



# Armed Forces Act 2006

## 2006 CHAPTER 52

### PART 8

#### SENTENCING POWERS AND MANDATORY ETC SENTENCES

#### CHAPTER 1

##### DEFINITION ETC OF CERTAIN SENTENCES

##### *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 mentioned in section 177(1) of the 2003 Act (community orders under that Act) [<sup>F1</sup>(but see subsection (1A) below)]; and
  - (b) not specifying anywhere as an area where the offender resides or will reside.

[<sup>F2</sup>(1A) The order may not include a requirement mentioned in section 177(1)(ga) (a foreign travel prohibition requirement) or (ja) (an alcohol abstinence and monitoring requirement).]

- (2) The order may include a particular requirement mentioned in section 177(1) of the 2003 Act 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
  - (b) that arrangements will be made for the supervision of his compliance with the requirement.
- (3) The power to include in the order one or more of the requirements mentioned in section 177(1) of the 2003 Act is also subject to—

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- (a) the provisions mentioned in the paragraphs of section 177(2) of that Act; and
  - (b) Schedule 6 to this Act (special provisions for young offenders).
- [<sup>F3</sup>(3A) In section 177(2A) and (2B) of the 2003 Act (community orders: punitive elements) “community order” includes an overseas community order if the offender is aged 18 or over when convicted of the offence in respect of which the overseas community order is made.]
- (4) Subject to section 183 below, in the following provisions of the 2003 Act “community order” includes an overseas order—
- section 177(5) [<sup>F4</sup>, (5A), (5B)] and (6) (provision about the making of community orders);
  - Chapter 4 of Part 12 (further provision about orders).
- (5) In [<sup>F5</sup>the provisions of the 2003 Act mentioned in subsections (3A) and (4)] in their application in relation to an overseas community order, “court” includes a relevant service court.
- (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;
  - (d) the Supreme Court on an appeal brought from the Court Martial Appeal Court.

#### Textual Amendments

- F1** 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)
- F2** 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)
- F3** S. 182(3A) inserted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 16 para. 33\(2\)](#) (with [Sch. 16 para. 35](#)); S.I. 2013/2981, art. 2(e)
- F4** Words in s. 182(4) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 78\(4\), 151\(1\)](#); S.I. 2012/2906, art. 2(a)
- F5** Words in s. 182(5) substituted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 16 para. 33\(3\)](#) (with [Sch. 16 para. 35](#)); S.I. 2013/2981, art. 2(e)

#### Commencement Information

- I1** 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](#))
- I2** S. 182 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167, art. 4](#)

### 183 Overseas community orders: modifications of 2003 Act

- (1) The following provisions of Chapter 4 of Part 12 of the 2003 Act do not apply in relation to overseas community orders—
- section 197(1) and (2) (meaning of “the responsible officer”);
  - section 207(3)(a)(ii) (condition for mental health treatment requirement);
  - sections 210 and 211 (periodic review of drug rehabilitation requirement);
  - section 215 (electronic monitoring requirement);
  - section 216 (requirement to specify local justice area);

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section 218 (availability of arrangements in local justice area etc).

[<sup>F6</sup>(2) Sections 201(7)(b) and 202(7) of the 2003 Act are to be read in relation to an overseas community order as referring to a place that has been approved by a local probation board or by a provider of probation services.]

(3) The court by which an overseas community order is made must (as well as complying with so much as is applicable of section 219 of the 2003 Act) provide a copy of the order without delay—

- (a) to the offender's commanding officer;
- (b) if the offender is aged under 14, to his parent or guardian; and
- (c) if the order imposes an education requirement under Schedule 6 to this Act, to Service Children's Education.

(4) For the purposes of Part 12 of the 2003 Act “the responsible officer”, in relation to an offender to whom an overseas community order relates, means the officer of a local probation board [<sup>F7</sup>or the officer of a provider of probation services (as the case may be)] who, as respects the offender, is for the time being responsible for discharging the functions conferred by that Part on the responsible officer.

(5) The power conferred on the Secretary of State by section 197(3)(a) of the 2003 Act includes power to amend subsection (4) above.

#### Textual Amendments

- F6** S. 183(2) substituted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), **Sch. 1 para. 23(2)(a)**
- F7** Words in s. 183(4) inserted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), **Sch. 1 para. 23(2)(b)**

#### Commencement Information

- I3** S. 183 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. 183 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

## 184 Breach, revocation or amendment of overseas community order

Part 2 of Schedule 5 (application of Schedule 8 to the 2003 Act to overseas community orders) has effect.

#### Commencement Information

- I5** 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](#))
- I6** S. 184 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

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