



# 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—
- imposing on the offender one or more of the requirements [<sup>F1</sup>listed in column 1 of the community order requirements table in section 201 of the Sentencing Code][<sup>F2</sup>(but see subsection (1A) below)]; and
  - not specifying anywhere as an area where the offender resides or will reside.

[<sup>F3</sup>(1A) The order may not include [<sup>F4</sup>any of the following—

- a foreign travel prohibition requirement;
- an alcohol abstinence and monitoring requirement;
- an electronic compliance monitoring requirement;
- an electronic whereabouts monitoring requirement.]]

- (2) The order may include a particular requirement <sup>F5</sup>... only if the court is satisfied—
- 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
  - that arrangements will be made for the supervision of his compliance with the requirement.

*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: Armed Forces Act 2006, Section 182 is up to date with all changes known to be in force on or before 06 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)*

[<sup>F6</sup>(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;
- (d) the Supreme Court on an appeal brought from the Court Martial Appeal Court.

*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: Armed Forces Act 2006, Section 182 is up to date with all changes known to be in force on or before 06 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)*

#### Textual Amendments

- F1** 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
- F2** 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)
- F3** 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)
- F4** 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
- F5** 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
- F6** 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)

- C1** 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

- 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](#)

**Status:**

Point in time view as at 01/12/2020.

**Changes to legislation:**

Armed Forces Act 2006, Section 182 is up to date with all changes known to be in force on or before 06 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.