
Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Dangerous offenders is up to date with all changes known to be in force on or before 11 April 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

SCHEDULES

SCHEDULE 25

AMENDMENTS TO ARMED FORCES LEGISLATION

PART 2

ARMED FORCES ACT 2006

Dangerous offenders

- 12 In section 209 (offenders under 18 convicted of certain serious offences), in subsection (7) for “sections 221, 222 and 227” substitute “ section 226(2) of the 2003 Act (as applied by section 221(2) of this Act) and section 227 of this Act ”.

Commencement Information

- II** Sch. 25 para. 12 in force at 31.10.2009 by S.I. 2009/1028, art. 2(b)

- 13 (1) Section 219 (dangerous offenders aged 18 or over) is amended as follows.
- (2) In subsection (1) for the words from “a person” to the end substitute “—
- (a) a person aged 18 or over is convicted by the Court Martial of an offence under section 42 (criminal conduct),
- (b) the corresponding offence under the law of England and Wales is a serious offence, and
- (c) the court is of the required opinion (defined by section 223).”
- (3) For subsections (2) and (3) substitute—
- “(2) Section 225(2) to (4) of the 2003 Act apply in relation to the offender.
- (3) In section 225(2) and (3A) of the 2003 Act (as applied by subsection (2)), references to “the offence” are to be read as references to the offence under section 42 of this Act.”
- (4) For the italic cross-heading before section 219 substitute “ *Required or discretionary sentences for particular offences* ”.

Commencement Information

- I2** Sch. 25 para. 13 in force at 31.10.2009 by S.I. 2009/1028, art. 2(b)

- 14 (1) Section 220 (certain violent or sexual offences: offenders aged 18 or over) is amended as follows.
- (2) In subsection (1) for the words from “a person” to the end substitute “—

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- (a) a person aged 18 or over is convicted by the Court Martial of an offence under section 42 (criminal conduct),
- (b) the corresponding offence under the law of England and Wales is a specified offence,
- (c) the court is of the required opinion (defined by section 223), and
- (d) where the corresponding offence under the law of England and Wales is a serious offence, the case is not one in which the court is required by section 225(2) of the 2003 Act (as applied by section 219(2) of this Act) to impose a sentence of imprisonment for life.”

(3) For subsection (2) substitute—

“(2) Section 227(2) to (5) of the 2003 Act apply in relation to the offender.”

(4) In subsection (3)—

- (a) for “section 227” substitute “ section 227(2) to (5) ”,
- (b) before paragraph (a) insert—
 - “(za) the reference in section 227(2A) to “the offence” is to be read as a reference to the offence under section 42 of this Act;”, and
- (c) in paragraph (a) for “subsection (2)(b)” substitute “ subsection (2C)(b) ”.

(5) After subsection (3) insert—

“(3A) The power conferred by section 227(6) of the 2003 Act includes power to amend section 227(2B) as applied by this section.”

Commencement Information

I3 Sch. 25 para. 14 in force at 31.10.2009 by S.I. 2009/1028, art. 2(b)

- 15 (1) Section 221 (dangerous offenders aged under 18) is amended as follows.
- (2) In subsection (1) for the words from “a person” to the end substitute “—
- (a) a person aged under 18 is convicted by the Court Martial of an offence under section 42 (criminal conduct),
 - (b) the corresponding offence under the law of England and Wales is a serious offence, and
 - (c) the court is of the required opinion (defined by section 223).”
- (3) For subsection (2) substitute—
- “(2) Section 226(2) to (4) of the 2003 Act apply in relation to the offender.”
- (4) In subsection (3)—
- (a) for the words from the beginning to “is” substitute “ In section 226(2) of the 2003 Act (as applied subsection (2)) ”, and
 - (b) in paragraphs (a) and (b) the words “in section 226(2)” are omitted.
- (5) Subsection (4) is omitted.

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I4 Sch. 25 para. 15 in force at 31.10.2009 by S.I. 2009/1028, art. 2(b)

- 16 (1) Section 222 (offenders aged under 18: certain violent or sexual offences) is amended as follows.
- (2) In subsection (1), in paragraph (d) for the words from “section 221” to the end substitute “ section 226(2) of the 2003 Act (as applied by section 221(2) of this Act) to impose a sentence of detention for life. ”
- (3) For subsection (2) substitute—
- “(2) Section 228(2) to (5) of the 2003 Act apply in relation to the offender.”
- (4) In subsection (3)—
- (a) for “section 228” substitute “ section 228(2) to (5) ”, and
- (b) in paragraph (a) for “subsection (2)(b)” substitute “ subsection (2B)(b) ”.
- (5) After subsection (3) insert—
- “(3A) The power conferred by section 228(7) of the 2003 Act includes power to amend section 228(2A) as applied by this section.”

Commencement Information

I5 Sch. 25 para. 16 in force at 31.10.2009 by S.I. 2009/1028, art. 2(b)

- 17 (1) Section 223 (the required opinion for the purposes of sections 219 to 222) is amended as follows.
- (2) In subsection (1) for “219(2), 220(2), 221(2)” substitute “ 219(1), 220(1), 221(1) ”.
- (3) In subsection (2) for “section 229(2) to (4)” substitute “ section 229(2) and (2A) ”.
- (4) In subsection (3) the words “to (4)” are omitted.

Commencement Information

I6 Sch. 25 para. 17 in force at 31.10.2009 by S.I. 2009/1028, art. 2(b)

- 18 (1) Section 228 (appeals where previous convictions set aside) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) Subsection (3) applies where—
- (a) a sentence has been imposed on any person under section 225(3) or 227(2) of the 2003 Act (as applied by section 219(2) or 220(2) of this Act),
- (b) the condition in section 225(3A) or (as the case may be) 227(2A) of the 2003 Act was met but the condition in section 225(3B) or (as the case may be) 227(2B) of that Act was not, and

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- (c) any previous conviction of his without which the condition in section 225(3A) or (as the case may be) 227(2A) would not have been met has been subsequently set aside on appeal.”

Commencement Information

I7 Sch. 25 para. 18 in force at 31.10.2009 by S.I. 2009/1028, art. 2(b)

- 19 In section 237 (purposes of sentencing), in subsection (3)(b)—
- (a) for “to 222” substitute “, 221”, and
 - (b) for “any of sections 225 to 228” substitute “section 225(2) or 226(2)”.

Commencement Information

I8 Sch. 25 para. 19 in force at 31.10.2009 by S.I. 2009/1028, art. 2(b)

- 20 In section 256 (pre-sentence reports), in subsection (1)(c) for the words from “section” to the end substitute “section 219(1), 220(1), 221(1) or 222(1) (sentences for dangerous offenders).”

Commencement Information

I9 Sch. 25 para. 20 in force at 31.10.2009 by S.I. 2009/1028, art. 2(b)

- 21 In section 260 (discretionary custodial sentences: general restrictions), in subsection (1)(b) for the words from “as a result” to the end substitute “under section 225(2) or 226(2) of the 2003 Act (as applied by section 219(2) or 221(2) of this Act) or as a result of any of sections 225 to 227 of this Act.”

Commencement Information

I10 Sch. 25 para. 21 in force at 31.10.2009 by S.I. 2009/1028, art. 2(b)

- 22 In section 261 (length of discretionary custodial sentences: general provision)—
- (a) in subsection (1) for “falling to be imposed as a result of section 219(2) or 221(2)” substitute “imposed under section 225 or 226 of the 2003 Act (as applied by section 219(2) or 221(2) of this Act)”, and
 - (b) in subsection (3) for “required minimum sentences” substitute “sentences that may or must be imposed”.

Commencement Information

I11 Sch. 25 para. 22 in force at 31.10.2009 by S.I. 2009/1028, art. 2(b)

- 23 In section 273 (review of unduly lenient sentences by Court Martial Appeal Court), in subsection (6)(b) for “section 219, 220, 221, 222, 225, 226 or 227” substitute “section 225(2) or 226(2) of the 2003 Act (as applied by section 219(2) or 221(2) of this Act) or by section 225, 226 or 227 of this Act”.

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I12 [Sch. 25 para. 23](#) in force at 31.10.2009 by [S.I. 2009/1028](#), [art. 2\(b\)](#)

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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):

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)