



# Air Force Act 1955

1955 CHAPTER 19 3 4 Eliz2

## PART II

### DISCIPLINE AND TRIAL AND PUNISHMENT OF AIR-FORCE OFFENCES

#### *Commencement, suspension and duration of sentences*

#### **120 Suspension of sentences**

- (1) The following provisions of this section shall have effect as respects the suspension of a sentence of imprisonment or detention passed by a court-martial on a warrant officer, noncommissioned officer or airman.
- (2) Without prejudice to subsection (5) of section one hundred and ten of this Act, in confirming such a sentence the confirming officer may order that the sentence shall be suspended.
- (3) Any such sentence which is not for the time being suspended may, on the review or reconsideration of the sentence, be suspended by order of the authority reviewing or reconsidering the sentence.
- (4) The suspension of any such sentence may (without prejudice to its again being suspended) be determined on the review or reconsideration of the sentence by an order of the said authority committing the person sentenced to imprisonment or detention, as the case may be.
- (5) Where, while any such sentence is suspended, the person sentenced is sentenced by court-martial to imprisonment or detention for a fresh offence then (unless the balance of the earlier sentence is remitted by virtue of subsection (10) of section seventy-two of this Act)—
  - (a) the court may determine the suspension of the earlier sentence by an order committing the person sentenced to imprisonment or detention, as the case may be, and if so the court shall direct whether the two sentences are to run concurrently or consecutively ;

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) if the court does not exercise the powers conferred by the last foregoing paragraph, the confirming officer may exercise those powers on the confirmation of the later sentence;
- (c) if neither the court nor the confirming officer exercises the said powers, a reviewing authority may exercise those powers on the review of the later sentence;
- (d) where the said powers are exercised (whether by the court, the confirming officer or a reviewing authority), any power of suspension or remission exercisable in relation to the later sentence shall be exercisable also in relation to the earlier sentence:

Provided that this subsection has effect subject to the provisions of subsection (11) of section seventy-two of this Act.

- (6) Without prejudice to the further suspension of the earlier sentence, an order under the last foregoing subsection directing that the suspension of that sentence shall be determined shall not be affected by the later sentence not being confirmed or by its being quashed.
- (7) Where the sentence of a person in custody is suspended, he shall thereupon be released.
- (8) The maximum intervals for the reconsideration, under subsection (2) of section one hundred and fourteen of this Act, of a sentence of imprisonment or detention which is suspended shall be three months, and not those specified under the said subsection.