
STATUTORY INSTRUMENTS

2009 No. 1059

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

PART 6

DOUBLE JEOPARDY

Saving of existing bars to civilian court proceedings

26.—(1) This article applies where immediately before commencement a person was by virtue of a provision mentioned in paragraph (3) not liable to be tried by a civilian court in respect of an offence.

(2) Where this article applies, a civilian court may not try that person for that offence.

(3) The provisions referred to in paragraph (1) are—

- (a) section 133 of AA 1955 or AFA 1955 (prohibition of trial by civilian court for offence already disposed of);
- (b) section 129(1) of NDA 1957 (corresponding provision for persons subject to NDA 1957);
- (c) section 18 of CMAA 1968 (conviction quashed by Appeal Court).

(4) Where immediately before commencement a person was by virtue of section 133 of AA 1955 or AFA 1955 not liable to be tried by a civilian court in respect of an offence (“offence C”) by reason of having had an offence taken into consideration when being sentenced by a court-martial or a Standing Civilian Court, paragraph (2) above ceases to apply in respect of offence C if after commencement that sentence is quashed.

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009, Section 26.