

ARMED FORCES ACT 2006

EXPLANATORY NOTES

COMMENTARY

First Group of Parts – Discipline

Part 11 – the Service Civilian Court

Punishments available to Service Civilian Court

Section 282: Punishments available to Service Civilian Court

554. This section provides that the punishments available to the Court Martial when it is dealing with civilians are also available to the SCC subject to some restrictions. The restrictions that apply are listed in section 282, for example, the SCC's power to make a service community order is restricted in the same way that section 164(5) restricts the corresponding power of the Court Martial. It is supplemented by Chapters 4 and 5 of Part 8, which respectively provide for sentences of imprisonment for less than 12 months and custodial sentences for young offenders.

Section 283: Imprisonment: maximum term

555. This section prevents the SCC from passing a sentence of imprisonment for more than 12 months in respect of a single offence, or consecutive sentences for a total of more than 65 weeks.

Section 284: Fines and compensation orders: maximum amounts

556. Subsection (1) prevents the SCC from imposing a fine of more than the prescribed sum (currently £5,000) for any one offence. In the case of a criminal conduct offence, subsection (2) further prevents the court from imposing a fine greater than that which a magistrates' court could impose for the corresponding offence under the law of England and Wales.

557. Under subsection (3) the SCC cannot make a service compensation order for an amount greater than the maximum compensation that a magistrates' court can award (currently £5,000). In the case of offences taken into consideration, under subsection (4) the amount awarded must not exceed the difference between the maximum that the court could have awarded (for the offences of which the offender is convicted) and the amount that it does in fact award.