

*These notes refer to the Armed Forces Act 2006 (c.52)  
which received Royal Assent on 8 November 2006*

# **ARMED FORCES ACT 2006**

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## **EXPLANATORY NOTES**

### **COMMENTARY**

#### *First Group of Parts – Discipline*

#### **Part 9 – Sentencing: Principles and Procedures**

#### *Chapter 2 – Principles and Procedures applying to Service Courts only*

#### **Financial punishments**

#### *Section 266: Financial statement orders*

523. This section enables a service court (other than the SAC) to order an offender to give the court a statement of his financial circumstances before it passes sentence. The offender commits a further offence (punishable with a fine) if he fails to comply, or provides false or incomplete information. This section reflects section 162 of the 2003 Act.

#### *Section 267: Power of court to remit fine*

524. This section enables a service court to reduce or remit a fine if it did not have full information about the offender's financial circumstances when it imposed the fine. The section reflects section 165 of the 2003 Act.

#### *Section 268: Order for service parent or service guardian to pay fine or compensation*

525. Where the offender was convicted aged under 18, is a civilian subject to service discipline, and has a parent or guardian who is subject to service law or who is a civilian subject to service discipline, this section enables the court to order that parent or guardian to pay any fine or compensation awarded against the offender. If the offender is under 16 on conviction, the court must do so unless satisfied that this would be unreasonable, or that the parent or guardian cannot be found. The court must give the parent or guardian an opportunity to be heard. The parent or guardian can appeal against the order as if it were a sentence, except that the appellate court can quash the order without substituting another. The section reflects section 137 of the Sentencing Act.

#### *Section 269: Fixing of fine or compensation to be paid by parent or guardian*

526. Under this section, various provisions of the Act relating to the fixing of fines and compensation orders are modified in relation to an order under section 268 that the offender's parent or guardian must pay a fine or compensation.