

## SCHEDULE

### TRANSITIONAL PROVISIONS AND SAVINGS

#### **Custody without charge**

2.—(1) Where, on the coming into force of section 75A of the Army Act(1), a person who is in military custody has been in custody without being charged for not more than 96 hours after the relevant time, subsection (1) of that section shall have effect (subject to sub-paragraph (2)) as if it required the person's arrest to be reported to his commanding officer as soon as practicable after the coming into force of that section.

(2) Section 75A(1) of the Army Act shall not apply in any case falling within sub-paragraph (1) above, where the arrest has been reported to the commanding officer before the coming into force of that section.

(3) In a case falling within sub-paragraph (2) above, section 75A(3) of the Army Act shall have effect as if it required the commanding officer to make the determination under that subsection as soon as practicable after the coming into force of that section.

(4) Where, on the coming into force of section 75A of the Army Act, a person who is in military custody has been in custody without being charged for more than 48 hours but not more than 96 hours after the relevant time, in relation to any authorisation given by his commanding officer under subsection (4) of that section with respect to keeping him in custody, subsection (5) of that section shall have effect as if it required the authorisation to be—

- (a) for a period of not more than 6 hours, or
- (b) for a period ending not more than 96 hours after the relevant time.

(5) Section 75A(6) of the Army Act shall not have effect to prevent the commanding officer from authorising the keeping of a person in military custody in accordance with sub-paragraph (4) above.

(6) Where, on the coming into force of section 75A of the Army Act, a person who is in military custody has been in custody without being charged for more than 96 hours after the relevant time, he shall on the coming into force of that section forthwith be charged or released from military custody.

(7) In this paragraph, "the relevant time" shall be construed in accordance with sections 75A(7) and 75D(2) of the Army Act.

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(1) Sections 75 to 75E of the Army Act 1955 are substituted by the Armed Forces Discipline Act 2000, section 1(1).