



Armed Forces Act 2006

2006 CHAPTER 52

PART 2

JURISDICTION AND TIME LIMITS

CHAPTER 2

TIME LIMITS FOR COMMENCING PROCEEDINGS

Time limits for offences other than Reserve Forces Act offences

58 Time limit for charging civilian formerly subject to service discipline

- (1) Subsection (2) applies in any case where a person ceases to be a civilian subject to service discipline, except a case where at the time he does so he becomes subject to service law.
- (2) Where this subsection applies—
 - (a) the person may not, after the end of six months beginning with the date he ceased to be a civilian subject to service discipline, be charged with a service offence committed while he was such a civilian; and
 - (b) this applies even if he (again) becomes such a civilian within those six months.
- (3) Where a person ceases to be a civilian subject to service discipline and at the time he does so becomes subject to service law, section 57 has effect as if—
 - (a) the reference in subsection (2) to a service offence committed while the person was subject to service law included a service offence committed during the relevant period; and
 - (b) the reference in subsection (3) to becoming subject to service law included becoming a civilian subject to service discipline.

Status: Point in time view as at 31/10/2009. This version of this provision has been superseded.

Changes to legislation: Armed Forces Act 2006, Section 58 is up to date with all changes known to be in force on or before 31 August 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)

- (4) In subsection (3)(a) above “the relevant period” means the period while the person was a civilian subject to service discipline that ended with his becoming subject to service law.
- (5) Subsection (6) applies to a person—
- (a) who ceases to be a civilian subject to service discipline by reason only of—
 - (i) leaving an area designated for the purposes of Schedule 15;
 - (ii) entering the British Islands; or
 - (iii) leaving an area which a designation under paragraph 7 of Schedule 15 specifies as an area that he must be in for the designation to apply to him; and
 - (b) who is residing or staying in a qualifying place at the time he does so.
- (6) As regards that time, and for so long after that time as he continues—
- (a) to reside or stay in a qualifying place, and
 - (b) to be a person who is not a civilian subject to service discipline but who would be such a civilian if he were in a qualifying place,
- he is to be treated for the purposes of this section (apart from subsection (5)) as being such a civilian.
- (7) In subsections (5) and (6) “in a qualifying place” means—
- (a) in relation to a person who falls within subsection (5)(a) by reason of leaving an area designated for the purposes of Schedule 15, in any such area;
 - (b) in relation to a person who falls within subsection (5)(a) by reason of entering the British Islands, outside the British Islands;
 - (c) in relation to a person who falls within subsection (5)(a) by reason of leaving an area mentioned in subsection (5)(a)(iii), in that area.

Commencement Information

- I1** S. 58 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. 58 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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