
STATUTORY INSTRUMENTS

2020 No. 1520

The Taking Account of Convictions (EU Exit) (Amendment) Regulations 2020

Part 2

Amendments of the Sentencing Act 2020

Amendment of Schedule 26 to the Sentencing Act 2020

6.—(1) Schedule 26 to the Sentencing Act 2020 (further amendments of the Armed Forces Act 2006) is amended as follows.

(2) In paragraph 12 (amendments of section 218A)—

- (a) the existing provision becomes sub-paragraph (1);
- (b) in that sub-paragraph, after paragraph (d) insert—

“(da) in subsection (6), for “(12)” in each place substitute “(12A)”;

(db) after that subsection insert—

(6A) In sections 273 and 283 of that Code as applied for the purpose of this section, subsection (12A) has effect as if—

- (a) for “index offence” there were substituted “offence under section 42”;
- (b) for “section 397(5)” there were substituted “section 377(8) of the Armed Forces Act 2006”.
- (dc) in subsection (6A) (as to be inserted by paragraph (db)), omit “section 273 and”;

(c) after sub-paragraph (1) insert—

“(2) In sub-paragraph (1)—

- (a) in paragraph (da), if it has not already come into force, omit “in each place”;
- (b) in paragraph (e), for “(12)” substitute “(12A)”.

(3) In paragraph 14 (amendments of section 219A), after paragraph (a) insert—

“(aa) in subsection (2), for “Schedule 14 to the Sentencing Code” substitute “Part 1, 2, or 3 of Schedule 14 to the Sentencing Code”;

(bb) after that subsection insert—

“(2A) But if the proceedings for the offence under section 42 were instituted before IP completion day (see section 377(8)), Condition A is that, when the offence was committed, the offender had been convicted of an offence listed in Part 1, 2, 3, or 3A of Schedule 14 to the Sentencing Code.”

(4) After paragraph 15 insert—

“**15A.** In section 225 (third drug trafficking offence), after subsection (1) insert—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(1A) For this purpose, section 313 of that Code has effect as if the reference in subsection (3A) to section 397(5) of that Code were to section 377(8) of this Act.”.

“**15B.** In section 226 (third domestic burglary), after subsection (1) insert—

“(1A) For this purpose, section 314 of that Code has effect as if the reference in subsection (3A) to section 397(5) of that Code were to section 377(8) of this Act.”.

(5) After paragraph 25 insert—

“**26.** In section 377, at the end insert—

“(8) A reference to the institution of proceedings in, or in a provision applied by, section 218A, 219A, 225 or 226 is to a charge being brought under Chapter 2 of Part 5.”.