



Sentencing Act 2020

2020 CHAPTER 17

THIRD GROUP OF PARTS Disposals

PART 10

CUSTODIAL SENTENCES

CHAPTER 7

MINIMUM SENTENCES FOR PARTICULAR OFFENCES

Minimum sentence for repeat offences

315 Minimum sentence for repeat offence involving weapon or bladed article [^{F1}or corrosive substance]

(1) This section applies where—

- (a) an offender is convicted of an offence (the “index offence”) under—
 - (i) section 1(1) of the Prevention of Crime Act 1953 (carrying offensive weapon without lawful authority or reasonable excuse),
 - (ii) section 139(1) of the Criminal Justice Act 1988 (having article with blade or point in public place), ^{F2}...
 - (iii) section 139A(1) or (2) of that Act (having article with blade or point or offensive weapon on education premises), [^{F3}or
 - (iv) section 6(1) of the Offensive Weapons Act 2019 (offence of having a corrosive substance in a public place),]
- (b) the offence was committed on or after [^{F4}the relevant date], and
- (c) when the offence was committed, the offender—
 - (i) was aged at least 16, and
 - (ii) had at least one relevant conviction.

[^{F5}(1A) In subsection (1)(b), “the relevant date” means—

Changes to legislation: Sentencing Act 2020, Section 315 is up to date with all changes known to be in force on or before 10 May 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) View outstanding changes

- (a) in relation to an offence under section 6(1) of the Offensive Weapons Act 2019, [^{F6}6th April 2022];
- (b) in any other case, 17 July 2015.]

(2) [^{F7}If the index offence was committed before the day on which section 124 of the Police, Crime, Sentencing and Courts Act 2022 came into force, the court] must impose an appropriate custodial sentence unless the court is of the opinion that there are particular circumstances which—

- (a) relate to the offence, to the previous offence or to the offender, and
- (b) would make it unjust to do so in all the circumstances.

[^{F8}(2A) If the index offence was committed on or after the day on which section 124 of the Police, Crime, Sentencing and Courts Act 2022 came into force, the court must impose an appropriate custodial sentence unless the court is of the opinion that there are exceptional circumstances which—

- (a) relate to the offence, to the previous offence or to the offender, and
- (b) justify not doing so.]

(3) In [^{F9}subsections (2) and (2A)] “appropriate custodial sentence” means—

- (a) in the case of a person aged under 18 when convicted of the index offence, a detention and training order of at least 4 months;
- (b) in the case of a person aged 18 or over but under 21 when convicted of the index offence, a sentence of detention in a young offender institution for a term of at least 6 months;
- (c) in the case of a person aged 21 or over when convicted of the index offence, a sentence of imprisonment for a term of at least 6 months.

(4) In this section, “relevant conviction” means—

- (a) a conviction of a relevant offence,
- (b) a conviction in another part of the United Kingdom ^{F10}... of a civilian offence which would have constituted a relevant offence if committed in England and Wales at the time of the conviction (whenever the offence was in fact committed),
- (c) a conviction of an offence under section 42 of the Armed Forces Act 2006 in respect of which the corresponding offence under the law of England and Wales (within the meaning of that section) is a relevant offence, [^{F11}or]
- (d) a conviction of an offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 in respect of which the corresponding civil offence (within the meaning of the Act in question) is a relevant offence, ^{F12}...

^{F12}(e)

[^{F13}(4A) If the proceedings for the index offence were instituted before IP completion day (see section 397(5)), for the purposes of this section “relevant conviction” also includes—

- (a) a conviction in a member State of a civilian offence which would have constituted a relevant offence if committed in England and Wales at the time of the conviction (whenever the offence was in fact committed), and
- (b) a conviction of a member State service offence which would have constituted a relevant offence if committed in England and Wales at the time of conviction (whenever the offence was in fact committed).]

(5) In this section, “relevant offence” means an offence under—

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- (a) section 1 or 1A of the Prevention of Crime Act 1953 (offences involving offensive weapons), ^{F14}...
- (b) section 139, 139A or 139AA of the Criminal Justice Act 1988 (offences involving article with blade or point or offensive weapon), [^{F15}or
- (c) section 6 of the Offensive Weapons Act 2019 (offence of having corrosive substance in a public place)]

[^{F16}(6) This section is subject to section 252A.]

Textual Amendments

- F1 Words in s. 315 heading inserted (6.4.2022) by Sentencing Act 2020 (c. 17), s. 417(1), **Sch. 22 para. 82(5)** (with Sch. 27); S.I. 2022/415, reg. 2
- F2 Word in s. 315(1)(a)(ii) omitted (6.4.2022) by virtue of Sentencing Act 2020 (c. 17), s. 417(1), **Sch. 22 para. 82(2)(a)(i)** (with Sch. 27); S.I. 2022/415, reg. 2
- F3 S. 315(1)(a)(iv) and word inserted (6.4.2022) by Sentencing Act 2020 (c. 17), s. 417(1), **Sch. 22 para. 82(2)(a)(ii)** (with Sch. 27); S.I. 2022/415, reg. 2
- F4 Words in s. 315(1)(b) substituted (6.4.2022) by Sentencing Act 2020 (c. 17), s. 417(1), **Sch. 22 para. 82(2)(b)** (with Sch. 27); S.I. 2022/415, reg. 2
- F5 S. 315(1A) inserted (6.4.2022) by Sentencing Act 2020 (c. 17), s. 417(1), **Sch. 22 para. 82(3)** (with Sch. 27); S.I. 2022/415, reg. 2
- F6 Words in s. 315(1A) substituted (6.4.2022) by The Sentencing Act 2020 (Commencement No. 1) (England and Wales) Regulations 2022 (S.I. 2022/415), regs. 1(3), **3(2)**
- F7 Words in s. 315(2) substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 124(5)(a), 208(5)(k)**
- F8 S. 315(2A) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 124(5)(b), 208(5)(k)**
- F9 Words in s. 315(3) substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 124(5)(c), 208(5)(k)**
- F10 Words in s. 315(4)(b) omitted (31.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 417(9), **Sch. 22 para. 92(1)(a)** (with Sch. 27) (as amended by S.I. 2020/1520, regs. 1(1), 5(10)(a))
- F11 Word in s. 315(4)(c) inserted (31.12.2020) by Sentencing Act 2020 (c. 17), s. 417(9), **Sch. 22 para. 92(1)(b)** (with Sch. 27) (as amended by S.I. 2020/1520, regs. 1(1), 5(10)(a))
- F12 S. 315(4)(e) and word omitted (31.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 417(9), **Sch. 22 para. 92(1)(c)** (with Sch. 27) (as amended by S.I. 2020/1520, regs. 1(1), 5(10)(a))
- F13 S. 315(4A) inserted (31.12.2020) by Sentencing Act 2020 (c. 17), **Sch. 22 para. 92(2)** (as inserted by S.I. 2020/1520, regs. 1(1), **5(10)(b)**)
- F14 Word in s. 315(5)(a) omitted (6.4.2022) by virtue of Sentencing Act 2020 (c. 17), s. 417(1), **Sch. 22 para. 82(4)(a)** (with Sch. 27); S.I. 2022/415, reg. 2
- F15 S. 315(5)(c) and word inserted (6.4.2022) by Sentencing Act 2020 (c. 17), s. 417(1), **Sch. 22 para. 82(4)(b)** (with Sch. 27); S.I. 2022/415, reg. 2
- F16 S. 315(6) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 26(22)**

Commencement Information

- I1 S. 315 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

Changes to legislation:

Sentencing Act 2020, Section 315 is up to date with all changes known to be in force on or before 10 May 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.

View outstanding changes

Changes and effects yet to be applied to :

- s. 315(3)(b) omitted by 2020 c. 17 Sch. 22 para. 68(a)
- s. 315(3)(c) word substituted by 2020 c. 17 Sch. 22 para. 68(b)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 34A and cross-heading inserted by 2020 c. 17 Sch. 22 para. 1
- s. 80(3)(f) inserted by 2021 c. 17 s. 54(2)
- s. 179(4A) inserted by 2020 c. 17 Sch. 22 para. 11(1)
- s. 179A inserted by 2020 c. 17 Sch. 22 para. 12(2)
- s. 179A(1)(b)(i)(ii) substituted for words by 2020 c. 17 Sch. 22 para. 16(2)
- s. 180(5) inserted by 2020 c. 17 Sch. 22 para. 11(2)
- s. 186(8A) inserted by 2020 c. 17 Sch. 22 para. 11(3)
- s. 202(1A)(1B) inserted by 2020 c. 17 Sch. 22 para. 13(b)
- s. 202(1A)(b)(i)(ii) substituted for words by 2020 c. 17 Sch. 22 para. 17(2)
- s. 204A inserted by 2020 c. 17 Sch. 22 para. 14(2)
- s. 204A(3)(c)(i)(ii) substituted for words by 2020 c. 17 Sch. 22 para. 18(2)
- s. 215(1A)(1B) inserted by 2022 c. 32 s. 149(2)(a)
- s. 215(2A) inserted by 2022 c. 32 s. 149(2)(c)
- s. 226(2)(ba) and word substituted for s. 226(2)(c)(d) by 2020 c. 17 Sch. 22 para. 43
- s. 230(3A) and words inserted by 2020 c. 17 Sch. 22 para. 2
- s. 234(1)(aa) inserted by 2020 c. 17 Sch. 22 para. 27(1)(b)
- s. 234(1)(aa) omitted by 2020 c. 17 Sch. 22 para. 28(1)
- s. 235(3A) inserted by 2020 c. 17 Sch. 22 para. 27(2)
- s. 236(2A) inserted by 2020 c. 17 Sch. 22 para. 29(3)
- s. 236(2A)(b) word substituted by 2020 c. 17 Sch. 22 para. 47(b)
- s. 301(1A)(1B) inserted by 2022 c. 32 s. 149(3)(a)
- s. 301(2A) inserted by 2022 c. 32 s. 149(3)(c)
- s. 323(2A)-(2C) inserted by 2020 c. 17 Sch. 22 para. 85(3)
- s. 343(4) inserted by 2022 c. 32 s. 178(2)
- s. 348A348B inserted by 2022 c. 32 s. 178(4)
- s. 350(6C)(6D) inserted by 2022 c. 32 s. 178(5)
- s. 387A inserted by 2021 c. 17 s. 54(3)
- s. 397A inserted by 2020 c. 17 Sch. 22 para. 15
- s. 397A(4)(a)(ia) inserted by 2020 c. 17 Sch. 22 para. 19(2)(b)
- s. 397A(4)(a)(i) words omitted by 2020 c. 17 Sch. 22 para. 19(2)(a)
- s. 397A(5) words inserted by 2020 c. 17 Sch. 22 para. 19(3)
- s. 397A(6)(7) inserted by 2020 c. 17 Sch. 22 para. 19(4)
- s. 418(2A) inserted by 2021 c. 11 Sch. 13 para. 43(5)
- Sch. 1 para. 13A inserted by 2020 c. 17 Sch. 22 para. 4(a)
- Sch. 10 para. 10(5)(d) inserted by 2020 c. 17 Sch. 22 para. 21(2)(a)
- Sch. 10 para. 10(9A) inserted by 2020 c. 17 Sch. 22 para. 21(2)(c)
- Sch. 10 para. 11(2)(d) inserted by 2020 c. 17 Sch. 22 para. 21(3)(a)
- Sch. 10 para. 11(6A) inserted by 2020 c. 17 Sch. 22 para. 21(3)(c)
- Sch. 10 para. 10(9A) omitted by 2020 c. 17 Sch. 22 para. 74(1)(b)
- Sch. 10 para. 11(6A) omitted by 2020 c. 17 Sch. 22 para. 75(1)(b)
- Sch. 10 para. 10(5)(d) words substituted by 2020 c. 17 Sch. 22 para. 25(a)
- Sch. 10 para. 10(5)(d) words substituted by 2020 c. 17 Sch. 22 para. 74(1)(a)

- Sch. 10 para. 11(2)(d) words substituted by 2020 c. 17 Sch. 22 para. 26(a)
- Sch. 10 para. 11(2)(d) words substituted by 2020 c. 17 Sch. 22 para. 75(1)(a)
- Sch. 17A para. 24A inserted by 2020 c. 17, Sch. 22 para. 79A (as inserted) by 2021 c. 11 Sch. 13 para. 11(20)(m)
- Sch. 18 para. 26A and cross-heading inserted by 2020 c. 17 Sch. 22 para. 80
- Sch. 19 para. 22A and cross-heading inserted by 2020 c. 17 Sch. 22 para. 84
- Sch. 26 para. 13A inserted by 2021 c. 11 Sch. 13 para. 43(7)(a)
- Sch. 26 para. 15(a)(iii) inserted by 2021 c. 11 Sch. 13 para. 43(7)(c)
- Sch. 26 para. 19(a)(ia) inserted by 2021 c. 11 Sch. 13 para. 43(7)(e)(i)
- Sch. 26 para. 20(c) inserted by 2021 c. 11 Sch. 13 para. 43(7)(f)
- Sch. 26 para. 20A inserted by 2021 c. 11 Sch. 13 para. 43(7)(g)
- Sch. 26 para. 24A inserted by 2021 c. 11 Sch. 13 para. 43(7)(i)
- Sch. 26 para. 20A(za) inserted by 2022 c. 32 s. 129(3)(d)
- Sch. 27 para. 16(2)(a)(b) substituted for words by 2021 c. 11 Sch. 13 para. 43(8)