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*Status: Point in time view as at 28/02/2002. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2001, Paragraph 3. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 1

#### SUMMARY DEALING OR TRIAL AND FUNCTIONS OF PROSECUTING AUTHORITY

##### *Army Act 1955 (c. 18)*

- 3 (1) Section 83BB of that Act (cases where charge may be referred back to commanding officer) is amended as follows.
- (2) After subsection (2) there is inserted—
- “(2A) Where—
- (a) a case has been referred to the prosecuting authority otherwise than as a result of an election for court-martial trial,
  - (b) the prosecuting authority—
    - (i) in respect of the case or part of the case, does not determine any charge to be preferred, or
    - (ii) before the commencement of the trial of any charge preferred, discontinues proceedings on that charge, and
  - (c) the accused is below the rank of colonel,
- the prosecuting authority may refer the case, or the part concerned, back to the commanding officer of the accused.”
- (3) In subsection (3), after “subsection (1)” there is inserted “or (2A)”.

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There are currently no known outstanding effects for the Armed Forces Act 2001, Paragraph 3.