
Status: Point in time view as at 03/12/2012. This version of this cross heading contains provisions that are prospective.

Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012, Cross Heading: Criminal Justice Act 2003 (c 44) is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 26

KNIVES AND OFFENSIVE WEAPONS: MINOR AND CONSEQUENTIAL AMENDMENTS

Criminal Justice Act 2003 (c 44)

- 15 The Criminal Justice Act 2003 is amended as follows.
- 16 (1) Section 142(2)(c) (purposes of sentencing: offenders aged 18 or over) is amended as follows.
- (2) After “falls to be imposed” insert “ under section 1A(5) of the Prevention of Crime Act 1953 (minimum sentence for offence of threatening with offensive weapon in public), ”.
- (3) After “firearms offences),” insert “ under section 139AA(7) of the Criminal Justice Act 1988 (minimum sentence for offence of threatening with article with blade or point or offensive weapon), ”.
- 17 (1) Section 142A(4)(b) (purposes of sentencing: offenders under 18) is amended as follows.
- (2) Before sub-paragraph (i) insert—
- “(zi) section 1A(5) of the Prevention of Crime Act 1953 (minimum sentence for offence of threatening with offensive weapon in public),”.
- (3) After sub-paragraph (i) insert—
- “(ia) section 139AA(7) of the Criminal Justice Act 1988 (minimum sentence for offence of threatening with article with blade or point or offensive weapon),”.
- 18 (1) Section 144 (reduction in sentences for early guilty pleas) is amended as follows.
- (2) In subsection (2)—
- (a) for “subsection (2) of section 110 or 111 of the Sentencing Act” substitute “ a provision mentioned in subsection (3) ”;
- (b) for “that subsection” in each place substitute “ that provision ”.
- (3) After that subsection insert—
- “(3) The provisions referred to in subsection (2) are—
- section 1A(6)(a) of the Prevention of Crime Act 1953;
- section 110(2) of the Sentencing Act;
- section 111(2) of the Sentencing Act;
- section 139AA(8)(a) of the Criminal Justice Act 1988.
- (4) In the case of an offence the sentence for which falls to be imposed under a provision mentioned in subsection (5), nothing in that provision prevents the

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court from imposing any sentence that it considers appropriate after taking into account any matter referred to in subsection (1) of this section.

- (5) The provisions referred to in subsection (4) are—
 - section 1A(6)(b) of the Prevention of Crime Act 1953;
 - section 139AA(8)(b) of the Criminal Justice Act 1988.”

PROSPECTIVE
F1 19

Textual Amendments

F1 Sch. 26 para. 19 omitted (11.12.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 16 para. 23\(2\)](#); S.I. 2013/2981, art. 2(d)

- 20 In section 152(1)(b) (general restrictions on imposing discretionary custodial sentences) for “under section 51A(2) of the Firearms Act 1968 (c. 27),” substitute “under section 1A(5) of the Prevention of Crime Act 1953, under section 51A(2) of the Firearms Act 1968, under section 139AA(7) of the Criminal Justice Act 1988, ”.
- 21 In section 153(2) (length of discretionary custodial sentences: general provision) for “section 51A(2) of the Firearms Act 1968 (c. 27),” substitute “ section 1A(5) of the Prevention of Crime Act 1953, section 51A(2) of the Firearms Act 1968, section 139AA(7) of the Criminal Justice Act 1988, ”.
- 22 (1) Section 305(4) (interpretation of Part 12) is amended as follows.
 - (2) Before paragraph (a) insert—
 - “(za) a sentence falls to be imposed under subsection (5) of section 1A of the Prevention of Crime Act 1953 if it is required by that subsection and the court is not of the opinion there mentioned.”.
 - (3) After paragraph (a) insert—
 - “(aa) a sentence falls to be imposed under subsection (7) of section 139AA of the Criminal Justice Act 1988 if it is required by that subsection and the court is not of the opinion there mentioned.”.

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