



Armed Forces Act 2006

2006 CHAPTER 52

PART 6

SUMMARY HEARING AND APPEALS AND REVIEW

CHAPTER 4

SUMMARY HEARINGS ETC RULES

153 Summary hearings etc rules

- (1) The Secretary of State may by rules make provision with respect to—
- the summary hearing of charges by commanding officers;
 - hearings as regards the making of orders under section 193 (activation of suspended sentence of service detention).

[^{F1}(1A) Without prejudice to the generality of subsection (1), the Secretary of State may by rules make provision with respect to the variation or rescission by a commanding officer of—

- a punishment awarded by the officer, or
- an order under section 193 made by the officer,

in cases where it appears to the officer that the officer had no power to award the punishment or (as the case may be) to make the order.]

- (2) Rules under this section may in particular make provision—
- as to the practice and procedure to be followed at hearings;
 - as to evidence at hearings;
 - for the delegation by a commanding officer of any of his functions;
 - as to applications for [^{F2}, and grants of,] extended powers;
 - as to applications for [^{F3}, and grants of,] permission to hear summarily charges of a kind mentioned in section 54;
 - requiring prescribed persons to be notified of prescribed matters.

Status: Point in time view as at 13/11/2023.

Changes to legislation: Armed Forces Act 2006, Chapter 4 is up to date with all changes known to be in force on or before 11 June 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)

[^{F4}(2A) Rules made under subsection (1A) may make provision about the commencement of punishments or orders varied by the commanding officer.]

(3) In subsection (2) [^{F5}“prescribed” means prescribed by rules under this section.]

[^{F5}(a) “prescribed” means prescribed by rules under this section

[^{F6}(b) references to hearings include any proceedings for determining whether a punishment, or an order under section 193, should be varied or rescinded.]

Textual Amendments

- F1** S. 153(1A) inserted (1.5.2022 for specified purposes, 13.11.2023 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), **ss. 4(2)**, 24(1); S.I. 2022/471, [reg. 2\(b\)](#); S.I. 2023/1102, [reg. 2](#)
- F2** Words in s. 153(2)(d) inserted (2.4.2012) by [Armed Forces Act 2011 \(c. 18\)](#), s. 32(3), **Sch. 3 para. 13**; S.I. 2012/669, [art. 4\(d\)](#)
- F3** Words in s. 153(2)(e) inserted (2.4.2012) by [Armed Forces Act 2011 \(c. 18\)](#), s. 32(3), **Sch. 3 para. 13**; S.I. 2012/669, [art. 4\(d\)](#)
- F4** S. 153(2A) inserted (1.5.2022 for specified purposes, 13.11.2023 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), **ss. 4(3)**, 24(1); S.I. 2022/471, [reg. 2\(b\)](#); S.I. 2023/1102, [reg. 2](#)
- F5** Words in s. 153(3) renumbered as s. 153(3)(a) (1.5.2022 for specified purposes, 13.11.2023 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), **ss. 4(4)(a)**, 24(1); S.I. 2022/471, [reg. 2\(b\)](#); S.I. 2023/1102, [reg. 2](#)
- F6** S. 153(3)(b) inserted (1.5.2022 for specified purposes, 13.11.2023 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), **ss. 4(4)(b)**, 24(1); S.I. 2022/471, [reg. 2\(b\)](#); S.I. 2023/1102, [reg. 2](#)

Commencement Information

- I1** S. 153 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. 153 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 13/11/2023.

Changes to legislation:

Armed Forces Act 2006, Chapter 4 is up to date with all changes known to be in force on or before 11 June 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.