



# Armed Forces Discipline Act 2000

## 2000 CHAPTER 4

### *Custody*

#### **4 Custody during court-martial proceedings**

(1) After section 75G of the Army Act 1955 there is inserted—

##### **“75H Custody during court-martial proceedings**

- (1) Where the accused is kept in military custody under an order under section 75F(2) of this Act at any time after the commencement of his trial by court-martial, section 75G of this Act (and section 75F as applied by that section) shall apply with the following modifications.
- (2) In relation to a review before the announcement of the court-martial’s finding on the charge or every charge against the accused, references to a judicial officer shall have effect as references to the judge advocate.
- (3) In section 75F(2), after paragraph (d) there shall be inserted—
  - “; or
  - (e) the accused’s case has been adjourned for inquiries or a report and it appears to the judicial officer that it would be impracticable to complete the inquiries or make the report without keeping the accused in military custody.”
- (4) Section 75F(3)(d) does not apply in the case of an accused who is awaiting sentence.
- (5) An order under section 75F(2) does not authorise the keeping of the accused in military custody after he is sentenced by the court-martial.
- (6) Subsection (1) above shall cease to apply (but without prejudice to any order already made by virtue of that subsection) if the court-martial is dissolved.”

(2) After section 75G of the Air Force Act 1955 there is inserted—

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*Status: This is the original version (as it was originally enacted).*

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**“75H Custody during court-martial proceedings**

- (1) Where the accused is kept in air-force custody under an order under section 75F(2) of this Act at any time after the commencement of his trial by court-martial, section 75G of this Act (and section 75F as applied by that section) shall apply with the following modifications.
  - (2) In relation to a review before the announcement of the court-martial’s finding on the charge or every charge against the accused, references to a judicial officer shall have effect as references to the judge advocate.
  - (3) In section 75F(2), after paragraph (d) there shall be inserted—
    - “; or
    - (e) the accused’s case has been adjourned for inquiries or a report and it appears to the judicial officer that it would be impracticable to complete the inquiries or make the report without keeping the accused in air-force custody.”
  - (4) Section 75F(3)(d) does not apply in the case of an accused who is awaiting sentence.
  - (5) An order under section 75F(2) does not authorise the keeping of the accused in air-force custody after he is sentenced by the court-martial.
  - (6) Subsection (1) above shall cease to apply (but without prejudice to any order already made by virtue of that subsection) if the court-martial is dissolved.”
- (3) After section 47H of the 1957 Act there is inserted—

**“47J Custody during court-martial proceedings**

- (1) Where the accused is kept in naval custody under an order under section 47G(2) of this Act at any time after the commencement of his trial by court-martial, section 47H of this Act (and section 47G as applied by that section) shall apply with the following modifications.
- (2) In relation to a review before the announcement of the court-martial’s finding on the charge or every charge against the accused, references to a judicial officer shall have effect as references to the judge advocate.
- (3) In section 47G(2), after paragraph (d) there shall be inserted—
  - “; or
  - (e) the accused’s case has been adjourned for inquiries or a report and it appears to the judicial officer that it would be impracticable to complete the inquiries or make the report without keeping the accused in naval custody.”
- (4) Section 47G(3)(d) does not apply in the case of an accused who is awaiting sentence.
- (5) An order under section 47G(2) does not authorise the keeping of the accused in naval custody after he is sentenced by the court-martial.

- (6) Subsection (1) above shall cease to apply (but without prejudice to any order already made by virtue of that subsection) if the court-martial is dissolved.”