



# Armed Forces Act 2006

## 2006 CHAPTER 52

### PART 5

#### INVESTIGATION, CHARGING AND MODE OF TRIAL

### CHAPTER 2

#### CHARGING AND MODE OF TRIAL

##### *Powers of commanding officer or DSP after charge etc*

#### **124 CO to hear charge allocated for summary hearing**

- (1) This section applies in respect of a charge which is regarded for the purposes of this Part as allocated for summary hearing.
- (2) The accused's commanding officer must hear the charge summarily unless—
  - (a) he exercises his powers under section 123(2)(b), (d) or (e) in respect of the charge (substitution of charge, discontinuance of proceedings, or referral to DSP); or
  - (b) the accused elects Court Martial trial of the charge (see section 129).
- (3) Subsection (2) is subject to sections 52 (charges capable of being heard summarily) and 54 (charges which may be heard summarily only with permission or by senior officer).

#### **Commencement Information**

- I1** S. 124 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. 124 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Point in time view as at 19/05/2020.

**Changes to legislation:**

Armed Forces Act 2006, Section 124 is up to date with all changes known to be in force on or before 13 September 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.