

**2009 No. 1214**

**DEFENCE**

**The Armed Forces (Service Supervision and Punishment Orders) Regulations 2009**

<i>Made</i> - - - -	<i>7th May 2009</i>
<i>Laid before Parliament</i>	<i>13th May 2009</i>
<i>Coming into force</i> - -	<i>31st October 2009</i>

The Defence Council make the following Regulations in exercise of the powers conferred by sections 173 and 174 of the Armed Forces Act 2006(a):

**Citation and Commencement**

1. These Regulations may be cited as the Armed Forces (Service Supervision and Punishment Orders) Regulations 2009 and shall come into force on 31st October 2009.

**Interpretation**

2. In these Regulations—

“the Act” means the Armed Forces Act 2006;

“extra duties” means work, training or any other duty performed by an offender at times when he would not otherwise be required to perform any duty;

“the initial period”—

(a) in relation to an SSPO in which the period specified under section 173(1) of the Act is thirty days, means the period of fourteen days beginning with the day the SSPO is made;

(b) in relation to an SSPO in which the period specified under section 173(1) of the Act is sixty days, means the period of eighteen days beginning with the day the SSPO is made; and

(c) in relation to an SSPO in which the period specified under section 173(1) of the Act is ninety days, means the period of twenty-one days beginning with the day the SSPO is made;

“relevant place” means—

(a) a naval ship or establishment;

(b) a military establishment; or

(c) an air force station;

“the secondary period” means the remainder of the duration of an SSPO after the initial period; and

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(a) 2006 c. 52.

“SSPO” means a service supervision and punishment order.

### **Requirements contained in an SSPO**

3. An SSPO shall require the offender who is subject to it not to use any entitlement to leave without the permission of his commanding officer, and may impose on the offender one or more of the following further requirements—

- (a) to perform extra duties as decided under regulation 4(1)—
  - (i) during the initial period, for up to five and a half hours each day; and
  - (ii) during the secondary period, for up to one hour each day;
- (b) not to leave a relevant place without the permission of his commanding officer;
- (c) subject to such conditions as may be specified in the SSPO, not to enter specified places in a relevant place without the permission of his commanding officer.

### **Management of an SSPO**

4.—(1) Subject to paragraph (a) of regulation 3, where an SSPO imposes a requirement under that paragraph, the offender’s commanding officer shall decide, in respect of each day during which the SSPO is in force, what extra duties the offender shall perform pursuant to that requirement, for how long, and when, and he shall inform the offender accordingly.

(2) The offender’s commanding officer may delegate any of his functions of granting permission under regulation 3 to an officer of or above the rank of naval lieutenant, military or marine captain or flight lieutenant.

(3) The offender’s commanding officer may delegate his functions under paragraph (1) to a person of or above the rank or rate of chief petty officer, marine colour sergeant, military staff sergeant or flight sergeant.

### **Review of an SSPO**

5. The offender’s commanding officer shall consider whether an SSPO should continue in force—

- (a) on or before the last day of the initial period; and
- (b) at intervals of not more than 14 days beginning on the day after his last consideration under paragraph (a) or under this paragraph.

7th May 2009

*Kevan Jones*  
Parliamentary Under Secretary of State  
Ministry of Defence

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

A service supervision and punishment order ('SSPO') may be imposed on an offender by the Court Martial under section 164 of the Armed Forces Act 2006 ('the Act'). An SSPO may also be imposed, under section 132 of the Act, by a commanding officer who has heard a charge summarily. SSPOs are defined by section 173 of the Act. These Regulations prescribe requirements which may be imposed on an offender by an SSPO, in addition to a mandatory requirement not to use any entitlement to leave without the permission of his commanding officer. Regulation 4 provides for the commanding officer to decide what extra duties an offender is to perform under an SSPO where a requirement to perform such duties is imposed. It also provides for delegation by the commanding officer of certain of his functions in relation to an SSPO. Section 174 of the Act requires the CO to consider, at times prescribed by regulations, whether an SSPO should continue in force and, if he considers that it should not, to order that it shall immediately cease to have effect. Regulation 5 prescribes when the commanding officer must consider whether an SSPO is to continue in force.

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