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**Changes to legislation:** *Criminal Justice and Immigration Act 2008, Cross Heading: Transitional provisions: compensation for miscarriage of justice is up to date with all changes known to be in force on or before 29 March 2019. 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)*

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## SCHEDULES

### SCHEDULE 25

#### AMENDMENTS TO ARMED FORCES LEGISLATION

#### PART 3

#### TRANSITIONAL PROVISIONS

*Transitional provisions: compensation for miscarriage of justice*

- 34 (1) Paragraph 29(3) has effect in relation to any application for compensation made in relation to—
- (a) a conviction which is reversed, and
  - (b) a pardon which is given,
- on or after the commencement date.
- (2) Paragraphs 29(4) and 30 have effect in relation to—
- (a) any application for compensation made on or after the commencement date, and
  - (b) any application for compensation made before that date in relation to which the question whether there is a right to compensation has not been determined before that date by the Secretary of State under section 276(4) of the 2006 Act.
- (3) Paragraph 29(5) has effect in relation to any conviction quashed on an appeal out of time in respect of which an application for compensation has not been made before the commencement date.
- (4) Paragraph 29(5) so has effect whether a conviction was quashed before, on or after the commencement date.
- (5) In the case of—
- (a) a conviction which is reversed, or
  - (b) a pardon which is given,
- before the commencement date but in relation to which an application for compensation has not been made before that date, any such application must be made before the end of the period of 2 years beginning with that date.
- (6) But the Secretary of State may direct that an application for compensation in relation to a case falling within sub-paragraph (5) which is made after the end of that period is to be treated as if it had been made before the end of that period if the Secretary of State considers that there are exceptional circumstances which justify doing so.
- (7) In this paragraph—
- “the 2006 Act” means the Armed Forces Act 2006 (c. 52);

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“application for compensation” means an application for compensation made under section 276(3) of the 2006 Act;

“the commencement date” means the date on which paragraphs 29 and 30 come into force;

“reversed” has the same meaning as in section 276(1) of the 2006 Act (as amended by paragraph 29(5)).

**Annotations:**

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**Commencement Information**

**II** Sch. 25 para. 34 in force at 31.10.2009 by S.I. 2009/2606, art. 3(h)

**Changes to legislation:**

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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\(3\)](#)