



Offensive Weapons Act 2019

2019 CHAPTER 17

PART 1

CORROSIVE PRODUCTS AND SUBSTANCES

Possession of corrosive substances

8 Appropriate custodial sentence for conviction under section 6

- (1) This section applies where—
 - (a) a person is convicted of an offence under section 6(1) by a court in England and Wales, and
 - (b) when the offence was committed, the person—
 - (i) was aged 16 or over, and
 - (ii) had at least one relevant conviction (see section 9).
- (2) The court must impose an appropriate custodial sentence (with or without a fine) unless the court is of the opinion that there are particular circumstances which—
 - (a) relate to the offence, to the previous offence or to the offender, and
 - (b) would make it unjust to do so in all the circumstances.
- (3) An “appropriate custodial sentence” is—
 - (a) in the case of a person who is aged 18 or over when convicted, a sentence of imprisonment for a term of at least 6 months;
 - (b) in the case of a person who is aged 16 or 17 when convicted, a detention and training order of at least 4 months.
- (4) In the case of a person aged 16 or 17, in considering whether it is of the opinion mentioned in subsection (2) the court must have regard to its duty under section 44 of the Children and Young Persons Act 1933 (general considerations).
- (5) Subsection (6) applies where—

Status: This is the original version (as it was originally enacted).

- (a) an appropriate custodial sentence has been imposed on a person under subsection (2), and
 - (b) a relevant conviction which resulted in subsection (2) applying to that person has subsequently been set aside on appeal.
- (6) Notice of appeal against the sentence may be given at any time within the period of 28 days beginning with the day after the day on which the relevant conviction was set aside (despite anything in section 18 of the Criminal Appeal Act 1968 (initiating procedure)).
- (7) This section applies only to an offence committed on or after the day on which this section came into force.
- (8) Where an offence is found to have been committed—
- (a) over a period of two or more days, or
 - (b) at some time during a period of two or more days,
- it is to be taken for the purposes of this section to have been committed on the last of those days.
- (9) Before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000, the reference in subsection (3)(a) to a sentence of imprisonment, in relation to an offender under the age of 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.