



Armed Forces Act 2006

2006 CHAPTER 52

First Group of PartsDiscipline

PART 8

SENTENCING POWERS AND MANDATORY ETC SENTENCES

CHAPTER 4

IMPRISONMENT FOR TERM OF UNDER 12 MONTHS

Imprisonment with or without “custody plus” order

197 Imprisonment with or without a custody plus order

- (1) Subsection (2) applies where a relevant service court—
 - (a) imposes a sentence of imprisonment on an offender; and
 - (b) would (apart from this section) be required by section 181(3)(b) of the 2003 Act to make a custody plus order.
- (2) Section 181(3)(b) of the 2003 Act shall be read as conferring on the court a power rather than a duty to make a custody plus order (but this does not affect the duty of the court under section 181(3)(a) of that Act).
- (3) A relevant service court may not specify in a custody plus order a requirement to be complied with outside the United Kingdom.
- (4) Section 219(3) of the 2003 Act (requirement to give copy of order to magistrates' court) does not apply in relation to a custody plus order made by a relevant service court.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

198 Transfer to Scotland or Northern Ireland of custody plus order

- (1) In paragraphs 2(1) and (2) and 9(1) and (2) of Schedule 11 to the 2003 Act (court making custody plus order may require compliance in Scotland or Northern Ireland), “court” includes a relevant service court.
- (2) In paragraphs 4, 6 and 12 of that Schedule (ancillary provisions) “court” (where the context allows) includes a relevant service court.
- (3) Where Part 4 of that Schedule applies to a custody plus order made by a relevant service court, references in that Part to “the original court” are to be read as references to the Crown Court.
- (4) Paragraph 22(7)(b) of that Schedule (requirement to give copy of amending order etc to magistrates' court) does not apply in relation to a custody plus order made by a relevant service court.

199 Revocation and amendment of custody plus orders

- (1) In Schedule 10 to the 2003 Act (revocation and amendment) as it applies to a custody plus order made by a relevant service court—
 - (a) “the appropriate court” means the Crown Court; and
 - (b) the following shall be treated as omitted—
 - (i) the definition of “the appropriate court” in paragraph 1(1);
 - (ii) paragraph 2.
- (2) Paragraph 9(1)(b)(ii) and (2) of that Schedule (requirement to give copy of revoking or amending order etc to magistrates' court) do not apply in relation to a custody plus order made by a relevant service court.