



# Armed Forces Act 1986

## 1986 CHAPTER 21

### PART II

#### AMENDMENTS OF SERVICES ACTS ETC.

##### *Sentence, reconsideration and limitation*

#### **5 Maximum periods of imprisonment or detention for default in payment of fines**

For subsection (2) of section 71B of each of the 1955 Acts and for subsection (2) of section 43B of the 1957 Act (maximum periods of imprisonment or detention for default in payment of fines) there shall be substituted the following subsection—

“(2) Subject to subsections (4) and (5) below, the Table in section 31(3A) of the Powers of Criminal Courts Act 1973 (maximum periods of imprisonment for default in payment of fines etc.), as from time to time amended under section 143 of the Magistrates' Courts Act 1980, 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.”

#### **6 Repeal of power of reconsideration**

Neither section 114 of the Army Act 1955 nor section 114 of the Air Force Act 1955 (reconsideration of sentences of imprisonment or detention) shall apply in the case of a sentence awarded after the coming into force of this section.

#### **7 Removal of three year limit for commencement of certain proceedings**

(1) For subsection (1) of section 132 of each of the 1955 Acts (which, subject to any limit imposed in relation to a corresponding civil offence and to a power of the Attorney General to consent to proceedings in certain cases, imposes a three year limit on the commencement of proceedings for certain offences under the relevant service law) there shall be substituted the following subsection—

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*Status: This is the original version (as it was originally enacted).*

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- “(1) Where by virtue of any enactment proceedings on indictment for any civil offence must be brought within a limited period, no proceedings shall be taken against any person for an offence against section 70 of this Act corresponding to that civil offence unless the trial or proceedings on a summary dealing with the charge is or are begun before the end of that period.”
- (2) For subsection (1) of section 52 of the 1957 Act (which, with subsection (3) of that section, makes provision equivalent to that made by section 132(1) of each of the 1955 Acts) there shall be substituted the following subsection—
- “(1) Where by virtue of any enactment proceedings on indictment for any civil offence must be brought within a limited period, a person shall not be tried for that offence under section 42 of this Act unless the trial is begun within that period.”
- (3) In subsection (3) of the said section 52—
- (a) for the words " Subsections (1) and (2) " there shall be substituted the words " Subsection (2) " ; and
- (b) for the words from " and in the case of a civil offence " onwards there shall be substituted the words " or, without prejudice to subsection (1) above, to a civil offence punishable under section 42 of this Act where the civil offence is alleged to have been committed outside the United Kingdom and the Attorney General consents to the trial. "
- (4) Section 7(3) of the Armed Forces Act 1976 (which imposes a three year limit on the commencement of proceedings before a Standing Civilian Court) shall cease to have effect.
- (5) In section 7(4) of the said Act of 1976 (application to trial by Standing Civilian Court of time limit for corresponding civil offence), after the word " proceedings " there shall be inserted the words " on indictment ".
- (6) Nothing in this section shall affect the operation of section 132(1) of either of the 1955 Acts, section 52 of the 1957 Act or section 7(3) or (4) of the said Act of 1976 in relation to an offence if the offence was committed before the date on which this section comes into force and—
- (a) the period of three years beginning with the commission of the offence expired before that date ; or
- (b) the offence is an offence under section 70 of either of the 1955 Acts or punishable under section 42 of the 1957 Act and the period between the commission of the offence and that date was longer than the period within which proceedings for the corresponding civil offence must be taken.