



Army Act 1955 (repealed)

1955 CHAPTER 18 3 and 4 Eliz 2

PART II

DISCIPLINE AND TRIAL AND PUNISHMENT OF MILITARY OFFENCES

Miscellaneous provisions

141 Custody of proceedings of courts-martial and right of accused to a copy thereof.

- (1) The record of the proceedings of a court-martial shall be kept in the custody of the Judge Advocate General for not less than the prescribed period being a period sufficient to ensure that the rights conferred by the two next following subsections [^{F1}and by subsection 141A below] shall be capable of being exercised.
- (2) Subject to the provisions of this section, any person tried by a court-martial shall be entitled to obtain from the Judge Advocate General on demand at any time within the relevant period and on payment therefor at such rate [^{F2}as the Judge Advocate General may determine] a copy of the record of the proceedings of the court.
- (3) Where a person tried by court-martial dies within the relevant period, his personal representatives or any person who in the opinion of the Judge Advocate General ought to be treated for the purposes of this subsection as his personal representative shall subject to the provisions of this section be entitled to obtain from the Judge Advocate General on demand at any time within the period of twelve months from the death and on payment therefor at [^{F2}the rate determined under subsection (2) above] a copy of the record of the proceedings of the court.
- [^{F3}(3A) The right of a person or his representatives to obtain a copy of the record under this section does not extend to so much of the record as relates only to a charge of which he was found not guilty.]
- (4) If, on an application in pursuance of [^{F4}this section] for a copy of the record of any proceedings, the Secretary of State certifies that it is requisite for reasons of security that the proceedings or any part thereof should not be disclosed, the applicant shall not be entitled to a copy of the proceedings or part to which the certificate relates.

Status: Point in time view as at 19/08/2004. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Army Act 1955 (repealed), Section 141. (See end of Document for details)

(5) In this section the expression “the relevant period”, in relation to any person tried by court-martial, means the period of five years beginning with the date of his acquittal or, where he was convicted, of the promulgation of the findings and sentence^{F5} . . . :

Provided that where the proceedings relate to two or more charges and the person tried was acquitted on one or more of the charges and convicted on another or others, the relevant period shall be the period of five years beginning with the date of the promulgation of the finding or findings of guilty and the sentence thereon^{F5} . . .

^{F6}(6)

Textual Amendments

- F1** Words inserted by [Armed Forces Act 1981 \(c. 55\), s. 8\(2\)](#)
- F2** Words substituted by [Armed Forces Act 1971 \(c. 33\), s. 58](#)
- F3** S. 141(3A) inserted by [Armed Forces Act 1981 \(c. 55\) s. 7\(2\)\(a\)\(4\)](#) except in relation to a record of proceedings commenced before 1.5.1982
- F4** Words substituted by [Armed Forces Act 1981 \(c. 55\), s. 7\(2\)\(b\)\(4\)](#) except in relation to a record of proceedings commenced before 1.5.1982
- F5** Words in s. 141(5) repealed (1.4.1997 subject to art. 3 of the commencing S.I.) by [1996 c. 46, s. 35\(2\)](#), [Sch. 7 Pt. II](#); [S.I. 1997/304, art. 2](#) (with transitional provisions in [Sch. 2](#))
- F6** S. 141(6) repealed (1.4.1997 subject to art. 3 of the commencing S.I.) by [1996 c. 46, s. 35\(2\)](#), [Sch. 7 Pt. II](#); [S.I. 1997/304, art. 2](#) (with transitional provisions in [Sch. 2](#))

Textual Amendments applied to the whole legislation

- F1** Act: the provisions of the 1955 Acts providing for findings of courts-martial to be subject to confirmation and to revision at the direction of the confirming officer cease to have effect (1.4.1997 subject to art. 3 of the commencing S.I.) by virtue of [1996 c. 46, s. 15](#); [S.I. 1997/304, arts. 2, 3](#), [Sch. 2](#)

Status:

Point in time view as at 19/08/2004. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Army Act 1955 (repealed), Section 141.