



Armed Forces Act 2006

2006 CHAPTER 52

PART 1

OFFENCES

Neglect of duty and misconduct

15 Failure to attend for or perform duty etc

- (1) A person subject to service law commits an offence if, without reasonable excuse, he—
 - (a) fails to attend for any duty;
 - (b) leaves any duty before he is permitted to do so; or
 - (c) fails to perform any duty.
- (2) A person subject to service law commits an offence if he performs any duty negligently.
- (3) A person guilty of an offence under this section is liable to any punishment mentioned in the Table in section 164, but any sentence of imprisonment imposed in respect of the offence must not exceed two years.

Modifications etc. (not altering text)

- C1** S. 15 modified (31.10.2009) by [The Armed Forces \(Naval Chaplains\) Regulations 2009](#) (S.I. 2009/826), [regs. 1, 5\(4\)](#) (with [reg. 2\(c\)](#))

Commencement Information

- I1** S. 15 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. 15 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)

Status: Point in time view as at 01/11/2013.

Changes to legislation: Armed Forces Act 2006, Cross Heading: Neglect of duty and misconduct is up to date with all changes known to be in force on or before 11 July 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)

16 Malingering

- (1) A person subject to service law commits an offence if, to avoid service—
 - (a) he pretends to have an injury;
 - (b) by any act he causes himself an injury;
 - (c) by any act or omission he aggravates or prolongs any injury of his; or
 - (d) he causes another person to injure him.
- (2) A person subject to service law commits an offence if, at the request of another person subject to service law (“B”) and with the intention of enabling B to avoid service—
 - (a) by any act he causes B an injury; or
 - (b) by any act or omission he aggravates or prolongs any injury of B.
- (3) In this section—

“injury” includes any disease and any impairment of a person's physical or mental condition, and the reference to injuring is to be read accordingly;

“service” includes any particular duty or kind of duty.
- (4) A person guilty of an offence under this section is liable to any punishment mentioned in the Table in section 164, but any sentence of imprisonment imposed in respect of the offence must not exceed two years.

Commencement Information

- I3** S. 16 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](#))
- I4** S. 16 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)

17 Disclosure of information useful to an enemy

- (1) A person subject to service law commits an offence if—
 - (a) without lawful authority, he discloses information that would or might be useful to an enemy; and
 - (b) he knows or has reasonable cause to believe that the information would or might be useful to an enemy.
- (2) A person guilty of an offence under this section is liable to any punishment mentioned in the Table in section 164, but any sentence of imprisonment imposed in respect of the offence must not exceed two years.

Commencement Information

- I5** S. 17 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](#))
- I6** S. 17 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)

18 Making false records etc

- (1) A person subject to service law commits an offence if—
 - (a) he makes an official record, knowing that it is false in a material respect; and

Status: Point in time view as at 01/11/2013.

Changes to legislation: Armed Forces Act 2006, Cross Heading: Neglect of duty and misconduct is up to date with all changes known to be in force on or before 11 July 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)

- (b) he knows or has reasonable cause to believe that the record is official.
- (2) A person who adopts as his own a record made by another person is for the purposes of subsection (1) to be treated, as well as that other person, as making the record.
- (3) A person subject to service law commits an offence if—
- (a) with intent to deceive, he tampers with or suppresses an official document; and
 - (b) he knows or has reasonable cause to believe that the document is official.
- (4) A person subject to service law commits an offence if—
- (a) with intent to deceive, he fails to make a record which he is under a duty to make; and
 - (b) he knows or has reasonable cause to believe that the record would, if made, be official.
- (5) For the purposes of this section—
- (a) “record” means a document or an entry in a document;
 - (b) “document” means anything in which information is recorded;
 - (c) a record or document is official if it is or is likely to be made use of, in connection with the performance of his functions as such, by a person who holds office under the Crown or is in the service of the Crown.
- (6) A person guilty of an offence under this section is liable to any punishment mentioned in the Table in section 164, but any sentence of imprisonment imposed in respect of the offence must not exceed two years.

Commencement Information

- I7** S. 18 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](#))
- I8** S. 18 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)

19 Conduct prejudicial to good order and discipline

- (1) A person subject to service law commits an offence if he does an act that is prejudicial to good order and service discipline.
- (2) In this section “act” includes an omission and the reference to the doing of an act is to be read accordingly.
- (3) A person guilty of an offence under this section is liable to any punishment mentioned in the Table in section 164, but any sentence of imprisonment imposed in respect of the offence must not exceed two years.

Modifications etc. (not altering text)

- C2** S. 19 modified (31.10.2009) by [The Armed Forces \(Naval Chaplains\) Regulations 2009 \(S.I. 2009/826\)](#), [regs. 1, 5\(4\)](#) (with [reg. 2\(c\)](#))

Commencement Information

- I9** S. 19 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](#))

Status: Point in time view as at 01/11/2013.

Changes to legislation: Armed Forces Act 2006, Cross Heading: Neglect of duty and misconduct is up to date with all changes known to be in force on or before 11 July 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)

I10 S. 19 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)

20 Unfitness or misconduct through alcohol or drugs

- (1) A person subject to service law commits an offence if, due to the influence of alcohol or any drug—
- (a) he is unfit to be entrusted with his duty or any duty which he might reasonably expect to be called upon to perform; or
 - (b) his behaviour is disorderly or likely to bring discredit to Her Majesty's forces.

[^{F1}(1A) For the purposes of subsection (1) a person is to be taken to be unfit to be entrusted with his duty, or a duty which he might reasonably expect to be called upon to perform, if his ability to carry out the duty in question is impaired.]

- (2) Subsection (1) does not apply to the influence of a drug on a person (“A”) if—
- (a) the drug was taken or administered on medical advice and A complied with any directions given as part of that advice;
 - (b) the drug was taken or administered for a medicinal purpose, and A had no reason to believe that the drug might impair his ability to carry out the duties mentioned in subsection (1)(a) or (as the case may be) result in his behaving in a way mentioned in subsection (1)(b);
 - (c) the drug was taken on the orders of a superior officer of A; or
 - (d) the drug was administered to A on the orders of a superior officer of the person administering it.
- (3) In this section—
- (a) “drug” includes any intoxicant other than alcohol;
 - (b) a person's “behaviour” includes anything said by him.
- (4) In proceedings for an offence under this section, any paragraph of subsection (2) is to be treated as not having applied in relation to the defendant unless sufficient evidence is adduced to raise an issue as to whether it did.
- (5) A person guilty of an offence under this section is liable to any punishment mentioned in the Table in section 164, but any sentence of imprisonment imposed in respect of the offence must not exceed two years.

Textual Amendments

F1 S. 20(1A) inserted (1.11.2013) by [Armed Forces Act 2011 \(c. 18\)](#), [ss. 9, 32\(3\)](#); [S.I. 2013/2501](#), [art. 3\(a\)](#)

Modifications etc. (not altering text)

C3 S. 20 modified (31.10.2009) by [The Armed Forces \(Naval Chaplains\) Regulations 2009 \(S.I. 2009/826\)](#), [regs. 1, 4](#) (with [reg. 2\(c\)](#))

Commencement Information

I11 S. 20 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](#))

I12 S. 20 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)

Status: Point in time view as at 01/11/2013.

Changes to legislation: Armed Forces Act 2006, Cross Heading: Neglect of duty and misconduct is up to date with all changes known to be in force on or before 11 July 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)

[^{F2}20A Exceeding alcohol limit for prescribed safety-critical duties

- (1) A person subject to service law (“P”) commits an offence if the proportion of alcohol in P’s breath, blood or urine exceeds the relevant limit at a time when P—
 - (a) is performing, or purporting to perform, a prescribed duty; or
 - (b) might reasonably expect to be called on to perform such a duty.
- (2) In subsection (1) “prescribed duty” means a duty specified, or of a description specified, by regulations; but a duty or description may be specified only if performing that duty (or a duty of that description) with ability impaired by alcohol would result in a risk of—
 - (a) death;
 - (b) serious injury to any person;
 - (c) serious damage to property; or
 - (d) serious environmental harm.
- (3) In this section “the relevant limit”, in relation to a duty specified or of a description specified by regulations, means the limit prescribed by regulations in relation to that duty or duties of that description.
- (4) In this section “regulations” means regulations made by the Defence Council for the purposes of this section.
- (5) A person guilty of an offence under this section is liable to any punishment mentioned in the Table in section 164, but any sentence of imprisonment imposed in respect of the offence must not exceed two years.]

Textual Amendments

- F2** S. 20A inserted (8.3.2012 for specified purposes, 1.11.2013 in so far as not already in force) by [Armed Forces Act 2011 \(c. 18\)](#), **ss. 10, 32(3)**; [S.I. 2012/669](#), **art. 3(b)**; [S.I. 2013/2501](#), **art. 3(b)**

21 Fighting or threatening behaviour etc

- (1) A person subject to service law commits an offence if, without reasonable excuse, he fights another person.
- (2) A person subject to service law commits an offence if—
 - (a) without reasonable excuse, his behaviour is—
 - (i) threatening, abusive, insulting or provocative; and
 - (ii) likely to cause a disturbance; and
 - (b) he intends to be, or is aware that his behaviour may be, threatening, abusive, insulting or provocative.
- (3) For the purposes of this section a person’s “behaviour” includes anything said by him.
- (4) A person guilty of an offence under this section is liable to any punishment mentioned in the Table in section 164, but any sentence of imprisonment imposed in respect of the offence must not exceed two years.

Status: Point in time view as at 01/11/2013.

Changes to legislation: Armed Forces Act 2006, Cross Heading: Neglect of duty and misconduct is up to date with all changes known to be in force on or before 11 July 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)

Commencement Information

- I13** S. 21 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](#))
- I14** S. 21 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)

22 Ill-treatment of subordinates

- (1) A person subject to service law who is an officer, warrant officer or non-commissioned officer commits an offence if—
- he ill-treats a subordinate (“B”);
 - he intends to ill-treat B or is reckless as to whether he is ill-treating B; and
 - he knows or has reasonable cause to believe that B is a subordinate.
- (2) For the purposes of this section a person (“B”) is a subordinate of another person (“A”) if—
- B is subject to service law; and
 - A is a superior officer of B.
- (3) A person guilty of an offence under this section is liable to any punishment mentioned in the Table in section 164, but any sentence of imprisonment imposed in respect of the offence must not exceed two years.

Modifications etc. (not altering text)

- C4** S. 22 modified (31.10.2009) by [The Armed Forces \(Naval Chaplains\) Regulations 2009 \(S.I. 2009/826\)](#), [regs. 1, 4](#) (with [reg. 2\(c\)](#))

Commencement Information

- I15** S. 22 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](#))
- I16** S. 22 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)

23 Disgraceful conduct of a cruel or indecent kind

- (1) A person subject to service law commits an offence if—
- he does an act which is cruel or indecent; and
 - his doing so is disgraceful.
- (2) In this section “act” includes an omission and the reference to the doing of an act is to be read accordingly.
- (3) A person guilty of an offence under this section is liable to any punishment mentioned in the Table in section 164, but any sentence of imprisonment imposed in respect of the offence must not exceed two years.

Commencement Information

- I17** S. 23 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](#))

Status: Point in time view as at 01/11/2013.

Changes to legislation: Armed Forces Act 2006, Cross Heading: Neglect of duty and misconduct is up to date with all changes known to be in force on or before 11 July 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)

I18 S. 23 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)

Status:

Point in time view as at 01/11/2013.

Changes to legislation:

Armed Forces Act 2006, Cross Heading: Neglect of duty and misconduct is up to date with all changes known to be in force on or before 11 July 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.