

## SCHEDULES

### SCHEDULE 22

#### DANGEROUS OFFENDERS SUBJECT TO SERVICE LAW ETC

#### PART 2

#### CONSEQUENTIAL PROVISION

#### *Armed Forces Act 2006 (c. 52)*

- 30 (1) Section 228 (appeals where previous convictions set aside) is amended as follows.
- (2) For subsection (1) substitute—
- “(1A) Subsection (3) applies in the cases described in subsections (1B) to (2).
- (1B) The first case is where—
- (a) a sentence has been imposed on any person under section 224A of the 2003 Act (as applied by section 218A of this Act);
  - (b) a previous conviction of that person has been subsequently set aside on appeal; and
  - (c) without that conviction, the previous offence condition mentioned in section 218A(1)(d) would not have been met.
- (1C) The second case is where—
- (a) a sentence has been imposed on any person under section 225(3) of the 2003 Act (as applied by section 219(2) of this Act);
  - (b) the condition in section 225(3A) of the 2003 Act was met but the condition in section 225(3B) of that Act was not; and
  - (c) any previous conviction of the person without which the condition in section 225(3A) would not have been met is subsequently set aside on appeal.
- (1D) The third case is where—
- (a) a sentence has been imposed on any person under section 226A of the 2003 Act (as applied by section 219A of this Act);
  - (b) the condition in section 219A(2) was met, but the condition in section 219A(3) was not; and
  - (c) any previous conviction of the person without which the condition in section 219A(2) would not have been met is subsequently set aside on appeal.
- (1E) The fourth case is where—
- (a) a sentence has been imposed on any person under section 227(2) of the 2003 Act (as applied by section 220(2) of this Act);

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*Status: This is the original version (as it was originally enacted).*

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- (b) the condition in section 227(2A) of the 2003 Act was met but the condition in section 227(2B) of that Act was not; and
  - (c) any previous conviction of the person without which the condition in section 227(2A) would not have been met is subsequently set aside on appeal.”
- (3) In subsection (2)—
  - (a) for “Subsection (3) also applies” substitute “The fifth case is”; and
  - (b) in paragraph (a) after “226” insert “of this Act”.
- (4) After subsection (3) insert—
  - “(3A) Subsection (3B) applies where—
    - (a) a sentence has been imposed on a person under section 224A of the 2003 Act (as applied by section 218A of this Act);
    - (b) a previous sentence imposed on that person has been subsequently modified on appeal; and
    - (c) taking account of that modification, the previous offence condition mentioned in section 218A(1)(d) would not have been met.
  - (3B) An application for leave to appeal against the sentence mentioned in subsection (3A)(a) may be lodged at any time within 29 days beginning with the day on which the previous sentence was modified.”
- (5) In subsection (4), for “Subsection (3) has” substitute “Subsections (3) and (3B) have”.