
Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2011, Paragraph 7. (See end of Document for details)

SCHEDULES

SCHEDULE 3

MINOR AMENDMENTS OF SERVICE LEGISLATION

Right to elect Court Martial trial

7 In section 129 of AFA 2006 (right to elect Court Martial trial), for subsection (4) substitute—

“(4) Subsection (5) applies if an opportunity to elect Court Martial trial of a charge (“the original charge”) has been given under subsection (1) and subsequently—

- (a) the charge is amended;
- (b) another charge is substituted for it; or
- (c) an additional charge is brought.

(5) Subsection (1) applies in relation to the amended, substituted or additional charge; and if the amendment, substitution or addition takes place after the start of the summary hearing, that subsection has effect in relation to the charge as if the reference to hearing a charge summarily were to proceeding with the hearing.

(6) In subsection (4)—

- (a) “amended” means amended under section 123(2)(a) or, in the case of a charge referred to the Director of Service Prosecutions otherwise than on election for Court Martial trial, amended under section 125(2)(a) and referred to the commanding officer under section 125(2)(e);
- (b) “substituted” means substituted under section 123(2)(b) or, where the original charge was referred to the Director of Service Prosecutions otherwise than on election for Court Martial trial, substituted under section 125(2)(b) and referred to the commanding officer under section 125(2)(e);
- (c) “brought”, in relation to an additional charge, means brought under section 123(2)(c) or, where the original charge was referred to the Director of Service Prosecutions otherwise than on election for Court Martial trial, brought under section 125(2)(c) and referred to the commanding officer under section 125(2)(e).

(7) Subsection (8) applies where—

- (a) an opportunity to elect Court Martial trial of a charge has been given under this section;
- (b) the accused has not elected Court Martial trial; and
- (c) at a time after the giving of the opportunity to elect, the commanding officer obtains extended powers for the purposes of any provision of section 133, 134, 135 or 194.

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- (8) The provisions of this section requiring the giving of an opportunity to elect Court Martial trial of the charge shall apply again.”

Commencement Information

II Sch. 3 para. 7 in force at 2.4.2012 by S.I. 2012/669, art. 4(d)

Changes to legislation:

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