
STATUTORY INSTRUMENTS

2007 No. 1324

CRIMINAL LAW, ENGLAND AND WALES

The Firearms (Sentencing) (Transitory Provisions) Order 2007

<i>Made</i>	- - - -	<i>25th April 2007</i>
<i>Laid before Parliament</i>		<i>30th April 2007</i>
<i>Coming into force</i>	- -	<i>28th May 2007</i>

The Secretary of State, in exercise of the powers conferred by section 333(1) of the Criminal Justice Act 2003⁽¹⁾, makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Firearms (Sentencing) (Transitory Provisions) Order 2007 and shall come into force on 28th May 2007.

(2) This Order shall not apply in relation to offences committed before that date.

Modifications for sentencing of offenders aged at least 18 but under 21

2. In relation to any time before the coming into force of section 61 of the Criminal Justice and Court Services Act 2000⁽²⁾ (abolition of sentences of detention in a young offender institution, custody for life, etc.), section 51A(4)(a) of the Firearms Act 1968⁽³⁾ has effect as if—

(a) in sub-paragraph (a)(i) the reference to an offender aged 18 or over when convicted were a reference to an offender aged 21 or over when convicted; and

(b) after that sub-paragraph there were inserted—

“(ia) in the case of an offender who is aged at least 18 but under 21 at that time, a sentence of detention under section 96 of the Powers of Criminal Courts (Sentencing) Act 2000⁽⁴⁾; and”

(1) 2003 c.44.

(2) 2000 c.43.

(3) 1968 c.27; section 51A was inserted by the Criminal Justice Act 2003 (c.44), section 287.

(4) 2000 c.6.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Home Office
25th April 2007

Tony McNulty
Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

Section 51A of the Firearms Act 1968 provides for minimum sentences to be imposed for certain offences under section 5 of that Act (“a qualifying offence”). Section 51A provides that an offender aged 18 or over when convicted of a qualifying offence for which a sentence of imprisonment is imposed will receive a minimum term of five years.

This Order modifies section 51A pending the repeal of the sentence of detention in a young offender institution for offenders aged 18 to 20 at the time of conviction. The modifications in this Order apply the five-year minimum term for a qualifying offence to offenders aged 21 or over sentenced to imprisonment and to 18 to 20 year olds sentenced to detention in a young offender institution.

A full regulatory impact assessment has not been produced for this Order as no impact on the private or voluntary sectors is foreseen.