



# Armed Forces Act 1976

## 1976 CHAPTER 52

### PART II

#### TRIAL AND PUNISHMENT OF OFFENCES

##### *Civilians*

#### **6 Establishment of Standing Civilian Courts.**

- (1) Courts may be established for the trial outside the United Kingdom of persons (in this section and section 7 below referred to as “civilians”) to whom Part II of the <sup>M1</sup>Army Act 1955 or Part II of the <sup>M2</sup>Air Force Act 1955 is applied by section 209 of either Act (including persons to whom Part II of either Act applies by virtue of section 131 (persons treated as continuing to be subject to Part II for purposes of trial and punishment of offences)).
- (2) Courts established under this section shall be known as Standing Civilian Courts.
- (3) The Secretary of State, with the approval of the Lord Chancellor, may by order direct that any area specified in the order shall be an area for which trials may be directed to be held before Standing Civilian Courts for offences committed in that area or elsewhere.
- (4) The Lord Chancellor shall appoint such number of the assistants to the Judge Advocate General appointed under section 30 of the <sup>M3</sup>Courts-Martial (Appeals) Act 1951 as he considers necessary to sit as magistrates in Standing Civilian Courts.
- (5) Subject to subsections (12) and (13) below, a trial held by virtue of this section shall be before such a magistrate.
- (6) The Secretary of State may direct such authority as appears to him to be appropriate in relation to an area for which trials may be directed to be held before Standing Civilian Courts to draw up and from time to time add to a panel of persons whom the authority considers suitable to act as assessors in trials before such courts under subsection (12) below.

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*Status: Point in time view as at 01/10/1996. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1976, Section 6. (See end of Document for details)*

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- (7) If the Secretary of State is satisfied, after consultation with the Lord Chancellor, that there are in any area for which trials may be directed to be held before Standing Civilian Courts sufficient persons suitably qualified by training and experience to sit as members of Standing Civilian Courts, he may by order direct that subsection (13) below shall have effect in relation to trials before Standing Civilian Courts for that area.
- (8) If an order is made under subsection (7) above, the Secretary of State, with the approval of the Lord Chancellor, shall draw up and from time to time add to a panel of persons qualified as mentioned in that subsection to sit as members of Standing Civilian Courts for the area specified in the order.
- (9) Each member of a panel under subsection (6) or (8) above shall be—
- (a) a civilian, or
  - (b) an officer of the Royal Navy, the regular forces or the regular air force (as defined respectively in the <sup>M4</sup>Army Act 1955 and the <sup>M5</sup>Air Force Act 1955), [<sup>F1</sup>or Queen Alexandra's Royal Naval Nursing Service].
- (10) A person shall cease to be a member of such a panel if he ceases—
- (a) to be a person such as is mentioned in subsection (9) above, or
  - (b) to reside in the area for which the panel is drawn up.
- (11) The Secretary of State may, if he thinks fit, remove a member of a panel under subsection (6) or (8) above from that panel on the ground of incapacity or misbehaviour, but shall not exercise the power conferred by this subsection in relation to a member of a panel under subsection (8) above without the approval of the Lord Chancellor.
- (12) For a trial where the person, or every person to be tried was under 17 years of age at the date of the alleged commission of the offence for which he is to be tried, and in relation to which subsection (13) below does not have effect, not more than two members of the appropriate panel under subsection (6) above may sit with the magistrate as assessors.
- (13) If this subsection applies, the court for such a trial shall consist of a magistrate and not more than two members of the appropriate panel under subsection (8) above.
- (14) The magistrate for any sitting or succession of sittings of a Standing Civilian Court shall be specified by or on behalf of the Judge Advocate General.
- (15) The persons to sit as assessors or members of the court under subsection (12) or (13) above shall be specified for a trial or succession of trials by the authority who directs the trial or trials to be held.
- (16) Any power to make an order under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (17) Schedule 3 to this Act shall have effect.

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**Subordinate Legislation Made**

**P1** S. 6: power previously exercised by [S.I. 1977/88](#), 1977/89

**P2** S. 6(3): s. 6(3) (with s. 22(4)) power exercised by [S.I. 1991/2788](#)

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**Textual Amendments**

**F1** Words in s. 6(9)(b) substituted (1.10.1996) by 1996 c. 46, s. 35(1), **Sch. 6 para. 11**; S.I. 1996/2474, **art. 2**,

**Marginal Citations**

**M1** 1955 c. 18.

**M2** 1955 c. 19.

**M3** 1951 c. 46.

**M4** 1955 c. 18.

**M5** 1955 c. 19.

**Status:**

Point in time view as at 01/10/1996. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Armed Forces Act 1976, Section 6.