

NOTES ON SENTENCES: (See RP 69 for method of determining)

1. Paras 76 to 85, page 60 MML should be read to the court or the contents summarized by the President. Attention is also directed to KR (Can) 563 but this section is not altogether suitable for wartime.
2. Scale of punishments which may be awarded is set out in Sec 44 of AA (Refer to this sec) - the highest sentence which the court may award is set out in the sec of the AA under which the charge is laid.
3. Overseas RO 2323 states that an award of FP should not exceed 28 days (an award of FP should be accompanied by a conjoint award of a forfeiture of an equal number of days pay).
4. The court award one sentence only on all charges upon which the accused is found to be guilty (RP 48) but this may be a combination of sentences set out in sec 44 AA (see note 3 page 60 MML)
5. Sentence commences the date signed by the President (i.e. the date upon which the court sits) (AA Sec 68). This is particularly important where the accused has been any great length of time in custody awaiting trial or where he is presently under sentence (he will still have to serve his sentence which remains unexpired so any sentence the court imposes will run concurrently with his present sentence until it expires).
6. The confirming authority may reduce but cannot increase the sentence awarded by the court.
7. Soldier undergoing sentence may earn one-third time off for good behaviour.
8. Overseas RO 2323 indicates that soldiers under sentence in detention received military trg but do not in civil prison. This order suggests that for military offences terms less than 1 year and for offences not purely military terms less than 6 months should be detention and not imprisonment.
9. Except where imprisonment awarded for a serious civil offence and the term is 2 years or more sentences of detention and imprisonment will be served in detention barracks.
10. The Court have no jurisdiction over automatic forfeiture of pay which come into operation under any financial regs and instrs upon conviction for an offence. The Court, will, therefore, NOT include in the sentence on page 4 to CFA 96 any reference to automatic forfeitures of pay.