



Armed Forces Act 1971

1971 CHAPTER 33

PART II

REVISION OF SERVICE OFFENCES AND PUNISHMENTS

Punishments

36 Punishments for army and air-force offences dealt with by courts-martial

The following provision shall be substituted for sections 71 to 73 of the Army Act 1955, and also (but modified for that purpose by the substitution of " an airman " for " a soldier " in subsection (2)(d)) for sections 71 to 73 of the Air Force Act 1955:—

“Punishments available to courts-martial

71 Scale of punishments, and supplementary provisions.

- (1) The punishments which may be awarded by sentence of a court-martial under this Act are, subject to the following provisions of this section and to the limitations hereinafter provided on the powers of certain courts-martial, as follows—
- (a) death,
 - (b) imprisonment,
 - (c) dismissal with disgrace from Her Majesty's service,
 - (d) dismissal from Her Majesty's service,
 - (e) detention for a term not exceeding two years,
 - (f) forfeiture of seniority for a specified term or otherwise,
 - (g) reduction to the ranks or any less reduction in rank,
 - (h) fine,
 - (i) severe reprimand,
 - (j) reprimand,

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- (k) in the case of an offence which has occasioned any expense, loss or damage, stoppages, and
- (l) such minor punishments as may from time to time be authorised by the Defence Council;

and references in this Act to any punishment provided by this Act are, subject to the limitation imposed in any particular case by the addition of the word "less", references to any one or more of the said punishments.

For the purposes of this Part of this Act a punishment specified in any of the above paragraphs shall be treated as less than the punishments specified in the paragraphs preceding that paragraph and greater than those specified in the paragraphs following it:

Provided that detention shall not be deemed to be a less punishment than imprisonment if the term of detention is longer than the term of imprisonment.

- (2) Subsection (1) above shall have effect—
- (a) in relation to a convicted person who is an , officer, with the omission of paragraphs (e), (g) and (l),
 - (b) in relation to a convicted person who is a warrant officer, with the omission of paragraphs (f) and (l),
 - (c) in relation to a convicted person who is a non-commissioned officer, with the omission of paragraph (f), and
 - (d) in relation to a convicted person who is a soldier, with the omission of paragraphs (f), (g), (i) and (j).

- (3) A person sentenced by a court-martial to imprisonment shall also be sentenced either to dismissal with disgrace from Her Majesty's service or to dismissal from Her Majesty's service :

Provided that, if the court-martial fail to give effect to this subsection, their sentence shall not be invalid, but shall be deemed to include a sentence of dismissal from Her Majesty's service.

- (4) A warrant officer or non-commissioned officer sentenced by a court-martial to imprisonment, to dismissal from Her Majesty's service (whether or not with disgrace), or to detention, shall also be sentenced to be reduced to the ranks:

Provided that, if the court-martial fail to give effect to this subsection, their sentence shall not be invalid, but shall be deemed to include a sentence of reduction to the ranks.

- (5) The amount of a fine that may be awarded by a court-martial—
- (a) except in the case of an offence against section 70 of this Act, shall not exceed the amount of the offender's pay for twenty-eight days or, where the offence was committed on active service, fifty-six days, and
 - (b) in the said excepted case—
 - (i) where the civil offence constituting an offence against that section is punishable by a civil court in England only on summary conviction, and is so punishable by a fine, shall not exceed the maximum amount of that fine, and
 - (ii) where the said civil offence is punishable by a civil court in England on indictment (whether or not it is also punishable on

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summary conviction) by a fine, shall not exceed the maximum amount of that fine ;
and for the purposes of this subsection a day's pay shall, as regards a person found guilty of an offence, be deemed to be the gross pay that is, or would (apart from any forfeiture) be, issuable to that person in respect of the day on which punishment is awarded in respect of the offence.”