



# Armed Forces Act 2006

## 2006 CHAPTER 52

### PART 13

#### DISCIPLINE: MISCELLANEOUS AND SUPPLEMENTARY

### CHAPTER 2

#### CONTEMPT OF COURT

#### **310 Power to detain before dealing with section 309 offence**

- (1) Where a court with power to deal with a person under section 309 does not immediately exercise that power, it may order a service policeman, an officer of a UK police force or a member of court staff to take the offender into service custody and detain him in service custody until the rising of the court.
- (2) If at the end of that detention—
  - (a) the court considers that a decision whether to exercise that power should not be taken without a further hearing, and
  - (b) any of the conditions in subsection (4) is satisfied,the court may give orders for the further detention of the offender in service custody.
- (3) An authorisation of detention under subsection (2) ends not more than 48 hours after the time when the offender was first detained under subsection (1).
- (4) The conditions referred to in subsection (2)(b) are—
  - (a) that the court is satisfied that there are substantial grounds for believing that the offender, if released from service custody, would—
    - (i) fail to attend any hearing in the proceedings against him;
    - (ii) commit an offence while released; or
    - (iii) interfere with witnesses or otherwise obstruct the course of justice, whether in relation to himself or any other person;

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**Status:** Point in time view as at 01/04/2023.

**Changes to legislation:** Armed Forces Act 2006, Section 310 is up to date with all changes known to be in force on or before 04 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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- (b) that the court is satisfied that he should be kept in service custody for his own protection or, if he is aged under 17, for his own welfare or in his own interests;
  - (c) that the court is satisfied that it has not been practicable to obtain sufficient information for the purpose of deciding whether the condition in paragraph (a) or (b) is met.
- (5) A person may use reasonable force, if necessary, in the exercise of any power arising from an order of a court under this section.

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**Commencement Information**

- I1** S. 310 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. 310 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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