

Status: Point in time view as at 02/10/2000.

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Discipline Act 2000 (repealed), Cross Heading: Army Act 1955 (c.18) and Air Force Act 1955 (c.19). (See end of Document for details)

SCHEDULES

SCHEDULE 1

AMENDMENTS OF 1955 ACTS AND 1957 ACT RELATING TO CUSTODY

Army Act 1955 (c.18) and Air Force Act 1955 (c.19)

- 1 (1) In section 57 of the Army Act 1955 (offences in relation to court-martial) after subsection (3) there is inserted—
- “(4) References in paragraphs (a) to (f) of subsection (1) of this section to a court-martial or to a member of a court-martial include references to a judicial officer or a person appointed under section 75L of the Air Force Act 1955 or section 47M of the Naval Discipline Act 1957 and, in relation to an offence committed in relation to a judicial officer or any person so appointed, that subsection shall have effect as if the words “other than the court in relation to which the offence was committed” were omitted.
- (5) In relation to an offence committed in relation to a judicial officer, subsection (2) of this section shall have effect as if—
- the references to a court-martial held in pursuance of this Act were references to the judicial officer,
 - for “another court-martial” there were substituted “a court-martial”, and
 - the words “under the hand of the president” were omitted.”
- (2) In section 57 of the Air Force Act 1955 (offences in relation to court-martial) after subsection (3) there is inserted—
- “(4) References in paragraphs (a) to (f) of subsection (1) of this section to a court-martial or to a member of a court-martial include references to a judicial officer or a person appointed under section 75L of the Army Act 1955 or section 47M of the Naval Discipline Act 1957 and, in relation to an offence committed in relation to a judicial officer or a person so appointed, that subsection shall have effect as if the words “other than the court in relation to which the offence was committed” were omitted.
- (5) In relation to an offence committed in relation to a judicial officer, subsection (2) of this section shall have effect as if—
- the references to a court-martial held in pursuance of this Act were references to the judicial officer,
 - for “another court-martial” there were substituted “a court-martial”, and
 - the words “under the hand of the president” were omitted.”
- 2 In section 82(1) of each of the 1955 Acts (meaning of “commanding officer”) after “charged with” there is inserted “, or in custody in connection with, ”.

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- 3 Section 101 of each of the 1955 Acts (offences by civilians in relation to courts-martial) is renumbered as subsection (1) of that section and at the end of that provision there is inserted—
- “(2) In subsection (1) of this section references in paragraphs (a) to (g) to a court-martial or to a member of a court-martial include references to a judicial officer and, in relation to an offence committed in relation to a judicial officer—
- (a) the reference to the president of the court-martial is a reference to the judicial officer, and
- (b) the reference to a court-martial held outside the United Kingdom is a reference to the judicial officer sitting outside the United Kingdom.”
- 4 (1) Section 209(3) of each of the 1955 Acts (application of Act to civilians) is amended as follows.
- (2) After paragraph (c) there is inserted—
- “(ca) section 75J(2)(b) above shall have effect with the omission of the words from the beginning to “of this Act”;
- (cb) section 75K(6) above shall have effect with the omission of paragraph (a);”
- (3) In paragraph (f) after “relating to” there is inserted “ custody and ”.
- 5 (1) In section 225(1) of the Army Act 1955 (general provisions as to interpretation)—
- (a) the definition of “arrest” is omitted,
- (b) after the definition of “the judge advocate” there is inserted—
- ““judicial officer” means a person appointed under section 75L of this Act;”,
- and
- (c) after the definition of “regular forces” there is inserted—
- ““the relevant time” in relation to a person arrested under section 74 of this Act, means the time of the arrest;”.
- (2) In section 223(1) of the Air Force Act 1955 (general provisions as to interpretation)
- (a) the definition of “arrest” is omitted,
- (b) after the definition of “the judge advocate” there is inserted—
- ““judicial officer” means a person appointed under section 75L of this Act;”,
- and
- (c) after the definition of “regular air force” there is inserted—
- ““the relevant time” in relation to a person arrested under section 74 of this Act, means the time of the arrest;”.

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