



Armed Forces Act 2006

2006 CHAPTER 52

PART 9

SENTENCING: PRINCIPLES AND PROCEDURES

CHAPTER 2

PRINCIPLES AND PROCEDURES APPLYING TO SERVICE COURTS ONLY

General

259 Sentencing guidelines

- (1) A court must—
 - (a) in sentencing an offender for a service offence, have regard to any guidelines that are relevant to the offender's case; and
 - (b) in exercising any other function relating to the sentencing of offenders for service offences, have regard to any guidelines which are relevant to the exercise of the function.
- (2) However, the court may depart from the guidelines mentioned in subsection (1)(a) or (b) if in its opinion the departure is justified by any features of service life or of the service disciplinary system that are relevant to the case.
- (3) Subsection (2) does not limit any power existing apart from that subsection to depart from guidelines.
- (4) References in subsection (1)(a) and (b) to sentencing an offender for a service offence include making any order when dealing with an offender in respect of such an offence.
- [^{F1}(5) In this section “guidelines” means sentencing guidelines issued by the Sentencing Council for England and Wales under section 120 of the Coroners and Justice Act 2009 as definitive guidelines, as revised by any subsequent guidelines so issued.]

Changes to legislation: *Armed Forces Act 2006, Section 259 is up to date with all changes known to be in force on or before 18 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) View outstanding changes*

Textual Amendments

- F1** S. 259(5) substituted (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(4)(e), [Sch. 21 para. 89](#) (with s. 180); [S.I. 2010/816](#), art. 2, Sch. para. 20(b)

Commencement Information

- I1** S. 259 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. 259 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 259 is up to date with all changes known to be in force on or before 18 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.

[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 applied (with modifications) by S.I. 2009/1059, art. 106A (as inserted) by [S.I. 2024/619](#) reg. 44(2)
- 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. 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)