



Armed Forces Act 2006

2006 CHAPTER 52

PART 2

JURISDICTION AND TIME LIMITS

CHAPTER 1

JURISDICTION

Service Civilian Court

51 Jurisdiction of the Service Civilian Court

- (1) The Service Civilian Court has jurisdiction to try any service offence committed outside the British Islands by a civilian, except an offence within subsection (3) or an offence in relation to which subsection (6) applies.
- (2) For the purposes of subsection (1) an offence is committed by a civilian if it is committed by a person who, at the time when it is committed, is a civilian subject to service discipline.
- (3) The offences within this subsection are—
 - (a) an indictable-only offence under section 42;
 - (b) an offence under section 266 committed in respect of a financial statement order made by a court other than the Service Civilian Court;
 - (c) any service offence under regulations under section 328 or 343;
 - (d) an offence within section 50(2)(h) or (i) (Reserve Forces Act offences).
- (4) For the purposes of subsection (3)(a) an offence under section 42 is “indictable-only” if the corresponding offence under the law of England and Wales is under that law an offence which, if committed by an adult, is triable only on indictment; but this is subject to subsection (5).

Status: Point in time view as at 02/07/2012.

Changes to legislation: Armed Forces Act 2006, Cross Heading: Service Civilian Court is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) Where the defendant is aged under 18 at the time a decision under section 279 is made, an offence under section 42 is “indictable-only” for the purposes of subsection (3)(a) above if (and only if)—
- (a) the corresponding offence under the law of England and Wales is murder, manslaughter or an offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (c. 28) [^{F1}of causing or allowing the death of a child or vulnerable adult]; or
 - (b) section 227 (firearms offences) would apply if the accused were convicted by the Court Martial of the offence under section 42.
- (6) This subsection applies in relation to an offence if the defendant is for the time being—
- (a) a member of the regular or reserve forces; or
 - (b) liable to recall.
- (7) For the purposes of subsection (6) a person is “liable to recall” if—
- (a) under section 65(1) of the Reserve Forces Act 1996 (c. 14) he is liable to be recalled for service; or
 - (b) he is liable to be recalled as mentioned in section 35(1) of the Reserve Forces Act 1980 (c. 9).

Textual Amendments

- F1** Words in s. 51(5)(a) substituted (2.7.2012) by [Domestic Violence, Crime and Victims \(Amendment\) Act 2012 \(c. 4\), s. 4\(2\), Sch. para. 11](#); S.I. 2012/1432, art. 2

Commencement Information

- I1** S. 51 in force at 28.3.2009 for specified purposes by [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))
- I2** S. 51 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167, art. 4](#)

Status:

Point in time view as at 02/07/2012.

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