
Changes to legislation: There are currently no known outstanding effects for the Sentencing (Pre-consolidation Amendments) Act 2020, Paragraph 123. (See end of Document for details)

SCHEDULES

SCHEDULE 2

SENTENCING CONSOLIDATION: PRE-CONSOLIDATION AMENDMENTS

PART 4

AMENDMENTS OF OTHER ACTS

Armed Forces Act 2006

- 123 (1) The Armed Forces Act 2006 is amended as follows.
- (2) In section 178 (service community orders), in subsection (1)(b), for the words after “Wales” substitute “ or the locality in Scotland where the offender resides or will reside, or that the offender resides or will reside in Northern Ireland ”.
- (3) In section 209 (offenders under 18 convicted of certain serious offences)—
- (a) in the heading, for “power to detain” substitute “ detention ”;
- (b) in subsection (2), after paragraph (b) insert—
- “and the case does not fall within section 221 or 227 (see subsections (4), (5B) and (5C)).”;
- (c) in subsection (3), after paragraph (d) insert—
- “and the case does not fall within section 221 (see subsection (5B)).”;
- (d) in subsection (4), for “it falls within section 227(1) (certain firearms offences)” substitute “—
- (a) it falls within section 227(1) (certain firearms offences), and
- (b) the court is of the opinion mentioned in section 227(2) (exceptional circumstances justifying not imposing the required sentence).”;
- (e) after subsection (5) insert—
- “(5A) Subsection (5D) (duty to pass sentence of detention) applies where—
- (a) a person aged under 18 is convicted by the Court Martial of an offence under section 42 (criminal conduct); and
- (b) the case is within subsection (5B) or (5C).
- (5B) The case is within this subsection if it falls within section 221 (life sentence for certain dangerous offenders aged under 18).
- (5C) The case is within this subsection if—
- (a) it falls within section 227(1) (certain firearms offences), and

Changes to legislation: There are currently no known outstanding effects for the Sentencing (Pre-consolidation Amendments) Act 2020, Paragraph 123. (See end of Document for details)

(b) the Court Martial is not of the opinion mentioned in section 227(2) (exceptional circumstances justifying not imposing the required sentence).

(5D) Where this subsection applies, the court must pass a sentence of detention under this section.”;

(f) in subsection (7)—

(i) after “(5)” insert “, (5D)”;

(ii) omit from “sections 224A” to “offences); and”.

(4) In section 211, in subsection (4), omit “218A.”.

(5) In section 212 (term of detention and training order: general), at the end insert—

“(3) An order under section 211 takes effect at the beginning of the day on which it is made, unless the court provides otherwise under section 101(3) of the Sentencing Act (as applied by section 213 of this Act).”

^{F1}(6)

(7) In section 270A (exception to restrictions on community punishments), in subsection (6)—

(a) before paragraph (a) insert—

“(za) a criminal courts charge order (or an order under section 21A of the Prosecution of Offences Act 1985 (criminal courts charge));”

(b) after paragraph (d) insert—

“(e) a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015.”.

^{F1}(8)

Textual Amendments

F1 Sch. 2, which is commenced on 1.12.2020 immediately before "the consolidation date", see s. 5(1)-(3) and [S.I. 2020/1236, reg. 2](#), is then repealed immediately afterwards (except for Sch. 2 paras. 45, 114, 115, 121, 123(1)-(5)(7), 136) (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](#)

Commencement Information

II Sch. 2 para. 123 in force at 1.12.2020 immediately before "the consolidation date" by [S.I. 2020/1236, reg. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Sentencing (Pre-consolidation Amendments) Act 2020, Paragraph 123.