

**Sentencing Council meeting:**  
**Paper number:**  
**Lead Council member:**  
**Lead official:**

**10 May 2019**  
**SC(19)MAY05 – Firearms paper**  
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## **1 ISSUE**

1.1 This is the eighth meeting to consider the firearms guideline. This paper asks the Council to consider the guidance on minimum term and exceptional circumstances at step three and the content of steps four to nine. The Council is also asked to confirm its intention that the guidelines should broadly reflect current sentencing practice and to consider the issue of totality.

1.2 There is just one further meeting scheduled to discuss the firearms guideline in July when the aim is to confirm sentence levels and sign off the consultation version, with the consultation planned for launch in September. The resource assessment will be available at the July meeting.

1.3 The Firearms Working Group is meeting on 13 May to resolve some of the drafting issues raised at the April Council meeting and to look in detail at the sentence levels.

## **2 RECOMMENDATION**

2.1 It is recommended that the Council:

- Agrees the guidance on minimum terms and exceptional circumstances
- Clarifies its position on the risk of sentence inflation in disguised stun gun cases
- Confirms its position regarding sentence levels generally
- Agrees the content of steps four to nine

## **3 CONSIDERATION**

### *Minimum term guidance*

3.1 The draft guidance is shown in **Annex A** at step three (page 7). Once finalised it will also be relevant to guidelines 4-8 (the possession with intent and manufacture/transfer guidelines).

3.2 The Council last considered the minimum term guidance in December 2018, including guidance on exceptional circumstances. The changes that the Council required at that meeting have been made. Regard has also been had to the judgment in a recent case (R v Nancarrow [2019] EWCA 470) on disguised stun guns which sets out a summary of principles on the minimum term and exceptional circumstances at [19]:

19. The authorities in this court establish the following principles as to the application of section 51A(2):

- (1) The purpose of the mandatory minimum term is to act as a deterrent (R v Zakir Rehman and Wood) [2005] EWCA Crim 2056; [2006] 1 Cr App R 77 at paragraph 12.
- (2) Circumstances are *exceptional* for the purposes of subsection (2) if to impose five years' imprisonment would amount to an arbitrary and disproportionate sentence (Rehman at paragraph 16).
- (3) It is important that the courts do not undermine the intention of Parliament by accepting too readily that the circumstances of a particular offence or offender are exceptional. In order to justify the disapplication of the five-year minimum, the circumstances of the case must be truly exceptional (R v Robert Dawson [2017] EWCA Crim 2244 at paragraphs 12 and 19).
- (4) It is necessary to look at all the circumstances of the case together, taking a holistic approach. It is not appropriate to look at each circumstance separately and conclude that, taken alone, it does not constitute an exceptional circumstance. There can be cases where no single factor by itself will amount to *exceptional circumstances*, but the collective impact of all the relevant circumstances makes the case exceptional (Rehman at paragraph 11).
- (5) The court should always have regard, amongst other things, to the four questions set out in R v Avis [1998] 2 Cr App R (S) 178, namely: (a) What sort of weapon was involved? (b) What use, if any, was made of it? (c) With what intention did the defendant possess it? (d) What is the defendant's record? (See, for example, R v McCleary [2014] EWCA Crim 302 at paragraph 11.)
- (6) The reference in the section to the *circumstances of the offender* is important. It is relevant that an offender is unfit to serve a five-year sentence or that such a sentence may have a significantly adverse effect on his health (Rehman at paragraph 15; R v Shaw [2011] EWCA Crim 167 at paragraphs 6-7).
- (7) Each case is fact-specific and the application of the principles dependent upon the particular circumstances of each individual case. Limited assistance is to be gained from referring the court to decisions in cases involving facts that are not materially identical (see, for example, R v Stoker [2013] EWCA Crim 1431 at paragraph 22).
- (8) Unless the judge is clearly wrong in identifying exceptional circumstances where they do not exist or clearly wrong in not identifying exceptional circumstances where they do exist, this Court will not readily interfere (Rehman at paragraph 14).

3.3 Guidance on sentencing under 18s subject to the minimum term has been added under a separate heading – this can appear as a drop-down box in the digital guideline as it will be relevant in only very few cases.

3.4 The other main suggested addition is paragraph 15 of the guidance which contains a suggestion for courts to look at the range of sentences under culpability A of Table 2 where exceptional circumstances had been found. The aim is to provide some guidance on sentence levels where exceptional circumstances are found while still recognising the highly individual nature of each case. Without any parameters there would be a large number of cases with sentences below the minimum term that would have no guidance on sentence levels.

3.5 The guidance at paragraph 15 would not apply to the other guidelines which do not have separate tables for offences not subject to the minimum term (and exceptional circumstances are raised less frequently).

### **Question 1: Is the Council content with the proposed wording of step three?**

#### *The Council's intention*

3.6 In December the Council was asked to confirm whether the intention was to change current sentencing practice, in light of the high proportion of cases where exceptional circumstances are found and consequently sentences of under five years imposed. The position reached in December was that the Council wished to reinforce the high bar for exceptional circumstances established by the Court of Appeal, but did not specifically seek to change current sentencing practice.

3.7 Firearms disguised as other objects fall under section 5(1A)(a). A stun gun that is disguised could be charged as a disguised firearm under 5(1A)(a) or as a weapon designed for the discharge of a noxious substance under 5(1)(b). The minimum term applies to 5(1A)(a) but not to 5(1)(b). Offences under 5(1A)(a) have much higher rates of exceptional circumstances than other section 5 offences to which the minimum term applies, at around 66% compared with 33% of prohibited weapons overall.

3.8 Currently the [CPS guidance](#) on firearms requires disguised weapons to be charged under 5(1A)(a): "Parliament has provided that disguised weapons fall within the provisions for a minimum sentence and so, an offence contrary to section 5(1A) should be charged rather than an offence contrary to section 5(1)(b) where a stun gun is disguised as another object and also meets the requirements of section 5(A1), (*R v Brereton* [2012] EWCA Crim 85)." *Brereton* emphasised that charging policy need to provide a consistent approach.

3.9 After discussion of this at the December Council meeting, Max Hill agreed that the CPS would consider reviewing the guidance on charging disguised stun guns with a view to making fewer charges under 5(1A)(a). It is understood that the CPS is giving active consideration reviewing the charging policy.

3.10 There is a strong possibility that the proposed guidance would result in exceptional circumstances being found in fewer cases – if courts follow the guidance (particularly paragraphs 10 and 13) it is difficult to see how exceptional circumstances could be justified in 66% of disguised weapon cases. Therefore, if the CPS charging practice does not change, the Council should be aware that sentencing severity is likely to increase significantly. Road testing will be carried out during the consultation to help assess the impact of the exceptional circumstances guidance.

3.11 More generally the Council is asked to confirm the position it took when work began on these guidelines, that the aim is broadly to reflect current sentencing practice. The working group will discuss sentence levels next week and these will be brought to the July meeting for the full Council to approve.

**Question 2: Does the Council wish broadly to reflect current sentencing practice?**

**Question 3: Subject to a change in charging practice does the Council accept that the step three guidance may lead to an increase in sentencing in disguised stun gun cases?**

*Steps four to nine.*

3.12 Except where indicated below, the content of these steps is standard wording used across guidelines.

3.13 Step five (guilty pleas) contains a reminder that where a minimum sentence has been imposed under section 51A of the Firearms Act 1968, the court must ensure that any reduction for a guilty plea does not reduce the sentence to less than the required minimum term. This wording will be included in all guidelines except possession without a certificate and possession by person prohibited.

3.14 Step seven (ancillary orders) includes reference to forfeiture and destruction of firearms (which is very common), cancellation of certificate (less common) and Serious Crime Prevention Orders (SCPOs apply only to possession, manufacture and transfer of prohibited weapons and possession without a certificate). The forfeiture text draws on the CPS guidance.

**Question 4: Is the Council content with the proposed wording of steps four to nine?**

#### **4 IMPACT**

4.1 A draft resource assessment will be produced for the Council to consider at the July Council meeting.

#### **5 RISK**

5.1 The Offensive Weapons Bill is awaiting Royal Assent, a date for which is yet to be scheduled. As noted previously, the Bill will prohibit two further items: rapid firing rifles<sup>1</sup> and bump stock devices.<sup>2</sup> Both items will be subject to the minimum term. They will need to be incorporated into the type of weapon table in the possession guidelines once enacted.

5.2 The implementation of the firearms provisions is expected to be phased, to allow some time for people to surrender their rifles and claim compensation ahead of the prohibition on possession taking effect. We will continue to liaise with the Home Office on the timing of the implementation.

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<sup>1</sup> Certain chambered weapons from which cartridge cases are extracted by propellant gas. According to the Home Office, these fire at a rate that is significantly greater than a conventional bolt-action rifle, making them closer to self-loading rifles, which are already prohibited.

<sup>2</sup> A bump stock device is an attachment that increases the rate of fire, so that a semi-automatic weapon can fire almost as quickly as an automatic weapon.

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# **Firearms – Possession of prohibited weapon**

## **Possession, purchase or acquisition of a prohibited weapon or ammunition**

Firearms Act 1968 (section 5(1), 5(1A))

Indictable only:

Section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af), (c)  
Section 5(1A)(a)

Triable either way:

Section 5(1)(b)  
Section 5(1A)(b), (c), (d), (e), (f), (g)

Maximum: 10 years' custody

Offence range: Discharge – 9 years' custody

This offence is subject to statutory minimum sentencing provisions.  
See STEPS TWO AND THREE for further details.

**STEP ONE**  
**Determining the offence category**

The court should determine the offence category with reference **only** to the factors listed in the tables below. In order to determine the category the court should assess **culpability** and **harm**.

**Culpability A – Type of weapon**

Use the table below to identify an initial culpability category based on the **type of weapon** only. This assessment focuses on the nature of the weapon itself only, not whether the weapon was loaded or in working order.

The categorisations below are indicative only and should not be applied mechanistically. Courts should take care to ensure the categorisation is appropriate for the specific weapon by moving up or down a category where necessary. Where the weapon or ammunition does not fall squarely in one category, the court may need to adjust the starting point in STEP TWO.

References to weapon below include a component part of such a weapon.

<b>Type 1</b>	Weapon that is capable of killing two or more people at the same time or in rapid succession <ul style="list-style-type: none"> <li>• This would <b>normally</b> include a weapon under:                         <ul style="list-style-type: none"> <li>○ section 5(1)(a)</li> <li>○ section 5(1)(ab)</li> <li>○ section 5(1)(aba)</li> <li>○ section 5(1)(ac)</li> <li>○ section 5(1)(ad)</li> <li>○ section 5(1)(ae)</li> <li>○ section 5(1A)(c)</li> </ul> </li> </ul>
<b>Type 2</b>	All other weapons falling between Type 1 and Type 3 <ul style="list-style-type: none"> <li>• This would <b>normally</b> include a weapon under:                         <ul style="list-style-type: none"> <li>○ section 5(1)(af)</li> <li>○ section 5(1A)(a)</li> </ul> </li> </ul> Ammunition under section 5(1)(c), 5(1A)(b) and (d)-(g) (where not at Type 3)
<b>Type 3</b>	Weapon that is not designed to be lethal <ul style="list-style-type: none"> <li>• This would <b>normally</b> include a weapon under section 5(1)(b)</li> </ul> Very small quantity of ammunition



**Culpability B – Other culpability factors**

The court should weigh all the factors set out below in determining the offender’s culpability.

**Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender’s culpability.**

<b>Culpability</b> demonstrated by one or more of the following:
<b>High culpability:</b> <ul style="list-style-type: none"> <li>• Firearm discharged</li> <li>• Firearm loaded</li> <li>• Firearm/ammunition used or intended for use for criminal purpose</li> </ul>
<b>Medium culpability:</b> <ul style="list-style-type: none"> <li>• Firearm/ammunition produced (where not at High culpability)</li> <li>• Firearm held with compatible ammunition or stun gun that is charged</li> <li>• Firearm/ammunition intended for use (where not at High culpability)</li> </ul>
<b>Lower culpability:</b> <ul style="list-style-type: none"> <li>• No use or intention to use</li> </ul>

**Culpability category**

Identify the final culpability category in the table below, considering both **A – Type of weapon** and **B – Other culpability factors**.

		<b>A – Type of weapon</b>		
		<b>1</b>	<b>2</b>	<b>3</b>
<b>B – Other culpability factors</b>	<b>High</b>	Culpability category A	Culpability category A	Culpability category B
	<b>Medium</b>	Culpability category A	Culpability category B	Culpability category C
	<b>Lower</b>	Culpability category B	Culpability category C	Culpability category C

<b>Harm</b>	
The court should consider the steps set out below to determine the level of harm that has been <b>caused or was risked</b> .	
This step is assessed by reference to the <b>risk of harm</b> or <b>disorder</b> occurring and/or <b>actual alarm/distress</b> caused.	
When considering the risk of harm, relevant considerations may include the number and vulnerability of people exposed, especially children, accessibility and visibility of the weapon, and the location of the offence.	
<b>Category 1</b>	<ul style="list-style-type: none"> <li>• Serious alarm/distress caused</li> <li>• High risk of serious harm or death</li> <li>• High risk of serious disorder</li> </ul>
<b>Category 2</b>	<ul style="list-style-type: none"> <li>• All other cases falling between category 1 and category 3 because: <ul style="list-style-type: none"> <li>○ Factors in both 1 and 3 are present which balance each other out; and/or</li> <li>○ The harm falls between the factors as described in 1 and 3</li> </ul> </li> </ul>
<b>Category 3</b>	<ul style="list-style-type: none"> <li>• No/minimal alarm/distress caused</li> <li>• No/minimal risk of serious harm or death</li> <li>• No/minimal risk of serious disorder</li> </ul>

**Where there are characteristics present which fall under different levels of harm, the court should balance these characteristics to reach a fair assessment of the harm.**

<b>STEP TWO</b>			
<b>Starting point and category range</b>			
Having determined the category at step one, the court should use the corresponding starting point to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions.			
Table 1 should be used if the offence is subject to statutory minimum sentencing provisions, unless there are exceptional circumstances. Table 2 should be used for all other cases. See STEP THREE for further details on the minimum sentencing provisions and exceptional circumstances.			
<b>TABLE 1</b>	<b>Offences subject to the statutory minimum sentence (Section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af), (c), section 5(1A)(a))</b>		
<b>Harm</b>	<b>Culpability</b>		
	<b>A</b>	<b>B</b>	<b>C</b>
<b>Category 1</b>	<b>Starting point</b> 8 years' custody <b>Category range</b> 7-9 years' custody	<b>Starting point</b> 7 years' custody <b>Category range</b> 6-8 years' custody	<b>Starting point</b> 6 years' custody <b>Category range</b> 5-7 years' custody
<b>Category 2</b>	<b>Starting point</b> 7 years' custody <b>Category range</b> 6-8 years' custody	<b>Starting point</b> 6 years' custody <b>Category range</b> 5-7 years' custody	<b>Starting point</b> 5 years 6 months' custody <b>Category range</b> 5-7 years' custody
<b>Category 3</b>	<b>Starting point</b> 6 years' custody <b>Category range</b> 5-7 years' custody	<b>Starting point</b> 5 years 6 months' custody <b>Category range</b> 5-7 years' custody	<b>Starting point</b> 5 years' custody <b>Category range</b> 5 – 6 years' custody
<b>TABLE 2</b>	<b>Offences not subject to the statutory minimum sentence</b>		
<b>Harm</b>	<b>Culpability</b>		
	<b>A</b>	<b>B</b>	<b>C</b>
<b>Category 1</b>	<b>Starting point</b> 3 years' custody <b>Category range</b> 2 – 5 years' custody	<b>Starting point</b> 2 years' custody <b>Category range</b> 1 – 3 years' custody	<b>Starting point</b> 6 months' custody <b>Category range</b> High level community order – 2 years' custody
<b>Category 2</b>	<b>Starting point</b> 2 years' custody <b>Category range</b> 1 – 3 years' custody	<b>Starting point</b> 6 months' custody <b>Category range</b> High level community order – 2 years' custody	<b>Starting point</b> Medium level community order <b>Category range</b> Band D fine – High level community order
<b>Category 3</b>	<b>Starting point</b> 6 months' custody <b>Category range</b> High level community order – 1 year's custody	<b>Starting point</b> Medium level community order <b>Category range</b> Band D fine – High level community order	<b>Starting point</b> Band C fine <b>Category range</b> Discharge – Low level community order

The table below contains a **non-exhaustive** list of additional factual elements providing the context of the offence and factors relating to the offender. Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the sentence arrived at so far. In particular, relevant recent convictions are likely to result in an upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

### Factors increasing seriousness

#### **Statutory aggravating factors:**

- A1. Previous convictions, having regard to a) the **nature** of the offence to which the conviction relates and its **relevance** to the current offence; and b) the **time** that has elapsed since the conviction
- A2. Offence committed whilst on bail

#### **Other aggravating factors:**

- A3. Firearm modified to make it more dangerous
- A4. Steps taken to disguise firearm (where not firearm under section 5(1A)(a))
- A5. Firearm/ammunition kept with multiple weapons and/or substantial quantity of ammunition (See step six on totality when sentencing for more than one offence.)
- A6. Offence was committed as part of a group (except where already taken into account at step one)
- A7. Offender has contact with criminal associates, including through the purchase or supply of drugs (except where already taken into account at step one)
- A8. Abuse of position as registered firearms dealer or certificate holder
- A9. Commission of offence whilst under the influence of alcohol or drugs
- A10. Offender prohibited from possessing weapon or ammunition because of previous conviction (See step six on totality when sentencing for more than one offence.)
- A11. Failure to comply with current court orders
- A12. Offence committed on licence or post sentence supervision

### Factors reducing seriousness or reflecting personal mitigation

- M1. No previous convictions **or** no relevant/recent convictions
- M2. Good character and/or exemplary conduct
- M3. Firearm incomplete or incapable of being discharged (including stun gun that is not charged and not held with a functioning charger)
- M4. No knowledge or suspicion that item possessed was firearm/ammunition
- M5. No knowledge or suspicion that firearm/ammunition is prohibited

- M6. Held on behalf of another through coercion, intimidation, or exploitation
- M7. Voluntary surrender of firearm/ammunition
- M8. Offender co-operated with investigation and/or made early admissions
- M9. Remorse
- M10. Serious medical condition requiring urgent, intensive or long-term treatment
- M11. Age and/or lack of maturity
- M12. Mental disorder or learning disability
- M13. Sole or primary carer for dependent relatives

**STEP THREE**

**Minimum Term**

1. Where the minimum term provisions under section 51A of the Firearms Act 1968 apply, a court must impose a sentence of at least five years' custody **unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.**

Applicability

2. The minimum terms provisions apply when sentencing:
  - an offence under the Firearms Act 1968, section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c) or section 5(1A)(a); or
  - certain other offences committed in respect of a firearm or ammunition specified in the provisions above. [DROPDOWN BOX]

s51A(1) – (1A) Firearms Act 1968: The minimum term provisions also apply to the following offences in respect of a firearm or ammunition specified in section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c) or section 5(1A)(a):

- section 5(2A) (manufacture, sale or transfer of firearm, or possession etc for sale or transfer);
- section 16 (possession of firearm with intent to injure);
- section 16A (possession of firearm with intent to cause fear of violence);
- section 17 (use of firearm to resist arrest);
- section 18 (carrying firearm with criminal intent);
- section 19 (carrying a firearm in a public place);
- section 20(1) (trespassing in a building carrying a firearm).

3. The minimum term applies to *all* such offences including the first offence, and regardless of plea.
4. The minimum term of five years applies to offenders aged 18 or over at the date of conviction. See below for guidance when sentencing offenders aged under 18.
5. Where the minimum term applies, this should be stated expressly.

**Exceptional circumstances**

6. In considering whether there are exceptional circumstances that would justify not imposing the statutory minimum sentence, the court must have regard to:
  - the particular circumstances of the offence **and**
  - the particular circumstances of the offender.

7. Where the factual circumstances are disputed, the procedure should follow that of a Newton hearing: see [Criminal Practice Directions](#) VII: Sentencing B.
8. Where the offender has sought to rely on exceptional circumstances, a clear justification should be given for why exceptional circumstances are found or not found.

#### Principles

9. Circumstances are exceptional if the imposition of the minimum term would result in an arbitrary and disproportionate sentence.
10. The circumstances must indeed be exceptional. It is important that courts do not undermine the intention of Parliament and the deterrent purpose of the minimum term provisions by too readily accepting exceptional circumstances.
11. The court should look at all of the circumstances of the case taken together. A single striking factor may amount to exceptional circumstances, or it may be the collective impact of all of the relevant circumstances.
12. When considering the *circumstances of the offender* relevant considerations would include if an offender is unfit to serve a five-year sentence or that such a sentence may have a significantly adverse effect on the health of the offender.
13. The mere presence of one or more of the following should not *in itself* be regarded as exceptional:
  - One or more lower culpability factors
  - The type of weapon or ammunition falling under type 2 or 3
  - One or more mitigating factors
  - A plea of guilty

#### Where exceptional circumstances are found

14. If there are exceptional circumstances that justify not imposing the statutory minimum sentence then the court **must impose either a shorter custodial sentence than the statutory minimum provides or an alternative sentence.**
15. The court may find it useful to refer to the range of sentences under culpability A of Table 2 (Offences not subject to the statutory minimum sentence) in STEP TWO above. The court should impose a sentence that is appropriate to the individual case.

#### **Sentencing offenders aged under 18 [DROPDOWN BOX]**

1. Where the offender is aged 16 or 17 when the offence was committed, the minimum term is three years' custody. Where the offender is under 16 when the offence was committed, the minimum term does not apply.
2. Subject to the minimum term, the court should determine the sentence in accordance with the *Sentencing Children and Young People* guideline, particularly paragraphs 6.42-6.49 on custodial sentences.
3. This guidance states at paragraph 6.46: "When considering the relevant adult guideline, the court may feel it appropriate to apply a sentence broadly within the region of half to two thirds of the adult sentence for those aged 15 – 17 and allow a

greater reduction for those aged under 15. This is only a rough guide and must not be applied mechanistically. In most cases when considering the appropriate reduction from the adult sentence the emotional and developmental age and maturity of the child or young person is of at least equal importance as their chronological age.”

4. The considerations above on exceptional circumstances relating to the offence or offender apply equally when sentencing offenders aged 16 or 17.

#### **STEP FOUR**

##### **Consider any factors which indicate a reduction for assistance to the prosecution**

The court should take into account sections 73 and 74 of the Serious Organised Crime and Police Act 2005 (assistance by defendants: reduction or review of sentence) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator.

#### **STEP FIVE**

##### **Reduction for guilty pleas**

The court should take account of any reduction for a guilty plea in accordance with section 144 of the Criminal Justice Act 2003 and the *Guilty Plea* guideline.

Where a **minimum sentence** has been imposed under section 51A of the Firearms Act 1968, the court must ensure that any reduction for a guilty plea does not reduce the sentence to less than the required minimum term.

#### **STEP SIX**

##### **Totality principle**

If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the overall offending behaviour in accordance with the *Offences Taken into Consideration and Totality* guideline.

#### **STEP SEVEN**

##### **Ancillary orders**

In all cases the court should consider whether to make ancillary orders.

##### **Forfeiture and destruction of firearms and cancellation of certificate**

The court should consider ordering forfeiture or disposal of any firearm or ammunition and the cancellation of any firearms certificate. Section 52 Firearms Act 1968 provides for the forfeiture and disposal of firearms and the cancellation of firearms and shotgun certificates where a person is convicted of one or more offence under the Firearms Act 1968 (other than an offence relating to an air weapon) and is given a custodial sentence or a community order containing a requirement not to possess, use or carry a firearm. The court may order the forfeiture or disposal of air weapons under paragraphs 7 and 8 of Part II to Schedule 6 of the Firearms Act 1968.

##### **Serious Crime Prevention Order**

The court may consider the criteria in section 19 of the Serious Crime Act 2007 for the imposition of a Serious Crime Prevention Order.

**STEP EIGHT**

**Reasons**

Section 174 of the Criminal Justice Act 2003 imposes a duty to give reasons for, and explain the effect of, the sentence.

**STEP NINE**

**Consideration for time spent on bail (tagged curfew)**

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003.