

SCHEDULES

SCHEDULE 13

CONSEQUENTIAL AND RELATED AMENDMENTS

PART 5

AMENDMENTS IN RELATION TO SENTENCING UNDER SERVICE LAW

Sentencing Act 2020 (c. 17)

- 43 (1) The Sentencing Act 2020 is amended as follows.
- (2) In section 225 (restriction on consecutive sentences for released prisoners), in subsection (3)(c)(vi), after “209” insert “or 224B”.
 - (3) In section 241 (period of detention and training under detention and training order), in subsections (6)(b)(ii) and (7)(c), after “209” insert “or 224B”.
 - (4) In section 248(4) (meaning of “relevant sentence of detention”), in paragraph (c), after “209” insert “or 224B”.
 - (5) In section 418 (commencement of provisions of Schedule 26 in relation to prospective abolition of sentences of detention in a young offender institution), after subsection (2) insert—

“(2A) Paragraphs 13A, 20A and 24A (and paragraph 1 so far as it relates to them) also come into force at that time.”
 - (6) In Schedule 25 (amendments of Armed Forces Act 2006), omit paragraph 45(5).
 - (7) In Schedule 26 (further amendments of the Armed Forces Act 2006 in relation to prospective abolition of sentences of detention in a young offender institution)—
 - (a) after paragraph 13 insert—

“13A In section 219ZA (serious terrorism sentence for offenders aged 18 or over)—
 - (a) in subsection (1)(e), omit “a sentence of custody for life or (as the case may be)”;
 - (b) omit subsections (4) to (6);
 - (c) in subsection (7), omit “Where the offender is aged 21 or over when convicted of the serious terrorism offence,.”;
 - (b) in paragraph 14 (amendments of section 219A of the 2006 Act), for sub-paragraph (a) substitute—

“(a) in subsection (1)—
 - (i) in paragraph (d), omit sub-paragraphs (i) and (iii);

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- (ii) in paragraph (da), omit sub-paragraph (i);”;
 - (c) in paragraph 15(a) (amendments of section 224A of the 2006 Act), after paragraph (ii) insert—
 - “(iii) in sub-paragraph (iii), for “detention or imprisonment under section 268A or 282A” substitute “imprisonment under section 282A”.”;
 - (d) in paragraph 18 (amendment of section 239 of the 2006 Act), after “pleas)” insert “—
 - (a) in subsection (3A), omit—
 - (i) “(4) or”;
 - (ii) “268A or”;
 - (b) in subsection (3B), omit “268C(2) or, as the case may be,”;
 - (c)”;
 - (e) in paragraph 19 (amendments of section 260 of the 2006 Act)—
 - (i) in sub-paragraph (a), after paragraph (ii) insert—
 - “(iia) in paragraph (ca), omit “268A or”.”;
 - (ii) for sub-paragraph (b) substitute—
 - “(b) in subsection (4B)—
 - (i) in paragraph (za), omit “268C(2) or”;
 - (ii) in paragraph (a), omit “268(2) or”.”;
 - (f) in paragraph 20 (amendments of section 261 of the 2006 Act), at the end insert—
 - “(c) in paragraph (ba), omit “268A or”.”;
 - (g) after paragraph 20 insert—
 - “20A In section 261A(3) (life sentences: further provision)—
 - (a) in paragraph (b), omit “268B(2) or”;
 - (b) in paragraph (c)(i), omit “268B(2) or”.”;
 - (h) in paragraph 21 (amendments of section 262A of the 2006 Act), for the words from “, in subsection (4)” to the end substitute—
 - “(a) in subsection (2A), omit paragraph (b);
 - (b) omit subsection (3A);
 - (c) in subsection (4), omit paragraphs (d), (da), (e) and (f) treated as substituted in subsection (7) of section 329 of the Sentencing Code.”;
 - (i) after paragraph 24 insert—
 - “24A In section 304C (to be inserted by the Armed Forces Act 2016: reduction in sentence), in subsection (5A)—
 - (a) omit “268C(2) or”;
 - (b) for “section 219ZA(5) to (8)” substitute “section 219ZA(8)”.”
- (8) In Schedule 27 (transitional provision and savings), in paragraph 16(2), for the words from “, the reference” to the end substitute “—
- (a) the reference in section 224A(1)(d)(ii) of the Armed Forces Act 2006 to an extended sentence under section 266 or 279 of the Sentencing Code includes a reference to an extended sentence under section 226A of the Criminal Justice Act 2003;

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- (b) the reference in section 224B(1)(c)(ii) to an extended sentence of detention under section 254 of the Sentencing Code includes a reference to an extended sentence of detention under section 226B of the Criminal Justice Act 2003.”