



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART VII

MISCELLANEOUS AND GENERAL

General

78 Application to armed forces

- (1) Subject to subsection (2) and to section 74(2) and (3), nothing in this Act applies to—
 - (a) proceedings before a court martial constituted under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957;
 - (b) proceedings before a Standing Civilian Court;
 - (c) any investigation conducted with a view to it being ascertained whether a person should be charged with an offence under any of those Acts or whether a person charged with such an offence is guilty of it.
- (2) The Secretary of State may by order—
 - (a) make as regards any proceedings falling within subsection (3) provision which is equivalent to the provisions contained in or made under Part I, subject to such modifications as he thinks fit and specifies in the order;
 - (b) make as regards any investigation falling within subsection (4) provision which is equivalent to the provisions contained in or made under Part II, subject to such modifications as he thinks fit and specifies in the order.
- (3) The proceedings falling within this subsection are—
 - (a) proceedings before a court martial constituted under the Army Act 1955;
 - (b) proceedings before a court martial constituted under the Air Force Act 1955;
 - (c) proceedings before a court martial constituted under the Naval Discipline Act 1957;

Status: This is the original version (as it was originally enacted).

- (d) proceedings before a Standing Civilian Court.
- (4) An investigation falls within this subsection if it is conducted with a view to it being ascertained whether a person should be charged with an offence under any of the Acts mentioned in subsection (3) or whether a person charged with such an offence is guilty of it.
- (5) An order under this section may make provision in such way as the Secretary of State thinks fit, and may in particular apply any of the provisions concerned subject to such modifications as he thinks fit and specifies in the order.
- (6) Without prejudice to the generality of section 77(3), an order under this section may include provision—
 - (a) repealing section 11 of the Criminal Justice Act 1967 (alibi) as it applies to proceedings before courts martial;
 - (b) amending or repealing any provision of section 12 of that Act or of section 74 above.