
STATUTORY INSTRUMENTS

2010 No. 197

The Criminal Justice Act 2003 (Mandatory Life Sentence: Determination of Minimum Term) Order 2010

Amendment of Schedule 21 to the Criminal Justice Act 2003

2.—(1) Schedule 21 (determination of minimum term in relation to mandatory life sentence) to the Criminal Justice Act 2003(1) is amended as follows.

(2) After paragraph 5, insert—

“5A.—(1) If—

- (a) the case does not fall within paragraph 4(1) or 5(1),
- (b) the offence falls within sub-paragraph (2), and
- (c) the offender was aged 18 or over when the offender committed the offence,

the offence is normally to be regarded as sufficiently serious for the appropriate starting point, in determining the minimum term, to be 25 years.

(2) The offence falls within this sub-paragraph if the offender took a knife or other weapon to the scene intending to—

- (a) commit any offence, or
- (b) have it available to use as a weapon,

and used that knife or other weapon in committing the murder.”

(3) In paragraph 6, for “within paragraph 4(1) or 5(1)” substitute “within paragraph 4(1), 5(1) or 5A(1)”.

(4) In paragraph 10, for “and 5(2)” substitute “, 5(2) and 5A(2)”.

(1) Schedule 21 has been amended by section 75 of the [Counter-Terrorism Act 2008 \(c.28\)](#) and paragraph 236 of Schedule 16 to the [Armed Forces Act 2006 \(c. 52\)](#).