

SCHEDULES

SCHEDULE 2

WEAPONS ETC.: CORRESPONDING PROVISIONS FOR NORTHERN IRELAND

Penalties etc. for offence under paragraph 1

- 2 (1) This paragraph applies where a person (“the offender”) is guilty of an offence under paragraph 1.
- (2) Where the dangerous weapon in respect of which the offence was committed is a weapon to which section 141 of the Criminal Justice Act 1988 (specified offensive weapons) or Article 54 of the Criminal Justice (Northern Ireland) Order 1996 ([SI 1996/3160 \(NI 24\)](#)) (knives and bladed weapons) applies, the offender shall be liable, on conviction on indictment, to imprisonment for a term not exceeding 4 years or to a fine, or to both.
- (3) Where—
- (a) at the time of the offence, the offender was aged 16 or over, and
 - (b) the dangerous weapon in respect of which the offence was committed was a firearm mentioned in Article 3(1)(a) or 45(1)(a), (aa), (b), (c), (d), (e) or (g) or (2)(a) of the Firearms Order (firearms possession of which attracts a minimum sentence),
- the offender shall be liable, on conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine, or to both.
- (4) On a conviction where—
- (a) sub-paragraph (3) applies, and
 - (b) the offender is aged 21 or over at the time of conviction,
- the court must impose (with or without a fine) a term of imprisonment of not less than 5 years, unless it is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.
- (5) On a conviction where—
- (a) sub-paragraph (3) applies, and
 - (b) the offender is aged under 21 at the time of conviction,
- the court must impose (with or without a fine) a term of detention in a young offenders centre of not less than 3 years, unless it is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.
- (6) In any case not mentioned in sub-paragraph (2) or (3), the offender shall be liable, on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine, or to both.
- (7) Where—

Status: This is the original version (as it was originally enacted).

- (a) a court is considering for the purposes of sentencing the seriousness of an offence under paragraph 1, and
 - (b) at the time of the offence the offender was aged 18 or over and the person used to look after, hide or transport the weapon was not,
- the court must treat the fact that that person was under the age of 18 at that time as an aggravating factor (that is to say, a factor increasing the seriousness of the offence).
- (8) Where a court treats a person’s age as an aggravating factor in accordance with sub-paragraph (7), it must state in open court that the offence was aggravated as mentioned in that sub-paragraph.
- (9) Where—
- (a) an offence under paragraph 1 of using another person for a particular purpose is found to have involved that other person’s having possession of a weapon, or being able to make it available, over a period of two or more days, or at some time during a period of two or more days, and
 - (b) on any day in that period, an age requirement was satisfied,
- the question whether sub-paragraph (3) applies or (as the case may be) the question whether the offence was aggravated under this paragraph is to be determined as if the offence had been committed on that day.
- (10) In sub-paragraph (9) the reference to an age requirement is a reference to either of the following—
- (a) the requirement of sub-paragraph (3) that the offender was aged 16 or over at the time of the offence;
 - (b) the requirement of sub-paragraph (7) that the offender was aged 18 or over at that time and that the other person was not.
- (11) The Criminal Justice (Northern Ireland) Order 1996 ([SI 1996/3160 \(NI 24\)](#)) is amended as follows—
- (a) in Article 2(9), after “2004” insert “or paragraph 2(4) or (5) of Schedule 2 to the Violent Crime Reduction Act 2006”;
 - (b) in each of —
 - (i) Article 4(1) (power to discharge defendant except in specified circumstances),
 - (ii) Article 10(1) (power to impose probation order except in specified cases),
 - (iii) Article 13(1) (power to impose community service order except in specified cases),
 - (iv) Article 15(1) (power to impose combination order except in specified circumstances),
 - (v) Article 19(1) (restrictions on custodial sentences except in specified circumstances),
 - (vi) Article 20(1) (length of custodial sentence), and
 - (vii) Article 24(1) (power to impose custody probation order except in specified circumstances),
 after “Article 70(2) of the Firearms (Northern Ireland) Order 2004” insert “or paragraph 2(4) or (5) of Schedule 2 to the Violent Crime Reduction Act 2006”.