

*Changes to legislation: There are currently no known outstanding effects for the Violent Crime Reduction Act 2006, SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 49

#### CONSEQUENTIAL AMENDMENTS RELATING TO MINIMUM SENTENCES

##### *Magistrates' Courts Act 1980 (c. 43)*

- 1 In section 24(1B) of the Magistrates' Courts Act 1980 (exceptions to summary trial for indictable offences of persons aged under 18), omit the “ or ” at the end of paragraph (a) and, at the end of paragraph (b), insert “or
- (c) section 29(3) of the Violent Crime Reduction Act 2006 (minimum sentences in certain cases of using someone to mind a weapon) would apply if he were convicted of the offence.”

##### **Commencement Information**

**I1** Sch. 1 para. 1 in force at 6.4.2007 by S.I. 2007/858, art. 2(g)

##### *Mental Health Act 1983 (c. 20)*

- 2 In section 37(1A) of the Mental Health Act 1983 (provisions that do not prevent a court from ordering hospital admission), omit the “ or ” at the end of paragraph (b) and, at the end of paragraph (c), insert “or
- (d) under section 29(4) or (6) of the Violent Crime Reduction Act 2006 (minimum sentences in certain cases of using someone to mind a weapon),”.

##### **Commencement Information**

**I2** Sch. 1 para. 2 in force at 6.4.2007 by S.I. 2007/858, art. 2(g)

##### *Criminal Justice Act 1988 (c. 33)*

- 3 (1) The Criminal Justice Act 1988 is amended as follows.
- (2) In section 36 (review of failure to impose mandatory sentence), in subsection (2)(b) omit the “ or ” at the end of sub-paragraph (ii) and, at the end of sub-paragraph (iii), insert “or
- (iv) under section 29(4) or (6) of the Violent Crime Reduction Act 2006.”
- (3) In subsection (9) of that section, after paragraph (a) insert—
- “(aa) the reference to section 51A(2) of the Firearms Act 1968 shall be construed as a reference to Article 70(2) of the Firearms (Northern Ireland) Order 2004;

*Changes to legislation: There are currently no known outstanding effects for the  
Violent Crime Reduction Act 2006, SCHEDULE 1. (See end of Document for details)*

- (ab) the reference to section 29(4) or (6) of the Violent Crime Reduction Act 2006 shall be construed as a reference to paragraph 2(4) or (5) of Schedule 2 to that Act; and”.

**Commencement Information**

**I3** Sch. 1 para. 3 in force at 6.4.2007 by S.I. 2007/858, art. 2(g)

*Criminal Procedure (Scotland) Act 1995 (c. 46)*

- 4 (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) In section 49(3) (reference or remit to children's hearing), in the exception, for the words from “the circumstances” to “1968” substitute “ section 51A of the Firearms Act 1968 or section 29 of the Violent Crime Reduction Act 2006 applies ”.
- (3) In section 207 (detention of young offenders)—
- (a) after subsection (3) insert—
- “(3A) Subsections (2) and (3) above are subject to—
- (a) section 51A(2) of the Firearms Act 1968 (minimum sentences for certain firearms offences); and
- (b) section 29(8) of the Violent Crime Reduction Act 2006 (minimum sentence of detention for certain offences relating to dangerous weapons).”;
- (b) after subsection (4A) insert—
- “(4B) Subsections (4) and (4A) above apply to the forming of an opinion under the enactments mentioned in subsection (3A) above as they apply to the forming of an opinion under subsection (3) above.”
- (4) In section 208 (detention of children convicted on indictment), for subsection (2) substitute—
- “(2) Subsection (1) above is subject to—
- (a) section 51A(2) of the Firearms Act 1968 (minimum sentences for certain firearms offences); and
- (b) section 29(9) of the Violent Crime Reduction Act 2006 (minimum sentence of detention for certain offences relating to dangerous weapons).”

**Commencement Information**

**I4** Sch. 1 para. 4 in force at 6.4.2007 by S.I. 2007/858, art. 2(g)

*Crime and Disorder Act 1998 (c. 37)*

- 5 In section 51A(12) of the Crime and Disorder Act 1998 (cases in which persons aged under 18 must be sent for trial to the Crown Court), omit the “ or ” at the end of paragraph (a) and, at the end of paragraph (b), insert “or

*Changes to legislation:* There are currently no known outstanding effects for the Violent Crime Reduction Act 2006, SCHEDULE 1. (See end of Document for details)

- (c) section 29(3) of Violent Crime Reduction Act 2006 (minimum sentences in certain cases of using someone to mind a weapon) would apply if he were convicted of the offence.”

**Commencement Information**

**I5** Sch. 1 para. 5 in force at 6.4.2007 by S.I. 2007/858, art. 2(g)

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

- 6 In each of —
- (a) section 12(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (power to discharge defendant except in specified cases),
  - (b) section 130(2) of that Act (cases in which compensation orders may be made only in addition to, and not instead of, dealing with a convicted person in other ways), and
  - (c) section 146(2) of that Act (cases in which a driving disqualification may be imposed only in addition to, and not instead of, dealing with a convicted person in other ways),

for “or section 225, 226, 227 or 228 of the Criminal Justice Act 2003” substitute “, section 225, 226, 227 or 228 of the Criminal Justice Act 2003 or section 29(4) or (6) of the Violent Crime Reduction Act 2006 ”.

**Commencement Information**

**I6** Sch. 1 para. 6 in force at 6.4.2007 by S.I. 2007/858, art. 2(g)

F17 .....

**Textual Amendments**

**F1** Sch. 1 para. 7 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

- 8 In section 164(3) of the Powers of Criminal Courts (Sentencing) Act 2000 (interpretation of references to certain sentences), omit the “ or ” at the end of paragraph (b) and, at the end of paragraph (c), insert “or
- (d) under section 29(4) or (6) of the Violent Crime Reduction Act 2006.”.

**Commencement Information**

**I7** Sch. 1 para. 8 in force at 6.4.2007 by S.I. 2007/858, art. 2(g)

*Criminal Justice Act 2003 (c. 44)*

- F29 (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 142(2)(c) (cases in which courts not required to have regard to purposes of sentencing), after “custodial sentences)” insert “, under section 29(4) or (6) of

*Changes to legislation: There are currently no known outstanding effects for the  
Violent Crime Reduction Act 2006, SCHEDULE 1. (See end of Document for details)*

the Violent Crime Reduction Act 2006 (minimum sentences in certain cases of using someone to mind a weapon) ”.

<sup>F3</sup>(3) .....

(4) In section 152(1) (cases in which restrictions on imposing custodial sentences do not apply), for “110(2) or 111(2) of the Sentencing Act” substitute “ section 110(2) or 111(2) of the Sentencing Act, under section 29(4) or (6) of the Violent Crime Reduction Act 2006 ”.

(5) In section 153(2) (which specifies provisions to which the rule about the length of a custodial sentence is subject), after “Sentencing Act” insert “ , section 29(4) or (6) of the Violent Crime Reduction Act 2006 ”.

<sup>F2</sup>(6) .....

(7) In section 291(1), after paragraph (a) (power to confine the application of section 51A of the Firearms Act 1968 to persons aged 18 or over) insert—

“(aa) amend section 29(3)(a) of the Violent Crime Reduction Act 2006 by substituting for the word “16” the word “ 18 ”;”.

<sup>F4</sup>(8) .....

#### **Textual Amendments**

- F2** Sch. 1 para. 9(6) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 64\(5\)\(a\)](#), 151(1); S.I. 2012/2906, art. 2(a)
- F3** Sch. 1 para. 9(3) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with [ss. 413\(4\)\(5\)](#), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F4** Sch. 1 para. 9(8) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with [ss. 413\(4\)\(5\)](#), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

#### **Modifications etc. (not altering text)**

- C1** Sch. 1 para. 9 modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, [ss. 3](#), 5(2)(3) and 2020 c. 17, [ss. 2](#), 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), [ss. 1](#), 5(2)(3); S.I. 2012/1236, reg. 2

#### **Commencement Information**

- I8** Sch. 1 para. 9 in force at 6.4.2007 by [S.I. 2007/858](#), [art. 2\(g\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Violent Crime Reduction Act 2006, SCHEDULE 1.