



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]

[^{F1}224A Special custodial sentence for certain offenders of particular concern

(1) This section applies where—

- (a) a person is convicted by the Court Martial of an offence under section 42 (criminal conduct) (whether the offence was committed before or after this section comes into force),
- (b) the corresponding offence under the law of England and Wales is an offence listed in [^{F2}Schedule 13 to the Sentencing Code],
- (c) the person was aged 18 or over when the offence was committed, and
- (d) the court does not impose one of the following for the offence—
 - (i) a sentence of imprisonment [^{F3}or custody] for life, or
 - (ii) an extended sentence of [^{F4}detention or imprisonment under section 266 or 279 of the Sentencing Code] (as applied by section 219A of this Act).

[^{F5}(2) If—

- (a) the court imposes a sentence of detention in a young offender institution for the offence, and
- (b) the offender is aged under 21 when convicted of the offence,

Status: Point in time view as at 01/12/2020.

Changes to legislation: *Armed Forces Act 2006, Section 224A is up to date with all changes known to be in force on or before 02 June 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)*

subsections (2) and (3) of section 265 of the Sentencing Code (term of special sentence) apply in relation to the term of the sentence.

(2A) If—

- (a) the court imposes a sentence of imprisonment for the offence, and
- (b) the offender is aged 21 or over when convicted of the offence,

subsections (2) and (3) of section 278 of the Sentencing Code (term of special sentence) apply in relation to the term of the sentence.]

- (3) The references in subsections (1)(d) [^{F6}, (2) and (2A)] to a sentence imposed for the offence include a sentence imposed for the offence and one or more offences associated with it.

[^{F7}(4) In Schedule 13 to the Sentencing Code, as applied by subsection (1)(b), the reference in paragraph 10 to section 69 of that Code is to be read as a reference to that section as applied by section 238(6) of this Act.]]

Textual Amendments

- F1** S. 224A inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 1 para. 8**; S.I. 2015/778, art. 3, Sch. 1 para. 72
- F2** Words in s. 224A(1)(b) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 45(2)(a)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F3** Words in s. 224A(1)(d)(i) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 45(2)(b)(i)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F4** Words in s. 224A(1)(d)(ii) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 45(2)(b)(ii)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F5** S. 224A(2)(2A) substituted for s. 224A(2) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 45(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F6** Words in s. 224A(3) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 45(4)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F7** S. 224A(4) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 45(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

- C1** S. 224A modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), ss. 1, 5(2)(3) (with s. 5(9)); S.I. 2012/1236, reg. 2
- C2** S. 224A(1)(d)(ii) modified (E.W.) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 27 para. 16(2)(3); S.I. 2020/1236, reg. 2

Status:

Point in time view as at 01/12/2020.

Changes to legislation:

Armed Forces Act 2006, Section 224A is up to date with all changes known to be in force on or before 02 June 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.