



Armed Forces Act 2006

2006 CHAPTER 52

PART 1

OFFENCES

Neglect of duty and misconduct

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—
- he is unfit to be entrusted with his duty or any duty which he might reasonably expect to be called upon to perform; or
 - his behaviour is disorderly or likely to bring discredit to Her Majesty's forces.
- (2) Subsection (1) does not apply to the influence of a drug on a person (“A”) if—
- the drug was taken or administered on medical advice and A complied with any directions given as part of that advice;
 - 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);
 - the drug was taken on the orders of a superior officer of A; or
 - the drug was administered to A on the orders of a superior officer of the person administering it.
- (3) In this section—
- “drug” includes any intoxicant other than alcohol;
 - 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.

Status: Point in time view as at 31/10/2009. This version of this provision has been superseded.

Changes to legislation: *Armed Forces Act 2006, Section 20 is up to date with all changes known to be in force on or before 21 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)*

- (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.

Modifications etc. (not altering text)

- C1** [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

- I1** [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](#))
- I2** [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 31/10/2009. This version of this provision has been superseded.

Changes to legislation:

Armed Forces Act 2006, Section 20 is up to date with all changes known to be in force on or before 21 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.