



# Armed Forces Act 2006

## 2006 CHAPTER 52

First Group of Parts Discipline

### PART 12

#### SERVICE AND EFFECT OF CERTAIN SENTENCES

##### *Commencement of sentence*

#### **291 Commencement of consecutive term of service detention awarded by CO**

- (1) This section applies where an officer—
  - (a) awards a term of service detention; and
  - (b) directs under section 189(3) that the award shall take effect from the end of another sentence of service detention (“the initial sentence”).
- (2) The offender may at the time of the award make an election under this subsection.
- (3) Such an election may be withdrawn at any time until the end of the appeal period.
- (4) If the offender—
  - (a) makes an election under subsection (2), and
  - (b) does not withdraw the election, or bring an appeal, before the end of the initial sentence,the award takes effect from the end of the initial sentence.
- (5) If subsection (4) does not apply, the award—
  - (a) takes effect from the end of the initial sentence or (if later) the end of the appeal period (unless an appeal is brought before that time);
  - (b) if an appeal is brought before the end of the initial sentence or (if later) the end of the appeal period, takes effect from the end of the initial sentence or (if later) the beginning of the day when the appeal is abandoned or determined.

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*Status: This is the original version (as it was originally enacted).*

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- (6) If an election is withdrawn after the end of the initial sentence, the remainder of the award ceases to have effect from the beginning of the day of withdrawal and resumes effect—
- (a) from the end of the appeal period (unless an appeal is brought within that period);
  - (b) if an appeal is brought within that period, from the beginning of the day when the appeal is abandoned or determined.
- (7) If an award takes or resumes effect under subsection (4), (5)(a) or (6)(a) and an appeal is subsequently brought, the remainder of the award—
- (a) ceases to have effect from the beginning of the day when the appeal is brought; and
  - (b) resumes effect from the beginning of the day when the appeal is abandoned or determined.
- (8) In this section “appeal period” means the period mentioned in section 141(2) for the bringing of an appeal against the award mentioned in subsection (1)(a) above.
- (9) Nothing in subsection (5)(b), (6)(b) or (7)(b) applies where the appeal is determined and, on that determination, the award is quashed or another punishment is substituted for it.