



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 2

SENTENCING

Custodial sentences

18 Further amendments relating to sentences for public protection

(1) In section 231 of the Criminal Justice Act 2003 (c. 44) (appeals where previous convictions set aside), for subsection (1) substitute—

“(1) This section applies where—

- (a) a sentence has been imposed on any person under section 225(3) or 227(2),
- (b) the condition in section 225(3A) or (as the case may be) 227(2A) was met but the condition in section 225(3B) or (as the case may be) 227(2B) was not, and
- (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.”

(2) In section 232 of that Act (certificates for purposes of section 229)—

- (a) in the heading for “section 229” substitute “sections 225 and 227”,
- (b) in paragraph (a)—
 - (i) for “the commencement of this section” substitute “the commencement of Schedule 15A”, and
 - (ii) for “a relevant offence” substitute “an offence specified in that Schedule”, and
- (c) for “section 229” substitute “sections 225(3A) and 227(2A)”.

Status: This is the original version (as it was originally enacted).

(3) Section 234 of that Act (determination of day when offence committed) is omitted.