



Armed Forces Act 2006

2006 CHAPTER 52

PART 7

TRIAL BY COURT MARTIAL

CHAPTER 4

FINDINGS OF UNFITNESS TO STAND TRIAL AND INSANITY

172 Provision supplementary to sections 166 and 168

- (1) In sections 166 and 168 and this section “duly approved” means approved for the purposes of section 12 of the Mental Health Act 1983 by the Secretary of State [^{F1}, or by another person by virtue of section 12ZA or 12ZB of that Act,] as having special experience in the diagnosis or treatment of mental disorder.
- (2) For the purposes of the provisions of sections 166 and 168 which permit a court to act on the written evidence of—
 - (a) a registered medical practitioner, or
 - (b) a registered medical practitioner who is duly approved,a report in writing purporting to be signed by a registered medical practitioner or a registered medical practitioner who is duly approved may (subject to subsection (4)) be received in evidence without proof of the signature of the practitioner and without proof that he has the requisite qualifications or is duly approved.
- (3) The court may require the signatory of any such report to be called to give oral evidence.
- (4) Where in pursuance of a direction of the court any such report is tendered in evidence otherwise than by or on behalf of the defendant, then—
 - (a) if the defendant is represented by counsel or a solicitor, a copy of the report must be given to his counsel or solicitor;

Status: Point in time view as at 19/05/2020.

Changes to legislation: Armed Forces Act 2006, Section 172 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. (See end of Document for details)

- (b) if the defendant is not so represented the substance of the report must be disclosed to him or, if he is aged under 18, to his parent or guardian if present in court;
- (c) the defendant may require the signatory of the report to be called to give oral evidence; and
- (d) evidence to rebut the evidence contained in the report may be called by the defendant or on his behalf.

Textual Amendments

- F1** Words in s. 172(1) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 38(5)(e)**, 306(4); [S.I. 2013/160](#), **art. 2(2)** (with **arts. 7-9**)

Modifications etc. (not altering text)

- C1** S. 172 applied (with modifications) by 1968 c. 20, s. 22(3B) (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. 23(c)** (with s. 385); [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. 172 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. 172 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

Status:

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