



# Armed Forces Act 2006

## 2006 CHAPTER 52

First Group of Parts Discipline

### PART 8

SENTENCING POWERS AND MANDATORY ETC SENTENCES

### CHAPTER 5

YOUNG OFFENDERS: CUSTODIAL SENTENCES AVAILABLE TO SERVICE COURTS

#### *Detention and training orders*

#### **214 Offences during currency of detention and training order**

- (1) This section applies to a person in respect of whom an order under section 211 has been made if—
  - (a) after his release and before the date on which the term of the order ends, he commits an offence within subsection (2) (“the new offence”); and
  - (b) whether before or after that date, he is convicted of the new offence.
- (2) An offence is within this subsection if it is—
  - (a) a service offence which is punishable with imprisonment; or
  - (b) an offence in the British Islands which is so punishable.
- (3) A court having power to do so under subsection (4) or (5) may order the person to be detained in such secure accommodation as the Secretary of State may determine for the whole or any part of the period which—
  - (a) begins with the date of the court’s order; and
  - (b) is equal in length to the period between the date on which the new offence was committed and the date mentioned in subsection (1).
- (4) Where the Court Martial or the Service Civilian Court convicts the person of the new offence, the court may on the conviction make an order under subsection (3).

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*Status: This is the original version (as it was originally enacted).*

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- (5) Where the offender is convicted of the new offence otherwise than by the Court Martial or the Service Civilian Court, the Court Martial may make an order under subsection (3) if the offender appears or is brought before it following the issue of a summons or warrant under subsection (7).
- (6) Where an order under subsection (3) is made on the conviction of the new offence, the order must be in addition to the sentence for the new offence, and the period for which the person is ordered under subsection (3) to be detained—
- (a) shall, as the court may direct, either be served before and be followed by, or be served concurrently with, any sentence imposed for the new offence; and
  - (b) in either case, shall be disregarded in determining the appropriate length of that sentence.
- (7) If it appears to the Court Martial—
- (a) that this section applies to a person,
  - (b) that his conviction of the new offence was not by the Court Martial or the Service Civilian Court, and
  - (c) that no order under subsection (3) or under section 105 of the Sentencing Act has been made in respect of the new offence,
- the Court Martial may issue a summons requiring the person to appear at the time and place specified in it, or a warrant for his arrest.
- (8) A person detained in pursuance of an order under subsection (3) shall be deemed to be in legal custody.