

SCHEDULES

SCHEDULE 1

Section 10.

AMENDMENTS RELATING TO TRIAL OF CIVILIANS, ETC

Powers on trial of civilian

- 1 In section 209(3)(b) of the Army Act 1955 and the Air Force Act 1955 and in paragraph 4(b) of Schedule 4 to the Naval Discipline Act 1957 (fines in respect of certain civilians) for "twenty-five pounds " there shall be substituted " £100 ".
- 2 In section 209(4B) of the Air Force Act 1955 (application to civilians of provisions about proof of outcome of civil trial) for the words " military law " there shall be substituted the words " air-force law ".
- 3 (1) The following amendments shall be made in Schedule 5A to the Army Act 1955, Schedule 5A to the Air Force Act 1955 and Schedule 4A to the Naval Discipline Act 1957 (which Schedules confer various powers on courts-martial and Standing Civilian Courts to punish or make orders against civilians or their parents or guardians).
 - (2) In paragraph 6 of the Schedules (reception orders and committal into care), for sub-paragraph (3) there shall be substituted the following sub-paragraph—
 - “(3) The court shall inform the offender (if he is not too young or of too limited understanding) and any person accompanying or representing him of the substance of so much of the report or of such parts of it as relate to the offender or his parent or guardian as the court considers material to the manner in which the case may be dealt with.”.
 - (3) In Schedule 5A to the Army Act 1955 and the Air Force Act 1955, in paragraph 10 (power to make custodial order in case of young offender) the following sub-paragraphs shall be inserted after sub-paragraph (5)—
 - “(5A) The following provisions of this Act shall apply in the case of a sentence under a custodial order as they apply in the case of a sentence of detention: —
 - (a) where the court is a court-martial, sections 114(1) and 118(1);
 - (b) whether the court is a court-martial or a Standing Civilian Court, section 119A(1) and (3).
 - (5B) For the period before a person sentenced under a custodial order is received into the institution where he is to be detained (or for the currency of the sentence if its term ends before he is so received), sections 119(2), (4) and (5), 122, 123, 129, 142 and 190B of this Act shall apply in the case of the sentence as they apply in the case of a sentence of detention.”.

Status: This is the original version (as it was originally enacted).

- (4) In Schedule 4A to the Naval Discipline Act 1957, in paragraph 10 (power to make custodial order in case of young offender) the following sub-paragraph shall be inserted after sub-paragraph (5)—

“(5A) Sections 85(1), 89(1) and (3) and 92(1) of this Act shall apply in the case of a sentence under a custodial order as they apply in the case of a sentence of detention; and so shall sections 81, 82, 87, 88, 104, 119 and 130A for the period before a person sentenced under such an order is received into the institution where he is to be detained (or for the currency of the sentence if its term ends before he is so received).”.

- (5) In paragraph 10 of the Schedules, for sub-paragraph (6)(6) there shall be substituted the following sub-paragraph—

“(b) where the offender is removed to Scotland—

(i) in the case of a male person ordered to be detained for a period of at least twenty-eight days but not exceeding four months, a detention centre ; and

(ii) in any other case, a young offenders institution ;”.

- (6) In Schedule 5A to the Army Act 1955 and the Air Force Act 1955, in paragraph 13 (fines on or compensation orders against parents or guardians), for sub-paragraph (3), there shall be substituted the following sub-paragraph—

“(3) A parent or guardian on or against whom a fine has been imposed or compensation order made under this paragraph may petition or appeal against the sentence as follows, that is to say—

(a) if the court which imposed the fine or made the order was a court-martial, the parent or guardian may present a petition in accordance with section 108 of this Act against sentence or may appeal against sentence in accordance with section 8 of the Courts-Martial (Appeals) Act 1968 as if he had been convicted of and sentenced for the offence by the court-martial; or

(b) if the court which imposed the fine or made the order was a Standing Civilian Court, the parent or guardian may present a petition in accordance with section 108 of this Act against sentence or may appeal against sentence under paragraph 18 of Schedule 3 to the Armed Forces Act 1976 as if he had been convicted of and sentenced for the offence by the Court.”.

- (7) In Schedule 4A to the Naval Discipline Act 1957, in paragraph 13, for sub-paragraph (3) there shall be substituted the following sub-paragraph—

“(3) A parent or guardian on or against whom a fine has been imposed or compensation order made under this paragraph may present a petition in accordance with section 70(2) of this Act against sentence or may appeal against sentence in accordance with section 8 of the Courts-Martial (Appeals) Act 1968 as if he had been convicted of and sentenced for the offence by the court-martial.”.

- (8) The following sub-paragraph shall be inserted after sub-paragraph (4) of the said paragraph 13—

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

“(5) In this paragraph " guardian ", in relation to an offender, includes any individual who, in the court's opinion, had at the time of the offence care or control of the offender.”.

- (9) The following sub-paragraph shall be inserted after sub-paragraph (8) of paragraph 14 of the Schedules (orders requiring parents or guardians to enter into recognisances)—

“(9) In this paragraph " guardian ", in relation to an offender, includes any individual who, in the court's opinion, has control of the offender.”.

Standing Civilian Courts: appeal and suspending sentence

- 4 (1) Schedule 3 to the Armed Forces Act 1976 (Standing Civilian Courts) shall be amended as follows.

- (2) In paragraph 18(3) (appeal from Standing Civilian Court to court-martial within 21 days of sentence) for " 21 " there shall be substituted " 40 ".

- (3) The following shall be substituted for paragraph 20(4) (power of reviewing authority to suspend sentence of Standing Civilian Court where person is in custody under the sentence): —

“(4) A reviewing authority may at any time suspend a sentence of a Standing Civilian Court.”.

- (4) The following shall be inserted after paragraph 20(5):—

“(5A) At any time while any sentence is so suspended, the suspension may be determined by the reviewing authority who suspended the sentence.”

- (5) In paragraph 20(6) (determination of suspension in certain circumstances) after "fresh offence" there shall be inserted " then, without prejudice to the generality of sub-paragraph (5A) above, ".