

SCHEDULES

SCHEDULE 25

AMENDMENTS TO THE ARMED FORCES ACT 2006

PART 5

AMENDMENTS TO CHAPTER 6 OF PART 8: SENTENCES FOR CERTAIN OFFENCES

- 42 (1) Section 221A (extended sentence for certain violent, sexual or terrorism offenders aged under 18) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (b), at the end insert “within the meaning of the Sentencing Code (see section 306 of that Code)”;
 - (b) in paragraph (d), for “section 226(2) of the 2003 Act” substitute “section 258(2) of the Sentencing Code”;
 - (c) in paragraph (e), omit “under section 226B of the 2003 Act”.
- (3) For subsections (2) to (4) substitute—
- “(2) An extended sentence of detention under section 254 of the Sentencing Code is available in respect of the offence.
- (3) Subsections (2) to (5) of section 256 of the Sentencing Code apply where a court is determining—
- (a) the appropriate custodial term, and
 - (b) the extension period,
- of an extended sentence of detention to be imposed on an offender under section 254 of the Sentencing Code by virtue of this section.
- (4) In their application to an offender by virtue of subsection (3), subsections (2) to (5) of section 256 of the Sentencing Code are modified as follows—
- (a) subsection (2) has effect as if, for “section 231(2)” there were substituted “section 261(2) of the Armed Forces Act 2006”;
 - (b) subsection (3) has effect as if, after “offences” there were inserted “or further acts or omissions that would be specified offences if committed in England and Wales”;
 - (c) in subsection (4)(b), sub-paragraphs (i) and (ii) both have effect as if for “in the case of” there were substituted “if the offence under section 42 was one for which the corresponding offence under the law of England and Wales was”.