

*These notes refer to the Armed Forces Act 2006 (c.52)
which received Royal Assent on 8 November 2006*

ARMED FORCES ACT 2006

EXPLANATORY NOTES

SCHEDULES

Schedule 3 – Civilians Etc: Modifications of Court Martial Sentencing Powers

779. This Schedule modifies section 164 (which provides for the punishments available to the Court Martial) for two categories of offender.

Part 1 – Civilian offenders

780. **Part 1** of the Schedule applies to civilian offenders. “Civilian offender” is defined by paragraph 1(2) to (4). In the case of such an offender, paragraph 1(1) substitutes a more limited range of punishments in place of those available under section 164.

781. For this purpose paragraph 2 modifies section 42(3) (which provides for the punishments available under section 163 in the case of an offence of criminal conduct under section 42) so that a civilian offender convicted of a criminal conduct offence is liable to imprisonment only if the corresponding civilian offence is punishable with imprisonment. The other punishments listed in paragraph 1(1) are available in any event.

Part 2 – Ex-servicemen etc

782. **Part 2** of the Schedule applies to offenders who satisfy the conditions listed in paragraph 3(2). These will normally be people who committed an offence while subject to service law but are no longer subject to service law when sentenced for the offence. In the case of such an offender, paragraph 3(1) substitutes a more limited range of punishments in place of those available under section 164.

783. For this purpose paragraph 4 modifies provisions restricting the punishments available under section 164, so that the restrictions apply similarly in relation to the punishments listed in paragraph 3.