



Minimum of 7 years for a 3rd Class A drug trafficking offence :-

A custodial term of at least 7 years will be applied where you are 18 or over, and you

- a) Have 2 previous convictions for Class A drugs trafficking offences in England and Wales
- b) Have been convicted of a 3rd offence committed after 30.9.97

The Court can only give you a term less than 7 years, where it finds there are circumstances relating to the offences or to the offender which would make it unjust in all the circumstances. That reason must be stated in open court.

Minimum of 3 years for 3rd domestic burglary :-

A custodial term of at least 3 years will be applied where you are 18 or over, and you

- a) have 2 separate and previous convictions for dwelling house burglary in England and Wales, committed after 30.11.99
- b) have been convicted of a 3rd domestic burglary committed after 30.11.99

The Court can only give you a term less than 3 years, where it finds there are circumstances relating to the offences or to the offender which would make it unjust in all the circumstances. That reason must be stated in open court.

Minimum custodial sentence for firearms offences :-

This applies to offences committed on or after **22 January 2004** (where the offender was aged 16, 17 or over 21 years of age when the offence was committed), or to offences committed on or after **28 May 2007** (where the offender was aged 16 or over AND is aged 18, 19 or 20 at the date of conviction)

A custodial sentence will be applied of -

- a) 5 years for a prisoner aged 18 or over
- b) 3 years for any offender aged 16 or 17

- for the following firearm offences:

- **Sec 5 (1) (a)** - any firearm which is so designed or adapted so that two or more missiles can be successively discharged without repeated pressure on the trigger e.g. machine guns
- **Sec 5 (1) (ab)** - any self-loading or pump-action rifled gun other than one which is chambered for .22 rimfire e.g. short barrelled rifles or carbines;

- **Sec 5 (1) (aba)** - any firearm which either has a barrel less than 30cm in length or is less than 60cm in length overall, other than an air weapon, a muzzle-loading gun or a firearm designed as signalling apparatus e.g. handguns, revolvers;
- **Sec 5 (1) (ac)** - any self-loading or pump-action smooth-bore gun which is not an air weapon or chambered for .22 rim-fire cartridges and either has a barrel less than 24" in length or is less than 40" in length overall e.g. self loading or pump action shotguns;
- **Sec 5 (1) (ad)** - any smooth-bore revolver gun other than one that is chambered for 9mm rim-fire cartridges or a muzzle-loading gun e.g. Dragon or Striker Gun;
- **Sec 5 (1) (ae)** - any rocket launcher, or any mortar, for projecting a stabilised missile, other than a launcher or mortar designed for line-throwing or pyrotechnic purposes or as signalling apparatus
- **Sec 5(1)(af)** - any air rifle, air gun or air pistol which uses, or is designed or adapted for use with, a self- contained gas cartridge system e.g. Brococks
- **Sec 5 (1) (c)** - any cartridge with a bullet designed to explode on or immediately before impact, any ammunition containing or designed or adapted to contain any such noxious thing as mentioned above, and, if capable of being used with a firearm of any description, any grenade, bomb (or other like missile), or rocket or shell designed to explode as aforesaid e.g. ammunition containing explosive bullets or CS;
- **Sec 5 (1) (A) (a)** - any firearm which is disguised as another object e.g. pengun, key fob gun.

Section 29 of the Violent Crime Reduction Act 2006 using another person to mind a dangerous weapon, where the weapon is a prohibited weapon.

Section 30 of the Violent Crime Reduction Act 2006 the following offences committed on or after 6th April 2007, where the firearm used is a prohibited weapon listed above:

- **Section 16 Firearms Act 1968** (possession of firearm with intent to injure)
- **Section 16A Firearms Act 1968** (possession of firearm with intent to cause fear of violence)
- **Section 17 Firearms Act 1968** (use of firearm to resist arrest)
- **Section 18 Firearms Act 1968** (carrying firearm with criminal intent)
- **Section 19 18 Firearms Act 1968** (carrying a firearm in a public place)
- **Section 20 (1) 18 Firearms Act 1968** (trespassing in a building with a firearm)
- **Section 28 Violent Crime Reduction Act 2006** (using another person to mind a dangerous weapon)

The sentence can be lessened only if the Judge thinks there are particular circumstances which would make it unjust to impose the minimum sentence.

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Disclaimer: The material contained in this fact sheet is for general guidance only. It is specific to the law of England and Wales, and represents a brief outline of the law current as at the date of the fact sheet. It is not intended to constitute, or to be a substitute for, legal advice specific to your case. Dunn and Baker will be responsible only for advice specifically given to you.