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| MA response     | <b>New sentencing guideline on bladed articles and offensive weapons offences</b> |

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The Magistrates Association welcomes the Sentencing Council's new guideline for the possession of a bladed article or offensive weapon. The guideline covers the following offences:

- Possession of an offensive weapon in a public place
- Possession of an article with a blade/ point in a public place
- Possession of an offensive weapon on school premises
- Possession of an article with a blade/ point on school premises
- Unauthorised possession in prison of a knife or offensive weapon (adult guideline only)
- Threatening with an offensive weapon in a public place
- Threatening with an article with a blade/ point in a public place
- Threatening with an article with a blade/ point on school premises
- Threatening with an offensive weapon on school premises

The new guideline incorporates changes to the law in recent years, including the introduction of several new offences such as threatening with a bladed article or offensive weapon in a public place. Some of these new offences involve mandatory minimum sentences and the courts must adhere to these unless it would be 'unjust to do so'.

The new guideline applies both to adults and those under the age of 18. For defendants under 18, however, the guideline must be considered alongside the Sentencing Children and Young People guideline, which requires consideration of age, level of maturity, background and the circumstances of each offender in order to reach a sentence that will best prevent reoffending (the key aim of the youth justice system).

The MA had expressed concern that the draft consultation guideline contained no reference to the welfare of children being sentenced, so we are pleased that this has now been addressed. The guideline lists factors that the court should take into consideration when having regard to the welfare of the child, including mental health problems, learning difficulties or learning disabilities, experiences of brain injury or traumatic life experience (including exposure to drug and alcohol abuse), speech and language difficulties, other vulnerabilities and experiences of loss and neglect and/or abuse.

The MA also called for more guidance in relation to children and when it would be unjust to impose the mandatory minimum sentence for an offence. The MA therefore welcomes the additional information provided on this topic, with the guidelines noting that 'in certain cases the concerns about the welfare of the young person may be so significant that the court considers it unjust to impose the statutory minimum sentence'.

The guideline is available [here](#) and will come into force in courts on **1 June 2018**.