



Armed Forces Act 1996

1996 CHAPTER 46

Trial and punishment of offences under Services Acts

5 Procedure for dealing with offences under Services Acts

Schedule 1 (amendment of provisions relating to the procedure for dealing with offences under the 1955 Acts and the 1957 Act) shall have effect.

6 Abrogation of common law corroboration rules

- (1) For the avoidance of doubt section 32 of the Criminal Justice and Public Order Act 1994 (abolition of corroboration rules) and section 34(2) of the Criminal Justice Act 1988 (abrogation of requirements for corroboration warning) apply to any service disciplinary proceedings in which the rules abrogated by those sections would have been applied.
- (2) Nothing in this section shall be taken as affecting the determination of any question as to the law applicable to service disciplinary proceedings before the commencement of this section.
- (3) In this section “service disciplinary proceedings” means proceedings for any offence taking place under the 1955 Acts or the 1957 Act and proceedings on appeal to the Courts-Martial Appeal Court.

7 Evidence from children

In Schedule 13 to the Criminal Justice Act 1988 (application of provisions of that Act to courts-martial etc.), after paragraph 8 there shall be added the following paragraphs—

*“Video recordings of evidence***Postponement of sentences of courts-martial**

- 9 (1) The Secretary of State may by order direct that section 32A above shall have effect in relation—
- (a) to proceedings before Service courts; or
 - (b) to proceedings, or proceedings of specified descriptions, before Service courts in specified places,
- subject to such modifications as may be specified in the order.
- (2) The power to make an order conferred by this paragraph shall be exercisable by statutory instrument and a statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Without prejudice to the generality of any enactment conferring power to make procedural instruments, procedural instruments may make such provision as appears to the authority making them to be necessary or expedient for the purposes of section 32A above in their application to proceedings such as are mentioned in sub-paragraph (1) above by virtue of an order under that sub-paragraph.
- (4) In this paragraph “modifications” includes additions, omissions and amendments.

*Cross-examination of children***Community supervision orders**

- 10 (1) The Secretary of State may by order direct that section 34A above shall have effect in relation—
- (a) to proceedings before Service courts; or
 - (b) to proceedings or proceedings of specified descriptions before Service courts in specified places,
- subject to such modifications as may be specified in the order.
- (2) The power to make an order conferred by this paragraph shall be exercisable by statutory instrument and a statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) In this paragraph “modifications” includes additions, omissions and amendments.”

8 Findings of unfitness to stand trial and insanity

Schedule 2 (amendments of the 1955 Acts, the 1957 Act and the Courts-Martial (Appeals) Act 1968 relating to findings of unfitness to stand trial and insanity) shall have effect.

9 Postponement of sentences of courts-martial

(1) After section 120 of the Army Act 1955 there shall be inserted the following section—

“120A Postponement of sentences

- (1) On passing any sentence a court-martial may order that the sentence shall not have effect until the end of the period specified in the order.
- (2) On reviewing a sentence under section 113 of this Act, the reviewing authority may—
 - (a) if the sentence has not had effect, order that the sentence shall not have effect until the end of the period specified in the order;
 - (b) if the sentence has had effect, order that the sentence shall cease to have effect on the making of the order until the end of the period specified in the order.
- (3) On exercising any power under section 113AA of this Act to pass or substitute a sentence, the reviewing authority may order that the sentence shall not have effect until the end of the period specified in the order.
- (4) The Defence Council or any officer authorised by them may terminate the period specified in an order under this section or extend such a period for a further period specified by them.
- (5) On the termination of such a period the sentence in respect of which the order in question was made shall have effect or (in the case of an order under subsection (2)(b) above) resume effect.
- (6) Nothing in this section shall be taken to prevent section 118(1) of this Act from applying in relation to a military sentence of imprisonment or detention.”

(2) After section 120 of the Air Force Act 1955 there shall be inserted the following section—

“120A Postponement of sentences

- (1) On passing any sentence a court-martial may order that the sentence shall not have effect until the end of the period specified in the order.
- (2) On reviewing a sentence under section 113 of this Act, the reviewing authority may—
 - (a) if the sentence has not had effect, order that the sentence shall not have effect until the end of the period specified in the order;
 - (b) if the sentence has had effect, order that the sentence shall cease to have effect on the making of the order until the end of the period specified in the order.
- (3) On exercising any power under section 113AA of this Act to pass or substitute a sentence, the reviewing authority may order that the sentence shall not have effect until the end of the period specified in the order.
- (4) The Defence Council or any officer authorised by them may terminate the period specified in an order under this section or extend such a period for a further period specified by them.

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

- (5) On the termination of such a period the sentence in respect of which the order in question was made shall have effect or (in the case of an order under subsection (2)(b) above) resume effect.
 - (6) Nothing in this section shall be taken to prevent section 118(1) of this Act from applying in relation to an air-force sentence of imprisonment or detention.”
- (3) After section 89 of the 1957 Act there shall be inserted the following section—

“Postponement of sentences

89A Postponement of sentences

- (1) On passing any sentence a court-martial may order that the sentence shall not have effect until the end of the period specified in the order.
- (2) On reviewing a sentence under section 70 of this Act, the reviewing authority may—
 - (a) if the sentence has not had effect, order that the sentence shall not have effect until the end of the period specified in the order;
 - (b) if the sentence has had effect, order that the sentence shall cease to have effect on the making of the order until the end of the period specified in the order.
- (3) On exercising any power under section 71 of this Act to pass or substitute a sentence, the reviewing authority may order that the sentence shall not have effect until the end of the period specified in the order.
- (4) The Defence Council or any officer authorised by them may terminate the period specified in an order under this section or extend such a period for a further period specified by them.
- (5) On the termination of such a period the sentence in respect of which the order in question was made shall have effect or (in the case of an order under subsection (2)(b) above) resume effect.
- (6) Nothing in this section shall be taken to prevent section 85(1) of this Act from applying in relation to a sentence of imprisonment or detention awarded under this Act.”.

10 Community supervision orders

Schedule 3 (amendment of provisions of the 1955 Acts and the 1957 Act relating to community supervision orders) shall have effect.