

SCHEDULES

SCHEDULE 22

DANGEROUS OFFENDERS SUBJECT TO SERVICE LAW ETC

PART 1

SENTENCES FOR DANGEROUS OFFENDERS SUBJECT TO SERVICE LAW ETC

Armed Forces Act 2006 (c. 52)

5 After that section insert—

“219A Extended sentence for certain violent or sexual offenders aged 18 or over

- (1) This section applies where—
 - (a) a person aged 18 or over is convicted by the Court Martial of an offence under section 42 (criminal conduct) (whether the offence was committed before or after the commencement of this section);
 - (b) the corresponding offence under the law of England and Wales is a specified offence;
 - (c) the court is of the required opinion (defined by section 223);
 - (d) the court is not required to impose a sentence of imprisonment for life by section 224A(2) of the 2003 Act (as applied by section 218A of this Act) or section 225(2) of that Act (as applied by section 219 of this Act); and
 - (e) condition A or B is met.
- (2) Condition A is that, at the time the offence under section 42 was committed, the offender had been convicted of an offence listed in Schedule 15B to the 2003 Act.
- (3) Condition B is that, if the court were to impose an extended sentence of imprisonment under section 226A of the 2003 Act as a result of this section, the term that it would specify as the appropriate custodial term would be at least 4 years.
- (4) Subsections (4) to (9) of section 226A of the 2003 Act apply in relation to the offender.
- (5) In section 226A(4) to (9) of the 2003 Act as applied by this section—
 - (a) the reference in subsection (6) to section 153(2) of the 2003 Act is to be read as a reference to section 261(2) of this Act;

Status: This is the original version (as it was originally enacted).

- (b) the reference in subsection (7) to further specified offences includes a reference to further acts or omissions that would be specified offences if committed in England and Wales;
 - (c) the reference in subsection (8)(a) to a specified violent offence is to be read as a reference to an offence under section 42 as respects which the corresponding offence under the law of England and Wales is a specified violent offence; and
 - (d) the reference in subsection (8)(b) to a specified sexual offence is to be read as a reference to an offence under section 42 as respects which the corresponding offence under the law of England and Wales is a specified sexual offence.
- (6) In this section “specified offence”, “specified sexual offence” and “specified violent offence” have the meanings given by section 224 of the 2003 Act.”