

Chapter 30

Sentencing principles, powers and effects

Sentencing principles

1. The Armed Forces Act 2006 (the Act) makes provision¹ in respect of sentencing principles that must be applied at the Court Martial (CM). These principles largely reflect those to be found in the Criminal Justice Act 2003 and which are followed in the civilian criminal courts in England and Wales.
2. Sentencing principles that are applied at the CM are set out in 'Sentencing in Courts Martial: A Short Guide' (The Guide) which is issued by the Office of the Judge Advocate General. That guide is intended to help all concerned in the sentencing of those found guilty at the CM and has been updated to reflect the legislative changes made by the Act in respect of sentencing principles. The Guide can be found in Volume 3 of the MSL.

Sentencing and orders – powers

3. The Act sets out the punishments and orders available to the CM and Service Civilian Court (SCC) when passing sentence. Guidance on these provisions² is contained in The Guide, see paragraph 2 above.

Sentencing – effect of certain sentences

4. Provisions³ of the Act and subordinate legislation⁴ clarify the effects consequent upon the passing by the CM or SCC of certain sentences. Guidance on these provisions is contained in The Guide, see paragraph 2 above.

¹ Sections 237 to 259 of the Act.

² Sections 164, 173 to 236, 282 to 284 and Schedule 3 of the Act.

³ Sections 289 to 304 of the Act.

⁴ The Armed Forces (Minor Punishments and Limitation on Power to Reduce in Rank) Regulations 2009/1215.