
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 271(2) of the Armed Forces Act 2006 provides that the Secretary of State may by regulations modify any provision of Chapter 1 of Part 12 of Criminal Justice Act 2003 (“the 2003 Act”), and any other enactment that confers functions on sentencing courts, in its application to a civilian court dealing with an offender for a service offence.

Regulation 4 modifies section 143 of the 2003 Act (determining the seriousness of an offence) so that, when dealing with an offender for a service offence, in considering the seriousness of that offence the court must treat the fact that it was committed while the offender was charged with a service offence and released from service custody as an aggravating factor.

Regulations 5 to 9 modify section 240 of the 2003 Act (crediting of periods of remand in custody) so that, when sentencing an offender to imprisonment for a term in respect of a service offence if the offender has been kept in service custody in connection with the offence or a related offence for any period since being charged, subject to subsection (4) of that section, the court must direct that the number of days for which the offender has been kept in service custody is to count as time served by him as part of the sentence.

Regulation 10 makes transitional provisions.