



Armed Forces Act 2006

2006 CHAPTER 52

PART 4

CUSTODY

CHAPTER 2

CUSTODY ETC AFTER CHARGE

Custody after charge

107 Release from custody after charge

- (1) Subsections (2) and (3) apply where, at a hearing under section 105(1), the judge advocate does not authorise keeping the accused in service custody.
- (2) Subject to subsection (3), the accused must be released from service custody without delay.
- (3) The accused may be required to comply, before release or later, with such requirements as appear to the judge advocate to be necessary—
 - (a) to secure his attendance at any hearing in the proceedings against him;
 - (b) to secure that he does not commit an offence while released from custody;
 - (c) to secure that he does not interfere with witnesses or otherwise obstruct the course of justice, whether in relation to himself or any other person; or
 - (d) for his own protection or, if he is aged under 17, for his own welfare or in his own interests.
- (4) On an application made—
 - (a) by or on behalf of the accused, or
 - (b) by the commanding officer of the accused,

Status: Point in time view as at 28/03/2009. This version of this provision has been superseded.

Changes to legislation: Armed Forces Act 2006, Section 107 is up to date with all changes known to be in force on or before 12 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)

any requirement imposed under subsection (3) (including such a requirement as previously varied under this subsection) may be varied or discharged by a judge advocate.

- (5) A person on whom a requirement has been imposed by virtue of subsection (3)(a) commits an offence if, without reasonable excuse, he fails to attend any hearing to which the requirement relates.
- (6) A person guilty of an offence under this section is liable to any punishment mentioned in the Table in section 164, but any sentence of imprisonment imposed in respect of the offence must not exceed two years.

Modifications etc. (not altering text)

- C1** Pt. 4 modified by 1968 c. 20, s. 20(1G)(1H) (as substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 8 para. 21\(a\)](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#); [S.I. 2009/1167](#), [art. 4](#))

Commencement Information

- I1** [S. 107](#) 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](#))

Status:

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