



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]

219 [^{F1}Life sentence for certain dangerous] offenders aged 18 or over

- (1) This section applies where [^{F2}—
- (a) a person aged 18 or over is convicted by the Court Martial of an offence under section 42 (criminal conduct),
 - (b) the corresponding offence under the law of England and Wales is a [^{F3}Schedule 19 offence within the meaning of Part 10 of the Sentencing Code (see section 307 of that Code)], and
 - (c) the court is of the required opinion (defined by section 223).]

[^{F4}(1A) Where the offender is under 21 when convicted of the offence under section 42, section 274(3) of the Sentencing Code (duty to impose custody for life) applies in relation to the offender.]

[^{F5}(2) [^{F6}Where the offender is 21 or over when convicted of the offence under section 42, section 285(3) of the Sentencing Code (duty to impose imprisonment for life)] applies in relation to the offender.]

- (3) In [^{F7}sections 274(3) and 285(3) of the Sentencing Code (as applied by subsections (1A) and (2))], references to “the offence” are to be read as references to the offence under section 42 of this Act.

Status: Point in time view as at 01/12/2020.

Changes to legislation: Armed Forces Act 2006, Section 219 is up to date with all changes known to be in force on or before 28 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)

^{F8}(4)

(5) A sentence under [^{F9}section 274 or 285 of the Sentencing Code] passed as a result of this section is not to be regarded as a sentence fixed by law.

Textual Amendments

- F1** Words in s. 219 heading substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 22 para. 4**; S.I. 2012/2906, art. 2(t) (with art. 6)
- F2** Words in s. 219(1) substituted (31.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 25 para. 13(2)**; S.I. 2009/1028, art. 2(b)
- F3** Words in s. 219(1)(b) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 39(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F4** S. 219(1A) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 39(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F5** S. 219(2) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 22 para. 3(2)**; S.I. 2012/2906, art. 2(t) (with art. 6)
- F6** Words in s. 219(2) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 39(4)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F7** Words in s. 219(3) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 39(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F8** S. 219(4) omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 39(6)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F9** Words in s. 219(5) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 39(7)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

- C1** S. 219 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), Sch. 1 para. 26); S.I. 2012/1236, reg. 2

Commencement Information

- I1** S. 219 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. 219 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 01/12/2020.

Changes to legislation:

Armed Forces Act 2006, Section 219 is up to date with all changes known to be in force on or before 28 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.