



House of Commons

NOTICES OF AMENDMENTS

given on

Thursday 1 May 2014

*For other Amendment(s) see the following page(s) of Supplement to Votes:
1847 and 1923-24*

CONSIDERATION OF BILL

CRIMINAL JUSTICE AND COURTS BILL, AS AMENDED

Possessing an offensive weapon or bladed article in public: sentencing for second offence for those aged over 16 or over

Nick de Bois
Mr David Burrowes
Tracey Crouch
Mr David Davis
Mr Graham Brady

Mr Dominic Raab
Mr Charles Walker
Bob Stewart
Dan Byles
Jeremy Lefroy
Mr Stewart Jackson

Stephen McPartland
Bob Blackman
Andrew Rosindell
Karl McCartney
Priti Patel
Gordon Henderson

Dr Julian Lewis
Andrew Bingham
Mr David Amess
Stephen Barclay
Mark Reckless
Mr Julian Brazier

NC4

To move the following Clause:—

- (1) The Prevention of Crime Act 1953 is amended as follows.
- (2) In Section 1 (Prohibition of the carrying of an offensive weapons without lawful authority or reasonable excuse) after subsection (2) insert—
 - “(2A) Section (2B) applies where—
 - (a) a person is convicted of an offence under subsection (1) committed after this subsection is commenced;
 - (b) at the time when the offence was committed, he was 16 or over and had one other conviction under—
 - (i) subsection (1),
 - (ii) Section (1A); or
 - (iii) Section 139 of the Criminal Justice Act 1988;
 - (c) the offence was committed after he had been convicted of the other.

Criminal Justice and Courts Bill, *continued*

- (2B) Where a person aged 16 or over is convicted of an offence under this section, the court must impose an appropriate custodial sentence (with or without a fine) unless the court is of the opinion that there are particular circumstances which—
- (a) relate to the offence or to the offender, and
 - (b) would make it unjust to do so in all the circumstances.
- (2C) In this section “appropriate custodial sentence” means—
- (a) in the case of a person who is aged 18 or over when convicted, a sentence of imprisonment for a term of at least six months;
 - (b) in the case of a person who is aged at least 16 but under 18 when convicted, a detention and training order of at least 4 months.
- (2D) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.
- (2E) In relation to times before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000, the reference in subsection (2B)(a) to a sentence of imprisonment, in relation to an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.”
- (3) The Criminal Justice Act 1988 is amended as follows.
- (4) In Section 139 (Offence of having article with blade or point in public place) after subsection (6) insert—
- “(6A) Section (6B) applies where—
- (a) a person is convicted of an offence under subsection (1) committed after this subsection is commenced;
 - (b) at the time when the offence was committed, he was 16 or over and had one other conviction under—
 - (i) subsection (1);
 - (ii) Section (1) or (1A) of the Prevention of Crime Act 1953;
 - (c) the offence was committed after he had been convicted of the other.
- (6B) Where a person aged 16 or over is convicted of an offence under this section, the court must impose an appropriate custodial sentence (with or without a fine) unless the court is of the opinion that there are particular circumstances which—
- (a) relate to the offence or to the offender, and
 - (b) would make it unjust to do so in all the circumstances.
- (6C) In this section “appropriate custodial sentence” means—
- (a) in the case of a person who is aged 18 or over when convicted, a sentence of imprisonment for a term of at least 6 months;
 - (b) in the case of a person who is aged at least 16 but under 18 when convicted, a detention and training order of at least four months.
- (6D) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.

Criminal Justice and Courts Bill, *continued*

- (6E) In relation to times before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000, the reference in subsection (6B) to a sentence of imprisonment, in relation to an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.”.

Possessing an offensive weapon or bladed article in public: sentencing for second offences for those aged 18 or over

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NC5

To move the following Clause:—

- ‘(1) The Prevention of Crime Act 1953 is amended as follows.
- (2) In Section 1 (Prohibition of the carrying of offensive weapons without lawful authority or reasonable excuse) after subsection (2) insert—
- “(2A) Subsection (2B) applies where—
- (a) a person is convicted of an offence under subsection (1) committed after this subsection is commenced;
- (b) at the time when the offence was committed, he was 18 or over and had one other conviction under—
- (i) subsection (1)
- (ii) subsection (1A); or
- (iii) Section 139 of the Criminal Justice Act 1988;
- (c) the offence was committed after he had been convicted of the other.
- (2B) Where a person is convicted of an offence under subsection (1) the court must impose a sentence of imprisonment for a term of at least 6 months unless the court is of the opinion that there are particular circumstances which—
- (a) relate to the offence or to the offender, and
- (b) would make it unjust to do so in all the circumstances.
- (2C) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two days or more, it shall be taken for the purposes of this section to have been committed on the last of those days.
- (2D) in relation to times before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000, the reference in subsection (2B) to a sentence of imprisonment in relation to

Criminal Justice and Courts Bill, *continued*

an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.”.

- (3) The Criminal Justice Act 1988 is amended as follows.
- (4) In Section 139 (Offence of having article with blade or point in public place) after subsection (6) insert—
- “(6A) Subsection (6b) applies where—
- (a) a person convicted of an offence under subsection (1) committed after this subsection is commenced;
 - (b) at the time when the offence was committed, he was 18 or over and had one other conviction under—
 - (i) Subsection (1)
 - (ii) Section (1) or (1A) of the Prevention of Crime Act 1953;or
 - (c) the offence was committed after he had been convicted of the other.
- (6B) Where a person is convicted of an offence under subsection (1) the court must impose a sentence of imprisonment for a term of at least 6 months unless the court is of the opinion that there are particular circumstances which—
- (a) relate to the offence or to the offender, and
 - (b) would make it unjust to so in all the circumstances.
- (6C) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.
- (6D) In relation to times before the coming into force of paragraph 180 of Schedule 7 to the Criminal Justice and Court Service Act 2000, the reference in subsection (6B) to a sentence of imprisonment, in relation to an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.”.
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