



# Air Force Act 1955 (repealed)

1955 CHAPTER 19 3 and 4 Eliz 2

## PART II

### DISCIPLINE AND TRIAL AND PUNISHMENT OF AIR-FORCE OFFENCES

*[<sup>F1</sup>The prosecuting authority]*

VALID FROM 10/02/2000

#### **[<sup>F1</sup>83BB Cases where charge may be referred back to commanding officer.**

- (1) Where—
  - (a) a case has been referred to the prosecuting authority as a result of an election for court-martial trial, and
  - (b) the prosecuting authority considers that a charge different from, or additional to, the preliminary charge should be preferred,the prosecuting authority may refer back to the commanding officer of the accused the charge or charges which the prosecuting authority considers should be preferred.
- (2) In subsection (1) above—
  - (a) “the preliminary charge” means the charge which would have been dealt with summarily had the accused not elected court-martial trial, and
  - (b) the reference to preferring a charge different from, or additional to, the preliminary charge includes a reference to amending, or substituting another charge for, a charge already preferred.
- (3) Where a charge is referred to a commanding officer under subsection (1) above, the commanding officer shall deal with the charge as if it had been reported to him under section 76(1) of this Act.]

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*Status: Point in time view as at 01/04/1997. This version of this provision is not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Air Force Act 1955 (repealed), Section 83BB. (See end of Document for details)*

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#### **Textual Amendments**

- F1** S. 83BB inserted (2.10.2000) by 2000 c. 4, s. 13, **Sch. 2 para. 3**; S.I. 2000/2366, **art. 2** (with transitional provisions in **art. 3**, **Sch. para. 14**)

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#### **Textual Amendments applied to the whole legislation**

- F1** Act: the provisions of the 1955 Acts providing for findings of courts-martial to be subject to confirmation and to revision at the direction of the confirming officer cease to have effect (1.4.1997 subject to art. 3 of the commencing S.I.) by virtue of 1996 c. 46, **s. 15**; S.I. 1997/304, arts. 2, 3, **Sch. 2**

**Status:**

Point in time view as at 01/04/1997. This version of this provision is not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Air Force Act 1955 (repealed), Section 83BB.