

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.”

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),”.

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;
- (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”.

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

- 4 (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.

Status: This is the original version (as it was originally enacted).

- (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).”

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
- (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.”

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”.

Status: This is the original version (as it was originally enacted).

- 7 (1) In section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (detention of persons under 18), in subsection (1A)(b) after “Act and” insert “for the purposes of subsection (3) of that section”.
- (2) After subsection (1A) of that section insert—
- “(1B) Subsection (3) below also applies where—
- (a) a person aged under 18 is convicted on indictment of an offence under the Firearms Act 1968 that is listed in section 51A(1A)(b), (e) or (f) of that Act and was committed in respect of a firearm or ammunition specified in section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c) or section 5(1A)(a) of that Act;
 - (b) the offence was committed after the commencement of section 30 of the Violent Crime Reduction Act 2006 and for the purposes of section 51A(3) of the Firearms Act 1968 at a time when he was aged 16 or over; and
 - (c) the court is of the opinion mentioned in section 51A(2) of the Firearms Act 1968.
- (1C) Subsection (3) below also applies where—
- (a) a person aged under 18 is convicted of an offence under section 28 of the Violent Crime Reduction Act 2006 (using someone to mind a weapon);
 - (b) section 29(3) of that Act applies (minimum sentences in certain cases); and
 - (c) the court is of the opinion mentioned in section 29(6) of that Act (exceptional circumstances which justify not imposing the minimum sentence).”

(3) In subsection (5) of that section (power to impose detention where minimum sentence provisions apply), for the words from “subsection (2)” to “that term” substitute—

 - “(a) subsection (2) of section 51A of the Firearms Act 1968, or
 - (b) subsection (6) of section 29 of the Violent Crime Reduction Act 2006,

requires the imposition of a sentence of detention under this section for a term of at least the term provided for in that section, the court shall sentence the offender to be detained for such period, of at least the term so provided for”.

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.”.

Criminal Justice Act 2003 (c. 44)

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

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

- (3) In section 150 (cases in which a community order or youth community order may not be imposed), omit the “or” at the end of paragraph (c) and after that paragraph insert—
- “(ca) falls to be imposed under section 29(4) or (6) of the Violent Crime Reduction Act 2006 (required custodial sentence in certain cases of using someone to mind a weapon), or”.
- (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”.
- (6) In section 174(3)(b) (cases in which there is no obligation to state the reasons for a custodial sentence), for “or under subsection (2) of section 110 or 111 of the Sentencing Act” substitute “, under subsection (2) of section 110 or 111 of the Sentencing Act or under section 29(4) or (6) of the Violent Crime Reduction Act 2006”.
- (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’,”.
- (8) In section 305(4) (interpretation of references to certain sentences), after paragraph (b) insert—
- “(ba) a sentence falls to be imposed under section 29(4) or (6) of the Violent Crime Reduction Act 2006 if it is required by that provision and the court is not of the opinion there mentioned,”.