
STATUTORY INSTRUMENTS

2009 No. 1059

**The Armed Forces Act 2006
(Transitional Provisions etc) Order 2009**

PART 4

JURISDICTION

Jurisdiction of the Service Civilian Court

13.—(1) The Service Civilian Court has jurisdiction to try any SDA offence committed outside the British Islands by a civilian except—

- (a) an offence within paragraph (3); or
- (b) an offence in relation to which section 51(6) of AFA 2006 applies (defendant is member of regulars or reserves or liable to recall).

(2) For the purposes of paragraph (1) an offence was committed by a civilian if it was committed by a person who, at the time when it was committed, was a civilian subject to the SDAs.

(3) The offences within this paragraph are—

- (a) an indictable-only SDA civil offence;
- (b) an offence under section 57 of AA 1955 or AFA 1955 or section 38 of NDA 1957 (offences in relation to courts);
- (c) an offence under section 61 of AA 1955 or AFA 1955 or section 34A of NDA 1957 (false statements on enlistment etc);
- (d) an offence under RFA 1996.

(4) For the purposes of paragraph (3)(a) an SDA civil offence is “indictable-only” if the corresponding civil offence is, under the law of England and Wales, an offence which if committed by an adult is triable only on indictment; but this is subject to paragraph (5).

(5) Where the defendant is aged under 18 at the time a decision under section 279 of AFA 2006 is made, an SDA civil offence is “indictable-only” for the purposes of paragraph (3)(a) if (and only if)—

- (a) the corresponding civil offence is murder, manslaughter or an offence under section 5 of the Domestic Violence, Crime and Victims Act 2004⁽¹⁾ (causing or allowing death of child etc); or
- (b) section 51A of the Firearms Act 1968⁽²⁾ would apply if the accused were convicted by a civilian court in England and Wales of the corresponding civil offence.

(6) Where section 279 of AFA 2006 is disapplied by article 132⁽²⁾, the reference in paragraph (5) to the time a decision under that section is made is to be read as to the time immediately before commencement.

⁽¹⁾ 2004 c. 28.

⁽²⁾ 1968 c. 27. Section 51A was inserted by the Criminal Justice Act 2003 (c. 44), section 287.

Status: *This is the original version (as it was originally made).*
