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*Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012, SCHEDULE 26 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 26

Section 142

#### KNIVES AND OFFENSIVE WEAPONS: MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Prevention of Crime Act 1953 (c. 14)*

- 1 In section 2(3) of the Prevention of Crime Act 1953 (extent) for “shall not extend to Northern Ireland” substitute “ extends to England and Wales only ”.

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

- 2 (1) Section 37(1A) of the Mental Health Act 1983 (powers of courts to order hospital admission or guardianship) is amended as follows.
- (2) Before paragraph (a) insert—  
“(za) under section 1A(5) of the Prevention of Crime Act 1953,”.
- (3) After paragraph (a) insert—  
“(aa) under section 139AA(7) of the Criminal Justice Act 1988,”.

##### *Police and Criminal Evidence Act 1984 (c. 60)*

- 3 In section 1(8A) of the Police and Criminal Evidence Act 1984 (power of constable to stop and search persons, vehicles etc) after “139” insert “ or 139AA ”.

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

- 4 The Criminal Justice Act 1988 is amended as follows.
- 5 (1) Section 36(2)(b) (reviews of sentencing) is amended as follows.
- (2) Before sub-paragraph (i) insert—  
“(zi) section 1A(5) of the Prevention of Crime Act 1953;”.
- (3) After sub-paragraph (i) insert—  
“(ia) section 139AA(7) of this Act;”.
- 6 (1) Section 139B (power of entry to search for articles with a blade or point and offensive weapons) is amended as follows.
- (2) In subsection (1) after “139A” insert “ or 139AA ”.
- (3) In subsection (4)—  
(a) after “In the application of this section to Northern Ireland” insert “—  
(a)”;
- (b) at the end add “, and  
“(b) the reference in subsection (1) to section 139AA is omitted.”

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7 In section 172(3) (provisions extending to Northern Ireland) for “sections 139 to 139B” substitute—  
“section 139;  
section 139A;  
section 139B;”.

*Youth Justice and Criminal Evidence Act 1999 (c. 23)*

8 (1) Schedule 1A to the Youth Justice and Criminal Evidence Act 1999 (relevant offences for the purposes of section 17: witnesses eligible for assistance on grounds of fear or distress about testifying) is amended as follows.  
(2) After paragraph 9 insert—  
“9A An offence under section 1A of that Act (threatening with offensive weapon in public).”  
(3) After paragraph 26 insert—  
“26A An offence under section 139AA of that Act (threatening with article with blade or point or offensive weapon).”

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

<sup>F19</sup> .....

**Textual Amendments**  
**F1** Sch. 26 paras. 9-14 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

<sup>F110</sup> .....

**Textual Amendments**  
**F1** Sch. 26 paras. 9-14 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

<sup>F111</sup> .....

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**F1** Sch. 26 paras. 9-14 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

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<sup>F1</sup>13 .....

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<sup>F1</sup>14 .....

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*Criminal Justice Act 2003 (c 44)*

15 The Criminal Justice Act 2003 is amended as follows.

<sup>F2</sup>16 .....

**Textual Amendments**

**F2** Sch. 26 paras. 16-22 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

<sup>F2</sup>17 .....

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<sup>F2</sup>18 .....

**Textual Amendments**

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<sup>F3</sup>19 .....

PROSPECTIVE

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**Textual Amendments**

- F3** Sch. 26 para. 19 omitted (11.12.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 16 para. 23\(2\)](#); S.I. 2013/2981, art. 2(d)

<sup>F2</sup>20 .....

**Textual Amendments**

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<sup>F2</sup>21 .....

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<sup>F2</sup>22 .....

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- F2** Sch. 26 paras. 16-22 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

*Armed Forces Act 2006 (c. 52)*

23 The Armed Forces Act 2006 is amended as follows.

24 After section 227 (firearms offences) insert—

**“227A Offences of threatening with a weapon in public or on school premises**

- (1) This section applies if—
- (a) a person aged 18 or over is convicted by a court of an offence under section 42 (criminal conduct); and
  - (b) the corresponding offence under the law of England and Wales is an offence under section 1A of the Prevention of Crime Act 1953 or section 139AA of the Criminal Justice Act 1988 (threatening with article with blade or point or offensive weapon in public or on school premises).
- (2) The court must impose a sentence of imprisonment for a term of at least 6 months unless the court is of the opinion that there are particular circumstances which—
- (a) relate to the offence or to the offender, and
  - (b) would make it unjust to do so in all the circumstances.
- (3) In relation to times before the coming into force of section 61 of the Criminal Justice and Court Services Act 2000, the reference in subsection (2) to a

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sentence of imprisonment, in relation to an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.”

- 25 In section 237(3) (duty to have regard to purposes of sentencing etc) after paragraph (b) insert “;
- (c) an offence the sentence for which falls to be imposed under section 227A(2).”
- 26 In section 239 (reduction in sentences for guilty pleas) at the end insert—
- “(6) Nothing in section 227A(2) prevents the court, after taking into account any matter mentioned in subsection (2) of this section, from imposing any sentence which is at least 80% of that specified in section 227A(2).”
- 27 In section 260(1)(b) (discretionary custodial sentences: general restrictions) for “227” substitute “ 227A ”.
- 28 In section 261(3) (length of discretionary custodial sentences: general provision) for “and 227” substitute “ , 227 and 227A ”.
- 29 In section 273(6)(b) (review of unduly lenient sentence by Court Martial Appeal Court) for “or 227” substitute “ , 227 or 227A ”.
- 30 (1) Paragraph 12 of Schedule 2 (“Schedule 2 offences”) is amended as follows.
- (2) After sub-paragraph (r) insert—
- “(ra) an offence under section 1A of the Prevention of Crime Act 1953 (threatening with offensive weapon in public);”.
- (3) In sub-paragraph (ai)—
- (a) after “134” insert “ , 139AA ”;
- (b) after “torture,” insert “ threatening with article with blade or point or offensive weapon, ”.

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

F431 .....

**Textual Amendments**

**F4** Sch. 26 para. 31 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

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