

*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Sentencing (Pre-consolidation Amendments) Act 2020, PART 4. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2 **U.K.**

#### SENTENCING CONSOLIDATION: PRE-CONSOLIDATION AMENDMENTS

#### **PART 4** **E+W**

##### AMENDMENTS OF OTHER ACTS

###### *Criminal Procedure (Insanity) Act 1964*

- 114 (1) The Criminal Procedure (Insanity) Act 1964 is amended as follows.
- (2) In section 5 (powers to deal with person where special verdict returned or unfit to plead etc), after subsection (3) insert—
- “(3A) Where the court have power under subsection (2)(c) to make an order for the absolute discharge of the accused, they may do so where they think, having regard to the circumstances, including the nature of the offence charged and the character of the accused, that such an order would be most suitable in all the circumstances of the case.”
- (3) In section 5A (orders made under or by virtue of section 5), omit subsection (6).

##### **Commencement Information**

- II** Sch. 2 para. 114 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

###### *Firearms Act 1968*

- 115 In section 21 of the Firearms Act 1968 (possession of firearms by persons previously convicted of crime), in subsection (2C)(a), after “imprisonment” insert “, or detention in a young offender institution, ”.

##### **Commencement Information**

- I2** Sch. 2 para. 115 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

###### *Magistrates' Courts Act 1980*

- <sup>F1</sup>116 .....

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**Textual Amendments**

**F1** Sch. 2, which is commenced on 1.12.2020 immediately before "the consolidation date", see s. 5(1)-(3) and S.I. 2020/1236, **reg. 2**, is then repealed immediately afterwards (except for Sch. 2 paras. 45, 114, 115, 121, 123(1)-(5)(7), 136) (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, **reg. 2**

*Protection of Military Remains Act 1986*

<sup>F1</sup>117 .....

**Textual Amendments**

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*Protection from Harassment Act 1997*

<sup>F1</sup>118 .....

**Textual Amendments**

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*Crime and Disorder Act 1998*

<sup>F1</sup>119 .....

**Textual Amendments**

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*Criminal Justice and Court Services Act 2000*

<sup>F1</sup>120 .....

**Textual Amendments**

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115, 121, 123(1)-(5)(7), 136) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#)

#### *Proceeds of Crime Act 2002*

- 121 In section 39 of the Proceeds of Crime Act 2002 (reconsideration etc: variation of prison term)—
- (a) in subsection (1)(b), for “section 139(4) of the Sentencing Act” substitute “section 35(2A)”;
  - (b) in subsection (5)—
    - (i) for “section 139(4) of the Sentencing Act” substitute “section 35(2A)”;
    - (ii) for “that Act” substitute “the Sentencing Act”.

#### **Commencement Information**

- I3** Sch. 2 para. 121 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236](#), [reg. 2](#)

#### *Constitutional Reform Act 2005*

<sup>F1</sup>122 .....

#### **Textual Amendments**

- F1** Sch. 2, which is commenced on 1.12.2020 immediately before "the consolidation date", see s. 5(1)-(3) and [S.I. 2020/1236](#), [reg. 2](#), is then repealed immediately afterwards (except for Sch. 2 paras. 45, 114, 115, 121, 123(1)-(5)(7), 136) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#)

#### *Armed Forces Act 2006*

- 123 (1) The Armed Forces Act 2006 is amended as follows.
- (2) In section 178 (service community orders), in subsection (1)(b), for the words after “Wales” substitute “ or the locality in Scotland where the offender resides or will reside, or that the offender resides or will reside in Northern Ireland ”.
  - (3) In section 209 (offenders under 18 convicted of certain serious offences)—
    - (a) in the heading, for “power to detain” substitute “detention”;
    - (b) in subsection (2), after paragraph (b) insert—

“and the case does not fall within section 221 or 227 (see subsections (4), (5B) and (5C)).”;
    - (c) in subsection (3), after paragraph (d) insert—

“and the case does not fall within section 221 (see subsection (5B)).”;
    - (d) in subsection (4), for “it falls within section 227(1) (certain firearms offences)” substitute “—

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- (a) it falls within section 227(1) (certain firearms offences), and
- (b) the court is of the opinion mentioned in section 227(2) (exceptional circumstances justifying not imposing the required sentence).”;
- (e) after subsection (5) insert—
  - “(5A) Subsection (5D) (duty to pass sentence of detention) applies where—
    - (a) a person aged under 18 is convicted by the Court Martial of an offence under section 42 (criminal conduct); and
    - (b) the case is within subsection (5B) or (5C).
  - (5B) The case is within this subsection if it falls within section 221 (life sentence for certain dangerous offenders aged under 18).
  - (5C) The case is within this subsection if—
    - (a) it falls within section 227(1) (certain firearms offences), and
    - (b) the Court Martial is not of the opinion mentioned in section 227(2) (exceptional circumstances justifying not imposing the required sentence).
  - (5D) Where this subsection applies, the court must pass a sentence of detention under this section.”;
- (f) in subsection (7)—
  - (i) after “(5)” insert “, (5D) ”;
  - (ii) omit from “sections 224A” to “offences); and”.
- (4) In section 211, in subsection (4), omit “218A.”.
- (5) In section 212 (term of detention and training order: general), at the end insert—
  - “(3) An order under section 211 takes effect at the beginning of the day on which it is made, unless the court provides otherwise under section 101(3) of the Sentencing Act (as applied by section 213 of this Act).”
- <sup>F1</sup>(6) .....
- (7) In section 270A (exception to restrictions on community punishments), in subsection (6)—
  - (a) before paragraph (a) insert—
    - “(za) a criminal courts charge order (or an order under section 21A of the Prosecution of Offences Act 1985 (criminal courts charge));”
  - (b) after paragraph (d) insert—
    - “(e) a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015.”.
- <sup>F1</sup>(8) .....

#### Textual Amendments

- F1** Sch. 2, which is commenced on 1.12.2020 immediately before "the consolidation date", see s. 5(1)-(3) and [S.I. 2020/1236](#), [reg. 2](#), is then repealed immediately afterwards (except for Sch. 2 paras. 45, 114,

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**Commencement Information**

**I4** Sch. 2 para. 123 in force at 1.12.2020 immediately before "the consolidation date" by S.I. 2020/1236, **reg. 2**

*Tribunals, Courts and Enforcement Act 2007*

<sup>F1</sup>124 .....

**Textual Amendments**

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*Education and Skills Act 2008*

<sup>F1</sup>125 .....

**Textual Amendments**

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*Coroners and Justice Act 2009*

<sup>F1</sup>126 .....

**Textual Amendments**

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*Anti-social Behaviour, Crime and Policing Act 2014*

<sup>F1</sup>127 .....

**Textual Amendments**

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