
Changes to legislation: Anti-social Behaviour, Crime and Policing Act 2014, Cross Heading: Service courts is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 5

AMENDMENTS OF PARTS 2 AND 3 OF THE SEXUAL OFFENCES ACT 2003

Service courts

- 7 (1) Section 137 of the Sexual Offences Act 2003 (service courts) is amended as follows.
- (2) In subsection (2), for “104(1)” there is substituted “ 103A(1) ”.
- (3) For subsection (3) there is substituted—
- “(3) Where the court making a sexual harm prevention order is a service court—
- (a) sections 103A(3) to (9), 103F and 103J do not apply;
 - (b) sections 103A(1) and (2), 103B to 103E and 103G to 103I apply—
 - (i) subject to paragraphs (c) and (d), and
 - (ii) as if they extended to the whole of the United Kingdom;
 - (c) in relation to an application under section 103E in respect of a defendant who at the time of the application is a person subject to service law or a civilian subject to service discipline—
 - (i) the application may be made only by the defendant or a Provost Martial, and must be made to the Court Martial;
 - (ii) consent under section 103E(7) must be the consent of the defendant and a Provost Martial;
 - (iii) an appeal against the making of an order under section 103E, or the refusal to make such an order, must be made to the Court Martial Appeal Court;
 - (d) in relation to an application under section 103E in respect of a defendant who at the time of the application is neither a person subject to service law nor a civilian subject to service discipline—
 - (i) the application must be made to the Crown Court in England and Wales;
 - (ii) an appeal against the making of an order under section 103E, or the refusal to make such an order, must be made to the Court of Appeal in England and Wales.”
- (4) In subsection (4)—
- (a) for “section “service court” means” there is substituted “section—
“civilian subject to service discipline” has the same meaning as in the Armed Forces Act 2006 (see section 370 of that Act);
“service court” means”;
 - (b) at the end there is inserted—

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““subject to service law” has the same meaning as in the Armed Forces Act 2006 (see section 374 of that Act).”

(5) After subsection (5) there is inserted—

“(6) Paragraphs (c)(i) and (d)(i) of subsection (3) have effect, in relation to a sexual harm prevention order made by the Court Martial Appeal Court, as if the reference to a service court in that subsection included a reference to that court.”

Commencement Information

II Sch. 5 para. 7 in force at 8.3.2015 by [S.I. 2015/373](#), **art. 2(e)**

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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):

- s. 102(2)(ba) inserted by [2022 c. 32 Sch. 11 para. 35\(2\)\(a\)](#)