



# Air Force Act 1955 (repealed)

1955 CHAPTER 19 3 and 4 Eliz 2

## PART II

### DISCIPLINE AND TRIAL AND PUNISHMENT OF AIR-FORCE OFFENCES

#### *<sup>F1</sup> Custody*

#### <sup>F2</sup><sup>F1</sup>75C Extension of custody without charge.

- (1) If, on an application by the commanding officer of a person arrested under section 74 of this Act, a judicial officer is satisfied that there are reasonable grounds for believing that the continued keeping of that person in air-force custody is justified, the judicial officer may by order authorise the keeping of that person in air-force custody.
- (2) A judicial officer may not hear an application under this section unless the person to whom it relates—
  - (a) has been informed in writing of the grounds for the application, and
  - (b) has been brought before him for the hearing.
- (3) The person to whom the application relates shall be entitled to be legally represented at the hearing and, if he is not so represented but wishes to be so represented—
  - (a) the judicial officer shall adjourn the hearing to enable him to obtain representation, and
  - (b) he may be kept in air-force custody during the adjournment.
- (4) For the purposes of this section, the continued keeping of a person in air-force custody is justified only if—
  - (a) keeping him in custody without charge is necessary to secure or preserve evidence relating to an offence for which he is under arrest or to obtain such evidence by questioning him, and
  - (b) the investigation is being conducted diligently and expeditiously.
- (5) Subject to subsection (7) below, an application under this section may be made—
  - (a) at any time before the end of 48 hours after the relevant time; or

*Status: Point in time view as at 15/10/2007. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Air Force Act 1955 (repealed), Section 75C. (See end of Document for details)*

- (b) if it is not practicable for the application to be heard at the expiry of that period, as soon as practicable thereafter but not more than 96 hours after the relevant time.
- (6) Where subsection (5)(b) above applies, an authorisation on a review under section 75B of this Act may be for a period ending more than 48 hours after the relevant time, but may not be—
- (a) for a period of more than six hours, or
- (b) for a period ending more than 96 hours after the relevant time.
- (7) If—
- (a) an application under this section is made more than 48 hours after the relevant time, and
- (b) it appears to the judicial officer that it would have been reasonable for the commanding officer to make the application before the end of that period, the judicial officer shall refuse the application.
- (8) Where on an application under this section relating to any person the judicial officer is not satisfied that there are reasonable grounds for believing that continuing to keep that person in air-force custody is justified, he shall—
- (a) refuse the application, or
- (b) adjourn the hearing of it until a time not later than 48 hours after the relevant time.
- (9) The person to whom the application relates may be kept in air-force custody during the adjournment.
- (10) The period for which a judicial officer, on an application under this section, may authorise the keeping of a person in air-force custody shall be such period, ending not more than 96 hours after the relevant time, as he thinks fit having regard to the evidence before him.
- (11) Where a judicial officer refuses an application under this section at any time less than 48 hours after the relevant time, he may direct that the person to whom it relates forthwith be charged or released from air-force custody.
- (12) Where a judicial officer refuses an application under this section at any later time, he shall direct that the person to whom it relates forthwith be charged or released from air-force custody.]

#### **Textual Amendments**

- F1** Ss. 75-75E and cross-heading substituted (2.10.2000) for s. 75 by 2000 c. 4, s. 1(2); S.I. 2000/2366, art. 2 (with transitional provisions in art. 3, Sch. para. 14)
- F2** Ss. 75-75E and cross-heading substituted (2.10.2000) for s. 75 by 2000 c. 4, s. 1(2); S.I. 2000/2366, art. 2 (with transitional provisions in art. 3, Sch. para. 14)

#### **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:**

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**Changes to legislation:**

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