



Armed Forces Act 2006

2006 CHAPTER 52

PART 8

SENTENCING POWERS AND MANDATORY ETC SENTENCES

CHAPTER 1

DEFINITION ETC OF CERTAIN SENTENCES

Service supervision and punishment orders

173 Service supervision and punishment orders

- (1) A service supervision and punishment order is an order that—
 - (a) imposes on the offender, for a period specified in the order, such requirements as regulations made by the Defence Council may prescribe; and
 - (b) provides that one-sixth of his gross pay for that period is forfeit.
- (2) The period specified in the order must be 90, 60 or 30 days beginning with the day the order is made.
- (3) The requirements that regulations under this section may prescribe include, in particular—
 - (a) requirements to perform activities of a prescribed description;
 - (b) requirements not to use entitlement to leave;and the descriptions of activities that may be prescribed include extra work and drill.
- (4) A requirement included in regulations under this section may be for a person to perform an activity of a prescribed description for up to a prescribed period of time per day, and the regulations may—

Status: Point in time view as at 31/12/2020.

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- (a) confer on the person's commanding officer the function of deciding in respect of any day what activities within the prescribed description must be performed and for how much of the prescribed period of time and when;
 - (b) provide for the delegation by the commanding officer of any of his functions under the regulations.
- (5) Regulations under this section may prescribe different requirements for different parts of the period of the order.
- (6) In this section “prescribed” means prescribed by regulations under this section.

Commencement Information

- I1** S. 173 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3(a)(b)** (with transitional provisions in [S.I. 2009/1059](#))
- I2** S. 173 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

174 Review of service supervision and punishment orders

- (1) The commanding officer of a person subject to a service supervision and punishment order must, at times prescribed by regulations made by the Defence Council, consider whether the order should continue in force.
- (2) If on a review under subsection (1) the commanding officer decides that the order should not continue in force, he must order that it shall immediately cease to have effect.
- (3) Regulations made by the Defence Council may—
 - (a) prescribe criteria to be applied by a commanding officer in deciding whether an order should continue in force;
 - (b) make provision about procedure in relation to orders under subsection (2).
- (4) Where a commanding officer makes an order under subsection (2), there remains forfeit one-sixth of the offender's gross pay for the period—
 - (a) beginning with the day the service supervision and punishment order is made; and
 - (b) ending with the day before the date of the commanding officer's order.

Commencement Information

- I3** S. 174 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3(a)(b)** (with transitional provisions in [S.I. 2009/1059](#))
- I4** S. 174 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

Service compensation orders

175 Service compensation orders

- (1) A service compensation order is an order that requires the offender to pay compensation for any personal injury, loss or damage resulting from—
 - (a) the offence of which he has been convicted; or

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- (b) where any other offence is taken into consideration in determining his sentence, any offence so taken into consideration.
- (2) A service compensation order must be of such amount as the court considers appropriate, having regard to any evidence and to any representations that are made by or on behalf of the offender or the prosecutor.
- (3) In the case of an offence of unlawfully obtaining any property (whether by stealing it, handling it or otherwise), where the property in question is recovered, any damage to the property occurring while it was out of the owner's possession is to be treated for the purposes of this section as having resulted from the offence, however and by whomever the damage was caused.
- (4) No service compensation order may be made in respect of—
- (a) bereavement;
 - (b) funeral expenses; or
 - (c) loss of any other kind suffered by the dependants of a person in consequence of his death.
- (5) No service compensation order may be made in respect of injury, loss or damage due to an accident arising out of the presence of a motor vehicle on a road unless—
- (a) it is in respect of damage treated by subsection (3) as resulting from an offence of unlawfully obtaining any property; or
 - (b) it is in respect of injury, loss or damage as respects which—
 - (i) the offender is uninsured in relation to the use of the vehicle; and
 - (ii) compensation is not payable under any arrangements to which the Secretary of State is a party.
- (6) Where a service compensation order is made in respect of injury, loss or damage due to an accident arising out of the presence of a motor vehicle on a road, the amount to be paid may include an amount representing the whole or part of any loss of or reduction in preferential rates of insurance attributable to the accident.
- (7) For the purposes of subsection (5) a person is not uninsured in relation to the use of a vehicle if—
- (a) the vehicle is in the public service of the Crown; or
 - (b) the use of the vehicle is exempted from insurance by section 144 of the Road Traffic Act 1988 (c. 52) or Article 90(2) of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)).
- [^{F1}(7A) The court must consider making a service compensation order in any case where it has power to do so.]
- (8) The court must give reasons, on passing sentence, if it does not make a service compensation order in a case where it has power to do so.
- (9) References in this section to “the court” are references to the court or officer sentencing the offender.

Textual Amendments

- F1** S. 175(7A) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), [ss. 63\(2\), 151\(1\)](#); [S.I. 2012/2906](#), art. 2(a)

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Commencement Information

- I5** S. 175 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))
- I6** S. 175 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)

176 Service compensation orders: appeals etc

- (1) A person in whose favour a service compensation order is made is not entitled to receive the amount due to him until (disregarding any power of a court to grant leave to appeal out of time) there is no further possibility of an appeal which could result in the order being varied or ceasing to have effect.
- (2) Where the Supreme Court restores a conviction of a service offence, it may make any service compensation order which the court of trial could have made.
- (3) Where a service compensation order has been made against any person in respect of an offence taken into consideration in determining his sentence—
 - (a) the order ceases to have effect if he successfully appeals against his conviction of the offence or, if more than one, all the offences, of which he was convicted in the proceedings in which the order was made;
 - (b) he may appeal against the order as if it were part of the sentence imposed in respect of the offence or, if more than one, any of the offences, of which he was so convicted.

Commencement Information

- I7** S. 176 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))
- I8** S. 176 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)

177 Review of service compensation orders

- (1) The appropriate court may, on the application of the person against whom a service compensation order was made, discharge the order or reduce the amount which remains to be paid; but this is subject to subsections (2) and (3).
- (2) The appropriate court may exercise a power conferred by subsection (1) only at a time when (disregarding any power of a court to grant leave to appeal out of time) there is no further possibility of an appeal which could result in the order being varied or ceasing to have effect.
- (3) The appropriate court may exercise a power conferred by subsection (1) only if it appears to the court—
 - (a) that the injury, loss or damage in respect of which the service compensation order was made has been held in civil proceedings to be less than it was taken to be for the purposes of the order;
 - (b) in the case of a service compensation order in respect of the loss of any property, that the property has been recovered by the person in whose favour the order was made; or
 - (c) that the person against whom the service compensation order was made has suffered a substantial reduction in his means which was unexpected at the time

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when the order was made, and that his means seem unlikely to increase for a considerable period.

- (4) In this section “the appropriate court” means—
- (a) if the service compensation order was awarded by an officer and subsection (5) applies, the commanding officer of the person against whom the service compensation order was made;
 - (b) in any other case, the Court Martial.
- (5) This subsection applies if the person against whom the service compensation order was made is for the time being—
- (a) subject to service law;
 - (b) a member of a volunteer reserve force; or
 - (c) a member of an ex-regular reserve force who is subject to an additional duties commitment.

Commencement Information

- I9** S. 177 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))
- I10** S. 177 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)

[^{F2}177A Effect of service compensation order on subsequent award of damages in civil proceedings

- (1) This section has effect where—
- (a) a service compensation order has been made in favour of any person in respect of any injury, loss or damage, and
 - (b) a claim by the person in civil proceedings for damages in respect of the injury, loss or damage subsequently falls to be decided by a court in England and Wales.
- (2) The damages in the civil proceedings must be assessed without regard to the order.
- (3) But the claimant may recover only an amount equal to the aggregate of—
- (a) any amount by which the damages assessed exceed the compensation, and
 - (b) a sum equal to any portion of the compensation which the person fails to recover (“unrecovered compensation”).
- (4) The claimant may not enforce the judgment, so far as it relates to unrecovered compensation, without the leave of the court.]

Textual Amendments

- F2** S. 177A inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 2](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

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Service community orders (civilians and dismissed servicemen only)

178 Service community orders

- (1) A service community order is an order—
- (a) imposing on the offender one or more of the requirements [^{F3}listed in column 1 of the community order requirements table in section 201 of the Sentencing Code]; and
 - (b) specifying the local justice area in England and Wales, [^{F4}or the locality in Scotland where the offender resides or will reside, or that the offender resides or will reside in Northern Ireland].

[^{F5}(2) The following provisions of the Sentencing Code apply in relation to a service community order under this Act—

- (a) section 203 (restriction on making both community order and suspended sentence order);
- (b) sections 206 and 207 (community order: available requirements);
- (c) section 208(2) and Schedule 9 (requirements relating to community orders), other than paragraph 17(2)(c) of that Schedule (condition for mental health treatment requirement) (see also the modifications to Schedule 9 made by section 179 of this Act);
- (d) section 208(10) to (14) (further requirements);
- (e) section 209 (end date);
- (f) section 210 (specification of local justice area);
- (g) section 217 (power to provide for court review);
- (h) section 212(1) to (3) and (5) (provision of copies);
- (i) sections 213 to 216 (obligations of responsible officer and offender);
- (j) section 218 and Schedule 10 (breach, revocation or amendment of community order) (see also the modifications to Schedule 10 made by section 181 of this Act);
- (k) section 219 and Schedule 11 (transfer of community order to Scotland or Northern Ireland) (see also the modifications to Schedule 11 made by section 180 of this Act);
- (l) section 220 (when order ceases to be in force);
- (m) section 394 (rules relating to community orders);
- (n) section 395 (data from electronic monitoring code).

(3) In the application of those provisions, other than Schedule 10, references to a community order include a service community order.

See section 181(1) of this Act as regards references to a community order in Schedule 10.

(4) In the application of those provisions, other than in Schedules 10 and 11, references to a court include a relevant service court.

See section 180 of this Act as regards references to a court in Schedule 11.]

[^{F6}(5)]

(6) For the purposes of this section each of the following is a relevant service court—

- (a) the Court Martial;

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- (b) the Service Civilian Court;
- (c) the Court Martial Appeal Court;
- (d) the Supreme Court on an appeal brought from the Court Martial Appeal Court.

Textual Amendments

- F3** Words in s. 178(1)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 3\(2\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F4** Words in s. 178(1)(b) substituted (1.12.2020) immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), s. 5(2)(3), [Sch. 2 para. 123\(2\)](#) (with s. 5(9)); [S.I. 2012/1236](#), reg. 2
- F5** S. 178(2)-(4) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 3\(3\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F6** S. 178(5) omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 3\(4\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Commencement Information

- I11** S. 178 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))
- I12** S. 178 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)

[^{F7}179 Review of service community order imposing drug rehabilitation requirement

- (1) In their application to a service community order, paragraphs 21 and 22 of Schedule 9 to the Sentencing Code are modified as follows.
- (2) Paragraph 21 (court review of drug rehabilitation requirement) has effect as if for paragraphs (4) to (6) there were substituted—
 - “(4) In this paragraph “the responsible court”, in relation to a service community order imposing a drug rehabilitation requirement, means the Crown Court.”
- (3) Paragraph 22 (periodic review of drug rehabilitation requirement) has effect as if after sub-paragraph (5) there were inserted—
 - “(5A) In a case where the order was made by the Service Civilian Court, a term of imprisonment or detention in a young offender institution or fine imposed under sub-paragraph (4)(b) must not exceed—
 - (a) in the case of a term of imprisonment or detention in a young offender institution, 6 months;
 - (b) in the case of a fine, the prescribed sum within the meaning of section 32 of the Magistrates' Courts Act 1980.
 - (5B) Where a sentence is passed under sub-paragraph (4)(b), section 9 of the Criminal Appeal Act 1968 (appeal against sentence) applies as if the offender had been convicted on indictment of the offence for which the sentence was passed.”]

Textual Amendments

- F7** S. 179 substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 4](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

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Modifications etc. (not altering text)

- C1** S. 179(3) modified (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2) (3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), [ss. 1, 5\(2\)\(3\)](#) (with [s. 5\(9\)](#)); [S.I. 2012/1236](#), [reg. 2](#)

[^{F8}180 Transfer of service community order to Scotland or Northern Ireland

- (1) In its application to service community orders, Schedule 11 to the Sentencing Code (transfer of community orders to Scotland or Northern Ireland) applies with the following modifications.
- (2) In paragraphs 1, 3, 5, 6, 7, 9, 11, 12, 13, 15 and 17 the references to a court are to be read as including a relevant service court.
- (3) In paragraph 14, the reference to a court in England and Wales is to be read as including a relevant service court.
- (4) In paragraph 15(d), the reference to the powers of the court making or amending the community order is to be read as a reference to the powers of the Crown Court.
- (5) In paragraph 21(6) to (8), the references to the court which made the order are to be read as including a relevant service court.
- (6) In paragraph 22(1), the reference to the court which made the order or which last amended the order in England and Wales is to be read as a reference to the Crown Court.
- (7) In paragraphs 23 to 26, the references to a court in England and Wales are to be read as references to the Crown Court.
- (8) In this section “relevant service court” has the same meaning as in section 178.]

Textual Amendments

- F8** S. 180 substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [s. 416\(1\)](#), [Sch. 25 para. 5](#) (with [s. 416\(7\)](#), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#)

[^{F9}181 Breach, revocation or amendment of service community order

- (1) Schedule 10 to the Sentencing Code (breach, revocation or amendment of community order) applies to a service community order as it applies to a Crown Court community order (within the meaning of that Schedule) with the following modifications.
- (2) Paragraph 1(1) has effect as if, for the definition of “appropriate court” there were substituted—

““appropriate court” means the Crown Court;”.
- (3) Part 1 has effect as if, after paragraph 5, the following paragraph were inserted—

“Re-sentencing powers

- 5A (1) Sub-paragraphs (2) and (3) apply where—

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- (a) this Schedule provides the court with a power to re-sentence an offender for the offence in respect of which a service community order was made, and
 - (b) the service community order was made by the Service Civilian Court.
- (2) A term of imprisonment or detention in a young offender institution imposed under the power to re-sentence the offender must not exceed 6 months.
- (3) A fine imposed under the power to re-sentence the offender must not exceed the prescribed sum (within the meaning of section 32 of the Magistrates' Courts Act 1980).
- (4) Where a sentence is passed by virtue of a power in this Schedule for a court to re-sentence an offender, section 9 of the Criminal Appeal Act 1968 (appeal against sentence) applies as if the offender had been convicted on indictment of the offence for which the sentence was passed.”
- (4) Paragraph 11 has effect as if sub-paragraph (3) were omitted.
- (5) Paragraph 27 has effect as if sub-paragraphs (3)(b), (5) and (6) were omitted.]

Textual Amendments

- F9** S. 181 substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 6](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Modifications etc. (not altering text)

- C2** [S. 181\(3\)](#) modified (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2) (3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), [ss. 1, 5\(2\)\(3\)](#) (with s. 5(9)); [S.I. 2012/1236](#), reg. 2

Overseas community orders (civilians only)

182 Overseas community orders

- (1) An overseas community order is an order—
- (a) imposing on the offender one or more of the requirements ^{F10}listed in column 1 of the community order requirements table in section 201 of the Sentencing Code^{F11}(but see subsection (1A) below)]; and
 - (b) not specifying anywhere as an area where the offender resides or will reside.

^{F12}(1A) The order may not include ^{F13}any of the following—

- (a) a foreign travel prohibition requirement;
- (b) an alcohol abstinence and monitoring requirement;
- (c) an electronic compliance monitoring requirement;
- (d) an electronic whereabouts monitoring requirement.]]

(2) The order may include a particular requirement ^{F14}... only if the court is satisfied—

- (a) that the requirement, and the arrangements (if any are needed) that will be made in connection with it, are such that the offender will be able to comply with the requirement in the area where he resides or will reside; and

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- (b) that arrangements will be made for the supervision of his compliance with the requirement.

[^{F15}(3) The following provisions of the Sentencing Code apply in relation to an overseas community order under this Act—

- (a) section 203 (restriction on making both community order and suspended sentence order);
- (b) sections 206 and 207(3) (community order: available requirements);
- (c) section 208(2) and Schedule 9 (requirements relating to community orders), other than the following provisions of that Schedule—
 - (i) paragraph 3(1)(b) (unpaid work requirement: availability of arrangements);
 - (ii) paragraph 10(3) (requirement to impose electronic monitoring requirement when imposing curfew requirement);
 - (iii) paragraph 12 (requirement to impose electronic monitoring requirement when imposing exclusion requirement);
 - (iv) paragraph 15 (foreign travel prohibition requirement);
 - (v) paragraph 17(2)(c) (condition for mental health treatment requirement);
 - (vi) paragraphs 21 and 22 (periodic review of drug rehabilitation requirement);
 - (vii) paragraphs 25 and 26 (alcohol abstinence and monitoring requirement);
 - (viii) paragraph 28(a) (availability of attendance centre);
 - (ix) paragraphs 29 to 35 (electronic monitoring);
- (d) section 208(10) to (14) (further requirements) (see also the modifications to section 208(11) made by section 183(2) of this Act);
- (e) section 209 (end date);
- (f) section 212(1) to (3) and (5) (provision of copies) (see also the modifications made to section 212 by section 183(3) of this Act);
- (g) sections 213 to 216 (obligations of responsible officer and offender) (see also the modifications made to sections 214 and 216 by section 183(4) and (5) of this Act);
- (h) section 218 and Schedule 10 (breach, revocation or amendment of community order) (see also the modifications to Schedule 10 made by Schedule 6A to this Act);
- (i) section 220 (when order ceases to be in force);
- (j) section 394 (rules relating to community orders).

(4) In the application of those provisions to an overseas community order, references to a community order include an overseas community order.

(5) In the application of those provisions to an overseas community order, other than in Schedule 10, references to a court include a relevant service court.

See Schedule 6A to this Act as regards references to a court in Schedule 10.]

- (6) For the purposes of this section each of the following is a relevant service court—
- (a) the Court Martial;
 - (b) the Service Civilian Court;
 - (c) the Court Martial Appeal Court;

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(d) the Supreme Court on an appeal brought from the Court Martial Appeal Court.

Textual Amendments

- F10** Words in s. 182(1)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 7\(2\)](#) (with [s. 416\(7\)](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F11** Words in s. 182(1)(a) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 78\(2\)](#), [151\(1\)](#); [S.I. 2012/2906](#), art. 2(a)
- F12** S. 182(1A) inserted (3.12.2012 for specified purposes) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 78\(3\)](#), [151\(1\)](#); [S.I. 2012/2906](#), art. 2(a)
- F13** S. 182(1A)(a)-(d) substituted (1.12.2020) for words by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 7\(3\)](#) (with [s. 416\(7\)](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F14** Words in s. 182(2) omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 7\(4\)](#) (with [s. 416\(7\)](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F15** S. 182(3)-(5) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 7\(5\)](#) (with [s. 416\(7\)](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Modifications etc. (not altering text)

- C3** S. 182(2) modified (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2) (3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), [ss. 1, 5\(2\)\(3\)](#) (with [s. 5\(9\)](#)); [S.I. 2012/1236](#), reg. 2

Commencement Information

- I13** S. 182 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))
- I14** S. 182 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)

[^{F16}183 Overseas community orders: modifications of the Sentencing Code

- (1) The provisions of the Sentencing Code mentioned in section 182(3) apply in relation to an overseas community order with the modifications set out in subsections (2) to (5).
- (2) Section 208(11) has effect as if, before paragraph (a) there were inserted—
- “(za) the offender is aged under 18 when convicted of the offence in respect of which the order is made;”.
- (3) Section 212 (provision of copies of community order and related documents) has effect as if, in subsection (2), for paragraphs (a) to (d) there were substituted—
- “(a) to the offender,
(b) to the offender's commanding officer,
(c) if the offender is aged under 14, to the offender's parent or guardian,
(d) if the order imposes an education requirement under Schedule 6 to the Armed Forces Act 2006, to Service Children's Education,
(e) to the responsible officer, and
(f) to an officer of a provider of probation services that is a public sector provider who is acting at the court.”
- (4) Section 214 (obligations of responsible officer) has effect as if, at the end of subsection (2) there were inserted
- (c) where appropriate, to take steps to enforce those requirements.”

Status: Point in time view as at 31/12/2020.

Changes to legislation: Armed Forces Act 2006, Chapter 1 is up to date with all changes known to be in force on or before 07 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)

- (5) Section 216 (duty of offender to obtain permission before changing residence) has effect as if, in subsection (4), for the words from “has the same meaning” to the end, there were substituted “ means the court that made the order ”.
- (6) Schedule 6 makes provision about the application of the provisions of the Sentencing Code mentioned in section 182(3) where an overseas community order relates to a young offender.]

Textual Amendments

- F16** S. 183 substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

184 Breach, revocation or amendment of overseas community order

[^{F17}Schedule 6A (application of Schedule 10 to the Sentencing Code] to overseas community orders) has effect.

Textual Amendments

- F17** Words in s. 184 substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 9** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Commencement Information

- I15** S. 184 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3(a)(b)** (with transitional provisions in [S.I. 2009/1059](#))
- I16** S. 184 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

Conditional or absolute discharge (civilians only)

185 Conditional or absolute discharge

- (1) A conditional discharge is an order discharging the offender subject to the condition that he commits no service offence during a period specified in the order.
- (2) The period specified in the order (“the period of conditional discharge”) must—
- (a) begin with the date of the order; and
 - (b) not exceed the maximum period for the time being specified in [^{F18}section 80(5) of the Sentencing Code] (maximum period of civilian conditional discharge).
- (3) An absolute discharge is an order discharging the offender absolutely.
- (4) Where by virtue of Schedule 3 a court sentences an offender by conditionally or absolutely discharging him, the sentence must not include any other punishment except a service compensation order.

Status: Point in time view as at 31/12/2020.

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Textual Amendments

F18 Words in s. 185(2)(b) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 13](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Commencement Information

I17 S. 185 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))

I18 S. 185 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)

186 Commission of further offence by person conditionally discharged

- (1) This section applies where a person who has been conditionally discharged by virtue of Schedule 3 is convicted by the Court Martial or the Service Civilian Court (“the convicting court”) of an offence committed during the period of conditional discharge.
- (2) If the convicting court is the Court Martial, it may deal with him for the offence for which he was conditionally discharged in any way in which the court that conditionally discharged him could deal with him if it had just convicted him of that offence.
- (3) If the convicting court is the Service Civilian Court, it may deal with him for the offence for which he was conditionally discharged in any way in which it could deal with him if it had just convicted him of that offence.
- (4) If a person conditionally discharged is subsequently dealt with under this section for the offence in respect of which the order conditionally discharging him was made, that order ceases to have effect.
- (5) A person who—
 - (a) is sentenced by a court under subsection (2) or (3) for an offence for which he was conditionally discharged, and
 - (b) was not convicted of that offence by that court,is to be treated, for the purpose of enabling him to appeal against the sentence under section 285 below or the Court Martial Appeals Act 1968 (c. 20), as if he had been so convicted.
- (6) Where subsection (3) applies and the offence for which the person was conditionally discharged is not one that the Service Civilian Court would have jurisdiction to try, it shall be assumed for the purposes of that subsection that it could have convicted him of the offence.

Commencement Information

I19 S. 186 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))

I20 S. 186 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)

187 Effect of discharge

- (1) A conviction of an offence for which an order under section 185 discharging the offender absolutely or conditionally is made shall be deemed not to be a conviction

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for any purpose other than the purposes of the proceedings in which the order is made and of any subsequent proceedings which may be taken against the offender under section 186.

- (2) Where the offender was aged 18 or over at the time of his conviction of the offence in question and is subsequently dealt with under section 186 for that offence, subsection (1) ceases to apply to the conviction.
- (3) Without prejudice to subsections (1) and (2), a conviction of an offence for which an order under section 185 discharging the offender absolutely or conditionally is made is in any event to be disregarded for the purposes of any enactment or instrument which—
 - (a) imposes any disqualification or disability on convicted persons; or
 - (b) authorises or requires the imposition of any such disqualification or disability.
- (4) In subsection (3)—

“enactment” includes an enactment contained in an Act of the Scottish Parliament, in Northern Ireland legislation or in a local Act;

“instrument” means an instrument having effect by virtue of an Act or Northern Ireland legislation (and “Act” here includes an Act of the Scottish Parliament).
- (5) Subsections (1) to (4) do not affect—
 - (a) any appeal, whether against conviction or otherwise;
 - (b) any right of the offender to rely on his conviction in bar of any subsequent proceedings for the same offence; or
 - (c) the restoration of any property in consequence of the conviction.

Modifications etc. (not altering text)

- C4** S. 187 excluded (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), **ss. 6(2)(e)**, 40(7); [S.I. 2020/1662](#), [reg. 2\(f\)](#)
- C5** S. 187(1) excluded (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), **ss. 158(3)(d)**, 182(5) (with s. 180); [S.I. 2010/816](#), [art. 2](#), [Sch. para. 11](#)

Commencement Information

- I21** S. 187 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3(a)(b)** (with transitional provisions in [S.I. 2009/1059](#))
- I22** S. 187 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

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