



# 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.

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*Status: This is the original version (as it was originally enacted).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

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## **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.