Armed Forces Act 2006

2006 CHAPTER 52

PART 8

SENTENCING POWERS AND MANDATORY ETC SENTENCES

CHAPTER 6

MANDATORY ETC CUSTODIAL SENTENCES FOR CERTAIN OFFENCES

[F1 Required or discretionary sentences for particular offences]

221 [F1 Life sentence for certain dangerous] offenders aged under 18

(1) This section applies where **[**F2—

(a) a person aged under 18 is convicted by the Court Martial of an offence under section 42 (criminal conduct) **[**F3which was committed on or after 4 April 2005**]**,

(b) the corresponding offence under the law of England and Wales is a **[**F4Schedule 19 offence within the meaning of Part 10 of the Sentencing Code (see section 307 of that Code)**]**,

[F5(ba) the court considers that the seriousness of—

(i) the offence under section 42, or

(ii) that offence and one or more offences associated with it,

is such as to justify the imposition of a sentence of detention for life,**]** and

(c) the court is of the required opinion (defined by section 223).**]**

[F6(2) **[**F7Section 258(2) of the Sentencing Code (duty to impose detention for life)**]** applies in relation to the offender.**]**

[F8(3) In section 258(2) of the Sentencing Code (as applied by subsection (2)), the reference to section 250 of that Code is to be read as a reference to section 209 of this Act.**]**

***Changes to legislation:** Armed Forces Act 2006, Section 221 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F9(4) . . . . . .

F10(5) . . . . . .

(6) A sentence under **[**F11section 258(2) of the Sentencing Code**]** passed as a result of this section is not to be regarded as a sentence fixed by law.

Textual Amendments

F1 Words in s. 221 heading substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 22 para. 8**; S.I. 2012/2906, art. 2(t) (with art. 6)

F2 Words in s. 221(1) substituted (31.10.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 25 para. 15(2)**; S.I. 2009/1028, art. 2(b)

F3 Words in s. 221(1)(a) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 41(2)(a)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F4 Words in s. 221(1)(b) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 41(2)(b)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F5 S. 221(1)(ba) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 41(2)(c)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F6 S. 221(2) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 22 para. 7**; S.I. 2012/2906, art. 2(t) (with art. 6)

F7 Words in s. 221(2) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 41(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F8 S. 221(3) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 41(4)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F9 S. 221(4) repealed (31.10.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 25 para. 15(5), **Sch. 28 Pt. 2**; S.I. 2009/1028, art. 2(b)

F10 S. 221(5) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 41(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F11 Words in s. 221(6) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 41(6)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Commencement Information

I1 S. 221 in force at 28.3.2009 for specified purposes by S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059)

I2 S. 221 in force at 31.10.2009 in so far as not already in force by S.I. 2009/1167, **art. 4**

Changes to legislation:
Armed Forces Act 2006, Section 221 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to :

- specified provision(s) transitional provisions for effects of commencing SI 2009/812 by S.I. 2009/1059 Order

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 12A inserted by 2016 c. 21 s. 7
- Pt. 16B inserted by 2023 c. 48 s. 1
- s. 50(2)(ca) inserted by 2011 c. 18 Sch. 4 para. 3(3) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 3(3) repealed (8.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 82(2); S.I. 2015/373, art. 2(g)(ii))
- s. 209(8) inserted by 2021 c. 11 Sch. 13 para. 41(3)
- s. 213(3A) words inserted by 2021 c. 11 Sch. 13 para. 41(6)
- s. 218A(6A) inserted by Sch. 26 para. 12(1)(db) (as inserted) by S.I. 2020/1520 reg. 6(2)(b)
- s. 218A(6A) words omitted by virtue of 2020 c. 17, Sch. 26 para. 12(1)(dc) (as inserted) by S.I. 2020/1520 reg. 6(2)(b)
- s. 219A(1)(d)(i) omitted by virtue of 2020 c. 17, Sch. 26 para. 14(a)(i) (as substituted) by 2021 c. 11 Sch. 13 para. 43(7)(b)
- s. 219A(1)(d)(iii) omitted by virtue of 2020 c. 17, Sch. 26 para. 14(a)(i) (as substituted) by 2021 c. 11 Sch. 13 para. 43(7)(b)
- s. 219A(1)(da) inserted by 2021 c. 11 Sch. 13 para. 41(7)
- s. 219A(1)(da)(i) omitted by virtue of 2020 c. 17, Sch. 26 para. 14(a)(ii) (as substituted) by 2021 c. 11 Sch. 13 para. 43(7)(b)
- s. 219A(2A) inserted by 2020 c. 17, Sch. 26 para. 14(bb) (as inserted) by S.I. 2020/1520 reg. 6(3)
- s. 219ZA inserted by 2021 c. 11 Sch. 8 para. 2
- s. 219ZA(1)(e) words omitted by virtue of 2020 c. 17, Sch. 26 para. 13A(a) (as inserted) by 2021 c. 11 Sch. 13 para. 43(7)(a)
- s. 219ZA(4)-(6) omitted by virtue of 2020 c. 17, Sch. 26 para. 13A(b) (as inserted) by 2021 c. 11 Sch. 13 para. 43(7)(a)
- s. 219ZA(7) words omitted by virtue of 2020 c. 17, Sch. 26 para. 13A(c) (as inserted) by 2021 c. 11 Sch. 13 para. 43(7)(a)
- s. 223(1A) inserted by 2021 c. 11 Sch. 13 para. 41(8)(a)
- s. 224A(1)(d)(iii) and word inserted by 2021 c. 11 Sch. 13 para. 41(9)(a)(ii)
- s. 224A(1)(d)(iii) words substituted by 2020 c. 17, Sch. 26 para. 15(a)(iii) (as inserted) by 2021 c. 11 Sch. 13 para. 43(7)(c)
- s. 224A(1A) inserted by 2021 c. 11 Sch. 8 para. 8(4)
- s. 224A(3A) inserted by 2021 c. 11 Sch. 13 para. 41(9)(b)
- s. 224B inserted by 2021 c. 11 Sch. 8 para. 9
- s. 225(1A) inserted by 2020 c. 17, Sch. 26 para. 15A (as inserted) by S.I. 2020/1520 reg. 6(4)
- s. 226(1A) inserted by 2020 c. 17, Sch. 26 para. 15B (as inserted) by S.I. 2020/1520 reg. 6(4)
- s. 227(3)(a)(b) substituted for words by 2021 c. 11 Sch. 13 para. 41(10)
- s. 238(6)(a) word omitted by 2021 c. 11 Sch. 13 para. 41(11)(a)
- s. 238(6)(b) word substituted by 2021 c. 11 Sch. 13 para. 41(11)(c)
- s. 238(6)(aa) inserted by 2021 c. 11 Sch. 13 para. 41(11)(b)

- s. 239(3A)(3B) inserted by 2021 c. 11 Sch. 8 para. 3
- s. 239(3A) words omitted by virtue of 2020 c. 17, Sch 26 para. 18(a)(i) (as inserted) by 2021 c. 11 Sch. 13 para. 43(7)(d)
- s. 239(3A) words omitted by virtue of 2020 c. 17, Sch 26 para. 18(a)(ii) (as inserted) by 2021 c. 11 Sch. 13 para. 43(7)(d)
- s. 239(3B) words omitted by virtue of 2020 c. 17, Sch 26 para. 18(b) (as inserted) by 2021 c. 11 Sch. 13 para. 43(7)(d)
- s. 260(1)(ca) inserted by 2021 c. 11 Sch. 13 para. 41(14)(a)(ii)
- s. 260(1)(ca) words omitted by virtue of 2020 c. 17, Sch. 26 para. 19(a)(iia) (as inserted) by 2021 c. 11 Sch. 13 para. 43(7)(e)(i)
- s. 260(4B)(a) words omitted by virtue of 2020 c. 17, Sch. 26 para. 19(b)(ii) (as substituted) by 2021 c. 11 Sch. 13 para. 43(7)(e)(ii)
- s. 260(4B)(za) inserted by 2021 c. 11 Sch. 13 para. 41(14)(b)
- s. 260(4B)(za) words omitted by virtue of 2020 c. 17, Sch. 26 para. 19(b)(i) (as substituted) by 2021 c. 11 Sch. 13 para. 43(7)(e)(ii)
- s. 261(1)(ba) inserted by 2021 c. 11 Sch. 13 para. 41(15)
- s. 261(1)(ba) words omitted by virtue of 2020 c. 17, Sch. 26 para. 20(c) (as inserted) by 2021 c. 11 Sch. 13 para. 43(7)(f)
- s. 261A(3)(a) words in s. 261A(3) renumbered as s. 261A(3)(a) by 2021 c. 11 Sch. 8 para. 4(a)
- s. 261A(3)(b)(c) inserted by 2021 c. 11 Sch. 8 para. 4(b)
- s. 261A(3)(b) words omitted by virtue of 2020 c. 17, Sch. 26 para. 20A(a) (as inserted) by 2021 c. 11 Sch. 13 para. 43(7)(g)
- s. 261A(3)(c)(i) words omitted by virtue of 2020 c. 17, Sch. 26 para. 20A(b) (as inserted) by 2021 c. 11 Sch. 13 para. 43(7)(g)
- s. 262A(2A) inserted by 2021 c. 11 Sch. 13 para. 41(16)(a)
- s. 262A(2A)(b) omitted by virtue of 2020 c. 17, Sch. 26 para. 21(a) (as substituted) by 2021 c. 11 Sch. 13 para. 43(7)(h)
- s. 262A(3A) inserted by 2021 c. 11 Sch. 13 para. 41(16)(b)
- s. 262A(3A) omitted by virtue of 2020 c. 17, Sch. 26 para. 21(b) (as substituted) by 2021 c. 11 Sch. 13 para. 43(7)(h)
- s. 262A(4) words inserted by 2021 c. 11 Sch. 13 para. 41(16)(c)(i)
- s. 262A(4) words inserted by 2021 c. 11 Sch. 13 para. 41(16)(c)(ii)
- s. 262A(4) words omitted by virtue of 2020 c. 17, Sch. 26 para. 21(c) (as substituted) by 2021 c. 11 Sch. 13 para. 43(7)(h)
- s. 270A270B inserted by 2008 c. 4 Sch. 25 para. 27 (This amendment not applied to legislation.gov.uk. Sch. 25 para. 26(3)(4) repealed (2.4.2012) by 2011 c. 18, Sch. 3 para. 20(3), Sch. 5; S.I. 2012/669, art. 4(d)(f) (with art. 13))
- s. 270B(6)(aa) inserted by 2009 c. 25 Sch. 17 para. 9(2) (This amendment not applied to legislation.gov.uk. Sch. 17 para. 9 repealed (2.4.2012) without ever being in force by 2011 c. 18, Sch. 5; S.I. 2012/669, art. 4(f))
- s. 270B(10) word repealed by 2009 c. 25 Sch. 23 Pt. 5
- s. 270B(10)(a) words inserted by 2009 c. 25 Sch. 17 para. 9(3)(a) (This amendment not applied to legislation.gov.uk. Sch. 17 para. 9 repealed (2.4.2012) without ever being in force by 2011 c. 18, Sch. 5; S.I. 2012/669, art. 4(f))
- s. 270B(10)(b) words substituted by 2009 c. 25 Sch. 17 para. 9(3)(b) (This amendment not applied to legislation.gov.uk. Sch. 17 para. 9 repealed (2.4.2012) without ever being in force by 2011 c. 18, Sch. 5; S.I. 2012/669, art. 4(f))
- s. 270B(10)(c)-(e) inserted by 2009 c. 25 Sch. 17 para. 9(3)(c) (This amendment not applied to legislation.gov.uk. Sch. 17 para. 9 repealed (2.4.2012) without ever being in force by 2011 c. 18, Sch. 5; S.I. 2012/669, art. 4(f))
- s. 304B inserted by 2016 c. 21 s. 8
- s. 304C inserted by 2016 c. 21 s. 9
- s. 304C(5A) inserted by 2021 c. 11 Sch. 8 para. 5
- s. 304C(5A) words omitted by virtue of 2020 c. 17, Sch. 26 para. 24A(a) (as inserted) by 2021 c. 11 Sch. 13 para. 43(7)(i)
- s. 304C(5A) words substituted by 2020 c. 17, Sch. 26 para. 24A(b) (as inserted) by 2021 c. 11 Sch. 13 para. 43(7)(i)

- s. 304D inserted by 2016 c. 21 s. 10
- s. 304E inserted by 2016 c. 21 s. 11
- s. 304F-304H inserted by 2016 c. 21 s. 12
- s. 377(8) inserted by 2020 c. 17, Sch. 26 para. 26 (as inserted) by S.I. 2020/1520 reg. 6(5)
- Sch. 7 para. 9(A1) inserted by 2020 c. 9 Sch. 2 para. 123(8)(a) (This pre-consolidation amendment comes into force immediately before the consolidation date on 1.12.2020 (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416) to facilitate the sentencing consolidation and then is repealed immediately afterwards on 1.12.2020 by the Sentencing Act 2020 (c. 17), Sch. 28; S.I. 2020/1236, reg. 2)