

## **ARMED FORCES ACT 2006**

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### **EXPLANATORY NOTES**

#### **SCHEDULES**

##### *Schedule 6 – Overseas Community Orders: Young Offenders*

802. This Schedule further modifies, for offenders aged under 18 on conviction, the provisions of the 2003 Act that are applied to overseas community orders (with modifications) by section 181. It also provides for a new requirement specifically for young offenders.
803. [Paragraph 1](#) prevents an unpaid work requirement from being included in the order if the offender is aged under 16 on conviction.
804. [Paragraph 2](#) reduces to three months the maximum period for which an exclusion requirement can be imposed. Paragraph 8 enables the Secretary of State to amend this maximum.
805. [Paragraph 3](#) modifies the residence requirement so that, instead of specifying a place where the offender must reside, the order can require him to reside with a specified person, provided that that person has consented to the requirement. If the offender is under 16 on conviction he cannot be required to reside at a specified place but only with a specified person.
806. [Paragraph 4](#) dispenses with the need for the offender's consent to the imposition of a mental health requirement, or to the making of arrangements for treatment under such a requirement, if the offender is aged under 14 when the requirement is imposed or the arrangements made.
807. Under the 2003 Act, a drug rehabilitation requirement must require the offender not only to undergo treatment but also to provide samples for testing to see whether he has any drugs in his body; but a court cannot impose a drug rehabilitation requirement unless the offender agrees to comply with it. In the case of an offender aged 14 or over but under 18, paragraph 5 prohibits a drug rehabilitation requirement from including a requirement to provide samples for testing unless the offender agrees to do so (as well as agreeing to undergo treatment). An offender aged under 14 can be required to undergo treatment without his agreement, but cannot be required to provide samples at all. The 6-month minimum period for a drug rehabilitation requirement does not apply where the offender is under 18 on conviction.
808. Under paragraph 6, an alcohol treatment requirement cannot be imposed on an offender aged under 18 on conviction.
809. [Paragraph 7](#) provides for an education requirement, which is available only for offenders aged under 18 on conviction and requires the offender to comply with arrangements made for his education during a specified period.