



Armed Forces Act 2006

2006 CHAPTER 52

First Group of Parts Discipline

PART 7

TRIAL BY COURT MARTIAL

CHAPTER 3

PUNISHMENTS AVAILABLE TO COURT MARTIAL

164 Punishments available to Court Martial

- (1) The second column of the following Table lists the punishments that may be awarded by sentence of the Court Martial, subject in the case of each punishment to any limitation shown in the third column opposite it.

TABLE

<i>Row Number</i>	<i>Punishment</i>	<i>Limitation</i>
1	imprisonment	
2	dismissal with disgrace from Her Majesty's service	
3	dismissal from Her Majesty's service	
4	detention for a term not exceeding two years	not if the person being sentenced is an officer
5	forfeiture of a specified term of seniority or of all seniority	only if the person being sentenced is an officer
6	reduction in rank, or disrating	only if the person being sentenced is a warrant

Status: This is the original version (as it was originally enacted).

<i>Row Number</i>	<i>Punishment</i>	<i>Limitation</i>
		officer or non-commissioned officer, and not to an extent prohibited by regulations under subsection (4)
7	a fine	
8	a service community order (defined by section 178)	only if the person being sentenced is on the same occasion sentenced to dismissal or dismissal with disgrace and subsection (5) permits
9	a severe reprimand or a reprimand	only if the person being sentenced is an officer, warrant officer or non-commissioned officer
10	a service supervision and punishment order (defined by section 173)	only if the person being sentenced is an able rate, marine, soldier or airman
11	such minor punishments as may from time to time be authorised by regulations made by the Defence Council	
12	a service compensation order (defined by section 175)	

- (2) Where this Act provides that a person guilty of a particular offence is liable to any punishment mentioned in the Table or in specified rows of the Table, it means he is liable to any one or more of the punishments so mentioned (subject in the case of each one to any limitation shown in the third column opposite it).
- (3) The previous provisions of this section are subject to (in particular)—
 section 165 (offender elected Court Martial trial);
 Chapters 4 to 6 of Part 8 (imprisonment for under 12 months, young offenders' custodial sentences, and mandatory etc sentences for serious offences); and
 Part 9 (general provisions about sentencing).
- (4) The Defence Council may by regulations restrict the extent to which persons of a description specified in the regulations may be reduced in rank or disgraced under this section.
- (5) The court may not make a service community order unless—
 (a) the offender is aged 18 or over when convicted; and
 (b) it appears to the court that he will reside in the United Kingdom when the order is in force.
- (6) Where regulations under row 11 of the Table authorise a minor punishment, they may—
 (a) confer on the Court Martial a power, when awarding the punishment, to direct that the punishment shall take effect from a date after the date of the award;

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- (b) confer on the offender's commanding officer the function of deciding the details of the punishment;
 - (c) provide for the delegation by the commanding officer of any of his functions under the regulations.
- (7) This section is modified in relation to certain offenders by Schedule 3 (civilians etc).