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STATUTORY INSTRUMENTS

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**2009 No. 991**

**The Armed Forces (Conditional  
Release from Custody) Order 2009**

**Offence of agreeing to indemnify sureties**

**14.**—(1) If a person agrees with another to indemnify that other against any liability which that other may incur as a surety under this Order, he and that other person shall be guilty of an offence.

(2) An offence under paragraph (1) is committed whether the agreement is made before or after the person to be indemnified becomes a surety and whether or not he becomes a surety and whether the agreement contemplates compensation in money or in money's worth.

(3) An offence under paragraph (1) shall be triable by a civil court in England or Wales (as well as being triable by the Court Martial).

(4) Where a magistrates' court convicts a person of an offence under paragraph (1) the court may, if it thinks—

- (a) that the circumstances of the offence are such that greater punishment should be inflicted for that offence than the court has power to inflict, or
- (b) in a case where it commits that person for trial to the Crown Court for another offence, that it would be appropriate for him to be dealt with for the offence under paragraph (1) by the court before which he is tried for the other offence,

commit him in custody or on bail to the Crown Court for sentence.

(5) A person guilty of an offence under paragraph (1) shall be liable—

- (a) on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 5 on the standard scale or to both;
- (b) on conviction on indictment or if sentenced by the Crown Court on committal for sentence under paragraph (4), to imprisonment for a term not exceeding 12 months or a fine or to both; or
- (c) on conviction by the Court Martial to any punishment mentioned in the Table in section 164 of the 2006 Act but any sentence of imprisonment imposed in respect of the offence shall not exceed 12 months.

(6) No proceedings for an offence under paragraph (1) shall be instituted before a civil court except by, or with the consent of, the Director of Public Prosecutions.