

Sale of knives etc to persons under eighteen - Organisations

Criminal Justice Act 1988, s141A

Effective from: TBC

Triable only summarily

Maximum: unlimited fine

Offence range:

Use this guideline when the offender is an organisation. If the offender is an individual please refer to the **Sale of knives etc to persons under eighteen – individuals** guideline.

Guideline users should be aware that the [Equal Treatment Bench Book](#) covers important aspects of fair treatment and disparity of outcomes for different groups in the criminal justice system. It provides guidance which sentencers are encouraged to take into account wherever applicable, to ensure that there is fairness for all involved in court proceedings.

Step 1 – Determining the offence category

The court should determine the offender’s culpability and the harm caused with reference **only** to the factors below.

CULPABILITY
<p>High</p> <ul style="list-style-type: none"> • Offender fell far short of the appropriate standard for example, by: <ul style="list-style-type: none"> ○ failing to put in place standard measures to prevent underage sales <ul style="list-style-type: none"> ▪ For in store sales this would normally include: identifying restricted products, clear signage, age verification checks/ Challenge 21 or Challenge 25 policy, staff training, maintaining refusals log, till prompts ▪ For online sales this would normally include: identifying restricted products, use of a reliable online age verification tool and/or collect in-store policy with checks on collection. ○ Failing to act on concerns raised by employees or others; ○ failing to make appropriate changes following prior incident(s);
<p>Medium</p> <ul style="list-style-type: none"> • Offender fell short of the appropriate standard in a manner that falls between descriptions in ‘high’ and ‘low’ culpability categories • Systems were in place but these were not sufficiently adhered to or implemented
<p>Low</p> <ul style="list-style-type: none"> • Offender made significant efforts to prevent underage sales falling short of a defence

HARM
Factors indicating greater harm <ul style="list-style-type: none"> • Supply to younger child/children • Supply causes or contributes to antisocial behaviour • Two or more prohibited items supplied to a single purchaser
Factors indicating lesser harm <ul style="list-style-type: none"> • All other cases

Step 2 – Starting point and category range

Having determined the category at step one, the court should use the starting point to reach a sentence within the appropriate category range in the table below. The starting point applies to all offenders irrespective of plea or previous convictions.

Very large organisation

Where an offending organisation's turnover or equivalent very greatly exceeds the threshold for large organisations, it may be necessary to move outside the suggested range to achieve a proportionate sentence.

Large - Turnover or equivalent: £50 million and over

Harm	Culpability		
	A	B	C
Greater harm	Starting point £500,000	Starting point £250,000	Starting point £125,000
	Category range £750,000 – £450,000	Category range £150,000 – £450,000	Category range £75,000 – £200,000
Lesser harm	Starting point £250,000	Starting point £125,000	Starting point £50,000
	Category range £150,000 – £450,000	Category range £75,000 – £200,000	Category range 25,000 – £100,000

Medium - Turnover or equivalent: between £10 million and £50 million

Harm	Culpability		
	A	B	C
Greater harm	Starting point £250,000	Starting point £125,000	Starting point £50,000
	Category range £150,000 – £450,000	Category range £75,000 – £200,000	Category range 25,000 – £100,000

Lesser harm	Starting point £150,000	Starting point £75,000	Starting point £30,000
	Category range £90,000 – £250,000	Category range 25,000 – £125,000	Category range £15,000 – £50,000

Small - Turnover or equivalent: between £2 million and £10 million

Harm	Culpability		
	A	B	C
Greater harm	Starting point £150,000	Starting point £75,000	Starting point £30,000
	Category range £90,000 – £250,000	Category range 25,000 – £125,000	Category range £15,000 – £50,000
Lesser harm	Starting point £50,000	Starting point £30,000	Starting point £10,000
	Category range £25,000 – £100,000	Category range £15,000 – £50,000	Category range £5,000 – £25,000

Micro - Turnover or equivalent: not more than £2 million

Harm	Culpability		
	A	B	C
Greater harm	Starting point £50,000	Starting point £30,000	Starting point £10,000
	Category range £25,000 – £100,000	Category range £15,000 – £50,000	Category range £5,000 – £25,000
Lesser harm	Starting point £25,000	Starting point £10,000	Starting point £5,000
	Category range £15,000 - £50,000	Category range £5,000 - £25,000	Category range £2,000 - £10,000

The court should then consider adjustment for any aggravating or mitigating factors. The following is 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.

Factors increasing seriousness

Statutory aggravating factors:

- 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

Other aggravating factors:

- Offence was a consequence of cost-cutting
- Obstruction of justice
- Failure to respond to warnings or advice from Trading Standards
- Falsification of documentation or licences

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions or no relevant/recent convictions
- Evidence of steps taken voluntarily to prevent re-occurrence
- High level of co-operation with the investigation and acceptance of responsibility
- Good record of compliance with Trading Standards

Step 3 – Consider any factors which indicate a reduction, such as assistance to the prosecution

The court should take into account [section 74 of the Sentencing Code](#) (reduction in sentence for assistance to prosecution) 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 4 – Reduction for guilty pleas

The court should take account of any potential reduction for a guilty plea in accordance with [section 73 of the Sentencing Code](#) and the [Reduction in Sentence for a Guilty Plea](#) guideline.

Step 5 – 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 [Totality](#) guideline.

Step 6 – Compensation and ancillary orders

In all cases, the court should consider whether to make [compensation](#) and/or other [ancillary orders](#).

- [Ancillary orders – Magistrates' Court](#)

Step 7 – Reasons

[Section 52 of the Sentencing Code](#) imposes a duty to give reasons for, and explain the effect of, the sentence.