



# Criminal Justice Act 1988

## 1988 CHAPTER 33

### PART V

#### JURISDICTION, IMPRISONMENT, FINES, ETC.

##### *Imprisonment*

#### **50 Suspended and partly suspended sentences on certain civilians in courts-martial and Standing Civilian Courts**

- (1) The Secretary of State may by order made by statutory instrument make such provision as appears to him to be appropriate—
  - (a) to give courts-martial and Standing Civilian Courts power to pass suspended and partly suspended sentences of imprisonment on civilians to whom this section applies; and
  - (b) to give courts power to deal with offenders in respect of suspended and partly suspended sentences passed by courts-martial and Standing Civilian Courts.
- (2) This section applies to the following civilians—
  - (a) persons to whom Part II of the Army Act 1955 applies by virtue of section 209 of that Act;
  - (b) persons to whom Part II of the Air Force Act 1955 applies by virtue of section 209 of that Act; and
  - (c) persons to whom Parts I and II of the Naval Discipline Act 1957 apply by virtue of section 118 of that Act.
- (3) An order under this section—
  - (a) may amend—
    - (i) the Army Act 1955;
    - (ii) the Air Force Act 1955;
    - (iii) the Naval Discipline Act 1957; and
    - (iv) the Armed Forces Act 1976;

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*Status: This is the original version (as it was originally enacted).*

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- (b) may apply, with or without modifications, any enactment contained in—
    - (i) the Powers of Criminal Courts Act 1973;
    - (ii) the Criminal Law Act 1977; or
    - (iii) any other Act not mentioned in paragraph (a) above; and
  - (c) may make such incidental or consequential provision as the Secretary of State considers necessary or expedient.
- (4) Without prejudice to the generality of this section, an order under this section may make—
- (a) provision prohibiting a court which passes a suspended sentence on a person from making an order under paragraph 4 of Schedule 5A to the Army Act 1955 or the Air Force Act 1955 or paragraph 4 of Schedule 4A to the Naval Discipline Act 1957 (community supervision orders) in respect of another offence; and
  - (b) provision restricting the powers conferred by sections 110 and 113 of the Army Act 1955 and the Air Force Act 1955 (confirmation and review) and sections 70 and 71 of the Naval Discipline Act 1957 (review).
- (5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.