



# Armed Forces Act 2006

## 2006 CHAPTER 52

### PART 8

#### SENTENCING POWERS AND MANDATORY ETC SENTENCES

### CHAPTER 2

#### CONSECUTIVE SENTENCES

#### **188 Consecutive custodial sentences**

- (1) This section applies where a court passes a qualifying custodial sentence on a person in respect of a service offence.
- (2) In this section “qualifying custodial sentence” means—
  - (a) a determinate sentence of imprisonment;
  - (b) a determinate sentence of detention under section 209; or
  - (c) a sentence of detention under section 228 of the 2003 Act passed as a result of section 222 of this Act.
- (3) The court may direct—
  - (a) that the sentence shall take effect from the end of any other qualifying custodial sentence that the court passes on the person on the same occasion;
  - (b) that the sentence shall take effect from the end of any sentence to which this paragraph applies that was passed on the person on a previous occasion; or
  - (c) that the sentence shall take effect from the date when the person is (or but for the direction would be) released from custody under any sentence to which this paragraph applies that was passed on him on a previous occasion.
- (4) Subsection (3)(b) applies to any of the following sentences, other than one from which the person has already been released early under Chapter 6 of Part 12 of the 2003 Act—
  - (a) a determinate sentence of imprisonment passed in respect of a service offence or by a civilian court in England and Wales;

*Status: Point in time view as at 28/03/2009.*

*Changes to legislation: Armed Forces Act 2006, Chapter 2 is up to date with all changes known to be in force on or before 01 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)*

- (b) a determinate sentence of detention under section 209 of this Act or section 91 of the Sentencing Act;
  - (c) a sentence of detention under section 228 of the 2003 Act (whether or not passed as a result of section 222 of this Act).
- (5) Subsection (3)(c) applies to any of the following sentences (wherever passed)—
- (a) a determinate sentence of imprisonment not falling within paragraph (a) of subsection (4);
  - (b) a sentence not falling within paragraph (b) or (c) of subsection (4) but corresponding to a sentence so falling.
- (6) In subsection (1) “court” does not include a civilian court.

#### **Commencement Information**

- II** [S. 188](#) 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](#))

### **189 Consecutive sentences of service detention**

- (1) A court which passes a sentence of service detention on a person may direct that the sentence shall take effect from the end of any other sentence of service detention—
- (a) that has been passed on him on a previous occasion; or
  - (b) that the court passes on him on the same occasion.
- (2) In subsection (1) “court” does not include the Summary Appeal Court.
- (3) Where an officer or the Summary Appeal Court awards a person a term of service detention, the officer or court may direct that the award shall take effect from the end of any other sentence of service detention that has been passed on him on a previous occasion.
- (4) This section is subject to section 244 (limit on combined term of sentences of service detention).

#### **Commencement Information**

- I2** [S. 189](#) 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](#))

**Status:**

Point in time view as at 28/03/2009.

**Changes to legislation:**

Armed Forces Act 2006, Chapter 2 is up to date with all changes known to be in force on or before 01 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.