



Armed Forces Act 2006

2006 CHAPTER 52

PART 8 **U.K.**

SENTENCING POWERS AND MANDATORY ETC SENTENCES

CHAPTER 6 **U.K.**

MANDATORY ETC CUSTODIAL SENTENCES FOR CERTAIN OFFENCES

[^{F1}Required or discretionary sentences for particular offences]

[^{F1}219A Extended sentence for certain violent [^{F2}, sexual or terrorism] offenders aged 18 or over **U.K.**

- (1) This section applies where—
- (a) a person aged 18 or over is convicted by the Court Martial of an offence under section 42 (criminal conduct) (whether the offence was committed before or after the commencement of this section);
 - (b) the corresponding offence under the law of England and Wales is a specified offence [^{F3}within the meaning of the Sentencing Code (see section 306 of that Code)];
 - (c) the court is of the required opinion (defined by section 223);
 - ^{F4}(d) the court is not required—
 - (i) by section 273(3) of the Sentencing Code (as applied by section 218A(1B) of this Act) to impose a sentence of custody for life;
 - (ii) by section 283(3) of the Sentencing Code (as applied by section 218A(2) of this Act) to impose a sentence of imprisonment for life;
 - (iii) by section 274(3) of the Sentencing Code (as applied by section 219(1A) of this Act) to impose a sentence of custody for life;

Changes to legislation: *Armed Forces Act 2006, Section 219A is up to date with all changes known to be in force on or before 07 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) View outstanding changes*

- (iv) by section 285(3) of the Sentencing Code (as applied by section 219(2) of this Act) to impose a sentence of imprisonment for life;] and
 - (e) condition A or B is met.
- (2) Condition A is that, at the time the offence under section 42 was committed, the offender had been convicted of an offence listed in [^{F5}Schedule 14 to the Sentencing Code].
- (3) Condition B is that, if the court were to impose an [^{F6}extended sentence of detention in a young offender institution or an extended sentence of imprisonment] as a result of this section, the term that it would specify as the appropriate custodial term would be at least 4 years.
- [^{F7}(4) Where the offender is under 21 when convicted of the offence under section 42, an extended sentence of detention in a young offender institution under section 266 of the Sentencing Code is available in respect of the offence.
- (5) Subsections (2) to (5) of section 268 of the Sentencing Code apply where a court dealing with an offender for an offence imposes, or is considering whether to impose, an extended sentence of detention in a young offender institution under section 266 of the Sentencing Code by virtue of this section.
- (6) In their application to an offender by virtue of subsection (5), subsections (2) to (5) of section 268 of the Sentencing Code are modified as follows—
- (a) subsection (2) has effect as if, for “section 231(2)” there were substituted “section 261(2) of the Armed Forces Act 2006 ”;
 - (b) subsection (3) has effect as if, after “offences” there were inserted “ or further acts or omissions that would be specified offences if committed in England and Wales ”;
 - (c) in subsection (4)(b), sub-paragraphs (i) and (ii) both have effect as if for “in the case of” there were substituted “ if the offence under section 42 was one for which the corresponding offence under the law of England and Wales was ”.
- (7) Where the offender is 21 or over when convicted of the offence under section 42, an extended sentence of imprisonment under section 279 of the Sentencing Code is available in respect of the offence.
- (8) Subsections (2) to (5) of section 281 of the Sentencing Code apply where a court dealing with an offender for an offence imposes, or is considering whether to impose, an extended sentence of imprisonment under section 279 of the Sentencing Code by virtue of this section.
- (9) In their application to an offender by virtue of subsection (8), subsections (2) to (5) of section 281 of the Sentencing Code are modified as follows—
- (a) subsection (2) has effect as if, for “section 231(2)” there were substituted “section 261(2) of the Armed Forces Act 2006 ”;
 - (b) subsection (3) has effect as if, after “offences” there were inserted “ or further acts or omissions that would be specified offences if committed in England and Wales ”;
 - (c) in subsection (4)(b), sub-paragraphs (i) and (ii) both have effect as if for “in the case of” there were substituted “ if the offence under section 42 was one for which the corresponding offence under the law of England and Wales was ”.]]

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Textual Amendments

- F1** S. 219A inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 22 para. 5](#); S.I. 2012/2906, art. 2(t)
- F2** Words in s. 219A heading substituted (12.4.2019) by [Counter-Terrorism and Border Security Act 2019 \(c. 3\), s. 27\(3\), Sch. 4 para. 11\(2\)\(a\)](#) (with s. 25(3)(4))
- F3** Words in s. 219A(1)(b) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 25 para. 40\(2\)\(a\)](#) (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F4** S. 219A(1)(d) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 25 para. 40\(2\)\(b\)](#) (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F5** Words in s. 219A(2) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 25 para. 40\(3\)](#) (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F6** Words in s. 219A(3) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 25 para. 40\(4\)](#) (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F7** S. 219A(4)-(9) substituted (1.12.2020) for s. 219A(4)-(6) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 25 para. 40\(5\)](#) (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

- C1** S. 219A modified by S.I. 2009/1059, Sch. 2 para. 9A(3) (as inserted (E.W.) (3.12.2012) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Consequential and Saving Provisions\) Regulations 2012 \(S.I. 2012/2824\), regs. 1, 5\(2\)](#))
- C2** S. 219A 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)); S.I. 2012/1236, reg. 2

Changes to legislation:

Armed Forces Act 2006, Section 219A is up to date with all changes known to be in force on or before 07 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.

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Changes and effects yet to be applied to :

- s. 219A(1)(d)(i) omitted by [2020 c. 17 Sch. 26 para. 14\(a\)](#) (Sch. 26 para. 14(a) substituted (prosp.) by [2021 c. 11, s. 50\(3\)\(j\)](#), Sch. 13 para. 43(7)(b))
- s. 219A(1)(d)(iii) omitted by [2020 c. 17 Sch. 26 para. 14\(a\)](#) (Sch. 26 para. 14(a) substituted (prosp.) by [2021 c. 11, s. 50\(3\)\(j\)](#), Sch. 13 para. 43(7)(b))
- s. 219A(2) words substituted by [2020 c. 17, Sch. 26 para. 14\(aa\)](#) (as inserted) by [S.I. 2020/1520 reg. 6\(3\)](#)
- s. 219A(3) words omitted by [2020 c. 17 Sch. 26 para. 14\(b\)](#)
- s. 219A(4)-(6) omitted by [2020 c. 17 Sch. 26 para. 14\(c\)](#)
- s. 219A(7) words omitted by [2020 c. 17 Sch. 26 para. 14\(d\)](#)
- 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)