



Army Act 1955 (repealed)

1955 CHAPTER 18 3 and 4 Eliz 2

PART II

DISCIPLINE AND TRIAL AND PUNISHMENT OF MILITARY OFFENCES

Punishments available to courts-martial

[^{F1}71B Power to impose imprisonment for default in payment of fines.

- (1) Subject to the provisions of this section, if a court-martial imposes a fine on a person found guilty of any offence—
- who is sentenced to imprisonment on the same occasion for the same or another offence or,
 - who is already serving or otherwise liable to serve a term of imprisonment, [^{F2}or
 - in respect of whom the court makes an order under section 71AA above on the same occasion for the same or another offence, or
 - who is already serving or otherwise liable to serve a period of detention under such an order,]

it may make an order fixing a further consecutive term of imprisonment [^{F3}or detention] which the said person is to undergo if any part of the fine is not duly paid or recovered on or before the date on which he could otherwise be released.

[Subject to subsections (4) and (5) below, the Table in [^{F5}section 139(4) of the Powers of Criminal Courts (Sentencing) Act 2000] (maximum periods of imprisonment for default in payment of fines etc.), as [^{F6}for the time being in force] , shall have effect for the purpose of determining the maximum periods of further imprisonment or detention that may be specified under subsection (1) above for fines of the amounts set out in that Table.]

- (3) Where the whole amount of the said fine is paid or recovered in the prescribed manner the order under subsection (1) above shall cease to have effect, and the person subject to it shall be released unless he is in custody for some other cause.

Status: Point in time view as at 25/08/2006. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Army Act 1955 (repealed), Section 71B. (See end of Document for details)

- (4) Where part of the said amount is paid or recovered in the prescribed manner, the period of the further term of imprisonment [^{F7}or detention] specified under subsection (1) above shall be reduced by such number of days as bears to the total number of days in that period less one day the same proportion as the amount so paid or recovered bears to the amount of the said fine.
- (5) In calculating the reduction required under the last preceding subsection any fraction of a day shall be left out of account.
- [An order imposing a term of detention under this section shall be given effect as if it ^{F8}(5A) were a custodial order under section 71AA above.]
- (6) In this section, references to the due recovery of any amount include references to deductions from pay under Part III of this Act, but do not include references to amounts forfeited under the said Part III.]

Textual Amendments

- F1** S. 71B inserted by [Armed Forces Act 1976 \(c. 52\)](#), [Sch. 6 para. 1](#)
- F2** S. 71B(1)(c)(d) and word “or” immediately preceding it inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 58, [Sch. 8 para. 4\(1\)\(a\)](#)
- F3** Words inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 58, [Sch. 8 para. 4\(1\)\(b\)](#)
- F4** S. 71B(2) substituted by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), s. 5
- F5** Words in s. 71B(2) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), [Sch. 9 para. 11](#)
- F6** Words in s. 71B(2) substituted (1.1.1992) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\)](#), s. 26(1), [Sch. 2 para. 2](#); [S.I. 1991/2719](#), [art. 2](#)
- F7** Words inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 58, [Sch. 8 para. 4\(1\)\(b\)](#)
- F8** S. 71B(5A) inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 58, [Sch. 8 para. 4\(1\)\(c\)](#)

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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Changes to legislation:

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