

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2011, Part 1. (See end of Document for details)

SCHEDULES

SCHEDULE 2

JUDGE ADVOCATES SITTING IN CIVILIAN COURTS

PART 1

AMENDMENTS CONFERRING JURISDICTION ON JUDGE ADVOCATES

Senior Courts Act 1981 (c. 54)

- 1 (1) Section 8 of the Senior Courts Act 1981 (persons who may exercise the jurisdiction of the Crown Court) is amended as follows.
- (2) In subsection (1)(b), for “, Recorder or District Judge (Magistrates' Courts)” substitute “, Recorder, qualifying judge advocate or District Judge (Magistrates' Courts)”.
- (3) In subsection (1)(c), for “or Recorder” substitute “, Recorder or qualifying judge advocate”.
- (4) After subsection (1) insert—
- “(1A) The jurisdiction of the Crown Court exercisable by a qualifying judge advocate by virtue of subsection (1) is the jurisdiction of the Court in relation to any criminal cause or matter other than an appeal from a youth court.”
- (5) In subsection (3), for “, Circuit judge, Recorder or District Judge (Magistrates' Courts)” substitute “, Circuit judge, Recorder, qualifying judge advocate or District Judge (Magistrates' Courts)”.
- (6) After subsection (3) insert—
- “(4) Subsection (1A) does not affect the jurisdiction of the Crown Court exercisable by a person who holds an office mentioned in subsection (1)(a) or (b) where that person is also a qualifying judge advocate.”

Commencement Information

II Sch. 2 para. 1 in force at 2.4.2012 by S.I. 2012/669, art. 4(c)

- 2 In section 73(2) and (3) of that Act (general provisions relating to Crown Court proceedings), for “or Recorder” (wherever it occurs) substitute “, Recorder or qualifying judge advocate”.

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2011, Part 1. (See end of Document for details)

Commencement Information

I2 Sch. 2 para. 2 in force at 2.4.2012 by S.I. 2012/669, art. 4(c)

- 3 In section 74 of that Act (Crown Court proceedings on appeals)—
- (a) in subsection (1), after “Recorder” insert “ or a qualifying judge advocate ”; and
 - (b) in subsection (3), for “or Recorder,” substitute “ , Recorder or qualifying judge advocate, ”.

Commencement Information

I3 Sch. 2 para. 3 in force at 2.4.2012 by S.I. 2012/669, art. 4(c)

- 4 In section 75(1) of that Act (allocation of cases and distribution of cases in Crown Court), for “, Circuit judge, Recorder or District Judge (Magistrates' Courts)” substitute “, Circuit judge, Recorder, qualifying judge advocate or District Judge (Magistrates' Courts)”.

Commencement Information

I4 Sch. 2 para. 4 in force at 2.4.2012 by S.I. 2012/669, art. 4(c)

- 5 In section 151(1) of that Act (interpretation), at the appropriate place insert—
- ““qualifying judge advocate” means—
- (a) the Judge Advocate General; or
 - (b) a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951 (assistants to the Judge Advocate General);”.

Commencement Information

I5 Sch. 2 para. 5 in force at 2.4.2012 by S.I. 2012/669, art. 4(c)

Courts Act 2003 (c. 39)

- 6 In section 66 of the Courts Act 2003 (judges having powers of District Judges (Magistrates' Courts))—
- (a) after subsection (2) insert—

“(2A) A qualifying judge advocate has the powers of a justice of the peace who is a District Judge (Magistrates' Courts) in relation to criminal causes and matters.”; and
 - (b) after subsection (4) insert—

“(5) In this section “qualifying judge advocate” means—

 - (a) the Judge Advocate General; or

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2011, Part 1. (See end of Document for details)

- (b) a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951 (assistants to the Judge Advocate General).
- (6) Subsection (2A) is without prejudice to the powers conferred by this section on a person within subsection (2) where that person is also a qualifying judge advocate.”

Commencement Information

I6 Sch. 2 para. 6 in force at 2.4.2012 by S.I. 2012/669, art. 4(c)

Changes to legislation:

There are currently no known outstanding effects for the Armed Forces Act 2011, Part 1.