

SCHEDULES

SCHEDULE 5

Section 28

MINIMUM SENTENCE FOR REPEAT OFFENCES INVOLVING OFFENSIVE WEAPONS ETC: CONSEQUENTIAL PROVISION

Mental Health Act 1983 (c. 20)

- 1 In section 37(1A) of the Mental Health Act 1983 (powers of courts to order hospital admission or guardianship)—
- (a) in paragraph (za), after “section” insert “1(2B) or”, and
 - (b) in paragraph (aa), after “section” insert “139(6B), 139A(5B) or”.

Criminal Justice Act 1988 (c. 33)

- 2 In section 36(2)(b) of the Criminal Justice Act 1988 (reviews of sentencing)—
- (a) in sub-paragraph (zi), after “section” insert “1(2B) or”, and
 - (b) in sub-paragraph (ia), after “section” insert “139(6B), 139A(5B) or”.

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

- 3 The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.
- 4 (1) Section 12 (absolute and conditional discharge) is amended as follows.
- (2) In subsection (1), for the words from “section 110(2)” to “2006” substitute “a provision mentioned in subsection (1A)”.
- (3) After that subsection insert—
- “(1A) The provisions referred to in subsection (1) are—
 - (a) section 1(2B) or 1A(5) of the Prevention of Crime Act 1953;
 - (b) section 51A(2) of the Firearms Act 1968;
 - (c) section 139(6B), 139A(5B) or 139AA(7) of the Criminal Justice Act 1988;
 - (d) section 110(2) or 111(2) of this Act;
 - (e) section 224A, 225(2) or 226(2) of the Criminal Justice Act 2003;
 - (f) section 29(4) or (6) of the Violent Crime Reduction Act 2006.”
- 5 In section 100(1A) (offenders under 18: detention and training orders), for paragraphs (a) and (b) substitute—
- “(a) section 1(2B) or 1A(5) of the Prevention of Crime Act 1953 (minimum sentence for certain offences involving offensive weapons);
 - (b) section 139(6B), 139A(5B) or 139AA(7) of the Criminal Justice Act 1988 (minimum sentence for certain offences involving article with blade or point or offensive weapon).”

- 6 (1) Section 130 (compensation orders against convicted persons) is amended as follows.
- (2) In subsection (2), for the words from “section 110(2)” to “2006” substitute “a provision mentioned in subsection (2ZA)”.
- (3) After that subsection insert—
- “(2ZA) The provisions referred to in subsection (2) are—
- (a) section 1(2B) or 1A(5) of the Prevention of Crime Act 1953;
 - (b) section 51A(2) of the Firearms Act 1968;
 - (c) section 139(6B), 139A(5B) or 139AA(7) of the Criminal Justice Act 1988;
 - (d) section 110(2) or 111(2) of this Act;
 - (e) section 224A, 225(2) or 226(2) of the Criminal Justice Act 2003;
 - (f) section 29(4) or (6) of the Violent Crime Reduction Act 2006.”
- 7 (1) Section 146 (driving disqualification for any offence) is amended as follows.
- (2) In subsection (2), for the words from “section 110(2)” to “2006” substitute “a provision mentioned in subsection (2A)”.
- (3) After that subsection insert—
- “(2A) The provisions referred to in subsection (2) are—
- (a) section 1(2B) or 1A(5) of the Prevention of Crime Act 1953;
 - (b) section 51A(2) of the Firearms Act 1968;
 - (c) section 139(6B), 139A(5B) or 139AA(7) of the Criminal Justice Act 1988;
 - (d) section 110(2) or 111(2) of this Act;
 - (e) section 224A, 225(2) or 226(2) of the Criminal Justice Act 2003;
 - (f) section 29(4) or (6) of the Violent Crime Reduction Act 2006.”
- 8 In section 164(3) (further interpretive provisions)—
- (a) in paragraph (aa), after “section” insert “1(2B) or”, and
 - (b) in paragraph (ba), after “section” insert “139(6B), 139(5B) or”.

Criminal Justice Act 2003 (c. 44)

- 9 The Criminal Justice Act 2003 is amended as follows.
- 10 (1) Section 142 (purposes of sentencing: offenders aged 18 or over) is amended as follows.
- (2) In subsection (2)(c), for the words from “section 1A(5)” to “detention for life for certain dangerous offenders)” substitute “a provision mentioned in subsection (2A)”.
- (3) After that subsection insert—
- “(2AA) The provisions referred to in subsection (2)(c) are—
- (a) section 1(2B) or 1A(5) of the Prevention of Crime Act 1953 (minimum sentence for certain offences involving offensive weapons);
 - (b) section 51A(2) of the Firearms Act 1968 (minimum sentence for certain firearms offences);

- (c) section 139(6B), 139A(5B) or 139AA(7) of the Criminal Justice Act 1988 (minimum sentence for certain offences involving article with blade or point or offensive weapon);
 - (d) section 110(2) or 111(2) of the Sentencing Act (minimum sentence for certain drug trafficking and burglary offences);
 - (e) section 224A of this Act (life sentence for second listed offence for certain dangerous offenders);
 - (f) section 225(2) or 226(2) of this Act (imprisonment or detention for life for certain dangerous offenders);
 - (g) section 29(4) or (6) of the Violent Crime Reduction Act 2006 (minimum sentence in certain cases of using someone to mind a weapon)."
- 11 (1) Section 142A (purposes of sentencing: offenders under 18) is amended as follows.
- (2) In subsection (4), for paragraph (b) substitute—
- “(b) to an offence the sentence for which falls to be imposed under a provision mentioned in subsection (5), or”.
- (3) At the end insert—
- “(5) The provisions referred to in subsection (4)(b) are—
- (a) section 1(2B) or 1A(5) of the Prevention of Crime Act 1953 (minimum sentence for certain offences involving offensive weapons);
 - (b) section 51A(2) of the Firearms Act 1968 (minimum sentence for certain firearms offences);
 - (c) section 139(6B), 139A(5B) or 139AA(7) of the Criminal Justice Act 1988 (minimum sentence for certain offences involving article with blade or point or offensive weapon);
 - (d) section 226(2) of this Act (detention for life for certain dangerous offenders);
 - (e) section 29(6) of the Violent Crime Reduction Act 2006 (minimum sentence in certain cases of using someone to mind a weapon).”
- 12 (1) Section 144 (reduction in sentences for early guilty pleas) is amended as follows.
- (2) In subsection (2), for the words from “an offence” to “nothing” substitute “an offender who—
- (a) is convicted of an offence the sentence for which falls to be imposed under a provision mentioned in subsection (3), and
 - (b) is aged 18 or over when convicted,
- nothing”.
- (3) In subsection (3)—
- (a) for “section 1A(6)(a)” substitute “section 1(2B) or 1A(5)”, and
 - (b) for “section 139AA(8)(a)” substitute “section 139(6B), 139A(5B) or 139AA(7)”.
- (4) In subsection (4), for the words from “an offence” to “nothing” substitute “an offender who—

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

- (a) is convicted of an offence the sentence for which falls to be imposed under a provision mentioned in subsection (5), and
 - (b) is aged 16 or 17 when convicted,
- nothing”.
- (5) In subsection (5)—
- (a) for “section 1A(6)(b)” substitute “section 1(2B) or 1A(5)”, and
 - (b) for “section 139AA(8)(b)” substitute “section 139(6B), 139A(5B) or 139AA(7)”.
- 13 In section 150(2) (community order not available where sentence fixed by law etc), for paragraphs (a) and (b) substitute—
- “(a) falls to be imposed under section 1(2B) or 1A(5) of the Prevention of Crime Act 1953 (minimum sentence for certain offences involving offensive weapons), or
 - (b) falls to be imposed under section 139(6B), 139A(5B) or 139AA(7) of the Criminal Justice Act 1988 (minimum sentence for certain offences involving article with blade or point or offensive weapon).”
- 14 (1) Section 152 (general restrictions on imposing discretionary custodial sentence) is amended as follows.
- (2) In subsection (1)(b), for the words from “section 1A(5)” to the end substitute “a provision mentioned in subsection (1A).”
- (3) After that subsection insert—
- “(1A) The provisions referred to in subsection (1)(b) are—
- (a) section 1(2B) or 1A(5) of the Prevention of Crime Act 1953;
 - (b) section 51A(2) of the Firearms Act 1968;
 - (c) section 139(6B), 139A(5B) or 139AA(7) of the Criminal Justice Act 1988;
 - (d) section 110(2) or 111(2) of the Sentencing Act;
 - (e) section 224A, 225(2) or 226(2) of this Act;
 - (f) section 29(4) or (6) of the Violent Crime Reduction Act 2006.”
- 15 (1) Section 153 (length of discretionary custodial sentences: general provision) is amended as follows.
- (2) In subsection (2), for the words from “section 1A(5)” to “this Act” substitute “the provisions listed in subsection (3)”.
- (3) After that subsection insert—
- “(3) The provisions referred to in subsection (2) are—
- (a) sections 1(2B) and 1A(5) of the Prevention of Crime Act 1953;
 - (b) section 51A(2) of the Firearms Act 1968;
 - (c) sections 139(6B), 139A(5B) and 139AA(7) of the Criminal Justice Act 1988;
 - (d) sections 110(2) and 111(2) of the Sentencing Act;
 - (e) sections 226A(4) and 226B(2) of this Act;
 - (f) section 29(4) or (6) of the Violent Crime Reduction Act 2006.”

- 16 (1) Section 305(4) (interpretation of Part 12) is amended as follows.
- (2) In paragraph (za)—
- (a) for “subsection (5) of section 1A” substitute “section 1(2B) or 1A(5)”, and
 - (b) for “that subsection” substitute “that provision”.
- (3) In paragraph (aa)—
- (a) for “subsection (7) of section 139AA” substitute “section 139(6B), 139A(5B) or 139AA(7)”, and
 - (b) for “that subsection” substitute “that provision”.

Coroners and Justice Act 2009 (c. 25)

- 17 (1) Section 125(6) of the Coroners and Justice Act 2009 (sentencing guidelines: duty of court) is amended as follows.
- (2) In paragraph (ea)—
- (a) for “section” substitute “sections 1(2B) and”, and
 - (b) for “offence of threatening with offensive weapon in public” substitute “certain offences involving offensive weapons”.
- (3) In paragraph (fa)—
- (a) for “section” substitute “sections 139(6B), 139A(5B) and”, and
 - (b) for “offence of threatening with” substitute “certain offences involving”.