



Armed Forces Act 2006

2006 CHAPTER 52

PART 7

TRIAL BY COURT MARTIAL

CHAPTER 4

FINDINGS OF UNFITNESS TO STAND TRIAL AND INSANITY

171 Remission for trial

- (1) Where—
- (a) a person is detained in pursuance of a hospital order which the Court Martial had power to make by virtue of section 169(1)(a),
 - (b) the court also made a restriction order, and
 - (c) the restriction order has not ceased to have effect,
- the Secretary of State, if satisfied after consultation with [^{F1}the responsible clinician] that the person can properly be tried, may remit the person for trial by the Court Martial.
- (2) A person remitted under this section must be transferred to service custody, but when he is so transferred—
- (a) he must as soon as practicable be brought before a judge advocate for a review of whether he should continue to be kept in service custody; and
 - (b) on that review he is to be dealt with as on a review under section 108(1) (see section 108(4) to (8)).
- (3) On the transfer of a person to service custody under this section the hospital order and restriction order cease to have effect.
- (4) In this section—
- “hospital order” and “restriction order” have the same meanings as in section 169;

Status: Point in time view as at 28/03/2009. This version of this provision has been superseded.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 171 is up to date with all changes known to be in force on or before 25 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)

[^{F2}“the responsible clinician” means the responsible clinician within the meaning of Part 3 of the Mental Health Act 1983.]

- (5) In subsection (1)(a) the reference to a hospital order as there mentioned includes a reference to—
- (a) a hospital order made by virtue of section 16(1)(b) or 22(3A) of the Court Martial Appeals Act 1968 (c. 20);
 - (b) a hospital order made by virtue of section 25B(1) of that Act in a case in which a finding within section 169(1)(a) of this Act was made by the Court Martial.

Textual Amendments

- F1** Words in s. 171(1) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 15(5)(a)**, 56(1); S.I. 2008/1900, **art. 2(b)** (with **art. 3**, Sch.)
- F2** Words in s. 171(4) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 15(5)(b)**, 56(1); S.I. 2008/1900, **art. 2(b)** (with **art. 3**, Sch.)
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Commencement Information

- I1** [S. 171](#) 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:

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

Changes to legislation:

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