

ARMED FORCES ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 16: Enforcement of financial penalties

56. This section provides for the enforcement of financial penalties imposed by the Court Martial. *Subsection (1)* inserts new sections 269A to 269C into AFA 2006.
57. The new section 269A requires the Court Martial, when imposing a fine on a person aged 18 or over, to fix the term of imprisonment which may be imposed if the fine is not paid. This section is modelled on section 139 of the Powers of Criminal Courts (Sentencing) Act 2000, which imposes a similar requirement when a fine is imposed by the Crown Court in England and Wales. However, an order under the new section 269A will take effect only if the fine is registered by a civil court in the United Kingdom or the Isle of Man, in accordance with regulations made under section 322 of AFA 2006. *Subsection (2)* amends section 322 so that the regulations may provide for the way in which the civil court is to implement an order made under 269A.
58. The new section 269B empowers the Court Martial, when making a service compensation order against a person aged 18 or over, to specify the maximum term of imprisonment which may be imposed if the compensation is not paid. The court may only do so if it thinks that the maximum term which could otherwise be imposed by a magistrates' court in England and Wales (following registration of the compensation order in accordance with regulations under section 322) is insufficient. Section 269B corresponds to section 41(8) of the Administration of Justice Act 1970, which confers a similar power on the Crown Court in England and Wales. As in the case of an order under section 269A, an order under section 269B will take effect only if the fine is registered by a civil court, and the amendment made to section 322 by subsection (2) enables the regulations to provide for the effect of the order on the powers of the civil court.
59. The new section 269C makes provision for appeals to the Court Martial Appeal Court where an order under section 269A or 269B is made against the service parent or guardian of the offender.