

## SCHEDULE 2

Article 4

### TRANSITIONAL PROVISIONS

#### General

1. Subject to paragraphs 2 to 5 below, where apart from this paragraph anything done under or for the purposes of any provision which is repealed, amended or substituted by the Act would cease to have effect by virtue of that repeal, amendment or substitution it shall have effect as if it had been done under or for the purposes of the corresponding provision in the 1955 Act or the 1957 Act, as the case may be, as amended by the Act.

#### Prosecutions under the 1955 Act

2. A person who has been remanded for trial by court-martial and served with a copy of the charge sheet and summary (or abstract) of evidence before 1st April 1997 shall be treated as if the prosecuting authority had preferred any charge contained in the charge sheet under section 83B(4) of the 1955 Act and the person had been notified by his commanding officer under section 83B(6) of the 1955 Act that he is to be tried by court-martial.

3. A person who has been remanded for trial by court-martial before 1st April 1997 but has not been served with a copy of the charge sheet and summary (or abstract) of evidence shall be treated as if a case in respect of him had been referred to the prosecuting authority under section 76A(1) of the 1955 Act and the prosecuting authority has considered under section 83B(4) of the 1955 Act that court-martial proceedings should be instituted.

#### Prosecutions under the 1957 Act

4. A person who has been remanded for trial by court-martial and served with a copy of the charge sheet before 1st April 1997 shall be treated as if the prosecuting authority had preferred any charge contained in the charge sheet under section 52I(4) of the 1957 Act and the person had been notified by his commanding officer under section 52I(5) of the 1957 Act that he is to be tried by court-martial.

5. A person who has been remanded for trial by court-martial before 1st April 1997 but has not been served with a copy of the charge sheet shall be treated as if a case in respect of him had been referred to the prosecuting authority under section 52C(1) of the 1957 Act and the prosecuting authority has considered under section 52I(4) of the 1957 Act that court-martial proceedings should be instituted.

#### Interpretation

6. In this Schedule—

“the 1955 Act” means—

- (a) where the accused is being prosecuted under the Army Act 1955(1), that Act;
- (b) where the accused is being prosecuted under the Air Force Act 1955(2), that Act; and

“the 1957 Act” means the Naval Discipline Act 1957(3).

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(1) 1955 c. 18.

(2) 1955 c. 19.

(3) 1957 c. 53.