



Armed Forces Act 2006

2006 CHAPTER 52

PART 7

TRIAL BY COURT MARTIAL

CHAPTER 4

FINDINGS OF UNFITNESS TO STAND TRIAL AND INSANITY

166 Fitness to stand trial

- (1) This section applies where on a trial by the Court Martial the question arises (at the instance of the defence or otherwise) whether the defendant is fit to stand trial.
- (2) For the purposes of this Act a person is unfit to stand trial if he is under a disability such that apart from the Criminal Procedure (Insanity) Act 1964 (c. 84) it would constitute a bar to his being tried on indictment in England and Wales.
- (3) Subject to subsections (5) and (6), the question of fitness to stand trial must be determined as soon as it arises.
- (4) The question of fitness to stand trial is to be determined by the judge advocate.
- (5) If having regard to the nature of the supposed disability the judge advocate is of the opinion that it is expedient to do so and in the interests of the defendant, he may postpone consideration of the question of fitness to stand trial until any time up to the opening of the case for the defence.
- (6) If before the question of fitness to stand trial falls to be determined the court finds the defendant not guilty on the charge or each of the charges on which he is being tried, that question shall not be determined.
- (7) A judge advocate may not make a determination under subsection (4) except on the written or oral evidence of two or more registered medical practitioners at least one of whom is duly approved within the meaning given by section 172.

Status: Point in time view as at 31/10/2009.

Changes to legislation: Armed Forces Act 2006, Section 166 is up to date with all changes known to be in force on or before 19 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)

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Modifications etc. (not altering text)

- C1** S. 166 applied (31.10.2009) by [The Armed Forces \(Court Martial\) Rules 2009 \(S.I. 2009/2041\)](#), [art. 1](#), [rule 49\(5\)](#)
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Commencement Information

- I1** S. 166 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. 166 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 31/10/2009.

Changes to legislation:

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