



# Armed Forces Act 2006

## 2006 CHAPTER 52

First Group of Parts Discipline

### PART 2

JURISDICTION AND TIME LIMITS

### CHAPTER 3

DOUBLE JEOPARDY

#### **63 Service proceedings barring subsequent service proceedings**

- (1) This section applies where a person—
  - (a) has been convicted or acquitted of a service offence; or
  - (b) has had a service offence taken into consideration when being sentenced;and in this section “offence A” means the offence mentioned in paragraph (a) or (b).
- (2) The Court Martial may not try that person for an offence (“offence B”) if—
  - (a) offence B is the same offence in law as offence A, or subsection (3) applies; and
  - (b) the alleged facts on which the charge in respect of offence B is based are the same, or substantially the same, as those on which the charge in respect of offence A was based.
- (3) This subsection applies if—
  - (a) the person was convicted of offence A, or offence A was taken into consideration, and offence B is an offence all of whose elements are elements of offence A;
  - (b) the person was acquitted of offence A and offence B is an offence whose elements include all the elements of offence A; or

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*Status: This is the original version (as it was originally enacted).*

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- (c) the person was convicted or acquitted of offence A by the Court Martial or the Service Civilian Court and offence B is an offence of which under section 161 (alternative offences) he could have been convicted on acquittal of offence A.
- (4) Where offence A is an offence taken into consideration which was not charged, the reference in subsection (2)(b) to the facts on which the charge in respect of offence A was based is to be read as a reference to the facts on which a charge in respect of offence A would have been based.
- (5) Where by reason of this section a person cannot be tried by the Court Martial for an offence—
  - (a) the Service Civilian Court may not try him for that offence; and
  - (b) a charge against him in respect of that offence may not be heard summarily by an officer.