

Status: Point in time view as at 28/03/2009.

Changes to legislation: Armed Forces Act 2006, Cross Heading: Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 16

MINOR AND CONSEQUENTIAL AMENDMENTS

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 163 (1) Section 82A of the Powers of Criminal Courts (Sentencing) Act 2000 (determination of tariffs for discretionary life sentences) is amended as follows.
- (2) In subsection (3)(b) for the words from “below” to “custody)” substitute “ (crediting periods of remand in custody) or under section 246 of the Armed Forces Act 2006 (equivalent provision for service courts) ”.
- (3) In each of subsections (7) and (8) for “a court-martial” substitute “ the Court Martial ”.

Commencement Information

- 11** [Sch. 16 para. 163](#) in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))

- 164 In section 99 of that Act (conversion of sentence of detention to sentence of imprisonment)—
- (a) in subsection (5) after paragraph (a) insert—
- “(aa) a sentence of detention under section 209 or 218 of the Armed Forces Act 2006,”;
- (b) after that subsection add—
- “(6) References in this section to a sentence under section 226 or 228 of the Criminal Justice Act 2003 include such a sentence passed as a result of section 221 or 222 of the Armed Forces Act 2006.”

Commencement Information

- 12** [Sch. 16 para. 164](#) in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))

- 165 (1) Section 106A of that Act (which relates to the interaction of detention and training orders with sentences of detention, and is modified by section 213 of this Act) is amended as follows.
- (2) In subsection (1) (definitions)—
- (a) in paragraph (a) of the definition of “sentence of detention”, after “above” insert “ or section 209 of the Armed Forces Act 2006 ”;

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- (b) after that definition insert “ and references in this section to a sentence of detention under section 228 of the 2003 Act include such a sentence passed as a result of section 222 of the Armed Forces Act 2006. ”
- (3) In subsection (8) (provisions for the purposes of which a person subject to a sentence of detention and a detention and training order is to be treated as subject only to the sentence of detention)—
- (a) in paragraph (b), for “and section 235” to the end substitute “ , section 235 of the 2003 Act and section 210 of the Armed Forces Act 2006 (place of detention etc), ”;
- (b) at the end of paragraph (c) add “, and
- (d) section 214 of the Armed Forces Act 2006 (offences committed during a detention and training order under that Act).”

Commencement Information

I3 [Sch. 16 para. 165](#) in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))

166 For section 114 of that Act substitute—

“114 Offences under service law

- (1) Where—
- (a) a person has at any time been convicted of an offence under section 42 of the Armed Forces Act 2006, and
- (b) the corresponding offence under the law of England and Wales (within the meaning given by that section) was a class A drug trafficking offence or a domestic burglary,
- the relevant section of this Chapter shall have effect as if he had at that time been convicted in England and Wales of that corresponding offence.
- (2) Subsection (3) of section 113 applies for the purposes of this section as it applies for the purposes of that section.
- (3) Section 48 of the Armed Forces Act 2006 (attempts, conspiracy, incitement and aiding and abetting outside England and Wales) applies for the purposes of this section as if the reference in subsection (3)(b) of that section to any of the following provisions of that Act were a reference to this section.”

Commencement Information

I4 [Sch. 16 para. 166](#) in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))

- 167 (1) Section 134 of that Act (effect of compensation order on subsequent award of damages in civil proceedings) is amended as follows.
- (2) In subsections (1) and (2) omit “or award”.
- (3) For subsection (3) substitute—

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“(3) In this section “service compensation order” means a service compensation order under the Armed Forces Act 2006.”

Commencement Information

I5 Sch. 16 para. 167 in force at 28.3.2009 for specified purposes by S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

168 In section 163 of that Act (general definitions), in the definition of “court”, for “a court-martial” substitute “ the Court Martial ”.

Commencement Information

I6 Sch. 16 para. 168 in force at 28.3.2009 for specified purposes by S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

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