

LEGAL AID, SENTENCING AND PUNISHMENT OF OFFENDERS ACT 2012

EXPLANATORY NOTES

COMMENTARY

Part 3: Sentencing and punishment of offenders

Chapter 1: Sentencing

Requirements under community orders and suspended sentence orders

Section 78: Overseas community orders and service community orders

427. *Section 78* makes amendments to provisions of the Armed Forces Act 2006 relating to both service and overseas community orders which can be made by service courts. These amendments flow from changes made to the 1991 Act by Chapter 1 of Part 3 of the Act.
428. *Subsections (2) and (3)* provide that the foreign travel prohibition requirement introduced by section 67 of the Act and the alcohol abstinence and monitoring requirement introduced by section 76 are not available for inclusion as a requirement in an overseas community order.
429. *Subsection (4)* makes provision which applies in the Services context the Act provisions about the duration of community orders made by civilian courts. *Subsections (6) and (8)* make a change to the provisions about overseas and service community orders that is consequential on section 66(5).
430. *Subsections (5) and (9)* make provision in relation to the imposition of fines for breaches of overseas community orders.
431. *Subsection (10)* makes provision which makes a change in the service context which results from the provisions in section 74 to disapply the minimum term of a drug rehabilitation requirement.
432. As with other amendments made to armed forces legislation, this section is designed to ensure that sentencing law and practice of service courts is, where practicable, aligned with the law and practice of civilian courts in England and Wales.