

## **EXPLANATORY NOTES**

### **ARMED FORCES DISCIPLINE ACT 2000**

#### **INTRODUCTION**

#### **SUMMARY**

#### **BACKGROUND**

**The system of discipline in the armed forces**

**The reasons for change**

#### **THE ACT**

#### **COMMENTARY ON SECTIONS**

Sections 1 - 10: Custody

##### **Arrangements in force prior to commencement of Act**

##### **The new arrangements**

Section 1: Custody without charge

Section 2: Custody after charge

Section 3: Review of custody after charge

Section 4: Custody during court-martial proceedings

Section 5: Release from custody after charge or during court-martial proceedings

Section 6: Arrest during proceedings

Section 7: Judicial Officers

Section 8: Custody Rules

Section 9: Bail in proceeding for illegal absence.

Section 10: Further amendments relating to custody

Sections 11 – 12: Election for court-martial trial

**Arrangements in force prior to commencement of this Act**

**The new arrangements**

Section 11: Right to elect court-martial trial

Section 12: Limits on powers of courts-martial where accused elected court-martial trial

Section 13: Functions of prosecuting authority

Sections 14 – 25: Summary Appeal Courts

**The new arrangements**

Section 14: Summary Appeal Courts

Section 15: Appointment of judge advocates

Section 16: Officers qualified for membership of the Summary Appeal Court

Section 17: Constitution of Summary Appeal Court for appeals

Section 18: Right of appeal

Section 19: Hearing of appeals

Section 20: Powers of the Summary Appeal Court

Section 21: Making of, and appeals from, decisions of the court.

Section 22: Rules

Section 23: Oaths required of members of the court

Section 24: Privileges of witnesses and others

Section 25: Further amendments relating to the Summary Appeal Courts

Section 26: Interpretation

Section 27: Repeals

Section 28: Short title and commencement

**COMMENCEMENT DATE**

**HANSARD REFERENCES**