



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 7

SENTENCING AND RELEASE

CHAPTER 1

CUSTODIAL SENTENCES

Minimum sentences for particular offences

124 Minimum sentences for particular offences

- (1) The Sentencing Code is amended in accordance with subsections (2) to (8).
- (2) In section 312 (minimum sentence for offences of threatening with weapon or bladed article)—
 - (a) in subsection (2), for “The court” substitute “If the offence was committed before the day on which section 124 of the Police, Crime, Sentencing and Courts Act 2022 came into force, the court”, and
 - (b) after subsection (2) insert—

“(2A) If the offence was committed on or after the day on which section 124 of the Police, Crime, Sentencing and Courts Act 2022 came into force, the court must impose an appropriate custodial sentence unless the court is of the opinion that there are exceptional circumstances which—

 - (a) relate to the offence or to the offender, and
 - (b) justify not doing so.”

Status: This is the original version (as it was originally enacted).

(3) In section 313 (minimum sentence of 7 years for third class A drug trafficking offence)

- (a) in subsection (2), for “The court” substitute “If the index offence was committed before the day on which section 124 of the Police, Crime, Sentencing and Courts Act 2022 came into force, the court”,
- (b) after subsection (2) insert—

“(2A) If the index offence was committed on or after the day on which section 124 of the Police, Crime, Sentencing and Courts Act 2022 came into force, the court must impose an appropriate custodial sentence for a term of at least 7 years unless the court is of the opinion that there are exceptional circumstances which—

- (a) relate to any of the offences or to the offender, and
- (b) justify not doing so.”, and
- (c) in subsection (4)(b), after “subsection (2)” insert “or (2A)”.

(4) In section 314 (minimum sentence of 3 years for third domestic burglary)—

- (a) in subsection (2), for “The court” substitute “If the index offence was committed before the day on which section 124 of the Police, Crime, Sentencing and Courts Act 2022 came into force, the court”,
- (b) after subsection (2) insert—

“(2A) If the index offence was committed on or after the day on which section 124 of the Police, Crime, Sentencing and Courts Act 2022 came into force, the court must impose an appropriate custodial sentence for a term of at least 3 years unless the court is of the opinion that there are exceptional circumstances which—

- (a) relate to any of the offences or to the offender, and
- (b) justify not doing so.”, and
- (c) in subsection (4)(b), after “subsection (2)” insert “or (2A)”.

(5) In section 315 (minimum sentence for repeat offence involving weapon or bladed article)—

- (a) in subsection (2), for “The court” substitute “If the index offence was committed before the day on which section 124 of the Police, Crime, Sentencing and Courts Act 2022 came into force, the court”,
- (b) after subsection (2) insert—

“(2A) If the index offence was committed on or after the day on which section 124 of the Police, Crime, Sentencing and Courts Act 2022 came into force, the court must impose an appropriate custodial sentence unless the court is of the opinion that there are exceptional circumstances which—

- (a) relate to the offence, to the previous offence or to the offender, and
- (b) justify not doing so.”, and
- (c) in subsection (3), for “subsection (2)” substitute “subsections (2) and (2A)”.

(6) In section 316(1)(a) (appeals where previous conviction set aside), after “subsection (2)” insert “or (2A)”.

- (7) In section 320 (determination of day when offence committed), after “311,” insert “312.”
- (8) In section 399(c) (mandatory sentence requirements)—
- (a) in sub-paragraph (ii), after “312(2)” insert “or (2A)”,
 - (b) in sub-paragraph (iii), after “313(2)” insert “or (2A)”,
 - (c) in sub-paragraph (iv), after “314(2)” insert “or (2A)”, and
 - (d) in sub-paragraph (v), after “315(2)” insert “or (2A)”.
- (9) In Schedule 22 to the Sentencing Act 2020—
- (a) in paragraph 66 (amendments of section 313 of the Code), after paragraph (a) insert—
 - “(aa) in subsection (2A), for “an appropriate custodial sentence” substitute “a sentence of imprisonment”,” and
 - (b) in paragraph 67 (amendments of section 314 of the Code), after paragraph (a) insert—
 - “(aa) in subsection (2A), for “an appropriate custodial sentence” substitute “a sentence of imprisonment”,”.
- (10) Schedule 12 contains amendments which are consequential on this section.
- (11) An amendment made by Schedule 12, so far as it has effect—
- (a) in relation to dealing with a person for an offence, or
 - (b) in relation to a sentence passed for an offence,
- has effect only where the person committed the offence on or after the day on which the Schedule came into force.
- (12) For the purposes of subsection (11), where an offence is found to have been committed—
- (a) over a period of 2 or more days, or
 - (b) at some time during a period of 2 or more days,
- it is to be taken to have been committed on the last of those days.