



# Armed Forces Act 2006

## 2006 CHAPTER 52

### PART 9

#### SENTENCING: PRINCIPLES AND PROCEDURES

#### CHAPTER 1

##### PRINCIPLES AND PROCEDURES APPLYING TO SERVICE COURTS AND SUMMARY HEARINGS

##### *Forfeiture of seniority and reduction in rank*

#### **248 Forfeiture of seniority and reduction in rank or disrating: general restriction**

- (1) A court may not pass a sentence of forfeiture of seniority, reduction in rank or disrating in respect of an offence unless it is of the opinion that the offence, or the combination of the offence and one or more offences associated with it, was serious enough to warrant such a sentence.
- (2) In forming any such opinion as is mentioned in subsection (1), a court must take into account all such information as is available to it about the circumstances of the offence and any associated offence, including any aggravating or mitigating factors.
- (3) In subsections (1) and (2) “court” does not include the Summary Appeal Court.
- (4) A sentence of forfeiture of seniority, reduction in rank or disrating may not be—
  - (a) passed by an officer at a summary hearing, or
  - (b) passed or confirmed by the Summary Appeal Court,unless the officer or court is of the opinion that the offence it is in respect of (or, if it is in respect of two or more offences, the combination of them) was serious enough to warrant such a sentence.
- (5) In forming any such opinion as is mentioned in subsection (4), an officer or the Summary Appeal Court must take into account all such information as is available

**Status:** Point in time view as at 28/03/2009.

**Changes to legislation:** *Armed Forces Act 2006, Cross Heading: Forfeiture of seniority and reduction in rank is up to date with all changes known to be in force on or before 15 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)*

to him or it about the circumstances of the offence (or offences), including any aggravating or mitigating factors.

**Commencement Information**

- II** [S. 248](#) 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](#))

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