

SCHEDULES

SCHEDULE 6

IMPRISONMENT IN DEFAULT

1 The following section shall be inserted after section 71A of the Army Act 1955 and section 71A of the Air Force Act 1955:—

“71B Power to impose imprisonment for default in payment of fines.

- (1) Subject to the provisions of this section, if a court-martial imposes a fine on a person found guilty of any offence—
 - (a) who is sentenced to imprisonment on the same occasion for the same or another offence or,
 - (b) who is already serving or otherwise liable to serve a term of imprisonment,
it may make an order fixing a further consecutive term of imprisonment such as is specified in subsection (2) below which the said person is to undergo if any part of the fine is not duly paid or recovered on or before the date on which he could otherwise be released.
- (2) The further term of imprisonment shall be such term, not exceeding 12 months, as the court in all the circumstances thinks fit.
- (3) Where the whole amount of the said fine is paid or recovered in the prescribed manner the order under subsection (1) above shall cease to have effect, and the person subject to it shall be released unless he is in custody for some other cause.
- (4) Where part of the said amount is paid or recovered in the prescribed manner, the period of the further term of imprisonment specified under subsection (1) above shall be reduced by such number of days as bears to the total number of days in that period less one day the same proportion as the amount so paid or recovered bears to the amount of the said fine.
- (5) In calculating the reduction required under the last preceding subsection any fraction of a day shall be left out of account.
- (6) In this section, references to the due recovery of any amount include references to deductions from pay under Part III of this Act, but do not include references to amounts forfeited under the said Part III.”