



Armed Forces Discipline Act 2000

2000 CHAPTER 4

Custody

3 Review of custody after charge

(1) After section 75F of the Army Act 1955 there is inserted—

“75G Review of custody after charge

- (1) Where the keeping of the accused in military custody is authorised by an order under section 75F(2) of this Act, it shall be reviewed by a judicial officer not later than the end of the period for which it is authorised.
- (2) If at any time it appears to the accused’s commanding officer that the grounds on which such an order was made have ceased to exist, he shall—
 - (a) release the accused from military custody, or
 - (b) request a review.
- (3) Where a request is made under subsection (2) above, a review shall be carried out as soon as practicable.
- (4) Subsections (2) to (6) of section 75F of this Act apply on a review as they apply where the accused is brought before a judicial officer under subsection (1) of that section.
- (5) At the first review the accused may support an application for release from military custody with any argument as to fact or law that he desires (whether or not he has advanced that argument previously).
- (6) At subsequent reviews the judicial officer need not hear arguments as to fact or law which have been heard previously.
- (7) On a review at a hearing at which the accused is legally represented, the judicial officer may, if the accused consents, authorise the keeping of the accused in military custody for a period of not more than 28 clear days.

Status: This is the original version (as it was originally enacted).

(8) In this section “review” means a review under subsection (1) above.”

(2) After section 75F of the Air Force Act 1955 there is inserted—

“75G Review of custody after charge

- (1) Where the keeping of the accused in air-force custody is authorised by an order under section 75F(2) of this Act, it shall be reviewed by a judicial officer not later than the end of the period for which it is authorised.
- (2) If at any time it appears to the accused’s commanding officer that the grounds on which such an order was made have ceased to exist, he shall—
 - (a) release the accused from air-force custody, or
 - (b) request a review.
- (3) Where a request is made under subsection (2) above, a review shall be carried out as soon as practicable.
- (4) Subsections (2) to (6) of section 75F of this Act apply on a review as they apply where the accused is brought before a judicial officer under subsection (1) of that section.
- (5) At the first review the accused may support an application for release from air-force custody with any argument as to fact or law that he desires (whether or not he has advanced that argument previously).
- (6) At subsequent reviews the judicial officer need not hear arguments as to fact or law which have been heard previously.
- (7) On a review at a hearing at which the accused is legally represented, the judicial officer may, if the accused consents, authorise the keeping of the accused in air-force custody for a period of not more than 28 clear days.
- (8) In this section “review” means a review under subsection (1) above.”

(3) After section 47G of the 1957 Act there is inserted—

“47H Review of custody after charge

- (1) Where the keeping of the accused in naval custody is authorised by an order under section 47G(2) of this Act, it shall be reviewed by a judicial officer not later than the end of the period for which it is authorised.
- (2) If at any time it appears to the accused’s commanding officer that the grounds on which such an order was made have ceased to exist, he shall—
 - (a) release the accused from naval custody, or
 - (b) request a review.
- (3) Where a request is made under subsection (2) above, a review shall be carried out as soon as practicable.
- (4) Subsections (2) to (6) of section 47G of this Act apply on a review as they apply where the accused is brought before a judicial officer under subsection (1) of that section.

- (5) At the first review the accused may support an application for release from naval custody with any argument as to fact or law that he desires (whether or not he has advanced that argument previously).
- (6) At subsequent reviews the judicial officer need not hear arguments as to fact or law which have been heard previously.
- (7) On a review at a hearing at which the accused is legally represented, the judicial officer may, if the accused consents, authorise the keeping of the accused in naval custody for a period of not more than 28 clear days.
- (8) In this section “review” means a review under subsection (1) above.”