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SCHEDULES

[^{F1}SCHEDULE 6A

Section 184

BREACH, REVOCATION AND AMENDMENT OF OVERSEAS COMMUNITY ORDERS

Textual Amendments

- F1** Sch. 6A inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 12](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

- 1 Schedule 10 to the Sentencing Code (breach, revocation or amendment of community order) applies to an overseas community order as it applies to a community order, with the modifications set out in this Schedule.

Preliminary

- 2 Part 1 (preliminary) has effect as if—
- (a) in paragraph 1(1), for the definition of “appropriate court” there were substituted—

““appropriate court” means the court that made the overseas community order;”;
 - (b) paragraphs 2 to 4 were omitted;
 - (c) in paragraph 5 (orders made on appeal), for “Crown Court” there were substituted “ Court Martial ”.

Breach of requirement of order

- 3 Part 2 (breach of requirement of order) has effect as if—
- (a) paragraph 6 were modified as set out in paragraph 4 of this Schedule;
 - (b) paragraph 7 were omitted;
 - (c) for paragraphs 8 and 9 there were substituted the paragraph 8A set out in paragraph 5 of this Schedule;
 - (d) paragraph 10 were omitted;
 - (e) paragraph 11 were modified as set out in paragraph 6 of this Schedule;
 - (f) after paragraph 11 there was inserted the paragraph 11A set out in paragraph 7 of this Schedule.
- 4 Paragraph 6 (duty to give warning or refer matter to enforcement officer) has effect as if—
- (a) in sub-paragraph (2), for the words “refer the matter to an enforcement officer” there were substituted “ apply to the court that made the order for the exercise of its powers in relation to the breach in question ”;
 - (b) in sub-paragraph (3), for paragraph (b) there were substituted—

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“(b) apply to the court that made the order for the exercise of its powers in relation to the breach.”

5 The paragraph 8A (substituted for paragraphs 8 and 9) is as follows—

“Issue of summons or warrant

8A (1) This paragraph applies where—

- (a) an overseas community order under the Armed Forces Act 2006 is in force, and
- (b) it appears to the court that made the order, on an application by the responsible officer, that the offender has breached a requirement of the order.

(2) The court may—

- (a) issue a summons requiring the offender to appear at the place and time specified in it, or
- (b) issue a warrant for the offender's arrest.

(3) A summons or warrant issued under this paragraph must direct the offender to appear or be brought before the court issuing the summons or warrant.

(4) Where—

- (a) a summons is issued under this paragraph, and
 - (b) the offender does not appear in answer to the summons,
- the court may issue a warrant for the arrest of the offender.”

6 Paragraph 11 (powers of Crown Court) has effect as if—

- (a) for the heading, there were substituted “ Powers of court that made the order ”;
- (b) in sub-paragraph (1)(a), for “Crown Court under paragraph 9 or by virtue of paragraph 10(3)” there were substituted “ court under paragraph 8A ”;
- (c) in sub-paragraph (2), for “Crown Court” there were substituted “ court ” (in both places);
- (d) sub-paragraph (3) were omitted;
- (e) in sub-paragraph (4), for “Crown Court” there were substituted “ court ”;
- (f) in sub-paragraph (6)—
 - (i) after “custodial sentence” there were inserted “ within the meaning of the Armed Forces Act 2006 ”, and
 - (ii) for “230(2)” there were substituted “ 260(2) of that Act ”;
- (g) in sub-paragraph (7), for “Crown Court” there were substituted “ court ”;
- (h) sub-paragraph (8) were omitted.

7 The paragraph 11A to be inserted after paragraph 11 is as follows—

“Further provision about fines imposed under paragraph 11

11A (1) Section 251 of the Armed Forces Act 2006 (power to order payment of fine by instalments) applies to a fine imposed under paragraph 11(2)(a) as it applies to a fine imposed by a court for a service offence.

(2) Sub-paragraph (3) applies where a court imposes a fine under paragraph 11(2)(a) on an offender who—

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- (a) is aged under 18 when the fine is imposed, and
 - (b) has a service parent or service guardian (within the meaning of section 268 of the Armed Forces Act 2006).
- (3) Subsections (2) to (4) of section 268 of the Armed Forces Act 2006 (payment of fine by service parent or service guardian) apply in relation to the fine imposed under paragraph 11(2)(a) as they apply in relation to a fine in the circumstances mentioned in subsection (1) that section, but with the reference in subsection (2) of section 268 to the time of conviction being read as a reference to the time the fine is imposed.
- (4) Section 269(2) of the Armed Forces Act 2006 (power of court to make financial statement order before making order under section 268) does not apply in relation to an order under section 268 which is made by virtue of sub-paragraph (3).”

Revocation of order

- 8 Part 3 (revocation of order with or without re-sentencing) has effect as if—
- (a) paragraph 14 were omitted;
 - (b) in paragraph 15—
 - (i) for the heading there were substituted “ Overseas community order ”;
 - (ii) in sub-paragraph (1), for “a Crown Court” there were substituted “ an overseas ”;
 - (iii) in sub-paragraph (1), in the words after paragraph (b), for “Crown Court” there were substituted “ court that made the order ”;
 - (iv) in sub-paragraphs (3), (4) and (6), for “Crown Court” there were substituted “ court ”.

Amendment of order

- 9 Part 4 (amendment of order) has effect as if—
- (a) paragraphs 16 and 17 were omitted;
 - (b) in paragraph 18—
 - (i) in sub-paragraph (2), paragraph (b) were omitted;
 - (ii) in sub-paragraph (9)(b)—
 - (a) after “custodial sentence” there were inserted “ within the meaning of the Armed Forces Act 2006 ”, and
 - (b) for “230(2)” there were substituted “ 260(2) of that Act ”;
 - (c) paragraph 19 were omitted.

Conviction of further offence

- 10 Part 5 (conviction of further offence) has effect as if—
- (a) in the heading above paragraph 22, for “magistrates' court” there were substituted “ Service Civilian Court ”;
 - (b) in paragraph 22—
 - (i) for “Paragraphs 23 and 24 apply” there were substituted “ Paragraph 23 applies ”;

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- (ii) after sub-paragraph (a) (but before the “and”) there were inserted—
 - “(aa) the existing community order was made by the Service Civilian Court.”;
- (iii) in sub-paragraph (b), for “a magistrates' court” there were substituted “ the Service Civilian Court ”;
- (c) in paragraph 23, sub-paragraphs (1) and (6) were omitted;
- (d) paragraph 24 were omitted;
- (e) in the heading above paragraph 25, for “Crown Court” there were substituted “ Court Martial ”;
- (f) in paragraph 25—
 - (i) in sub-paragraphs (1)(a), (2), (3), (4) and (5), for “Crown Court” there were substituted “ Court Martial ”;
 - (ii) sub-paragraph (1)(b) were omitted.

Supplementary

- 11 Part 6 (supplementary) has effect as if—
 - (a) paragraph 26 were omitted;
 - (b) paragraph 27 were modified as set out in paragraph 12 of this Schedule.
- 12 Paragraph 27 (provision of copies of orders etc) has effect as if—
 - (a) for sub-paragraph (2) there were substituted—
 - “(2) The court administration officer (within the meaning of the Armed Forces Act 2006) must provide copies of the revoking or amending order to—
 - (a) the offender,
 - (b) the responsible officer,
 - (c) the offender's commanding officer, and
 - (d) if the offender is aged under 14, the offender's parent or guardian.”;
 - (b) sub-paragraph (3) were omitted;
 - (c) in the opening words of sub-paragraph (4), for “the court” there were substituted “ the court administration officer (within the meaning of the Armed Forces Act 2006) ”;
 - (d) in the table in sub-paragraph (4), at the end there were inserted—

“An education requirement	Service Children's Education”;
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 - (e) sub-paragraphs (5) to (7) were omitted.

Court Martial Rules

- 13 If Court Martial Rules provide that powers of the Court Martial under Schedule 10 to the Sentencing Code as applied by this Schedule are to be exercised by a judge advocate, the rules may also disapply section 160 of this Act in relation to sentences passed under that Schedule.

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Appeals

- 14 A person who—
- (a) is sentenced by the Court Martial under paragraph 25(2)(b)(ii) of Schedule 10 to the Sentencing Code as applied by this Schedule, and
 - (b) was not convicted by the Court Martial of the offence in respect of which the sentence is passed,
- is to be treated, for the purpose of enabling an appeal under the Court Martial Appeals Act 1968 against the sentence, as if he or she had been so convicted.]

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Changes and effects yet to be applied to :

- specified provision(s) transitional provisions for effects of commencing SI 2009/812 by [S.I. 2009/1059 Order](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 12A inserted by [2016 c. 21 s. 7](#)
- Pt. 16B inserted by [2023 c. 48 s. 1](#)
- s. 50(2)(ca) inserted by [2011 c. 18 Sch. 4 para. 3\(3\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 3(3) repealed (8.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 82(2); S.I. 2015/373, art. 2(g)(ii))
- s. 209(8) inserted by [2021 c. 11 Sch. 13 para. 41\(3\)](#)
- s. 213(3A) words inserted by [2021 c. 11 Sch. 13 para. 41\(6\)](#)
- s. 218A(6A) inserted by Sch. 26 para. 12(1)(db) (as inserted) by [S.I. 2020/1520 reg. 6\(2\)\(b\)](#)
- s. 218A(6A) words omitted by virtue of 2020 c. 17, Sch. 26 para. 12(1)(dc) (as inserted) by [S.I. 2020/1520 reg. 6\(2\)\(b\)](#)
- s. 219A(1)(d)(i) omitted by virtue of 2020 c. 17, Sch. 26 para. 14(a)(i) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(b\)](#)
- s. 219A(1)(d)(iii) omitted by virtue of 2020 c. 17, Sch. 26 para. 14(a)(i) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(b\)](#)
- s. 219A(1)(da) inserted by [2021 c. 11 Sch. 13 para. 41\(7\)](#)
- s. 219A(1)(da)(i) omitted by virtue of 2020 c. 17, Sch. 26 para. 14(a)(ii) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(b\)](#)
- s. 219A(2A) inserted by 2020 c. 17, Sch. 26 para. 14(bb) (as inserted) by [S.I. 2020/1520 reg. 6\(3\)](#)
- s. 219ZA inserted by [2021 c. 11 Sch. 8 para. 2](#)
- s. 219ZA(1)(e) words omitted by virtue of 2020 c. 17, Sch. 26 para. 13A(a) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(a\)](#)
- s. 219ZA(4)-(6) omitted by virtue of 2020 c. 17, Sch. 26 para. 13A(b) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(a\)](#)
- s. 219ZA(7) words omitted by virtue of 2020 c. 17, Sch. 26 para. 13A(c) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(a\)](#)
- s. 223(1A) inserted by [2021 c. 11 Sch. 13 para. 41\(8\)\(a\)](#)
- s. 224A(1)(d)(iii) and word inserted by [2021 c. 11 Sch. 13 para. 41\(9\)\(a\)\(ii\)](#)
- s. 224A(1)(d)(iii) words substituted by 2020 c. 17, Sch. 26 para. 15(a)(iii) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(c\)](#)
- s. 224A(1A) inserted by [2021 c. 11 Sch. 8 para. 8\(4\)](#)
- s. 224A(3A) inserted by [2021 c. 11 Sch. 13 para. 41\(9\)\(b\)](#)
- s. 224B inserted by [2021 c. 11 Sch. 8 para. 9](#)
- s. 225(1A) inserted by 2020 c. 17, Sch. 26 para. 15A (as inserted) by [S.I. 2020/1520 reg. 6\(4\)](#)
- s. 226(1A) inserted by 2020 c. 17, Sch. 26 para. 15B (as inserted) by [S.I. 2020/1520 reg. 6\(4\)](#)
- s. 227(3)(a)(b) substituted for words by [2021 c. 11 Sch. 13 para. 41\(10\)](#)
- s. 238(6)(a) word omitted by [2021 c. 11 Sch. 13 para. 41\(11\)\(a\)](#)
- s. 238(6)(b) word substituted by [2021 c. 11 Sch. 13 para. 41\(11\)\(c\)](#)
- s. 238(6)(aa) inserted by [2021 c. 11 Sch. 13 para. 41\(11\)\(b\)](#)

- s. 239(3A)(3B) inserted by [2021 c. 11 Sch. 8 para. 3](#)
- s. 239(3A) words omitted by virtue of 2020 c. 17, Sch 26 para. 18(a)(i) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(d\)](#)
- s. 239(3A) words omitted by virtue of 2020 c. 17, Sch 26 para. 18(a)(ii) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(d\)](#)
- s. 239(3B) words omitted by virtue of 2020 c. 17, Sch 26 para. 18(b) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(d\)](#)
- s. 260(1)(ca) inserted by [2021 c. 11 Sch. 13 para. 41\(14\)\(a\)\(ii\)](#)
- s. 260(1)(ca) words omitted by virtue of 2020 c. 17, Sch. 26 para. 19(a)(iia) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(e\)\(i\)](#)
- s. 260(4B)(a) words omitted by virtue of 2020 c. 17, Sch. 26 para. 19(b)(ii) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(e\)\(ii\)](#)
- s. 260(4B)(za) inserted by [2021 c. 11 Sch. 13 para. 41\(14\)\(b\)](#)
- s. 260(4B)(za) words omitted by virtue of 2020 c. 17, Sch. 26 para. 19(b)(i) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(e\)\(ii\)](#)
- s. 261(1)(ba) inserted by [2021 c. 11 Sch. 13 para. 41\(15\)](#)
- s. 261(1)(ba) words omitted by virtue of 2020 c. 17, Sch. 26 para. 20(c) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(f\)](#)
- s. 261A(3)(a) words in s. 261A(3) renumbered as s. 261A(3)(a) by [2021 c. 11 Sch. 8 para. 4\(a\)](#)
- s. 261A(3)(b)(c) inserted by [2021 c. 11 Sch. 8 para. 4\(b\)](#)
- s. 261A(3)(b) words omitted by virtue of 2020 c. 17, Sch. 26 para. 20A(a) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(g\)](#)
- s. 261A(3)(c)(i) words omitted by virtue of 2020 c. 17, Sch. 26 para. 20A(b) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(g\)](#)
- s. 262A(2A) inserted by [2021 c. 11 Sch. 13 para. 41\(16\)\(a\)](#)
- s. 262A(2A)(b) omitted by virtue of 2020 c. 17, Sch. 26 para. 21(a) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(h\)](#)
- s. 262A(3A) inserted by [2021 c. 11 Sch. 13 para. 41\(16\)\(b\)](#)
- s. 262A(3A) omitted by virtue of 2020 c. 17, Sch. 26 para. 21(b) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(h\)](#)
- s. 262A(4) words inserted by [2021 c. 11 Sch. 13 para. 41\(16\)\(c\)\(i\)](#)
- s. 262A(4) words inserted by [2021 c. 11 Sch. 13 para. 41\(16\)\(c\)\(ii\)](#)
- s. 262A(4) words omitted by virtue of 2020 c. 17, Sch. 26 para. 21(c) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(h\)](#)
- s. 270A270B inserted by [2008 c. 4 Sch. 25 para. 27](#) (This amendment not applied to legislation.gov.uk. Sch. 25 para. 26(3)(4) repealed (2.4.2012) by 2011 c. 18, Sch. 3 para. 20(3), Sch. 5; S.I. 2012/669, art. 4(d)(f) (with art. 13))
- s. 270B(6)(aa) inserted by [2009 c. 25 Sch. 17 para. 9\(2\)](#) (This amendment not applied to legislation.gov.uk. Sch. 17 para. 9 repealed (2.4.2012) without ever being in force by 2011 c. 18, Sch. 5; S.I. 2012/669, art. 4(f))
- s. 270B(10) word repealed by [2009 c. 25 Sch. 23 Pt. 5](#)
- s. 270B(10)(a) words inserted by [2009 c. 25 Sch. 17 para. 9\(3\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 17 para. 9 repealed (2.4.2012) without ever being in force by 2011 c. 18, Sch. 5; S.I. 2012/669, art. 4(f))
- s. 270B(10)(b) words substituted by [2009 c. 25 Sch. 17 para. 9\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 17 para. 9 repealed (2.4.2012) without ever being in force by 2011 c. 18, Sch. 5; S.I. 2012/669, art. 4(f))
- s. 270B(10)(c)-(e) inserted by [2009 c. 25 Sch. 17 para. 9\(3\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 17 para. 9 repealed (2.4.2012) without ever being in force by 2011 c. 18, Sch. 5; S.I. 2012/669, art. 4(f))
- s. 304B inserted by [2016 c. 21 s. 8](#)
- s. 304C inserted by [2016 c. 21 s. 9](#)
- s. 304C(5A) inserted by [2021 c. 11 Sch. 8 para. 5](#)
- s. 304C(5A) words omitted by virtue of 2020 c. 17, Sch. 26 para. 24A(a) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(i\)](#)
- s. 304C(5A) words substituted by 2020 c. 17, Sch. 26 para. 24A(b) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(i\)](#)

- s. 304D inserted by [2016 c. 21 s. 10](#)
- s. 304E inserted by [2016 c. 21 s. 11](#)
- s. 304F-304H inserted by [2016 c. 21 s. 12](#)
- s. 377(8) inserted by 2020 c. 17, Sch. 26 para. 26 (as inserted) by [S.I. 2020/1520 reg. 6\(5\)](#)
- Sch. 7 para. 9(A1) inserted by [2020 c. 9 Sch. 2 para. 123\(8\)\(a\)](#) (This pre-consolidation amendment comes into force immediately before the consolidation date on 1.12.2020 (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416) to facilitate the sentencing consolidation and then is repealed immediately afterwards on 1.12.2020 by the Sentencing Act 2020 (c. 17), Sch. 28; S.I. 2020/1236, reg. 2)