Armed Forces Act 1976

1976 CHAPTER 52

PART II

TRIAL AND PUNISHMENT OF OFFENCES

Juveniles

10 Powers of courts in relation to juveniles.

(1) The following section shall be inserted after section 71 of the [M1] Army Act 1955 and section 71 of the [M2] Air Force Act 1955:—

"**71A Juveniles.**

(1) A person under 17 years of age shall not be sentenced to imprisonment.

(2) A person under 21 years of age shall not be sentenced to imprisonment unless the court is of opinion that no other method of dealing with him is appropriate; and for the purpose of determining whether any other method of dealing with any such person is appropriate the court shall obtain and consider information about the circumstances, and shall take into account any information before the court which is relevant to his character and his physical and mental condition.

(3) A person convicted of murder who was under 18 years of age when the offence was committed shall not be sentenced to imprisonment for life, nor shall sentence of death be pronounced on or recorded against a person convicted of any offence who was under 18 years of age when the offence committed; but in lieu thereof the court shall (notwithstanding anything in this or any other Act) sentence him to be detained during Her Majesty's pleasure, and if so sentenced he shall be liable to be detained in such place and under such conditions as the Secretary of State may direct.

Status: *Point in time view as at 01/02/1991.*
Changes to legislation: *There are currently no known outstanding effects for the Armed Forces Act 1976, Cross Heading: Juveniles. (See end of Document for details)*

(4) A person under 17 years of age found guilty of a civil offence (other than one the sentence for which is fixed) which is punishable by a civil court in England or Wales on indictment by, in the case of an adult, a term of imprisonment for 14 years or more, may be sentenced by the court, if it is of opinion that none of the other methods in which the case may be legally dealt with is suitable, to be detained for such period, not exceeding the maximum term of imprisonment with which the offence is punishable by such a civil court in the case of an adult, as may be specified in the sentence; and where such a sentence has been passed, the person on whom it is passed shall during that period be liable to be detained in such place and on such conditions as the Secretary of State may direct.

(5) A sentence of detention under subsection (3) or (4) above shall be treated for the purposes of this Part of this Act as a punishment provided by this Act involving the same degree of punishment as a sentence of imprisonment; and section 71(3) and (4) above shall apply to such a sentence of detention as they apply to a sentence of imprisonment.

(6) A person detained pursuant to the directions of the Secretary of State under this section shall, while so detained, be deemed to be in legal custody.”

(2) The said section shall also be inserted after section 43 of the [M3] Naval Discipline Act 1957, and shall have effect as section 43A of that Act but with substitution in subsection(5)—

(a) of the word “authorised" for the word “provided", and

(b) of the words “43(3) and (4)" for the words “71(3) and (4)".

(3) Accordingly—

(a) in section 70(3) of the [M4] Army Act 1955 and section 70(3) of the Air Force Act 1955 (civil offences), there shall be inserted at the beginning the words “Subject to section 71A below,";

(b) in section 71(1) of each of those Acts (punishments available to courts-martial) after the word “section" there shall be inserted the words “and section 71A below";

(c) in section 42(1) of the Naval Discipline Act 1957 (civil offences), after the word “shall" there shall be inserted the words “subject to section 43A below"; and

(d) in section 43(1) of that Act (punishments which may be awarded) after the word “section" there shall be inserted the words “and section 43A below".

Modifications etc. (not altering text)

C1 The text of ss. 2, 5(1), 9–12, 15, 16, 18, 20, 22(5)(6), Schs. 1, 2, and 4–10 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

M1 1955 c. 18.
M2 1955 c. 19.
M3 1957 c. 53.
M4 1955 c. 18.

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