

SCHEDULES

SCHEDULE 1

Section 10.

AMENDMENTS OF 1955 ACTS AND 1957 ACT RELATING TO CUSTODY

Army Act 1955 (c. 18) and Air Force Act 1955 (c. 19)

- 1 (1) In section 57 of the Army Act 1955 (offences in relation to court-martial) after subsection (3) there is inserted—
- “(4) References in paragraphs (a) to (f) of subsection (1) of this section to a court-martial or to a member of a court-martial include references to a judicial officer or a person appointed under section 75L of the Air Force Act 1955 or section 47M of the Naval Discipline Act 1957 and, in relation to an offence committed in relation to a judicial officer or any person so appointed, that subsection shall have effect as if the words “other than the court in relation to which the offence was committed” were omitted.
- (5) In relation to an offence committed in relation to a judicial officer, subsection (2) of this section shall have effect as if—
- (a) the references to a court-martial held in pursuance of this Act were references to the judicial officer,
 - (b) for “another court-martial” there were substituted “a court-martial”, and
 - (c) the words “under the hand of the president” were omitted.”
- (2) In section 57 of the Air Force Act 1955 (offences in relation to court-martial) after subsection (3) there is inserted—
- “(4) References in paragraphs (a) to (f) of subsection (1) of this section to a court-martial or to a member of a court-martial include references to a judicial officer or a person appointed under section 75L of the Army Act 1955 or section 47M of the Naval Discipline Act 1957 and, in relation to an offence committed in relation to a judicial officer or a person so appointed, that subsection shall have effect as if the words “other than the court in relation to which the offence was committed” were omitted.
- (5) In relation to an offence committed in relation to a judicial officer, subsection (2) of this section shall have effect as if—
- (a) the references to a court-martial held in pursuance of this Act were references to the judicial officer,
 - (b) for “another court-martial” there were substituted “a court-martial”, and
 - (c) the words “under the hand of the president” were omitted.”
- 2 In section 82(1) of each of the 1955 Acts (meaning of “commanding officer”) after “charged with” there is inserted “, or in custody in connection with,”.

Status: This is the original version (as it was originally enacted).

3 Section 101 of each of the 1955 Acts (offences by civilians in relation to courts-martial) is renumbered as subsection (1) of that section and at the end of that provision there is inserted—

“(2) In subsection (1) of this section references in paragraphs (a) to (g) to a court-martial or to a member of a court-martial include references to a judicial officer and, in relation to an offence committed in relation to a judicial officer—

- (a) the reference to the president of the court-martial is a reference to the judicial officer, and
- (b) the reference to a court-martial held outside the United Kingdom is a reference to the judicial officer sitting outside the United Kingdom.”

4 (1) Section 209(3) of each of the 1955 Acts (application of Act to civilians) is amended as follows.

(2) After paragraph (c) there is inserted—

- “(ca) section 75J(2)(b) above shall have effect with the omission of the words from the beginning to “of this Act”;
- (cb) section 75K(6) above shall have effect with the omission of paragraph (a);”

(3) In paragraph (f) after “relating to” there is inserted “custody and”.

5 (1) In section 225(1) of the Army Act 1955 (general provisions as to interpretation)—

- (a) the definition of “arrest” is omitted,
- (b) after the definition of “the judge advocate” there is inserted—

““judicial officer” means a person appointed under section 75L of this Act;”, and

- (c) after the definition of “regular forces” there is inserted—

““the relevant time” in relation to a person arrested under section 74 of this Act, means the time of the arrest;”.

(2) In section 223(1) of the Air Force Act 1955 (general provisions as to interpretation)

- (a) the definition of “arrest” is omitted,
- (b) after the definition of “the judge advocate” there is inserted—

““judicial officer” means a person appointed under section 75L of this Act;”, and

- (c) after the definition of “regular air force” there is inserted—

““the relevant time” in relation to a person arrested under section 74 of this Act, means the time of the arrest;”.

Naval Discipline Act 1957 (c. 53)

6 In section 38 of the 1957 Act (offences in relation to courts-martial) after subsection (3C) there is inserted—

“(4) References in paragraphs (a) to (f) of subsection (1) of this section to a court-martial or to a member of a court-martial include references to a judicial officer or a person appointed under section 75L of the Army Act 1955

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or section 75L of the Air Force Act 1955 and, in relation to an offence committed in relation to a judicial officer, subsection (3) of this section shall have effect as if—

- (a) references to a court-martial were references to the judicial officer, and
- (b) the words “under the hand of the president” were omitted.”

7 Section 46 of the 1957 Act is omitted.

8 (1) Section 52E of the 1957 Act (commanding officers) is amended as follows.

(2) In subsection (1)—

- (a) after “charged with” there is inserted “, or in custody in connection with,” and
- (b) after “the offence” there is inserted “, while he is in custody in connection with it”.

(3) In subsection (2)(a) for “an accused” there is substituted “a person charged with, or in custody in connection with, an offence”.

(4) After subsection (3) there is inserted—

“(3A) Subsection (2)(b) above is without prejudice to section 47F(1)(a) of this Act.”

9 In section 65 of the 1957 Act (contempt of court-martial by civilians) after subsection (5) there is inserted—

“(6) References in subsections (1) and (3) above to a court-martial or its president include references to a judicial officer.”

10 In section 116 of the 1957 Act (application to deserters etc. from Commonwealth and colonial naval forces) in subsection (1) after “arrest” there is inserted “, custody”.

11 In section 135(1) of the 1957 Act (general interpretation)—

- (a) in the definition of “the commanding officer” after “charged with” there is inserted “, or in custody in connection with,”
- (b) after the definition of “the judge advocate” there is inserted—

““judicial officer” means a person appointed under section 47M of this Act;”, and

- (c) after the definition of “Queen’s Regulations” there is inserted—

““the relevant time” in relation to a person arrested under section 45 of this Act, means the time of the arrest;”.

12 After paragraph 3 of Schedule 4 to the 1957 Act (application of Act to certain civilians) there is inserted—

“3A In relation to persons to whom Part II of this Act applies by virtue of section 118 of this Act, sections 47A to 47E of this Act shall have effect with the substitution of references to paragraph 3 of this Schedule for references to section 45 of this Act.

3B In relation to such persons—

- (a) section 47K(2)(b) of this Act shall have effect with the omission of the words from the beginning to “(5) of this Act”, and

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- (b) section 47L(6) of this Act shall have effect with the omission of paragraph (a).”