

2013 No. 3234

DEFENCE

The Armed Forces (Remission of Fines) Order 2013

Made - - - - *19th December 2013*

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by section 323 of the Armed Forces Act 2006^(a):

In accordance with section 373(3)(b) of the Armed Forces Act 2006 a draft of this instrument was laid before, and approved by resolution of, each House of Parliament.

1. This Order may be cited as the Armed Forces (Remission of Fines) Order 2013 and shall come into force on the day after the day on which it is made.

2. In section 267 of the Armed Forces Act 2006 (power of court to remit fine), after subsection (2) insert—

“(3) Where under this section the court remits the whole or part of a fine after a term of imprisonment has been fixed under section 269A^(b), it must reduce the term by the corresponding proportion.

(4) In calculating any reduction required by subsection (3), any fraction of a day is to be ignored.”.

19th December 2013

Anna Soubry
Parliamentary Under Secretary of State
Ministry of Defence

^(a) 2006 c. 52.

^(b) Section 269A is inserted by section 16(1) of the Armed Forces Act 2011 (c. 18).

EXPLANATORY NOTE

(This note is not part of the Order)

Section 16 of the Armed Forces Act 2011 (c. 18) inserts into the Armed Forces Act 2006 (c. 52) a new section 269A, which requires the Court Martial, when imposing a fine on a person aged 18 or over, to fix a term of imprisonment which the person is to undergo if the fine is not paid. This corresponds broadly to a requirement imposed on the Crown Court in England and Wales by section 139(2) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).

Section 165 of the Criminal Justice Act 2003 (c. 44) permits a court in England and Wales to remit the whole or part of a fine in the light of a subsequent inquiry into the offender's financial circumstances. Where a court exercises this power and a term of imprisonment has been fixed under section 139(2) of the Powers of Criminal Courts (Sentencing) Act 2000, the term must be proportionately reduced.

Section 267 of the Armed Forces Act 2006 similarly permits a court to remit the whole or part of a fine. This Order amends that section so that, where the power to remit is exercised, a term of imprisonment fixed under section 269A must be proportionately reduced.

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