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## SCHEDULES

### SCHEDULE 22

#### AMENDMENTS OF THE SENTENCING CODE AND RELATED AMENDMENTS OF OTHER LEGISLATION

#### PART 5

#### CUSTODIAL SENTENCES

##### *Increase in magistrates' court's power to impose imprisonment*

<sup>F1</sup>24 .....

#### Textual Amendments

- F1** Sch. 22 para. 24 omitted (14.7.2022) by virtue of [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(4), [Sch. 2 para. 21\(a\)](#) (with s. 51(8)); S.I. 2022/816, regs. 1(2), 3(d)

PROSPECTIVE

[<sup>F2</sup>24A In section 224(1A)(a) (general limit on custodial sentence for summary offence in magistrates' court), for "6 months" substitute "12 months".]

#### Textual Amendments

- F2** Sch. 22 para. 24A inserted (14.7.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(4), [Sch. 2 para. 21\(b\)](#) (with s. 51(8)); S.I. 2022/816, regs. 1(2), 3(d)

PROSPECTIVE

25 In—  
(a) paragraph 10(5)(d) of Schedule 10 (magistrates' court's powers on breach etc of community order), as inserted by paragraph 21(2) of this Schedule, or  
(b) the paragraph (d) to be inserted into paragraph 10(5) of Schedule 10 by paragraph 21(2) of this Schedule (if that paragraph 21(2) is not in force when this paragraph comes into force),  
in the words following sub-paragraph (iii), for "6 months" substitute "51 weeks".

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PROSPECTIVE

- 26 In—
- (a) paragraph 11(2)(d) of Schedule 10 (Crown Court's powers on breach etc of community order), as inserted by paragraph 21(3) of this Schedule, or
  - (b) the paragraph (d) to be inserted into paragraph 11(2) of Schedule 10 by paragraph 21(3) of this Schedule (if that paragraph 21(3) is not in force when this paragraph comes into force),
- in the words following sub-paragraph (ii), for “6 months” substitute “ 51 weeks ”.

PROSPECTIVE

*Detention and training orders: offenders aged under 12*

- 27 (1) In section 234 (detention and training order: availability)—
- (a) in subsection (1), in paragraph (a), omit “, but at least 12,”;
  - (b) after that paragraph insert—
    - “(aa) in a case where the offender is aged under 12 at that time, the offence was committed on or after the date on which paragraph 27 of Schedule 22 comes into force,”.
- (2) In section 235 (exercise of power to make of detention and training order), after subsection (3) insert—
- “(3A) If the offender is aged under 12 when convicted the court may not make a detention and training order unless it is of the opinion that only a custodial sentence would be adequate to protect the public from further offending by the offender.”
- (3) In section 180 (exercise of powers to make orders with intensive supervision and surveillance or fostering), in subsection (2)(a)(ii) (appropriateness of custodial sentence to be assessed in case of offender aged under 12 as if offender were 12), after “convicted” insert “ and the offence was committed before the date on which paragraph 27 of Schedule 22 comes into force ”.

PROSPECTIVE

*Repeal of temporary provision resulting from paragraph 27*

- 28 (1) In section 234, omit subsection (1)(aa).
- (2) In section 180, omit subsection (2)(a)(ii) (and the word “or” immediately before it, but not the word “and” immediately after it).

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PROSPECTIVE

*Detention and training orders: summary offences*

- 29 (1) Section 236 is amended as follows.
- (2) In subsection (2), at the end insert—
- “This is subject to subsection (2A).”
- (3) After that subsection insert—
- “(2A) Where—
- (a) the offence is a summary offence, and
  - (b) the maximum term of imprisonment that a court could impose for the offence (in the case of an offender aged 21 or over) is 51 weeks, the term of a detention and training order in respect of the offence may not exceed 6 months.”

PROSPECTIVE

*Custodial sentences where offender already subject to sentence following conviction before commencement*

- 30 In section 244 (offender subject concurrently to detention and training order and sentence of detention in a young offender institution), omit subsection (5).
- 31 In section 245 (offender subject concurrently to detention and training order and other sentence of detention), omit subsection (4).
- 32 In section 248 (detention and training orders: interpretation)—
- (a) in subsection (3)—
    - (i) at the end of paragraph (a), insert “ or ”;
    - (ii) omit paragraph (c) (and the word “or” immediately before it);
  - (b) in subsection (4) omit—
    - (i) paragraph (b);
    - (ii) in paragraph (c) the words “(whether passed before or after this Code comes into force)”;
    - (iii) paragraph (e) (and the word “or” immediately before it);and insert “ or ” immediately after paragraph (c).
- 33 In section 253 (sentence of detention passed on offender subject to detention and training order), in subsection (4)—
- (a) at the end of paragraph (a), insert “ or ”;
  - (b) omit paragraph (c) (and the word “or” immediately before it).
- 34 In section 257 (extended sentence under section 254 where offender subject to detention and training order), [F3 in] subsection (4)—
- (a) in paragraph (a), at the end insert “ or ”;
  - (b) omit paragraph (c) (and the word “or” immediately before it).

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### Textual Amendments

- F3** Word in Sch. 22 para. 34 substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(aa), [Sch. 21 para. 10\(3\)](#)

- 35 In section 270 (sentence of detention in a young offender institution where offender subject to detention and training order), in subsection (4)—
- (a) in paragraph (a), at the end insert “ or ”;
  - (b) omit paragraph (c) (and the word “or” immediately before it).

### *Age limit for imposing imprisonment*

PROSPECTIVE

- [<sup>F4</sup>36 In section 15 (committal for sentence of dangerous adult offenders)—
- (a) in subsection (1)(b), omit—
    - (i) “of detention in a young offender institution or”;
    - (ii) “266 or”;
  - (b) in subsection (1A), omit “268A or”.]

### Textual Amendments

- F4** Sch. 22 para. 36 substituted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(a\)](#)

PROSPECTIVE

- 37 In section [<sup>F5</sup>59(2)] (sentencing guidelines: general duty of court)[<sup>F6</sup>—
- (a) in paragraph (ga), for “sections 268B and” substitute “ section ”;
  - (b) in paragraph (h),] for “sections 273 and” substitute “ section ”.

### Textual Amendments

- F5** Word in Sch. 22 para. 37 substituted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(b\)\(i\)](#)
- F6** Words in Sch. 22 para. 37 inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(b\)\(ii\)](#)

PROSPECTIVE

- 38 In section 61 (sentencing guidelines: extended sentences and life sentences)—
- (a) in subsection (2), omit “, 268(2)”;
  - [<sup>F7</sup>(aa) in subsection (2B), omit “268C(2)(b) or”];
  - (b) in subsection (3), omit “273 or”;

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- (c) in subsection (4), omit “273(4) or”;
- (d) in subsection (8)—
  - (i) in paragraph (a), at the end insert “ or ”;
  - (ii) omit paragraph (c) (and the word “or” immediately before it).

#### Textual Amendments

- F7** Sch. 22 para. 38(aa) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(c\)](#)

PROSPECTIVE

- [<sup>F8</sup>38A** In section 73(2A) (reduction in serious terrorism sentence for guilty plea), omit “268C(2) or, as the case may be,”.

#### Textual Amendments

- F8** Sch. 22 paras. 38A, 38B inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(d\)](#)

PROSPECTIVE

- 38B** In section 74(4A) (reduction in serious terrorism sentence for assistance to prosecution), omit “268C(2) or”.]

#### Textual Amendments

- F8** Sch. 22 paras. 38A, 38B inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(d\)](#)

PROSPECTIVE

- 39** In section 129(5)(c) (fine imposed on offender by Crown Court: duty to make term in default order), omit “, custody for life or detention in a young offender institution”.

PROSPECTIVE

- 40** In section 166(5) (extension of disqualification where custodial sentence also imposed), in the table, omit [<sup>F9</sup>entries 3, 4 and 4A].

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#### Textual Amendments

- F9** Words in Sch. 22 para. 40 substituted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(e\)](#)

PROSPECTIVE

- [<sup>F10</sup>40A] In section 166(5A) (adaptation of disqualification period in certain terrorist cases), in paragraph (a), omit “, 4”;

#### Textual Amendments

- F10** [Sch. 22 para. 40A](#) inserted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 140\(4\)\(b\)](#), [208\(4\)\(q\)](#)

PROSPECTIVE

- 41 In section 221 (overview of Part 10)—  
 (a) omit subsection (3);  
 (b) in subsection (4), omit “aged at least 21 at the time of conviction”.

PROSPECTIVE

- 42 In section 224 (general limit on magistrates' court's power to impose imprisonment or detention in a young offender institution)—  
 (a) in subsection (1), for paragraphs (a) and (b) substitute “imprisonment”;  
 (b) in subsection (2), omit “or detention in a young offender institution”;  
 (c) in the heading, omit “or detention in a young offender institution”.

PROSPECTIVE

- 43 In section 226 (custodial sentence: restriction in certain cases where offender not legally represented)  
 [<sup>F11</sup>(a)] , in subsection (2), for paragraphs (c) and (d) substitute “or  
 (ba) if the offender was aged at least 18 but under 21 when convicted, pass a sentence of imprisonment,”  
 [<sup>F12</sup>(b)] in subsection (3), at the beginning insert “If the offender was aged 21 or over when convicted.”]

#### Textual Amendments

- F11** Words in [Sch. 22 para. 43](#) renumbered as [Sch. 22 para. 43\(a\)](#) (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(aa), [Sch. 21 para. 10\(4\)\(a\)](#)  
**F12** [Sch. 22 para. 43\(b\)](#) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(aa), [Sch. 21 para. 10\(4\)\(b\)](#)

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PROSPECTIVE

- 44 In section 227 (restriction on imposing imprisonment on person under 21) in each of the following places, and in the heading to that section, for “under 21” substitute “under 18 ” in each of the following—
- (a) subsection (1);
  - (b) subsection (2);
  - (c) subsection (3).

PROSPECTIVE

- 45 In section 230(3) (threshold for imposing discretionary custodial sentence), for “sections 273(4) and” substitute “ section ”.

PROSPECTIVE

- 46 In section 231 (length of discretionary custodial sentences: general provision)—
- (a) in subsection (3), for “sections 273(4) and” substitute “ section ”;
  - (b) in subsection (4), omit paragraph (b) (but not the word “or” immediately after it);
  - (c) in subsection (6), omit “, 268(2)”.
  - [<sup>F13</sup>(d) in subsection (6A), for “sections 268C(2)(b) and” substitute “ section ”.]

**Textual Amendments**

**F13** Sch. 22 para. 46(d) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(f\)](#)

PROSPECTIVE

- 47 In section 236 (term of order, consecutive terms and taking account of remands)—
- (a) in subsection (2)(a) and (b), and
  - (b) in subsection (2A)(b) (to be inserted by paragraph 29 of this Schedule),
- for “21” substitute “ 18 ” (in each place).

PROSPECTIVE

- 48 In section 244 (interaction with sentences of detention in a young offender institution), in subsection (2), for paragraph (b) substitute—
- “(b) section 61 of the Criminal Justice and Court Services Act 2000 (place of detention);”.

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PROSPECTIVE

49 In section 246 (effect of detention and training order made where offender has reached 18), in subsection (2), for “detention in a young offender institution” substitute “imprisonment”.

PROSPECTIVE

50 In section 249 (sentence of detention under section 250: availability), in paragraph (a) of the table in subsection (1), for “21” substitute “18”.

PROSPECTIVE

51 In section 252 (maximum sentence), in subsection (2), in paragraphs (a) and (b), for “21” substitute “18”.

PROSPECTIVE

[<sup>F14</sup>51A In section 252A (special sentence of detention for terrorist offenders of particular concern aged under 18), in subsection (4), for “21” substitute “18”.]

**Textual Amendments**

**F14** Sch. 22 para. 51A inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 26\(27\)\(a\)](#)

PROSPECTIVE

52 In section 256 (term of extended sentence of detention under section 254), in subsection (5), for “21” substitute “18”.

PROSPECTIVE

53 (1) Omit Chapter 3 of Part 10 (custodial sentences for adults aged under 21).  
 (2) In the heading for Chapter 4 of that Part, omit “aged 21 and over”.  
 (3) The repeal by sub-paragraph (1) of section 270 does not affect the validity of any order made under subsection (2) of that section.

PROSPECTIVE

54 In section 277 (suspended sentence order for person aged 21 or over: availability), in the heading, for “person aged 21 or over” substitute “adult”.



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PROSPECTIVE

55 In section 278 (required special custodial sentence for certain offenders of particular concern), omit subsection (1)(b)(ii) (and the word “and” immediately after it).

PROSPECTIVE

56 In section 279 (extended sentence of imprisonment for certain violent or sexual offences: persons 21 or over), in the heading omit “persons 21 or over”.

PROSPECTIVE

57 In section 280 (extended sentence of imprisonment: availability), in subsection (1) (b), for “21” substitute “ 18 ”.

PROSPECTIVE

[<sup>F15</sup>57A In section 282A (serious terrorism sentence of imprisonment: persons 21 or over), in the heading omit “: persons 21 or over”.

**Textual Amendments**

**F15** Sch. 22 paras. 57A, 57B inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(g\)](#)

PROSPECTIVE

57B In section 282B (serious terrorism sentence of imprisonment: circumstances in which required), omit subsection (1)(c).]

**Textual Amendments**

**F15** Sch. 22 paras. 57A, 57B inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(g\)](#)

PROSPECTIVE

58 In section 283 (life sentence for second listed offence), in subsection (1)(c), for “21” substitute “ 18 ”.

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PROSPECTIVE

59 In section 285 (required life sentence for offence carrying life sentence), in subsection (1)(a), for “21” substitute “ 18 ”.

PROSPECTIVE

[<sup>F16</sup>59A In section 285A (required life sentence for manslaughter of emergency worker), in subsection (1)(a), for “21” substitute “18”.]

**Textual Amendments**

**F16** Sch. 22 para. 59A inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. [3\(15\)\(a\)](#), [208\(5\)\(b\)](#)

PROSPECTIVE

60 In section 286 (suspended sentence order), in subsection (1), omit “or detention in a young offender institution”.

PROSPECTIVE

61 In section 289 (suspended sentence to be treated generally as sentence of imprisonment etc)—

- (a) in subsection (1), for paragraphs (a) and (b) substitute “ a sentence of imprisonment ”;
- (b) in the heading, omit “etc”.

PROSPECTIVE

62 In section 308(1) (the assessment of dangerousness)—

- (a) in paragraph (a), omit “, 267”;
- [<sup>F17</sup>(aa) in paragraph (aa), omit “268B or”];
- (b) in paragraph (b), omit “, 274”.

**Textual Amendments**

**F17** Sch. 22 para. 62(aa) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. [50\(2\)\(v\)](#), [Sch. 13 para. 11\(20\)\(h\)](#)

PROSPECTIVE

63 In section 310 (certificates of conviction), in the words following paragraph (c), omit “267, 273,”.

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PROSPECTIVE

- 64 In section 311 (minimum sentence for certain offences involving firearms that are prohibited weapons), in subsection (3)—
- (a) omit paragraph (b);
  - (b) in paragraph (c), for “21” substitute “ 18 ”.

PROSPECTIVE

- 65 In section 312 (mandatory minimum sentence for offences of threatening with weapon or bladed article), in subsection (3)—
- (a) omit paragraph (b);
  - (b) in paragraph (c), for “21” substitute “ 18 ”.

PROSPECTIVE

- 66 In section 313 (minimum sentence for third drug trafficking offence)—
- (a) in subsection (2), for “an appropriate custodial sentence” substitute “ a sentence of imprisonment ”;
  - [<sup>F18</sup>(aa) in subsection (2A), for “an appropriate custodial sentence” substitute “a sentence of imprisonment”];
  - (b) omit subsection (6).

**Textual Amendments**

**F18** Sch. 22 para. 66(aa) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. [124\(9\)\(a\)](#), [208\(5\)\(k\)](#)

PROSPECTIVE

- 67 In section 314 (minimum sentence for third domestic burglary offence)—
- (a) in subsection (2), for “an appropriate custodial sentence” substitute “ a sentence of imprisonment ”;
  - [<sup>F19</sup>(aa) in subsection (2A), for “an appropriate custodial sentence” substitute “a sentence of imprisonment”];
  - (b) omit subsection (6).

**Textual Amendments**

**F19** Sch. 22 para. 67(aa) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. [124\(9\)\(b\)](#), [208\(5\)\(k\)](#)

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PROSPECTIVE

- 68 In section 315 (minimum sentence for repeat offence involving weapon or bladed article), in subsection (3)—
- (a) omit paragraph (b);
  - (b) in paragraph (c), for “21” substitute “ 18 ”.

PROSPECTIVE

- [<sup>F20</sup>68A In section 323 (minimum term order: other life sentences)—
- [ in subsection (1C)(b), omit “265, 266,”]
- <sup>F21</sup>(za)
- (a) in subsection (4), omit “268B(2) or” in both places;
  - (b) in subsection (6)(b), omit “268B(2) or”.]

**Textual Amendments**

**F20** Sch. 22 para. 68A inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(i\)](#)

**F21** Sch. 22 para. 68A(za) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 129\(3\)\(c\)\(i\)](#), 208(1); S.I. 2022/520, reg. 5(n)

PROSPECTIVE

- 69 In section 324 (interpretation of sections 321 and 322), in the definition of “life sentence”—
- (a) at the end of paragraph (a) insert “ or ”;
  - (b) omit paragraph (c) (and the word “or” immediately before it).

PROSPECTIVE

- 70 In section 329 (conversion of sentence of detention to sentence of imprisonment)—
- [<sup>F22</sup>(za) in subsection (3), for “(4) to (5A)” substitute “ (4), (4A) and (5) ”;]
  - [<sup>F23</sup>(zb) in subsection (4A), omit paragraph (b) (and the word “or” immediately before it);]
  - (a) in subsection (5), omit paragraph (b) (and the word “or” immediately before it);
  - [<sup>F24</sup>(aa) omit subsection (5A);]
  - (b) in subsection (7), omit paragraphs (d), (e) [<sup>F25</sup>, (ea)] and (f).

**Textual Amendments**

**F22** Sch. 22 para. 70(za) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(j\)\(i\)](#)

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- F23** Sch. 22 para. 70(zb) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 26(27)(b)**
- F24** Sch. 22 para. 70(aa) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 11(20)(j)(ii)**
- F25** Word in Sch. 22 para. 70(b) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 11(20)(j)(iii)**

PROSPECTIVE

- 71 (1) In section 384(3)(b) (commencement of sentence), for “, 257 and 270” substitute “and 257”.
- (2) The amendment made by sub-paragraph (1) does not affect the validity of any order made under section 270(2).

PROSPECTIVE

- 72 [F26(a)] In section 397(1) (interpretation: general), in the definition of “extended sentence”, omit paragraph (b) (but not the word “or” immediately after that paragraph).
- [F27(b) in the definition of “serious terrorism sentence”, omit paragraph (a) (including the word “or” immediately after that paragraph).]

**Textual Amendments**

- F26** Words in Sch. 22 para. 72 renumbered as Sch. 22 para. 72(a) (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 11(20)(k)(i)**
- F27** Sch. 22 para. 72(b) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 11(20)(k)(ii)**

PROSPECTIVE

- [F28]73 In section 399 (mandatory sentences)—
- (a) in paragraph (b)—
- (i) in the opening words, omit “, custody for life”;
- (ii) in sub-paragraph (i), omit “, 274 [F29, 274A]”;
- (iii) in sub-paragraph (ii), omit “273 or”;
- (b) in paragraph (ba), omit “268B or”.]

**Textual Amendments**

- F28** Sch. 22 para. 73 substituted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 11(20)(l)**
- F29** Word in Sch. 22 para. 73(a)(ii) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 3(15)(b), 208(5)(b)**

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PROSPECTIVE

- 74 (1) In paragraph 10 of Schedule 10 (magistrates' court's powers on breach etc of community order), as amended by paragraph 21(2) of this Schedule—
- (a) in sub-paragraph (5)(d), in the words following sub-paragraph (iii), for “relevant custodial sentence” substitute “ sentence of imprisonment ”;
  - (b) omit sub-paragraph (9A).
- (2) But, if paragraph 21(2) of this Schedule is not in force when this paragraph comes into force, in that paragraph—
- (a) in the paragraph (d) to be inserted by it into paragraph 10(5) of Schedule 10 (magistrates' court's powers on breach etc of community order), in the words following sub-paragraph (iii), for “relevant custodial sentence” substitute “ sentence of imprisonment ”;
  - (b) omit paragraph (c) (which inserts sub-paragraph (9A) into paragraph 10 of Schedule 10).

PROSPECTIVE

- 75 (1) In paragraph 11 of Schedule 10 (Crown Court's powers on breach etc of community order), as amended by paragraph 21(3) of this Schedule—
- (a) in sub-paragraph (2)(d), in the words following sub-paragraph (ii), for “relevant custodial sentence” substitute “ sentence of imprisonment ”;
  - (b) omit sub-paragraph (6A).
- (2) But if paragraph 21(3) of this Schedule is not in force when this paragraph comes into force, in that paragraph—
- (a) in the paragraph (d) to be inserted by it into paragraph 11(2) of Schedule 10 (Crown Court's powers on breach etc of community order), in the words following sub-paragraph (ii), for “relevant custodial sentence” substitute “ sentence of imprisonment ”;
  - (b) omit paragraph (c) (which inserts sub-paragraph (6A) into paragraph 11 of Schedule 10).

PROSPECTIVE

- [<sup>F30</sup>75A In paragraph 13A of Schedule 10 (detention following breach of community order)—
- (a) omit sub-paragraph (1);
  - (b) in sub-paragraph (2), omit “or a young offender institution”.]

**Textual Amendments**

**F30** Sch. 22 para. 75A inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(r), [Sch. 14 para. 14\(3\)](#)

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Sentencing Act 2020, PART 5 is up to date with all changes known to be in force on or before 06 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

76 In Schedule 12, in paragraph 3 (breach of requirement of detention and training order), in sub-paragraph (8), for “21” substitute “ 18 ”.

PROSPECTIVE

77 In Schedule 14 (extended sentences: the earlier offence condition: offences), in paragraph 15(b), for “section 267(1)(a) or 280(1)(a) (as appropriate)” substitute “ section 280(1)(a) ”.

PROSPECTIVE

78 In Schedule 15 (life sentence for second offence: listed offences), in paragraph 24(1), omit the definition of “index offence”.

PROSPECTIVE

[<sup>F31</sup>78A In paragraph 16A of Schedule 16 (detention following breach of suspended sentence order)—  
(a) omit sub-paragraph (1);  
(b) in sub-paragraph (2), omit “or a young offender institution”.]

**Textual Amendments**

**F31** Sch. 22 para. 78A inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(r), Sch. 14 para. 14(4)

PROSPECTIVE

*Change of residence: duty of responsible officer to apply for amendment of suspended sentence order*

79 In Schedule 16 (breach or amendment of suspended sentence order, and effect of further conviction), in paragraph 23, at the end insert—  
“(3) If the permission is given by the responsible officer—  
(a) the officer must apply to the appropriate court to amend the order to specify the new local justice area, and  
(b) the court must make that amendment.”

*Status: This version of this part contains provisions that are prospective.*

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PROSPECTIVE

*Dangerous offenders*

[<sup>F32</sup>79A In Schedule 17A (serious terrorism offences), after paragraph 24 insert—

*“Space Industry Act 2018*

- 24A An offence under any of the following provisions of Schedule 4 to the Space Industry Act 2018—
- (a) paragraph 1 (hijacking of spacecraft);
  - (b) paragraph 2 (destroying, damaging or endangering the safety of spacecraft);
  - (c) paragraph 3 (other acts endangering or likely to endanger safety of spacecraft);
  - (d) paragraph 4 (endangering safety at spaceports).”]

**Textual Amendments**

**F32** Sch. 22 para. 79A inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(20\)\(m\)](#)

80 In Schedule 18 (specified violent offences), after paragraph 26 insert—

*“Space Industry Act 2018*

- 26A An offence under any of the following paragraphs of Schedule 4 to the Space Industry Act 2018—
- (a) paragraph 1 (hijacking of spacecraft);
  - (b) paragraph 2 (destroying, damaging or endangering the safety of spacecraft);
  - (c) paragraph 3 (other acts endangering or likely to endanger safety of spacecraft);
  - (d) paragraph 4 (endangering safety at spaceports);
  - (e) paragraph 5 (offences in relation to certain dangerous articles).”

*Minimum sentences: firearms and corrosive substances*

81 (1) Schedule 20 (detention under section 250 and minimum sentences: firearms offences) is amended as follows.

(2) After paragraph 1 insert—

“1A An offence under section 5(1)(ag) or (ba) of the Firearms Act 1968 committed on or after the amendment date (as defined by paragraph 81(6) of Schedule 22).”

(3) In paragraph 3, for “committed in respect of a relevant firearm or relevant ammunition” substitute—



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- “(a) committed in respect of a relevant firearm or relevant ammunition, or
  - (b) committed on or after the amendment date (as defined by paragraph 81(6) of Schedule 22) in respect of a firearm specified in section 5(1)(ag) or (ba) of the Firearms Act 1968.”
- (4) In paragraph 4(1), for “committed on or after 6 April 2007 in respect of a relevant firearm or relevant ammunition” substitute “—
- (a) committed on or after 6 April 2007 in respect of a relevant firearm or relevant ammunition, or
  - (b) committed on or after the amendment date (as defined by paragraph 81(6) of Schedule 22) in respect of a firearm specified in section 5(1)(ag) or (ba) of the Firearms Act 1968.”
- (5) In paragraph 5, for the words following “where” substitute “—
- (a) the dangerous weapon in respect of which the offence was committed was a relevant firearm, or
  - (b) the offence was committed on or after the amendment date (as defined by paragraph 81(8) of Schedule 22) in respect of a dangerous weapon which was a firearm specified in section 5(1)(ag) or (ba) of the Firearms Act 1968.”
- (6) For the purposes of the amendments of Schedule 20 made by sub-paragraphs (2) to (4), the “amendment date” means—
- (a) the date on which those sub-paragraphs come into force, or
  - (b) if earlier, the 2019 Act commencement date.
- (7) The 2019 Act commencement date is the date on which section 54(6) of the Offensive Weapons Act 2019 comes into force.
- But if paragraph 7 of Schedule 2 to that Act comes into force on a different date, that date is the 2019 Act commencement date for the purposes of Schedule 20 as it applies for the purposes of section 250.
- (8) For the purposes of the amendment of Schedule 20 made by sub-paragraph (5), the “amendment date” means—
- (a) the date on which that sub-paragraph comes into force, or
  - (b) if earlier, the date on which paragraph 10 of Schedule 2 to the Offensive Weapons Act 2019 comes into force.

#### Commencement Information

**II** Sch. 22 para. 81 in force at 6.4.2022 by S.I. 2022/415, reg. 2

- 82 (1) Section 315 (minimum sentence for repeat offence involving weapon) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a)—
    - (i) omit “or” at the end of sub-paragraph (ii);
    - (ii) after sub-paragraph (iii) insert “or

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- (iv) section 6(1) of the Offensive Weapons Act 2019 (offence of having a corrosive substance in a public place);”;
- (b) in paragraph (b), for “17 July 2015” substitute “ the relevant date ”.
- (3) After subsection (1) insert—
- “(1A) In subsection (1)(b), “the relevant date” means—
- (a) in relation to an offence under section 6(1) of the Offensive Weapons Act 2019, the date on which paragraph 82 of Schedule 22 comes into force (or, if earlier, the date on which section 8 of the Offensive Weapons Act 2019 comes into force);
- (b) in any other case, 17 July 2015.”
- (4) In subsection (5)—
- (a) omit “or” at the end of paragraph (a);
- (b) at the end of paragraph (b) insert “or
- (c) section 6 of the Offensive Weapons Act 2019 (offence of having corrosive substance in a public place)”.
- (5) In the title, at the end insert “ or corrosive substance ”.

**Commencement Information**

**I2** Sch. 22 para. 82 in force at 6.4.2022 by S.I. 2022/415, reg. 2

- 83 In each of the following provisions, after “weapon” insert “ or corrosive substance ”
- (a) section 73(4) (reduction in sentences for guilty pleas);
- (b) section 234(2)(b) (detention and training order: availability);
- (c) section 399(c)(v) (mandatory sentences).

**Commencement Information**

**I3** Sch. 22 para. 83 in force at 6.4.2022 by S.I. 2022/415, reg. 2

PROSPECTIVE

*Life imprisonment*

- 84 In Schedule 19 (Schedule 19 offences), after paragraph 22 insert—

*“Space Industry Act 2018*

- 22A An offence under any of the following paragraphs of Schedule 4 to the Space Industry Act 2018—
- (a) paragraph 1 (hijacking of spacecraft);
- (b) paragraph 2 (destroying, damaging or endangering the safety of spacecraft);
- (c) paragraph 3 (other acts endangering or likely to endanger safety of spacecraft);

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(d) paragraph 4 (endangering safety at spaceports).”

F33 85

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**Textual Amendments**

**F33** Sch. 22 para. 85 omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 129\(3\)\(c\)\(ii\), 208\(1\)](#); S.I. 2022/520, reg. 5(n)

**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 34A and cross-heading inserted by 2020 c. 17 Sch. 22 para. 1
- s. 80(3)(f) inserted by 2021 c. 17 s. 54(2)
- s. 179(4A) inserted by 2020 c. 17 Sch. 22 para. 11(1)
- s. 179A inserted by 2020 c. 17 Sch. 22 para. 12(2)
- s. 179A(1)(b)(i)(ii) substituted for words by 2020 c. 17 Sch. 22 para. 16(2)
- s. 180(5) inserted by 2020 c. 17 Sch. 22 para. 11(2)
- s. 186(8A) inserted by 2020 c. 17 Sch. 22 para. 11(3)
- s. 202(1A)(1B) inserted by 2020 c. 17 Sch. 22 para. 13(b)
- s. 202(1A)(b)(i)(ii) substituted for words by 2020 c. 17 Sch. 22 para. 17(2)
- s. 204A inserted by 2020 c. 17 Sch. 22 para. 14(2)
- s. 204A(3)(c)(i)(ii) substituted for words by 2020 c. 17 Sch. 22 para. 18(2)
- s. 215(1A)(1B) inserted by 2022 c. 32 s. 149(2)(a)
- s. 215(2A) inserted by 2022 c. 32 s. 149(2)(c)
- s. 226(2)(ba) and word substituted for s. 226(2)(c)(d) by 2020 c. 17 Sch. 22 para. 43
- s. 230(3A) and words inserted by 2020 c. 17 Sch. 22 para. 2
- s. 234(1)(aa) inserted by 2020 c. 17 Sch. 22 para. 27(1)(b)
- s. 234(1)(aa) omitted by 2020 c. 17 Sch. 22 para. 28(1)
- s. 235(3A) inserted by 2020 c. 17 Sch. 22 para. 27(2)
- s. 236(2A) inserted by 2020 c. 17 Sch. 22 para. 29(3)
- s. 236(2A)(b) word substituted by 2020 c. 17 Sch. 22 para. 47(b)
- s. 301(1A)(1B) inserted by 2022 c. 32 s. 149(3)(a)
- s. 301(2A) inserted by 2022 c. 32 s. 149(3)(c)
- s. 323(2A)-(2C) inserted by 2020 c. 17 Sch. 22 para. 85(3)
- s. 343(4) inserted by 2022 c. 32 s. 178(2)
- s. 348A348B inserted by 2022 c. 32 s. 178(4)
- s. 350(6C)(6D) inserted by 2022 c. 32 s. 178(5)
- s. 387A inserted by 2021 c. 17 s. 54(3)
- s. 397A inserted by 2020 c. 17 Sch. 22 para. 15
- s. 397A(4)(a)(ia) inserted by 2020 c. 17 Sch. 22 para. 19(2)(b)
- s. 397A(4)(a)(i) words omitted by 2020 c. 17 Sch. 22 para. 19(2)(a)
- s. 397A(5) words inserted by 2020 c. 17 Sch. 22 para. 19(3)
- s. 397A(6)(7) inserted by 2020 c. 17 Sch. 22 para. 19(4)
- s. 418(2A) inserted by 2021 c. 11 Sch. 13 para. 43(5)
- Sch. 1 para. 13A inserted by 2020 c. 17 Sch. 22 para. 4(a)
- Sch. 10 para. 10(5)(d) inserted by 2020 c. 17 Sch. 22 para. 21(2)(a)
- Sch. 10 para. 10(9A) inserted by 2020 c. 17 Sch. 22 para. 21(2)(c)
- Sch. 10 para. 11(2)(d) inserted by 2020 c. 17 Sch. 22 para. 21(3)(a)
- Sch. 10 para. 11(6A) inserted by 2020 c. 17 Sch. 22 para. 21(3)(c)
- Sch. 10 para. 10(9A) omitted by 2020 c. 17 Sch. 22 para. 74(1)(b)
- Sch. 10 para. 11(6A) omitted by 2020 c. 17 Sch. 22 para. 75(1)(b)
- Sch. 10 para. 10(5)(d) words substituted by 2020 c. 17 Sch. 22 para. 25(a)
- Sch. 10 para. 10(5)(d) words substituted by 2020 c. 17 Sch. 22 para. 74(1)(a)
- Sch. 10 para. 11(2)(d) words substituted by 2020 c. 17 Sch. 22 para. 26(a)
- Sch. 10 para. 11(2)(d) words substituted by 2020 c. 17 Sch. 22 para. 75(1)(a)

- Sch. 17A para. 24A inserted by 2020 c. 17, Sch. 22 para. 79A (as inserted) by 2021 c. 11 Sch. 13 para. 11(20)(m)
- Sch. 18 para. 26A and cross-heading inserted by 2020 c. 17 Sch. 22 para. 80
- Sch. 19 para. 22A and cross-heading inserted by 2020 c. 17 Sch. 22 para. 84
- Sch. 26 para. 13A inserted by 2021 c. 11 Sch. 13 para. 43(7)(a)
- Sch. 26 para. 15(a)(iii) inserted by 2021 c. 11 Sch. 13 para. 43(7)(c)
- Sch. 26 para. 19(a)(ia) inserted by 2021 c. 11 Sch. 13 para. 43(7)(e)(i)
- Sch. 26 para. 20(c) inserted by 2021 c. 11 Sch. 13 para. 43(7)(f)
- Sch. 26 para. 20A inserted by 2021 c. 11 Sch. 13 para. 43(7)(g)
- Sch. 26 para. 24A inserted by 2021 c. 11 Sch. 13 para. 43(7)(i)
- Sch. 26 para. 20A(za) inserted by 2022 c. 32 s. 129(3)(d)
- Sch. 27 para. 16(2)(a)(b) substituted for words by 2021 c. 11 Sch. 13 para. 43(8)