

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Air Force Act 1955 (repealed), Paragraph 14. (See end of Document for details)*

## SCHEDULES

### <sup>F1</sup>SCHEDULE 5A

#### POWERS OF COURT ON TRIAL OF CIVILIAN

##### Textual Amendments

**F1** Sch. 5A inserted by Armed Forces Act 1976 (c. 52), Sch. 4 paras. 1,2

##### Modifications etc. (not altering text)

**C1** Sch. 5A referred to (1.4.1997) by S.I. 1997/579, regs. 4, 7, 10, 12

##### *Orders requiring parents or guardians to enter into recognisance*

- 14 (1) Subject to sub-paragraph (2) below, where a civilian under 17 years of age is found guilty of any offence, the court may make an order requiring any parent or guardian of his who is a service parent or guardian to enter into a recognisance for an amount not exceeding [<sup>F1</sup>£1000] for a period not exceeding one year to exercise proper control over him.
- (2) The power conferred by sub-paragraph (1) above shall not be exercisable unless the parent or guardian consents.
- (3) Before making an order in the exercise of that power the court shall explain to the parent or guardian in ordinary language that if the offender is found guilty by court-martial under any of the Services Acts or by a Standing Civilian Court of another offence committed during the period specified in the order, his recognisance may be forfeited under sub-paragraph (4) below.
- (4) If a person whose parent or guardian has entered into a recognisance under this paragraph is found guilty by court-martial under any of the services Acts or by a Standing Civilian Court of any offence committed within the period specified in the order, the recognisance or any part of it may in the prescribed manner be declared to be forfeited (without prejudice to any power of the court to punish the offender or to make any other order against him or an order against his parent or guardian under this paragraph or paragraph 13 above) and the person bound by it adjudged, subject to sub-paragraphs (5) and (6) below, to pay the sum in which he is bound or any lesser sum.
- (5) No declaration may be made except against a person who is a service parent or guardian when it is made.
- (6) No declaration may be made against any person without giving him an opportunity of being heard unless—
- (a) he has been required in the manner prescribed by [<sup>F2</sup>rules] under section 103 above or, as the case may be, by an order under paragraph 12 of Schedule 3 to the <sup>M1</sup>Armed Forces Act 1976 to attend the court, and

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(b) he has failed to do so.

(7) Payment of any sum adjudged to be paid under this paragraph shall be enforceable as if it were a fine imposed for an offence against section 70 above.

(8) No appeal shall lie from an order or declaration under this paragraph.

[<sup>F3</sup>(9) In this paragraph “guardian”, in relation to an offender, includes any individual who, in the court’s opinion, has control of the offender.]

#### Textual Amendments

- F1** “£1,000” substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 58, **Sch. 8 para. 10(1)(2)** and [S.I. 1984/447, art. 2\(1\)](#), **Sch. 1**
- F2** Words in [Sch. 5A para. 14\(6\)\(a\)](#) substituted (1.4.1997) by 1996 c. 46, s. 5, **Sch. 1 Pt. IV para. 85**; [S.I. 1997/304, art. 2](#) (with [art. 3, Sch. 2](#))
- F3** [Para. 14\(9\)](#) inserted by [Armed Forces Act 1981 \(c. 55\)](#), **Sch. 1 para. 3(9)**

#### Modifications etc. (not altering text)

- C1** Power to amend [para. 14\(1\)](#) conferred by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. **143(1)(2)(h)** (as substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. **48(1)(a)(b)(iii)**)

#### Marginal Citations

- M1** 1976 c. 52.

#### Textual Amendments applied to the whole legislation

- F1** Act: the provisions of the 1955 Acts providing for findings of courts-martial to be subject to confirmation and to revision at the direction of the confirming officer cease to have effect (1.4.1997 subject to [art. 3](#) of the commencing S.I.) by virtue of 1996 c. 46, s. **15**; [S.I. 1997/304, arts. 2, 3](#), **Sch. 2**

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