

Status: Point in time view as at 21/04/2007.

Changes to legislation: Criminal Justice Act 2003, SCHEDULE 6 is up to date with all changes known to be in force on or before 18 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 6

Section 113

EVIDENCE OF BAD CHARACTER: ARMED FORCES

- 1 Sections 98 to 106, 109, 110 and 112, in so far as they are not applied in relation to proceedings before service courts by provision contained in or made under any other Act, have effect in relation to such proceedings (whether in the United Kingdom or elsewhere) as they have effect in relation to criminal proceedings.
- 2 Section 103, as it applies in relation to proceedings before service courts, has effect with the substitution in subsection (4)(a) of “charge sheet” for “written charge or indictment”.
- 3 (1) Section 107 has effect in relation to proceedings before courts-martial (whether in the United Kingdom or elsewhere) with the following modifications.
 - (2) In subsection (1)—
 - (a) for “judge and jury” substitute “ court-martial ”;
 - (b) for “the court is satisfied” substitute “ the judge advocate is satisfied ”;
 - (c) for the words after paragraph (b) substitute “ the judge advocate must either direct the court to acquit the defendant of the offence or, if he considers that there ought to be a retrial, dissolve the court. ”
 - (3) In subsection (2)—
 - (a) for “jury” substitute “ court ”;
 - (b) for “the court is satisfied” substitute “ the judge advocate is satisfied ”.
 - (4) In subsection (3)—
 - (a) for paragraph (a) substitute—

“(a) a court is required to determine under section 115B(2) of the Army Act 1955, section 115B(2) of the Air Force Act 1955 or section 62B(2) of the Naval Discipline Act 1957 whether a person charged with an offence did the act or made the omission charged.”;
 - (b) for “the court is satisfied” substitute “ the judge advocate is satisfied ”;
 - (c) for the words after paragraph (c) substitute “the judge advocate must either direct the court to acquit the defendant of the offence or, if he considers that there ought to be a rehearing, dissolve the court.”
 - (5) For subsection (4) substitute—

“(4) This section does not prejudice any other power a judge advocate may have to direct a court to acquit a person of an offence or to dissolve a court.”

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- 4 Section 110, as it applies in relation to proceedings before service courts, has effect with the substitution of the following for subsection (1)—
- “(1) Where the court makes a relevant ruling—
- (a) it must state in open court (but, in the case of a ruling by a judge advocate in proceedings before a court-martial, in the absence of the other members of the court) its reasons for the ruling;
- (b) if it is a Standing Civilian Court, it must cause the ruling and the reasons for it to be entered in the note of the court’s proceedings.”
- 5 Section 111 has effect as if [^{F1}the expression]“rules of court” included rules regulating the practice and procedure of service courts.

Textual Amendments

- F1** Words in Sch. 6 para. 5 substituted (1.9.2004) by [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), art. 3, **Sch. para. 52** (with art. 2(2))

- 6 (1) In this Schedule, and in section 107 as applied by this Schedule, “court-martial” means a court-martial constituted under the Army Act 1955 (3 & 4 Eliz. 2 c. 18), the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or the Naval Discipline Act 1957 (c. 53).
- (2) In this Schedule “service court” means—
- (a) a court-martial;
- (b) a summary appeal court constituted under section 83ZA of the Army Act 1955, section 83ZA of the Air Force Act 1955 or section 52FF of the Naval Discipline Act 1957;
- (c) the Courts-Martial Appeal Court;
- (d) a Standing Civilian Court.

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