

*Status: Point in time view as at 01/01/1992.*

*Changes to legislation: Naval Discipline Act 1957 (repealed), Cross Heading: Scale of punishments and orders is up to date with all changes known to be in force on or before 12 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 4A]

#### POWERS OF COURT ON TRIAL OF CIVILIAN

##### Textual Amendments

**F1** Sch. 4A inserted by [Armed Forces Act 1976 \(c. 52\)](#), Sch. 4 paras. 1, 3

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

**C1** Sch. 4A excluded (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. [134\(1\)\(d\)\(2\)\(3\)](#); S.I. 2004/874, [art. 2](#); S.S.I. 2004/138, [art. 2](#)

#### *Scale of punishments and orders*

##### Textual Amendments applied to the whole legislation

**F1** Act repealed (prosp.) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 17](#) and the repeal being partly in force, as to which see individual provisions

- 15 (1) In their application to civilians, references in this Act to any punishment authorised by this Act are, subject to sub-paragraphs (4) to (7) below and to the limitation imposed in any particular case by the addition of the word “less”, references to any one or more of the punishments that may be awarded to civilians under this Act or of the orders that may be made against them under it.
- (2) For the purposes of Part I of this Act—
- a punishment or order specified in any paragraph of one of the columns in the Table below shall be treated as less than any punishments or orders specified in the paragraphs preceding that paragraph and greater than those specified in the paragraphs following it; and
  - a fine on or compensation order against an offender’s parent or guardian shall be treated as involving the same degree of punishment as a fine of the same amount on the offender or, as the case may be, a compensation order of the same amount against him.
- (3) In the Table—
- the first column applies in the case of a person who at the date of his conviction had attained 21 years of age;
  - the second column applies in the case of a person who at the date of his conviction had attained 17 years of age but was under 21 years of age; and
  - the third column applies in the case of a person who at the date of his conviction was under 17 years of age.

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Table

GRADING OF PUNISHMENTS AND ORDERS

<i>Offender 21 or over</i>	<i>Offender 17 or over but under 21</i>	<i>Offender under 17</i>
1. Death.	1. Death.	1. Detention as the Secretary of State may direct. [ <sup>F1</sup> 1A. Custodial order.]
2. Imprisonment.	2. [ <sup>F2</sup> Custody for life]	2. <sup>F3</sup> ...
3. Fine. [ <sup>F4</sup> 3A. Community supervision order.]	3. Custodial order.	3. Fine.
4.	4. Fine.	4.
5.	5.	5.
6.	6.	6.
7.	7.	
8.	8.	

Note. In the application of the above Table—

- (a) to a person convicted of murder who was under 18 years of age when the offence was committed, or
- (b) to a person convicted of any offence who was under 18 years of age when the offence was committed and would be sentenced to death but for section 43A(3) above,

the references to death shall be omitted from the first and second columns, and a reference to detention during Her Majesty's pleasure shall be substituted—

- (i) for the reference to [<sup>F5</sup>custody for life] in the second column, and
- (ii) for the reference to detention as the Secretary of State may direct in the third column.

- (4) No order requiring the giving of a consent or the making of an explanation may be made on any confirmation, review or revision of a sentence or any appeal against a sentence without the consent being given or the explanation made.
- (5) If a community supervision order is made on any such confirmation, review, revision or appeal, no other order may be made except a compensation order.
- (6) Where an order under paragraph 13 or 14 above was made at the trial, no other order under either of those paragraphs may be substituted for it on any such confirmation, review, revision or appeal.
- (7) Where—

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- (a) on the trial of any person an order might have been made against his parent or guardian under paragraph 13 or 14 above, and
  - (b) there is power, on confirmation, review, revision or appeal, to substitute a fine or compensation order for the order made on the trial,
- that power shall include—
- (i) power to substitute a fine or compensation order of an equal or smaller amount under paragraph 13 above, and
  - (ii) power to make an order under paragraph 14 above which is not of greater severity, in the opinion of the person to whom it falls to exercise the power, than the order made on the trial.

#### Textual Amendments

- F1** Entry inserted by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), **s. 11(5)(6)**
- F2** Words substituted by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), s. 16(1), **Sch. 1 para. 12(4)(a)**
- F3** Words in [Sch. 4A para. 15\(3\)](#), Table, Column 3 para. 2 repealed (1.1.1992) by [Armed Forces Act 1991 \(c. 62\)](#), s. 26(2), **Sch. 3**; S.I. 1991/2719, **art. 2**
- F4** Entry inserted by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), **s. 10(2)**
- F5** Word substituted by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), s. 16(1), **Sch. 1 para. 12(4)(b)**

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