

*Status: Point in time view as at 17/07/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, SCHEDULE 5. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

Section 28

#### MINIMUM SENTENCE FOR REPEAT OFFENCES INVOLVING OFFENSIVE WEAPONS ETC: CONSEQUENTIAL PROVISION

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

- 1 In section 37(1A) of the Mental Health Act 1983 (powers of courts to order hospital admission or guardianship)—
- (a) in paragraph (za), after “section” insert “ 1(2B) or ”, and
  - (b) in paragraph (aa), after “section” insert “ 139(6B), 139A(5B) or ”.

#### **Commencement Information**

**I1** Sch. 5 para. 1 in force at 17.7.2015 by S.I. 2015/1463, art. 2(b)

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

- 2 In section 36(2)(b) of the Criminal Justice Act 1988 (reviews of sentencing)—
- (a) in sub-paragraph (zi), after “section” insert “ 1(2B) or ”, and
  - (b) in sub-paragraph (ia), after “section” insert “ 139(6B), 139A(5B) or ”.

#### **Commencement Information**

**I2** Sch. 5 para. 2 in force at 17.7.2015 by S.I. 2015/1463, art. 2(b)

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

- 3 The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.

#### **Commencement Information**

**I3** Sch. 5 para. 3 in force at 17.7.2015 by S.I. 2015/1463, art. 2(b)

- 4 (1) Section 12 (absolute and conditional discharge) is amended as follows.
- (2) In subsection (1), for the words from “section 110(2)” to “2006” substitute “ a provision mentioned in subsection (1A) ”.
- (3) After that subsection insert—
- “(1A) The provisions referred to in subsection (1) are—
- (a) section 1(2B) or 1A(5) of the Prevention of Crime Act 1953;
  - (b) section 51A(2) of the Firearms Act 1968;

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- (c) section 139(6B), 139A(5B) or 139AA(7) of the Criminal Justice Act 1988;
- (d) section 110(2) or 111(2) of this Act;
- (e) section 224A, 225(2) or 226(2) of the Criminal Justice Act 2003;
- (f) section 29(4) or (6) of the Violent Crime Reduction Act 2006.”

**Commencement Information**

**I4** Sch. 5 para. 4 in force at 17.7.2015 by S.I. 2015/1463, art. 2(b)

- 5 In section 100(1A) (offenders under 18: detention and training orders), for paragraphs (a) and (b) substitute—
- “(a) section 1(2B) or 1A(5) of the Prevention of Crime Act 1953 (minimum sentence for certain offences involving offensive weapons);
  - (b) section 139(6B), 139A(5B) or 139AA(7) of the Criminal Justice Act 1988 (minimum sentence for certain offences involving article with blade or point or offensive weapon).”

**Commencement Information**

**I5** Sch. 5 para. 5 in force at 17.7.2015 by S.I. 2015/1463, art. 2(b)

- 6 (1) Section 130 (compensation orders against convicted persons) is amended as follows.
- (2) In subsection (2), for the words from “section 110(2)” to “2006” substitute “ a provision mentioned in subsection (2ZA) ”.
- (3) After that subsection insert—
- “(2ZA) The provisions referred to in subsection (2) are—
- (a) section 1(2B) or 1A(5) of the Prevention of Crime Act 1953;
  - (b) section 51A(2) of the Firearms Act 1968;
  - (c) section 139(6B), 139A(5B) or 139AA(7) of the Criminal Justice Act 1988;
  - (d) section 110(2) or 111(2) of this Act;
  - (e) section 224A, 225(2) or 226(2) of the Criminal Justice Act 2003;
  - (f) section 29(4) or (6) of the Violent Crime Reduction Act 2006.”

**Commencement Information**

**I6** Sch. 5 para. 6 in force at 17.7.2015 by S.I. 2015/1463, art. 2(b)

- 7 (1) Section 146 (driving disqualification for any offence) is amended as follows.
- (2) In subsection (2), for the words from “section 110(2)” to “2006” substitute “ a provision mentioned in subsection (2A) ”.
- (3) After that subsection insert—
- “(2A) The provisions referred to in subsection (2) are—
- (a) section 1(2B) or 1A(5) of the Prevention of Crime Act 1953;

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- (b) section 51A(2) of the Firearms Act 1968;
- (c) section 139(6B), 139A(5B) or 139AA(7) of the Criminal Justice Act 1988;
- (d) section 110(2) or 111(2) of this Act;
- (e) section 224A, 225(2) or 226(2) of the Criminal Justice Act 2003;
- (f) section 29(4) or (6) of the Violent Crime Reduction Act 2006.”

**Commencement Information**

**I7** Sch. 5 para. 7 in force at 17.7.2015 by S.I. 2015/1463, art. 2(b)

- 8 In section 164(3) (further interpretive provisions)—
- (a) in paragraph (aa), after “section” insert “ 1(2B) or ”, and
  - (b) in paragraph (ba), after “section” insert “ 139(6B), 139(5B) or ”.

**Commencement Information**

**I8** Sch. 5 para. 8 in force at 17.7.2015 by S.I. 2015/1463, art. 2(b)

*Criminal Justice Act 2003 (c. 44)*

- 9 The Criminal Justice Act 2003 is amended as follows.

**Commencement Information**

**I9** Sch. 5 para. 9 in force at 17.7.2015 by S.I. 2015/1463, art. 2(b)

- 10 (1) Section 142 (purposes of sentencing: offenders aged 18 or over) is amended as follows.
- (2) In subsection (2)(c), for the words from “section 1A(5)” to “detention for life for certain dangerous offenders)” substitute “ a provision mentioned in subsection (2A) ”.
- (3) After that subsection insert—
- “(2AA) The provisions referred to in subsection (2)(c) are—
- (a) section 1(2B) or 1A(5) of the Prevention of Crime Act 1953 (minimum sentence for certain offences involving offensive weapons);
  - (b) section 51A(2) of the Firearms Act 1968 (minimum sentence for certain firearms offences);
  - (c) section 139(6B), 139A(5B) or 139AA(7) of the Criminal Justice Act 1988 (minimum sentence for certain offences involving article with blade or point or offensive weapon);
  - (d) section 110(2) or 111(2) of the Sentencing Act (minimum sentence for certain drug trafficking and burglary offences);
  - (e) section 224A of this Act (life sentence for second listed offence for certain dangerous offenders);

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- (f) section 225(2) or 226(2) of this Act (imprisonment or detention for life for certain dangerous offenders);
- (g) section 29(4) or (6) of the Violent Crime Reduction Act 2006 (minimum sentence in certain cases of using someone to mind a weapon)."

**Commencement Information**

**I10** Sch. 5 para. 10 in force at 17.7.2015 by S.I. 2015/1463, art. 2(b)

- 11 (1) Section 142A (purposes of sentencing: offenders under 18) is amended as follows.
- (2) In subsection (4), for paragraph (b) substitute—
- “(b) to an offence the sentence for which falls to be imposed under a provision mentioned in subsection (5), or”.
- (3) At the end insert—
- “(5) The provisions referred to in subsection (4)(b) are—
- (a) section 1(2B) or 1A(5) of the Prevention of Crime Act 1953 (minimum sentence for certain offences involving offensive weapons);
  - (b) section 51A(2) of the Firearms Act 1968 (minimum sentence for certain firearms offences);
  - (c) section 139(6B), 139A(5B) or 139AA(7) of the Criminal Justice Act 1988 (minimum sentence for certain offences involving article with blade or point or offensive weapon);
  - (d) section 226(2) of this Act (detention for life for certain dangerous offenders);
  - (e) section 29(6) of the Violent Crime Reduction Act 2006 (minimum sentence in certain cases of using someone to mind a weapon).”

**Commencement Information**

**I11** Sch. 5 para. 11 in force at 17.7.2015 by S.I. 2015/1463, art. 2(b)

- 12 (1) Section 144 (reduction in sentences for early guilty pleas) is amended as follows.
- (2) In subsection (2), for the words from “an offence” to “nothing” substitute “an offender who—
- (a) is convicted of an offence the sentence for which falls to be imposed under a provision mentioned in subsection (3), and
  - (b) is aged 18 or over when convicted,
- nothing”.
- (3) In subsection (3)—
- (a) for “section 1A(6)(a)” substitute “section 1(2B) or 1A(5)”, and
  - (b) for “section 139AA(8)(a)” substitute “section 139(6B), 139A(5B) or 139AA(7)”.

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- (4) In subsection (4), for the words from “an offence” to “nothing” substitute “an offender who—
- (a) is convicted of an offence the sentence for which falls to be imposed under a provision mentioned in subsection (5), and
  - (b) is aged 16 or 17 when convicted,
- nothing”.
- (5) In subsection (5)—
- (a) for “section 1A(6)(b)” substitute “ section 1(2B) or 1A(5) ”, and
  - (b) for “section 139AA(8)(b)” substitute “ section 139(6B), 139A(5B) or 139AA(7) ”.

**Commencement Information**

**I12** Sch. 5 para. 12 in force at 17.7.2015 by S.I. 2015/1463, art. 2(b)

- 13 In section 150(2) (community order not available where sentence fixed by law etc), for paragraphs (a) and (b) substitute—
- “(a) falls to be imposed under section 1(2B) or 1A(5) of the Prevention of Crime Act 1953 (minimum sentence for certain offences involving offensive weapons), or
  - (b) falls to be imposed under section 139(6B), 139A(5B) or 139AA(7) of the Criminal Justice Act 1988 (minimum sentence for certain offences involving article with blade or point or offensive weapon).”

**Commencement Information**

**I13** Sch. 5 para. 13 in force at 17.7.2015 by S.I. 2015/1463, art. 2(b)

- 14 (1) Section 152 (general restrictions on imposing discretionary custodial sentence) is amended as follows.
- (2) In subsection (1)(b), for the words from “section 1A(5)” to the end substitute “ a provision mentioned in subsection (1A). ”
- (3) After that subsection insert—
- “(1A) The provisions referred to in subsection (1)(b) are—
  - (a) section 1(2B) or 1A(5) of the Prevention of Crime Act 1953;
  - (b) section 51A(2) of the Firearms Act 1968;
  - (c) section 139(6B), 139A(5B) or 139AA(7) of the Criminal Justice Act 1988;
  - (d) section 110(2) or 111(2) of the Sentencing Act;
  - (e) section 224A, 225(2) or 226(2) of this Act;
  - (f) section 29(4) or (6) of the Violent Crime Reduction Act 2006.”

**Commencement Information**

**I14** Sch. 5 para. 14 in force at 17.7.2015 by S.I. 2015/1463, art. 2(b)

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- 15 (1) Section 153 (length of discretionary custodial sentences: general provision) is amended as follows.
- (2) In subsection (2), for the words from “section 1A(5)” to “this Act” substitute “ the provisions listed in subsection (3) ”.
- (3) After that subsection insert—
- “(3) The provisions referred to in subsection (2) are—
- (a) sections 1(2B) and 1A(5) of the Prevention of Crime Act 1953;
  - (b) section 51A(2) of the Firearms Act 1968;
  - (c) sections 139(6B), 139A(5B) and 139AA(7) of the Criminal Justice Act 1988;
  - (d) sections 110(2) and 111(2) of the Sentencing Act;
  - (e) sections 226A(4) and 226B(2) of this Act;
  - (f) section 29(4) or (6) of the Violent Crime Reduction Act 2006.”

**Commencement Information**

**I15** Sch. 5 para. 15 in force at 17.7.2015 by S.I. 2015/1463, art. 2(b)

- 16 (1) Section 305(4) (interpretation of Part 12) is amended as follows.
- (2) In paragraph (za)—
- (a) for “subsection (5) of section 1A” substitute “ section 1(2B) or 1A(5) ”, and
  - (b) for “that subsection” substitute “ that provision ”.
- (3) In paragraph (aa)—
- (a) for “subsection (7) of section 139AA” substitute “ section 139(6B), 139A(5B) or 139AA(7) ”, and
  - (b) for “that subsection” substitute “ that provision ”.

**Commencement Information**

**I16** Sch. 5 para. 16 in force at 17.7.2015 by S.I. 2015/1463, art. 2(b)

*Coroners and Justice Act 2009 (c. 25)*

- 17 (1) Section 125(6) of the Coroners and Justice Act 2009 (sentencing guidelines: duty of court) is amended as follows.
- (2) In paragraph (ea)—
- (a) for “section” substitute “ sections 1(2B) and ”, and
  - (b) for “offence of threatening with offensive weapon in public” substitute “ certain offences involving offensive weapons ”.
- (3) In paragraph (fa)—
- (a) for “section” substitute “ sections 139(6B), 139A(5B) and ”, and
  - (b) for “offence of threatening with” substitute “ certain offences involving ”.

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**Commencement Information**

**I17** Sch. 5 para. 17 in force at 17.7.2015 by S.I. 2015/1463, art. 2(b)

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