SCHEDULE 1

Minor and consequential amendments and repeals

Criminal Justice Act 2003

53.—(1) In this paragraph "CJA 2003" means the Criminal Justice Act 2003 [M1].

(2) In section 112(1) of CJA 2003 (interpretation of Chapter 1 of Part 11), "service offence" includes an SDA offence.

(3) In section 117(8) of CJA 2003 (documents), treated as inserted by paragraph 2 of Schedule 7 to that Act, the reference to proceedings before an officer in respect of a service offence includes any proceedings in respect of an SDA offence (whether under AFA 2006 or an earlier enactment, and including any summary proceedings).

(4) In section 134(1A) of CJA 2003 (interpretation), treated as inserted by paragraph 2 of Schedule 7 to that Act, the reference to proceedings as mentioned there includes any proceedings in respect of an SDA offence (whether under AFA 2006 or an earlier enactment, and including any summary proceedings).

[F1](5) . . . . . .

[F1](6) . . . . . .

[F1](7) . . . . . .

(8) In section 237(1B) of CJA 2003 (meaning of "fixed-term prisoner" etc)—

(a) the reference in paragraph (a) to a sentence of imprisonment passed by a service court includes such a sentence passed by a court-martial or a Standing Civilian Court; and

(b) the reference in paragraph (b) to a sentence of detention under section 209 of AFA 2006 includes a sentence of detention under section 71A(4) of AA 1955 or AFA 1955 or section 43A(4) of NDA 1957.

(9) Section 329(7) of CJA 2003 (civil proceedings for trespass), as enacted, shall continue to have effect in relation to a person who before commencement was found guilty of an SDA civil offence in service disciplinary proceedings as if the amendments made to sections 329 and 305 of CJA 2003 by Schedule 16 to AFA 2006 had not been made.

(10) In sub-paragraph (9) above "service disciplinary proceedings" means—

(a) proceedings under AA 1955, AFA 1955 or NDA 1957 (whether before a court-martial or any other court or person authorised under any of those Acts to award a punishment in respect of any offence); or

(b) proceedings before a Standing Civilian Court.

(11) In section 329(7) of CJA 2003 (as substituted by AFA 2006)—

(a) the reference to an offence under section 42 of AFA 2006 includes an SDA civil offence; and

(b) the reference to the corresponding offence under the law of England and Wales includes the corresponding civil offence.

(12) In section 337(12) of CJA 2003 (extent)—

(a) the reference in paragraph (a) to service offences includes SDA offences; and

(b) the reference in paragraph (b) to the Court Martial includes courts-martial.

(13) Paragraph 10 of Schedule 22 to CJA 2003 (mandatory life sentences: transitional provision) applies to the Court Martial in any case where—

(a) the Court Martial passes a life sentence fixed by law; and

(b) the offence to which the sentence relates was committed before 18th December 2003.

Textual Amendments

F1 Sch. 1 para. 53(5)-(7) revoked (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Marginal Citations

M1 2003 c. 44.

Changes to legislation:
There are currently no known outstanding effects for the The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009, Paragraph 53.