



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

General sentencing principles

237 Duty to have regard to purposes of sentencing etc

- (1) A court or officer dealing with an offender for a service offence must have regard to the following purposes of sentencing—
 - (a) the punishment of offenders;
 - (b) the maintenance of discipline;
 - (c) the reduction of service offences and other crime (including reduction by deterrence);
 - (d) the reform and rehabilitation of offenders;
 - (e) the protection of the public;
 - (f) the making of reparation by offenders to persons affected by their offences.
- (2) If the offender is aged under 18 the court or officer must also have regard to his welfare.
- (3) This section does not apply in relation to—
 - (a) an offence the sentence for which is fixed by law;
 - ^{F1}(b) an offence the sentence for which falls to be imposed under section 273(3) or 283(3) of the Sentencing Code as a result of section 218A(1B) or (2) (life sentence for second listed offence);

Status: Point in time view as at 01/12/2020. This version of this provision has been superseded.

Changes to legislation: Armed Forces Act 2006, Section 237 is up to date with all changes known to be in force on or before 21 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)

- (ba) an offence the sentence for which falls to be imposed under section 274(3) or 285(3) of the Sentencing Code as a result of section 219(1A) or (2) (life sentence for certain dangerous offenders aged 18 or over);
 - (bb) an offence the sentence for which falls to be imposed under section 258(2) of the Sentencing Code as a result of section 221(2) (life sentence for certain dangerous offenders aged under 18);
 - (bc) an offence the sentence for which falls to be imposed under section 313(2) of the Sentencing Code as a result of section 225(2) (third drug trafficking offence);
 - (bd) an offence the sentence for which falls to be imposed under section 314(2) of the Sentencing Code as a result of section 226(2) (third domestic burglary);
 - (be) an offence the sentence for which falls to be imposed under section 311(2) of the Sentencing Code as a result of section 227(2) (firearms offences);]
 - (c) an offence the sentence for which falls to be imposed under section [F2227A(1A) or (2) (threatening with a weapon in public or on school premises)].
- (4) In this section “sentencing” includes the making of any order when dealing with an offender in respect of his offence.

Textual Amendments

- F1** S. 237(3)(b)-(be) substituted for s. 237(3)(b) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 52\(a\)](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#)
- F2** Words in s. 237(3)(c) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 52\(b\)](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#)

Modifications etc. (not altering text)

- C1** S. 237 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](#)

Commencement Information

- I1** S. 237 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. 237 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. This version of this provision has been superseded.

Changes to legislation:

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