Armed Forces Act 2006

2006 CHAPTER 52

PART 8

SENTENCING POWERS AND MANDATORY ETC SENTENCES

CHAPTER 4

IMPRISONMENT FOR TERM OF UNDER 12 MONTHS

Suspended sentences of imprisonment

200 Suspended sentence orders [F1]...

[F2](1) . . . . . .

[F2](2) . . . . . .

[F2](3) . . . . . .

[F2](4) . . . . . .

(5) In section 189(1) of the 2003 Act (suspended sentence orders) as it applies to a relevant service court, paragraph **[**[F3](a)**]** (commission of UK offence in operational period of order) has effect as if for the words from "commits" to **[**[F4] "imprisonment),"**]** there were substituted "commits—

[[F5](i)**]** another service offence (within the meaning of the Armed Forces Act 2006), or

[[F5](ii)**]** an offence **[**[F6]under the law of any part of the British Islands**]**,".

(6) A relevant service court may not specify in a suspended sentence order with community requirements a requirement to be complied with outside the United Kingdom.

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[F7(7) In this Chapter "a suspended sentence order with community requirements" means a suspended sentence order that imposes one or more community requirements within the meaning of section 189(7)(c) of the 2003 Act.]

Textual Amendments

F1 Words in s. 200 heading omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 9 para. 15(2)** (with s. 68(7)); S.I. 2012/2906, art. 2(g)

F2 S. 200(1)-(4) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 9 para. 15(3)** (with s. 68(7)); S.I. 2012/2906, art. 2(g)

F3 Word in s. 200(5) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 9 para. 15(4)(a)** (with s. 68(7)); S.I. 2012/2906, art. 2(g)

F4 Words in s. 200(5) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 9 para. 15(4)(b)** (with s. 68(7)); S.I. 2012/2906, art. 2(g)

F5 Word in s. 200(5) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 9 para. 15(4)(c)** (with s. 68(7)); S.I. 2012/2906, art. 2(g)

F6 Words in s. 200(5)(b) substituted (2.4.2012) by Armed Forces Act 2011 (c. 18), s. 32(3), **Sch. 3 para. 17**; S.I. 2012/669, art. 4(d)

F7 S. 200(7) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 9 para. 15(5)** (with s. 68(7)); S.I. 2012/2906, art. 2(g)

Commencement Information

I1 S. 200 in force at 28.3.2009 for specified purposes by S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059)

I2 S. 200 in force at 31.10.2009 in so far as not already in force by S.I. 2009/1167, **art. 4**

F8201 Order without community requirements: provisions not applying

. . . . . .

Textual Amendments

F8 S. 201 omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 9 para. 16** (with s. 68(7)); S.I. 2012/2906, art. 2(g)

202 Order with community requirements: disapplication of certain provisions

The following provisions of Chapter 4 of Part 12 of the 2003 Act do not apply in relation to a suspended sentence order with community requirements made by a relevant service court—

section 207(3)(a)(ii) (condition for mental health treatment requirement);

section 219(3) (requirement to give copy of order to magistrates' court).

Commencement Information

I3 S. 202 in force at 28.3.2009 for specified purposes by S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059)

I4 S. 202 in force at 31.10.2009 in so far as not already in force by S.I. 2009/1167, **art. 4**

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203 Review of order with community requirements

(1) In section 191 of the 2003 Act (provision for periodic reviews of order) as it applies to a suspended sentence order with community requirements made by a relevant service court—

(a) "the court responsible for the order" means the Crown Court; and

(b) subsections (3) to (5) shall be treated as omitted.

(2) In section 210 of that Act (provision for periodic reviews of drug rehabilitation requirement) as it applies to such an order—

(a) "the court responsible for the order" means the Crown Court; and

(b) subsections (2) to (4) shall be treated as omitted.

(3) Section 211 of that Act (periodic reviews of drug rehabilitation requirement) has effect in its application to such an order as if—

(a) in subsection (3)(b) for the words from "he could have been dealt with" to the end there were substituted " it could deal with him if he had just been convicted before the court of an offence punishable with imprisonment ";

(b) in subsection (4)(b) the words in brackets were omitted; and

(c) after subsection (4) there were inserted—

"(4A) A term of imprisonment or fine imposed under subsection (3)(b)—

(a) must not exceed the maximum permitted for the offence in respect of which the order was made, and

(b) where the order was made by the Service Civilian Court, must not exceed—

(i) in the case of a term of imprisonment, 12 months;

(ii) in the case of a fine, the prescribed sum within the meaning of section 32 of the Magistrates' Courts Act 1980 (c. 43)."

(4) Where a sentence is passed under section 211(3)(b) of the 2003 Act as modified by subsection (3) above, section 9 of the Criminal Appeal Act 1968 (c. 19) (appeal against sentence) applies as if the offender had been convicted on indictment of the offence for which the sentence was passed.

Commencement Information

I5 S. 203 in force at 28.3.2009 for specified purposes by S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059)

I6 S. 203 in force at 31.10.2009 in so far as not already in force by S.I. 2009/1167, **art. 4**

204 Transfer to Scotland or Northern Ireland of order with community requirements

(1) In paragraphs 1(1) and 6(1) of Schedule 13 to the 2003 Act (court making suspended sentence order with community requirements may require compliance in Scotland or Northern Ireland), "court" includes a relevant service court.

(2) In paragraphs 1(5) and (6), 3, **[**[F9]6(5)**][**[F9]6(4A) and (5)**]** and 8 of that Schedule (ancillary provisions), "court" (where the context allows) includes a relevant service court.

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(3) Where Part 3 of that Schedule applies to a suspended sentence order made by a relevant service court—

(a) references in that Part to "the original court" are to be read as references to the Crown Court; and

(b) the following shall be treated as omitted—

(i) the definition of "original court" in paragraph 11;

(ii) paragraph 12(3).

(4) Paragraph 20(6)(b) of that Schedule (requirement to give copy of amending order etc to magistrates' court) does not apply in relation to a suspended sentence order made by a relevant service court.

Textual Amendments

F9 Words in s. 204(2) substituted (31.7.2014 only in relation to the South London local justice area for specified purposes until 31.3.2016, 1.4.2016 for specified local justice areas for all purposes other than application by the Armed Forces Act 2006 until 31.3.2018, 1.5.2017 in relation to specified local justice areas for specified purposes until the end of 30.4.2019, 19.5.2020 in so far as not already in force) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 76(11)(b)**, 77, 151(3); S.I. 2014/1777, arts. 2, 3, 4(1) (with art. 4(2)) (as amended (30.7.2015) by S.I. 2015/1480, arts. 1, 2 and (30.1.2016) by S.I. 2016/1, arts. 1, 2); S.I. 2016/286, arts. 2, 3, 4(1) (with art. 4(2)) (as amended (31.3.2017) by S.I. 2017/225, arts. 1, 2); S.I. 2017/525, arts. 2, 3, 4(1) (with art. 4(2)); S.I. 2020/478, art. 2

Commencement Information

I7 S. 204 in force at 28.3.2009 for specified purposes by S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059)

I8 S. 204 in force at 31.10.2009 in so far as not already in force by S.I. 2009/1167, **art. 4**

205 Amendment of order with community requirements

(1) In Part 3 of Schedule 12 to the 2003 Act (amendment of order) as it applies to a suspended sentence order with community requirements made by a relevant service court—

(a) "the appropriate court" means the Crown Court;

(b) the reference in paragraph 17 to the court responsible for the order is to be read as a reference to the Crown Court; and

(c) paragraphs 13(3), **[**[F10]14(4)**]**, 15(6), 16(4), 18(2) and 22(1)(b)(ii) and (d) and (2) shall be treated as omitted.

(2) Paragraph 15 of that Schedule has effect in its application to such an order as if—

(a) in sub-paragraph (4)(b) for the words "of the offence" there were substituted " of an offence punishable with imprisonment "; and

(b) after sub-paragraph (5) there were inserted—

"(5A) A term of imprisonment or fine imposed under sub-paragraph (4)(b) —

(a) must not exceed the maximum permitted for the offence in respect of which the order was made, and

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(b) where the order was made by the Service Civilian Court, must not exceed—

(i) in the case of a term of imprisonment, 12 months;

(ii) in the case of a fine, the prescribed sum within the meaning of section 32 of the Magistrates' Courts Act 1980 (c. 43).”

(3) Paragraphs 2(b) and 3 of that Schedule shall be treated as omitted for the purposes of Part 3 of that Schedule as it applies to such an order.

(4) Where a sentence is passed under paragraph 15(4)(b) of Schedule 12 to the 2003 Act as modified by subsection (2) above, section 9 of the Criminal Appeal Act 1968 (c. 19) (appeal against sentence) applies as if the offender had been convicted on indictment of the offence for which the sentence was passed.

Textual Amendments

F10 Word in s. 205(1)(c) substituted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), s. 22(1), **Sch. 6 para. 9** (with s. 23(4), Sch. 7 para. 7); S.I. 2015/40, art. 2(w)

Commencement Information

I9 S. 205 in force at 28.3.2009 for specified purposes by S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059)

I10 S. 205 in force at 31.10.2009 in so far as not already in force by S.I. 2009/1167, **art. 4**

206 Suspended sentence: further conviction or breach of community requirement

Schedule 7 (modification of Schedule 12 to the 2003 Act in relation to suspended sentences passed by relevant service courts) has effect.

Commencement Information

I11 S. 206 in force at 28.3.2009 for specified purposes by S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059)

I12 S. 206 in force at 31.10.2009 in so far as not already in force by S.I. 2009/1167, **art. 4**

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