

# Sentencing (Pre-consolidation Amendments) Bill [HL]

---

MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN SPECIAL PUBLIC BILL COMMITTEE

---

*[Amendments marked ★ are new or have been altered]*

Amendment  
No.

**Clause 1**

LORD KEEN OF ELIE

- 1 Page 1, leave out lines 9 to 11 and insert “an enactment relating to the coming into force of the repealed provision or any other enactment”

**Clause 5**

LORD KEEN OF ELIE

- 2 Page 5, line 3, at end insert –
- “(6A) The power conferred by section 338 of the Criminal Justice Act 2003 (power to extend to Channel Islands and Isle of Man, and to modify) is exercisable in relation to any amendment or modification of that Act that is made by or under this Act.
- (6B) The armed forces provisions extend to –
- (a) the Isle of Man, and
  - (b) the British overseas territories except Gibraltar.
- (6C) The powers conferred by section 384 of the Armed Forces Act 2006 (power to extend Act to the Channel Islands and powers to make provisions of that Act apply with modifications in relation to the Channel Islands, British overseas territories and the Isle of Man) are exercisable in relation to any armed forces provision.
- (6D) “Armed forces provision” means –
- (a) an amendment, modification or repeal made by or under this Act of a provision of the Armed Forces Act 2006;
  - (b) an amendment, modification or repeal made by or under this Act of any other provision, so far as the provision is applied (by whatever words) by the Armed Forces Act 2006.”

**Schedule 1**

## LORD KEEN OF ELIE

- 3 Page 6, line 17, at end insert—  
“5A Article 3 of the Criminal Justice Act 2003 (Surcharge)(Amendment) Order 2019 (S.I. 2019/985), so far as it relates to article 2(b) of that order.”
- 4 Page 7, line 27, at end insert—  
*“Youth rehabilitation orders: curfew requirements*  
13A Article 3(1)(d) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No. 4 and Saving Provisions) Order 2012 (S.I. 2012/2906) (saving for commencement of section 81 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (youth rehabilitation order: curfew requirement)).”
- 5 Page 7, line 38, at end insert—  
*“Detention of child for specified period*  
15A Paragraph 8 of Schedule 2 to the Offensive Weapons Act 2019 (prohibition of certain firearms: application of section 91 of the Powers of Criminal Courts (Sentencing) Act 2000).”
- 6 Page 8, line 5, leave out from “2003” to end of line 7
- 7 Page 8, line 9, leave out from “2003” to end of line 11
- 8 Page 8, line 28, leave out from “offences)),” to end of line 32 and insert “so far as it relates to Schedule 15 to the Criminal Justice Act 2003 as it applies for the purposes of sections 225 and 226 of the Criminal Justice Act 2003 and sections 219 and 221 of the Armed Forces Act 2006.”
- 9 Page 9, line 10, at end insert—  
“29A Section 54(8) of the Offensive Weapons Act 2019 (prohibition of certain firearms: application of minimum sentences under section 51A of the Firearms Act 1968).”
- 10 Page 9, line 12, at end insert—  
“30A Paragraph 12 of Schedule 2 to the Offensive Weapons Act 2019 (prohibition of certain firearms: application of minimum sentences for certain offences).”
- 11 Page 9, line 36, at end insert—  
“38 Section 8(7) of the Offensive Weapons Act 2019 (application of minimum sentence for conviction of offence of having a corrosive substance in a public place).”

**Schedule 2**

## LORD KEEN OF ELIE

- 12** Page 15, line 7, leave out “In section” and insert –  
“(1) Section”
- 13** Page 15, line 7, after “orders)” insert “is amended as follows.  
(2) ”
- 14** Page 15, line 8, at end insert –  
“(3) In subsection (1A), at the end insert –  
“(c) section 8(2) of the Offensive Weapons Act 2019 (minimum sentence in certain cases of possession of a corrosive substance).””
- 15** Page 17, line 17, at end insert –  
“46A(1) Section 146 (driving disqualification for any offence) is amended as follows.  
(2) In subsection (1), omit “, instead of or in addition to dealing with him in any other way,”.  
(3) After that subsection insert –  
“(1A) The power in subsection (1) is exercisable whether or not the court also deals with the offender for the offence in any other way.”  
(4) Omit subsections (2) and (2A).”
- 16** Page 19, line 44, at end insert –  
“53A In section 142 (purposes of sentencing), in subsection (2A), at the end insert –  
“(h) section 8(2) of the Offensive Weapons Act 2019 (minimum sentence in certain cases of possession of a corrosive substance).”  
53B In section 142A (purposes of sentencing: offender under 18), in subsection (5), at the end insert –  
“(f) section 8(2) of the Offensive Weapons Act 2019 (minimum sentence in certain cases of possession of a corrosive substance).””
- 17** Page 20, line 13, leave out “In section” and insert –  
“(1) Section”
- 18** Page 20, line 14, leave out “, at the end insert –” and insert “is amended as follows.  
(2) In subsection (2) –  
(a) omit “or” at the end of paragraph (a);  
(b) after paragraph (b) insert “, or  
(c) falls to be imposed under section 8(2) of the Offensive Weapons Act 2019 (minimum sentence in certain cases of possession of a corrosive substance).”  
(3) After subsection (2) insert –”

## Schedule 2 - continued

- 19 Page 20, line 17, at end insert –  
 “56A In section 152 (general restrictions on imposing discretionary custodial sentences), in subsection (1A), at the end insert –  
     “(g) section 8(2) of the Offensive Weapons Act 2019.”  
 56B In section 153 (length of discretionary custodial sentences: general provision), in subsection (3), at the end insert –  
     “(g) section 8(2) of the Offensive Weapons Act 2019.””
- 20 Page 20, line 34, at end insert –  
 “59A In section 166 (savings for powers to mitigate sentences and deal appropriately with mentally disordered offenders), in subsection (1), for paragraphs (e) and (f) substitute –  
     “(ee) section 1(4) of the Criminal Justice and Immigration Act 2008 (youth rehabilitation order with intensive supervision and surveillance or with fostering).””
- 21 Page 24, line 17, at end insert –  
 “88A In section 305 (interpretation of Part 12), in subsection (4), after paragraph (d) insert –  
     “(da) a sentence falls to be imposed under section 8(2) of the Offensive Weapons Act 2019 if it is required by that provision and the court is not of the opinion there mentioned.””
- 22 Page 40, line 22, at end insert –  
 “Armed Forces Act 2006  
 108A(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 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).”  
     (4) In section 213 (application of provisions relating to civilian detention and training orders) –  
         (a) in subsection (1), after “(10)” insert “, (12A)”;  
         (b) in subsection (2), after “(10)” insert “, (12A).”
- 23 Page 40, line 34, after “court)” insert “ –  
     (a) ”

**Schedule 2** - *continued*

**24** Page 40, line 35, at end insert—

“(b) in subsection (6), at the end insert—

“(i) section 8(2) of the Offensive Weapons Act 2019 (minimum sentence in certain cases of possession of a corrosive substance).”

# Sentencing (Pre-consolidation Amendments) Bill [HL]

MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN SPECIAL PUBLIC COMMITTEE

---

*19 July 2019*

---