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**Changes to legislation:** Criminal Justice and Immigration Act 2008, Paragraph 56 is up to date with all changes known to be in force on or before 20 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](#)

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## SCHEDULES

### SCHEDULE 26

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART 2

##### OTHER AMENDMENTS

##### *Sexual Offences Act 2003 (c. 42)*

- 56 (1) Section 133 (interpretation) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a) of the definition of “cautioned”, for “by a police officer” substitute “ (or, in Northern Ireland, cautioned by a police officer) ”;
  - (b) at the appropriate place insert—  

““kept in service custody” means kept in service custody by virtue of an order under section 105(2) of the Armed Forces Act 2006 (but see also subsection (3));”.
- (3) After subsection (2) insert—  

“(3) In relation to any time before the commencement of section 105(2) of the Armed Forces Act 2006, “kept in service custody” means being kept in military, air-force or naval custody by virtue of an order made under section 75A(2) of the Army Act 1955 or of the Air Force Act 1955 or section 47G(2) of the Naval Discipline Act 1957 (as the case may be).”
- (4) This paragraph extends to England and Wales and Northern Ireland only.

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#### Commencement Information

- I1** Sch. 26 para. 56(1)(2)(a)(4) in force at 14.7.2008 by S.I. 2008/1586, art. 2(1), **Sch. 1 para. 48(r)**
- I2** Sch. 26 para. 56(2)(b)(3) in force at 31.10.2009 by S.I. 2009/2606, **art. 3(i)**

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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\(3\)](#)