
STATUTORY INSTRUMENTS

2008 No. 1694

**The Armed Forces (Alignment of
Service Discipline Acts) Order 2008**

Suspended sentences of military and air-force courts-martial

24.—(1) Section 120 of each of the 1955 Acts (suspension of sentences) is amended as follows.

(2) Omit subsection (4)(1).

(3) For subsection (5)(2) substitute—

“(5) Where, while a sentence is suspended under this section, the person sentenced commits a fresh offence and is convicted of that offence by a court-martial, then (unless the balance of the earlier sentence is remitted by virtue of section 119A(3) of this Act) the court may determine the suspension of the sentence by an order committing the person sentenced to imprisonment or detention, as the case may be.

(5A) Subsections (5B) to (5E) apply where a court-martial makes an order under subsection (5).

(5B) The court may direct that the sentence in respect of which the order is made shall begin to run from the end of another term of imprisonment or detention which—

- (a) has been passed on the person on a previous occasion; or
- (b) the court passes on him on the same occasion.

(5C) In subsection (5B) the reference to another term of imprisonment does not include a term from which the person has been released early under Part 2 of the Criminal Justice Act 1991 (c. 53) or Chapter 6 of Part 12 of the Criminal Justice Act 2003 (c. 44).

(5D) Subsection (5B) is subject to section 119A of this Act (limitation of total period of sentences of detention).

(5E) For the purposes of sections 113 and 113AA of this Act (review) and subsection (3) above, the order is to be treated as a sentence passed on the offender for the earlier offence.

(4) In subsection (6)(3), for “an order under the last foregoing subsection directing that the suspension of that sentence shall be determined” substitute “an order under subsection (5)”.

(1) Section 120(4) of each of the 1955 Acts was amended by the Armed Forces Act 1986 (c. 21), Schedule 2.

(2) Section 120(5) of each of the 1955 Acts was amended by the Armed Forces Act 1971, Schedule 1, paragraph 1(6) and Schedule 4, and the Armed Forces Act 1996, Schedule 6, paragraph 4(1)(c) and Schedule 7.

(3) Section 120(6) of each of the 1955 Acts was amended by the Armed Forces Act 1996, Schedule 7.