STATUTORY INSTRUMENTS

2026 No. 693

DEFENCE

The Armed Forces (Review of Court Martial Sentence) (Amendment and Supplementary Provision) Regulations 2026

Made - - - -	*24th June 2026*
Laid before Parliament	*1st July 2026*
Coming into force - -	*23rd July 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 273(3) and 275 of the Armed Forces Act 2006(**a**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Armed Forces (Review of Court Martial Sentence) (Amendment and Supplementary Provision) Regulations 2026.

(2) These Regulations come into force on 23rd July 2026.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Amendment of the Armed Forces (Review of Court Martial Sentence) Order 2009

2.—(1) The Schedule to the Armed Forces (Review of Court Martial Sentence) Order 2009(**b**) (description of cases specified for the purposes of section 273(3) of the Armed Forces Act 2006) is amended as follows.

(2) In paragraph 1—

(a) after sub-paragraph (c) insert—

"(ca) an offence under section 54 of the Criminal Law Act 1977(**c**) (inciting a girl under 16 to have incestuous sexual intercourse);

(cb) an offence under section 1 of the Protection of Children Act 1978(**d**) (indecent photographs of children);";

(b) after sub-paragraph (d) insert—

(**a**) 2006 c. 52.
(**b**) S.I. 2009/1168, as amended by S.I. 2013/862, 2015/800, 2015/1472, 2019/967.
(**c**) 1977 c. 45. Section 54 was repealed in England and Wales by paragraph 1 of Schedule 7 to the Sexual Offences Act 2003 (c. 42).
(**d**) 1978 c. 37. Section 1 was amended by sections 84(2) of the Criminal Justice and Public Order Act 1994 (c. 33) and paragraph 24 of Schedule 6 to the Sexual Offences Act 2003 (c. 42).

"(da) an offence under section 160 of the Criminal Justice Act 1988(**a**) (possession of indecent photograph of child);

(db) an offence under section 4 (putting people in fear of violence) or section 4A (stalking involving fear of violence or serious harm or distress) of the Protection from Harassment Act 1997(**b**);";

(c) in sub-paragraph (f) after paragraph (x) insert—

"(xa) section 16 (abuse of position of trust: sexual activity with a child);

(xb) section 17 (abuse of position of trust: causing or inciting a child to engage in sexual activity);

(xc) section 18 (abuse of position of trust: sexual activity in the presence of a child);

(xd) section 19 (abuse of position of trust: causing a child to watch a sexual act);";

(d) in sub-paragraph (f) after paragraph (xi) insert—

"(xia) section 26 (inciting a child family member to engage in sexual activity);

(xib) section 30 (sexual activity with a person with a mental disorder impeding choice);

(xic) section 31 (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity);

(xid) section 32 (engaging in sexual activity in the presence of a person with a mental disorder impeding choice);

(xie) section 33 (causing a person, with a mental disorder impeding choice, to watch a sexual act);";

(e) after sub-paragraph (f) insert—

"(fa) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004(**c**) (trafficking people for exploitation);

(fb) an offence under section 71 of the Coroners and Justice Act 2009(**d**) (slavery, servitude and forced or compulsory labour);

(fc) an offence under section 76 of the Serious Crime Act 2015(**e**) (controlling or coercive behaviour in an intimate or family relationship);";

(f) after paragraph 1 insert—

"1A.—(1) Any case where the corresponding offence under the law of England and Wales is—

(a) an offence under one of the following sections of the Terrorism Act 2000(**f**)—

(**a**) 1988 c. 33. Section 160 was amended by sections 84 and 86 of, and Schedule 11 to, the Criminal Justice and Public Order Act 1994 (c. 33), section 41 of the Criminal Justice and Court Services Act 2000 (c. 43), paragraph 29 of Schedule 6 to the Sexual Offences Act 2003 (c. 42) and paragraph 24 of Schedule 26(2) to the Criminal Justice and Immigration Act 2008 (c. 4).

(**b**) 1997 c. 40. Section 4 was amended by paragraph 143 of Schedule 9 to the Protection of Freedoms Act 2012 (c. 9) ("the 2012 Act"); section 4A was inserted by section 111 of the 2012 Act and amended by S.I. 2023/149 and S.I. 2022/500.

(**c**) 2004 c. 19. Section 4 was repealed in England and Wales by paragraph 6 of Schedule 5 to the Modern Slavery Act 2015 (c. 30).

(**d**) 2009 c. 25. Section 71 was repealed in England and Wales by paragraph 8 of Schedule 5 to the Modern Slavery Act 2015 (c. 30).

(**e**) 2015 c. 9. Section 76 was amended by section 68 of the Domestic Abuse Act 2021 (c. 17) and the Schedule to S.I. 2023/149.

(**f**) 2000 c. 11. Sections 11 and 12 were amended by section 26 of the Counter Terrorism and Sentencing Act 2021 (c. 11); section 12 was amended by sections 1 and 27 of the Counter-Terrorism and Border Security Act 2019 (c. 3); section 17A was inserted by sections 42 and 52 of the Counter-Terrorism and Security Act 2015 (c. 6); section 19 was amended by section 19 of the Counter-Terrorism Act 2008 (c. 28); section 21A was inserted by paragraph 5 of Schedule 2(3) to

(i) sections 11 or 12 (offences relating to proscribed organisations);

(ii) sections 15 to 18 (offences relating to terrorist property);

(iii) section 19 (disclosure of information: duty);

(iv) section 21A (failure to disclose: regulated sector);

(v) section 21D (tipping off: regulated sector);

(vi) section 38B (failure to disclose information about acts of terrorism);

(vii) section 39 (disclosure of information);

(viii) section 54 (weapons training);

(ix) sections 57 to 58A (possessing things, collecting information and eliciting, publishing or communicating information about members of the armed forces etc for the purposes of terrorism);

(b) an offence under section 113 of the Anti-Terrorism, Crime and Security Act 2001(**a**) (use of noxious substances or things to cause harm or intimidate);

(c) an offence under one of the following sections of the Terrorism Act 2006(**b**)—

(i) sections 1 or 2 (encouragement of terrorism);

(ii) sections 6 or 8 (training for terrorism);

(d) an offence under section 54 of the Counter-Terrorism Act 2008(**c**) (offences relating to notification);

(e) an offence under section 23 of the Terrorism Prevention and Investigation Measures Act 2011(**d**) (offence of contravening a TPIM notice);

(f) an offence under section 10 of the Counter-Terrorism and Security Act 2015(**e**) (offences of contravening a Temporary Exclusion Order or not complying with a restriction after a return).

(2) Any case where the corresponding offence under the law of England and Wales is—

(a) an offence under section 20 of the Offences Against the Person Act 1861 (inflicting bodily injury with or without weapon);

(b) an offence under the following provisions of the Criminal Damage Act 1971(**f**)—

(i) section 1(1) (destroying or damaging property);

(ii) section 1(1) and (3) (arson);

(iii) section 2 (threats to destroy or damage property);

(c) an offence under sections 1 to 5 of the Forgery and Counterfeiting Act 1981(**g**);

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the Anti-terrorism, Crime and Security Act 2001 (c. 24) ("the 2001 Act") and amended by S.I. 2007/3398, paragraph 128(b) of Schedule 4 to the Serious Organised Crime and Police Act 2005 (c. 15) and paragraph 72 of Schedule 8(2) to the Crime and Courts Act 2013 (c. 22); section 21D was inserted by S.I. 2007/3398 and was amended by paragraph 75 of Schedule 8(2) to the Crime and Courts Act 2013; section 38B was inserted by section 117 of the 2001 Act; section 39 was amended by section 117 of the 2001 Act and S.I. 2007/3398; section 54 was amended by section 120 of the 2001 Act; section 58 was amended by section 3 of the Counter-Terrorism and Border Security Act 2019 (c. 3); section 58A was inserted by section 76 of the Counter-Terrorism Act 2008 (c. 28).

(**a**) 2001 c. 24. Section 113 was amended by section 34 of the Terrorism Act 2006 (c. 11).

(**b**) 2006 c. 11. Sections 1 and 2 were amended by section 5 of the Counter-Terrorism and Border Security Act 2019 (c. 3).

(**c**) 2008 c. 28. Section 54 was amended by paragraph 48 of Schedule 4 to the Counter-Terrorism and Border Security Act (c. 3).

(**d**) 2011 c. 23. Section 23 was amended by section 17 of the Counter-Terrorism and Security Act 2015 (c. 6).

(**e**) 2015 c. 6. Section 10 was amended by paragraph 291 of Schedule 24 to the Sentencing Act 2000 (c. 17) and S.I. 2023/149.

(**f**) 1971 c. 48. Section 1 is extended by section 1 of the Internationally Protected Persons Act 1978 (c. 17) and applied by section 18 of the Aviation and Maritime Security Act 1990 (c. 31).

(**g**) 1981 c. 45. Section 5 was amended by section 88 of the Crime (International Co-operation) Act 2003 (c. 32), paragraph 67 of Schedule 7 to the Civil Partnership Act 2004 (c. 33) and S.I. 2014/3168.

where there is jurisdiction in England and Wales by virtue of any of sections 63B to 63D of the Terrorism Act 2000(**a**) (extra-territorial jurisdiction in respect of certain offences committed outside the United Kingdom for the purposes of terrorism etc).

(3) Any case where the corresponding offence under the law in England and Wales is—

(a) an offence under section 4 of the Aviation Security Act 1982(**b**) (offences in relation to certain dangerous articles);

(b) an offence under section 114 of the Anti-Terrorism, Crime and Security Act 2001 (hoaxes involving noxious substances or things)

where the Court Martial has determined that the offence has a terrorist connection under section 69 of the Sentencing Code (sentences for offences with a terrorist connection: England and Wales).".

(3) In paragraph 2, for "or paragraph 1(f)", in both places it occurs, substitute ", paragraph 1(f) to (g), or paragraph 1A".

(4) In paragraph 3, after "paragraphs 1" insert ", 1A".

(5) In paragraph 4, for "or paragraph 1(f)", in both places it occurs, substitute ", paragraph 1(f) to (g), or paragraph 1A".

Amendment of the Armed Forces (Review of Court Martial Sentence) (Supplementary Provision) Regulations 2009

3.—(1) Regulation 3 of the Armed Forces (Review of Court Martial Sentence) (Supplementary Provision) Regulations 2009(**c**) is amended as follows—

(2) At the end of paragraph 1 insert ", subject to paragraph (1A)".

(3) After paragraph 1 insert—

"(1A) Where—

(a) the Attorney General receives a request to review the sentencing of a person, and

(b) the request is received in the last 14 days of the 28-day period mentioned in paragraph (1),

notice of an application for leave to refer the case in question to the Court Martial Appeal Court may be given within 14 days from the day on which the request is received.

(1B) For the purposes of this Part, a certificate of the Attorney General as to the date on which a request to review the sentencing of a person was received is conclusive evidence of that fact.

(1C) Where more than one request to review the sentencing of a person is received, reference in paragraphs (1A) and (1B) to a request are to the first request that is received.".

Calvin Bailey
Parliamentary Under-Secretary of State
Ministry of Defence

24th June 2026

(**a**) 2000 c. 11. Sections 63B, 63C and 63D were inserted by section 52 of the Crime (International Co-operation) Act 2003 (c. 32); section 63C was amended by S.I. 2004/3224 and S.I. 2012/1809.
(**b**) 1982 c. 36.
(**c**) S.I. 2009/1169.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Armed Forces (Review of Court Martial Sentence) (Amendment and Supplementary Provision) Regulations 2026 ("the Regulations") amend statutory instruments made under the Armed Forces Act 2006 (c. 52) which provide for the review of unduly lenient sentences passed by the Court Martial.

The Regulations amend the Armed Forces (Review of Court Martial Sentence) Order 2009 (S.I. 2009/1168) ("the 2009 Order"), which specifies offences for which sentences may be referred by the Attorney General to the Court Martial Appeal Court for consideration as to whether they are unduly lenient. The offences listed in the Schedule to the 2009 Order are intended to correspond with those set out in Schedule 1 to the Criminal Justice Act 1988 (Review of Sentencing) Order 2006 (S.I. 2006/1116), which applies to the civilian justice system. Regulation 2 amends the Schedule to the 2009 Order by adding further offences that are included in S.I. 2006/1116, bringing closer alignment between the civilian and service justice systems in respect of the offences eligible for sentence review.

The Regulations also amend the Armed Forces (Review of Court Martial Sentence) (Supplementary Provision) Regulations 2009 (S.I. 2009/1169). Regulation 3 makes provision for cases where a request for review is received by the Attorney General during the final 14 days of the standard 28-day period for making an application to the Court Martial Appeal Court. In those circumstances, the period for applying for leave is 14 days from the date the request is received.

A full impact statement has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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ISBN 978-0-34-828481-2

£6.40

http://www.legislation.gov.uk/id/uksi/2026/693

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