

SCHEDULES

SCHEDULE 6

Section 19

OFFENDERS SENTENCED BY SERVICE COURTS

1 The Armed Forces Act 2006 is amended as follows.

Supervision and release of offenders sentenced to less than 2 years

2 In section 213(1) (application of provisions relating to civilian detention and training orders to service detention and training orders), for “106A and 107” substitute “106A to 107”.

Recall and further release of offenders

3 In section 246(2C) (time in service custody not to count as time served for purposes of automatic release), for “period of 28 days served by the offender before automatic release” substitute “automatic release period served by the offender”.

Service community orders, overseas community orders and suspended sentence orders: officers responsible for implementing

4 (1) Section 183 (overseas community orders: modifications of Criminal Justice Act 2003) is amended as follows.

(2) In subsection (1), omit “section 197(1) and (2) (meaning of “the responsible officer”);”.

(3) After subsection (1) insert—

“(1A) Section 198(1) (duties of responsible officer) has effect as if at the end there were inserted—

“(c) where appropriate, to take steps to enforce those requirements.””

(4) Omit subsections (2), (4) and (5).

5 (1) Part 1 of Schedule 5 (breach, revocation and amendment of service community orders) is amended as follows.

(2) In paragraph 1(2) (provisions of Schedule 8 to Criminal Justice Act 2003 disapplied), after “6(2),” insert “6A(2),”.

(3) Omit paragraph 2.

(4) After that paragraph insert—

“2A Paragraph 6A(1) of that Schedule (role of enforcement officer) has effect in relation to a service community order under this Act as if the reference to a justice of the peace were to the Crown Court.”

Status: This is the original version (as it was originally enacted).

- 6 (1) Part 2 of Schedule 5 (breach, revocation and amendment of overseas community orders) is amended as follows.
- (2) In paragraph 10(2)(b) (provisions of Schedule 8 to Criminal Justice Act 2003 disapplied)—
- (a) after “paragraphs” insert “1A,”, and
- (b) after “6(2),” insert “6A.”
- (3) For paragraph 12 (breach of requirement of order: warning and laying of information) substitute—
- “12A Paragraph 5(1) of that Schedule (duty to give warning) has effect as if for paragraph (b) there were substituted—
- “(b) the officer applies to the court that made the order for the exercise of its powers in relation to the failure.”
- 12B Paragraph 6(1) of that Schedule (breach of order after warning) has effect as if for the words from “must refer” to the end there were substituted “must apply to the court that made the order for the exercise of its powers in relation to the failure in question”.”
- 7 (1) Schedule 7 (suspended prison sentence: further conviction or breach of requirement) is amended as follows.
- (2) In paragraph 1(a) (provisions of Schedule 12 to Criminal Justice Act 2003 disapplied), after “5(2),” insert “5A(2),”.
- (3) Omit paragraph 4.
- (4) After that paragraph insert—
- “4A Paragraph 5A(1) of Schedule 12 to the 2003 Act (role of enforcement officer) has effect in relation to a suspended sentence order with community requirements made by a relevant service court as if the reference to a justice of the peace were to the Crown Court.”

Service community orders, overseas community orders and suspended sentence orders: duty to obtain permission before changing residence

- 8 In section 183 (overseas community orders: modifications of Criminal Justice Act 2003)—
- (a) in subsection (1), at the appropriate place insert—
- “section 220A(8) (duty to obtain permission before changing residence: definition of “the appropriate court”);”, and
- (b) after subsection (3) insert—
- “(3A) In section 220A of the 2003 Act (duty to obtain permission before changing residence), as it applies to an overseas community order, “the appropriate court” means the court that made the order.”
- 9 In section 205 (amendment of suspended sentence order with community requirements), in subsection (1)(c), for “14(5)” substitute “14(4)”.
- 10 In Part 1 of Schedule 5 (breach, revocation and amendment of service community orders), in paragraph 1(2), for “16(5)” substitute “16(4)”.

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

- 11 In Part 2 of Schedule 5 (breach, revocation and amendment of overseas community orders), in paragraph 10(2)(b), for the words from “10(6)” to “18(4)” substitute “10(6), 13, 16, 16A, 17(6), 18(4)”.