

Changes to legislation: Criminal Justice and Immigration Act 2008, Paragraph 28 is up to date with all changes known to be in force on or before 02 July 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) View outstanding changes

SCHEDULES

SCHEDULE 25

AMENDMENTS TO ARMED FORCES LEGISLATION

PART 2

ARMED FORCES ACT 2006

Review of sentence on reference by Attorney General

28 In section 273 (reviews of unduly lenient sentencing by Court Martial Appeal Court) for subsection (7) substitute—

“(7) Where a reference under subsection (1) relates to a case in which the Court Martial made an order specified in subsection (7A), the Court Martial Appeal Court may not, in deciding what sentence is appropriate for the case, make any allowance for the fact that the offender is being sentenced for a second time.

(7A) The orders specified in this subsection are—

- (a) an order under section 269(2) of the 2003 Act (determination of minimum term in relation to mandatory life sentence);
- (b) an order under section 82A(2) of the Sentencing Act (determination of minimum term in relation to discretionary life sentences and certain other sentences).”

Commencement Information

II Sch. 25 para. 28 in force at 31.10.2009 by S.I. 2009/1028, art. 2(b)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)