

2022 No. 415 (C. 14)

CRIMINAL LAW, ENGLAND AND WALES

The Sentencing Act 2020 (Commencement No. 1) (England and Wales) Regulations 2022

Made - - - - *31st March 2022*

Coming into force - - *6th April 2022*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 417 and 419 of the Sentencing Act 2020(a).

Citation, interpretation, commencement and extent

1.—(1) These Regulations may be cited as the Sentencing Act 2020 (Commencement No. 1) (England and Wales) Regulations 2022.

(2) In these Regulations, “the Act” means the Sentencing Act 2020.

(3) These Regulations come into force on 6th April 2022.

(4) These Regulations extend to England and Wales.

Provisions coming into force on 6th April 2022

2. Paragraphs 81 to 83 of Part 5 of Schedule 22 to the Act (Amendments of the Sentencing Code and related amendments of other legislation) come into force on 6th April 2022.

Amendment of the Sentencing Act 2020

3.—(1) Schedule 20 to the Act (Detention under section 250 and minimum sentences: firearms offences) is amended as follows—

(a) in paragraph 1A for “the amendment date (as defined by paragraph 81(6) of Schedule 22)” substitute “6th April 2022”;

(b) in paragraph 3(b) for “the amendment date (as defined by paragraph 81(6) of Schedule 22)” substitute “6th April 2022”;

(c) in paragraph 4(1)(b) for “the amendment date (as defined by paragraph 81(6) of Schedule 22)” substitute “6th April 2022”;

(d) in paragraph 5(b) for “the amendment date (as defined by paragraph 81(8) of Schedule 22)” substitute “6th April 2022”;

(2) In subsection (1A) of section 315 of the Act (Minimum sentence for repeat offence involving weapon or bladed article) for “the date on which paragraph 82 of Schedule 22 comes into force (or, if earlier, the date on which section 8 of the Offensive Weapons Act 2019 comes into force)” substitute “6th April 2022”.

(a) 2020 c. 17. There are amendments to section 417 of the Sentencing Act 2020 not relevant to these Regulations.

31st March 2022

Kit Malthouse
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force paragraphs 81 to 83 of Part 5 of Schedule 22 to the Sentencing Act 2020 (c. 17) (“the Act”), which make amendments to other provisions in the Act in connection with minimum custodial sentences for offences involving firearms and corrosive substances.

Paragraph 81 of Schedule 22 to the Act amends Schedule 20 to the Act (detention under section 250 and minimum sentences: firearms offences) to include offences relating to the firearms listed in section 5(1)(ag) and (ba) of the Firearms Act 1968 (c. 27) (“the 1968 Act”) (weapons subject to general prohibition), such as the offences of possession, purchasing or acquiring those firearms. Section 5(1)(ag) was inserted into the 1968 Act by section 54(2) of the Offensive Weapons Act 2019 (c. 17) (“the 2019 Act”). Section 5(1)(ba) was inserted into the 1968 Act by section 54(3) of the 2019 Act.

Paragraph 82 of Schedule 22 to the Act amends section 315 of the Act (minimum sentence for repeat offence involving weapon or bladed article) to include the offence in section 6(1) of the 2019 Act of having a corrosive substance in a public place in the list of index offences to which section 315 applies.

Paragraph 83 of Schedule 22 to the Act amends the description of section 315 of the Act as it appears in sections 73(4) (reduction in sentence for guilty plea), 234(2)(b) (detention and training order: availability) and 399(c)(v) (mandatory sentences) of the Act so that the description includes the words “or corrosive substance”.

Regulation 3 makes related amendments to the Act so that the references to the relevant provisions coming into force are replaced with the actual date on which they come into force.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Sentencing Act 2020 have been brought into force by commencement regulations made before these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No. or legislative provision</i>
Parts 1 to 13	1 December 2020	2020/1236
Section 407 (partially)	1 December 2020	2020/1236
Part 14, Sections 408 to 420	1 December 2020	2020/1236
Schedule A1 (partially)	29 June 2021	s50(2)(a) Counter-Terrorism and Sentencing Act 2021
Schedules 1 to 21 and 23 to 25	1 December 2020	2020/1236
Paragraphs 15A, 15B and 26 of Schedule 26	31 December 2020	2020/1520
Schedule 27	1 December 2020	2020/1236
Schedule 28 (partially)	1 December 2020	2020/1236
Schedule 29	1 December 2020	2020/1236

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