Criminal Justice and Courts Act  
2015 (c.2) which received Royal Assent on 12 February 2015*

# CRIMINAL JUSTICE AND COURTS ACT 2015

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 1 – Criminal Justice

#### Repeat offences involving offensive weapons

#### *Schedule 5: Minimum sentence for repeat offences involving offensive weapons: consequential amendments*

276. *Schedule 5* contains necessary minor and consequential amendments as a result of section 28. *Paragraph 1* of the Schedule amends section 37(1A) of the Mental Health Act 1983 to enable the court to impose a hospital order instead of a minimum sentence. *Paragraph 2* amends section 36(2)(b) of the Criminal Justice Act 1988 to enable the Attorney General to make a reference where the court has failed to impose the minimum sentence (an application to have an unduly lenient sentence revisited). *Paragraph 12* of the Schedule amends section 144 of the Criminal Justice Act 2003 to allow a court, where a person pleads guilty to a relevant offence in circumstances in which the new minimum sentence would apply, to reduce the sentence of imprisonment it would otherwise have passed; but it may not reduce it to below 80% of the appropriate custodial sentence in the case of those aged 18 or over when convicted. Other consequential amendments are made to the Powers of the Criminal Courts (Sentencing) Act 2000, the Criminal Justice Act 2003 and the Coroners and Justice Act 2009.