

SCHEDULE 2

Article 206

Transitory provisions

Definitions

1. In this Schedule—

“the 2005 Order” means the Criminal Justice Act 2003 (Sentencing) (Transitory Provisions) Order 2005 ^{M1};

“CJA 2003” means the Criminal Justice Act 2003 ^{M2};

“CJCSA 2000” means the Criminal Justice and Court Services Act 2000 ^{M3};

“PCC(S)A 2000” means the Powers of Criminal Courts (Sentencing) Act 2000 ^{M4}.

Marginal Citations

M1 [S.I. 2005/643](#).

M2 [2003 c. 44](#).

M3 [2000 c. 43](#).

M4 [2000 c. 6](#).

Punishments available to Service Civilian Court

^{F1}**2.**

F1 Sch. 2 paras. 2-7 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

Powers of Crown Court in relation to orders made by Service Civilian Court

^{F1}**3.**

F1 Sch. 2 paras. 2-7 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

Testing for alcohol and drugs

^{F1}**4.**

F1 Sch. 2 paras. 2-7 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

Age at which imprisonment available

^{F1}**5.**

F1 Sch. 2 paras. 2-7 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

Mandatory custody for life

^{F1}6.

F1 Sch. 2 paras. 2-7 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

Discretionary custody for life

^{F1}7.

F1 Sch. 2 paras. 2-7 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

Custody for life where custodial sentence would have been required by SDAs

8.—(1) This paragraph applies until the coming into force of section 61 of CJCSA 2000, where—
 (a) article 89 (sentences required by SDAs) applies; and
 (b) the offender is aged under 21 on conviction.

(2) Where this paragraph applies, the references in article 89(2) and (4) to a sentence of life imprisonment are to be read as to a sentence of custody for life under [^{F2}section 272(2)(a) of the Sentencing Code, as applied by section 210A of AFA 2006].

F2 Words in Sch. 2 para. 8(2) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 371** (with [Sch. 27](#)); S.I. 2020/1236, reg. 2

Power to impose detention in a young offender institution

^{F3}9.

F3 Sch. 2 paras. 9-16 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

Life and extended sentences: offenders aged at least 18 but under 21

^{F3}9A.

F3 Sch. 2 paras. 9-16 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

Interaction of detention in a young offender institution with detention and training order

^{F3}10.

F3 Sch. 2 paras. 9-16 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

Consecutive sentences

^{F3}**11.**

F3 Sch. 2 paras. 9-16 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

Restriction on imposing custodial sentence on unrepresented offender

^{F3}**12.**

F3 Sch. 2 paras. 9-16 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

Crediting of time in service custody

^{F3}**13.**

F3 Sch. 2 paras. 9-16 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

Re-sentencing powers

^{F3}**14.**

F3 Sch. 2 paras. 9-16 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

Sentences passed by civilian courts

^{F3}**15.**

F3 Sch. 2 paras. 9-16 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

Meaning of “custodial sentence”

^{F3}**16.**

F3 Sch. 2 paras. 9-16 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

Notification requirements under Counter-Terrorism Act 2008

17. In each of the following provisions of Schedule 6 to the Counter-Terrorism Act 2008 ^{M5} (application of notification requirements to service offences), the reference to imprisonment includes detention in a young offender institution—

- (a) paragraph 5(1)(a)(ii);

Changes to legislation: There are currently no known outstanding effects for the The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009, SCHEDULE 2. (See end of Document for details)

(b) paragraph 7(2)(b) and (3).

Marginal Citations

M5 2008 c. 28.

The Supreme Court

18.—(1) In relation to any time before the coming into force of section 23 of the Constitutional Reform Act 2005 ^{M6}—

- (a) references to the Supreme Court in AFA 2006 and article 92 are to be read as to the House of Lords; and
- (b) references to the Supreme Court inserted by AFA 2006 in any other enactment are to be read as to the House of Lords.

(2) In relation to any time before the coming into force of section 59(2) of the Constitutional Reform Act 2005, references in AFA 2006 to the Court of Judicature of Northern Ireland are to be read as to the Supreme Court of Judicature of Northern Ireland.

Marginal Citations

M6 2005 c. 4.

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009, SCHEDULE 2.