

Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, SCHEDULE 12. (See end of Document for details)

SCHEDULES

SCHEDULE 12

Section 124

MINIMUM SENTENCES FOR PARTICULAR OFFENCES: CONSEQUENTIAL AMENDMENTS

Mental Health Act 1983 (c. 20)

- 1 In section 37 of the Mental Health Act 1983 (power to order hospital admission or guardianship), in subsection (1B)(d), for “312(2), 313(2), 314(2) or 315(2)” substitute “312(2A), 313(2A), 314(2A) or 315(2A)”.

Commencement Information

- II** Sch. 12 para. 1 in force at 28.6.2022, see s. 208(5)(k)

Armed Forces Act 2006 (c. 52)

- 2 The Armed Forces Act 2006 is amended as follows.

Commencement Information

- I2** Sch. 12 para. 2 in force at 28.6.2022, see s. 208(5)(k)

- 3 In section 225(2) (third drug trafficking offence)—
- (a) for “section 313(2)” substitute “section 313(2A)”,
 - (b) for “particular circumstances” substitute “exceptional circumstances”, and
 - (c) for paragraph (b) substitute—
“(b) justify not doing so.”

Commencement Information

- I3** Sch. 12 para. 3 in force at 28.6.2022, see s. 208(5)(k)

- 4 In section 226(2) (third domestic burglary)—
- (a) for “section 314(2)” substitute “section 314(2A)”,
 - (b) for “particular circumstances” substitute “exceptional circumstances”, and
 - (c) for paragraph (b) substitute—
“(b) justify not doing so.”

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- I4** Sch. 12 para. 4 in force at 28.6.2022, see s. 208(5)(k)

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- 5 (1) Section 227A (offences of threatening with a weapon in public or on school premises) is amended as follows.
- (2) In subsection (1A)—
- (a) for “particular circumstances” substitute “exceptional circumstances”, and
 - (b) for paragraph (b) substitute—
“(b) justify not doing so.”
- (3) Sub-paragraph (2) has effect only if this Schedule comes into force before the coming into force of paragraph 16(a) of Schedule 26 to the Sentencing Act 2020 (which omits subsection (1A) of section 227A of the Armed Forces Act 2006).
- (4) In subsection (2)—
- (a) for “particular circumstances” substitute “exceptional circumstances”, and
 - (b) for paragraph (b) substitute—
“(b) justify not doing so.”

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I5 Sch. 12 para. 5 in force at 28.6.2022, see s. 208(5)(k)

- 6 In section 237 (duty to have regard to purposes of sentencing etc), in subsection (3)—
- (a) in paragraph (bc), for “section 313(2)” substitute “section 313(2A)”, and
 - (b) in paragraph (bd), for “section 314(2)” substitute “section 314(2A)”.

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I6 Sch. 12 para. 6 in force at 28.6.2022, see s. 208(5)(k)

- 7 (1) Section 239 (reduction in sentences for guilty pleas) is amended as follows.
- (2) In subsection (4), for “section 313(2) or 314(2)” substitute “section 313(2A) or 314(2A)”.
- (3) In subsection (5), for “section 313(2) or 314(2)”, in both places it occurs, substitute “section 313(2A) or 314(2A)”.

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I7 Sch. 12 para. 7 in force at 28.6.2022, see s. 208(5)(k)

- 8 In section 260 (discretionary custodial sentences: general restrictions), in subsection (1)—
- (a) in paragraph (e), for “section 313(2)” substitute “section 313(2A)”, and
 - (b) in paragraph (f), for “section 314(2)” substitute “section 314(2A)”.

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I8 Sch. 12 para. 8 in force at 28.6.2022, see s. 208(5)(k)

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- 9 In section 273 (review of unduly lenient sentence by Court Martial Appeal Court), in subsection (6)(b)—
- (a) in sub-paragraph (iv), for “section 313(2)” substitute “section 313(2A)”, and
 - (b) in sub-paragraph (v), for “section 314(2)” substitute “section 314(2A)”.

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I9 Sch. 12 para. 9 in force at 28.6.2022, see [s. 208\(5\)\(k\)](#)

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I2 Sch. 12 para. 2 in force at 28.6.2022, see [s. 208\(5\)\(k\)](#)
I3 Sch. 12 para. 3 in force at 28.6.2022, see [s. 208\(5\)\(k\)](#)
I4 Sch. 12 para. 4 in force at 28.6.2022, see [s. 208\(5\)\(k\)](#)
I5 Sch. 12 para. 5 in force at 28.6.2022, see [s. 208\(5\)\(k\)](#)
I6 Sch. 12 para. 6 in force at 28.6.2022, see [s. 208\(5\)\(k\)](#)
I7 Sch. 12 para. 7 in force at 28.6.2022, see [s. 208\(5\)\(k\)](#)
I8 Sch. 12 para. 8 in force at 28.6.2022, see [s. 208\(5\)\(k\)](#)
I9 Sch. 12 para. 9 in force at 28.6.2022, see [s. 208\(5\)\(k\)](#)

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