

2012 No. 2770 (C. 110)

CRIMINAL LAW

**The Legal Aid, Sentencing and Punishment of Offenders Act
2012 (Commencement No. 3 and Saving Provision) Order 2012**

Made - - - - *1st November 2012*

The Secretary of State makes the following Order in exercise of the powers conferred by section 151(1) and (5) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(a).

Citation and interpretation

1.—(1) This Order may be cited as the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No. 3 and Saving Provision) Order 2012.

(2) In this Order “the Act” means the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Provisions coming into force on 3rd December 2012

2. The following provisions of the Act come into force on 3rd December 2012—
- (a) section 142 (offences of threatening with article with blade or point or offensive weapon in public or on school premises);
 - (b) section 143 (offence of causing serious injury by dangerous driving);
 - (c) section 145 (scrap metal dealing: increase in penalties for existing offences), subject to article 3;
 - (d) section 146 (offence of buying scrap metal for cash etc);
 - (e) section 147 (review of offence of buying scrap metal for cash etc);
 - (f) Schedule 26 (knives and offensive weapons: minor and consequential amendments) except paragraph 19; and
 - (g) Schedule 27 (causing serious injury by dangerous driving: minor and consequential amendments).

Saving provision in relation to increase in penalties for existing scrap metal dealing offences

3. The amendments made by section 145 of the Act do not apply in relation to any offence committed before 3rd December 2012.

Signed by the authority of the Secretary of State

Jeremy Wright
Parliamentary Under Secretary of State
Ministry of Justice

1st November 2012

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the third commencement order made under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10) (“the 2012 Act”). It brings various provisions of the 2012 Act into force on 3rd December 2012 and makes a saving provision.

Article 2(a) brings into force section 142 of the 2012 Act. Section 142 amends the Prevention of Crime Act 1953 (c.14) and the Criminal Justice Act 1988 (c.33) to create new offences of threatening with an article with a blade or point, or an offensive weapon, in public or on school premises.

Article 2(b) brings into force section 143 of the 2012 Act. Section 143 amends the Road Traffic Act 1988 (c.52) to insert new provisions creating an offence of causing serious injury by dangerous driving.

Article 2(c) brings into force section 145 of the 2012 Act. Section 145 amends various provisions of the Scrap Metal Dealers Act 1964 (c.69) (“the 1964 Act”) with the effect of increasing the maximum fines which are payable for existing offences under that Act. Article 3 makes a saving provision in relation to section 145 of the 2012 Act with the effect that the maximum fines set out in the amendments made by section 145 apply only in relation to offences committed on or after 3rd December 2012.

Article 2(d) brings into force section 146 of the 2012 Act. Section 146(2) amends the 1964 Act by inserting a new section 3A. New section 3A creates an offence of paying for scrap metal in cash. The offence is triable only summarily, and the maximum penalty on conviction is a fine at level 5 on the standard scale. Section 146(3) to (12) amend section 2 of the 1964 Act (record of dealings) and section 3 of the 1964 Act (special provisions as to records in certain cases) in order to modify the requirements in relation to the records of dealings that must be kept by a scrap metal dealer. Section 146(13) to (15) amend section 6 of the 1964 Act (rights of entry and inspection) so that a justice of the peace may issue a warrant to enter and inspect a scrap metal store where there are reasonable grounds for believing that scrap metal has been paid for in cash, or that admission is reasonably required to ascertain whether the prohibition on cash payments is being complied with.

Article 2(e) brings into force section 147 of the 2012 Act. Section 147 imposes an obligation on the Secretary of State to carry out a review of the offence created by section 146(2) within 5 years of the date on which section 146(2) comes into force.

Article 2(f) brings into force Schedule 26 to the 2012 Act (knives and offensive weapons: minor and consequential amendments) except paragraph 19.

Article 2(g) brings into force Schedule 27 to the 2012 Act (causing serious injury by dangerous driving: minor and consequential amendments).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
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Section 45(1) and (8)	1st October 2012	2012/2412
Section 55	1st October 2012	2012/2412
Section 61	1st October 2012	2012/2412
Section 62	1st October 2012	2012/2412
Section 140	1st October 2012	2012/2412
Section 141(7) to (9) and (12)	1st October 2012	2012/2412
Section 144	1st September 2012	2012/1956
Schedule 7	1st October 2012	2012/2412
Schedule 8	1st October 2012	2012/2412

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STATUTORY INSTRUMENTS

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