

SCHEDULES

SCHEDULE 7

Section 14.

RESTITUTION AND COMPENSATION

Army Act 1955 and Air Force Act 1955

- 1 (1) At the end of section 138(1) of the Army Act 1955 and section 138(1) of the Air Force Act 1955 (restitution or compensation for theft, etc.) there shall be added the words " or where a person has been convicted of any offence by a court-martial and the court has taken such an offence of unlawfully obtaining property into consideration in sentencing him. ".
- (2) In subsection (9)(a) of the said section 138, for the words " the conviction" there shall be substituted the words " a relevant conviction ".
- (3) The following subsection shall be added after subsection (11):—
 - “(12) In this section " relevant conviction " means—
 - (a) where an order under this section was made as a result of a conviction of such an offence of unlawfully obtaining property as is mentioned in subsection (1) above, that conviction ; or
 - (b) where an order under this section was made as a result of such an offence of unlawfully obtaining property having been taken into consideration in determining sentence, the conviction or, if more than one, each conviction in respect of which the sentence fell to be determined.”.

Naval Discipline Act 1957

- 2 At the end of section 58(2)(aa) of the Naval Discipline Act 1957 (General Orders as to procedure of court-martial) there shall be added the words " and for conferring on the court taking one or more offences into consideration power to direct the making of such deductions from the offender's pay as the court would have had power to direct if he had been found guilty of the offence or offences taken into consideration as well as the offence of which he was in fact found guilty ; ".
- 3 (1) After subsection (1) of section 76 of that Act (restitution or compensation on conviction of certain offences) there shall be inserted the following subsection:—
 - “(1A) The Defence Council may also exercise the powers conferred by subsection (1) above where the court has taken an offence mentioned in that subsection into consideration in determining sentence.”.
- (2) Subsection (5) of that section shall cease to have effect.
- 4 (1) In section 77(1)(a) and (2) of that Act (effect of appeal against conviction on order for restitution or compensation) for the words " the conviction ", in both places where they occur, there shall be substituted the words " a relevant conviction ".

Status: This is the original version (as it was originally enacted).

(2) The following subsection shall be added after subsection (4) of that section:—

“(5) In this section " relevant conviction " means—

- (a) where an order under section 76 above was made as a result of a conviction of such an offence of unlawfully obtaining property as is mentioned in subsection (1) of that section, that conviction ; or
- (b) where an order under that section was made as a result of such an offence of unlawfully obtaining property having been taken into consideration in determining sentence, the conviction or, if more than one, each conviction in respect of which the said sentence fell to be determined.”.