
STATUTORY INSTRUMENTS

2013 No. 1852

The Armed Forces (Retrial for Serious Offences) Order 2013

PART 7

Custody

Taking a person into service custody

23.—(1) Where—

- (a) a judge advocate authorises keeping the person in service custody, and
- (b) that person is not before the judge advocate when the order is made,

the judge advocate must order him to surrender himself forthwith to service custody.

(2) Where a person surrenders himself into service custody in compliance with an order under paragraph (1), a judge advocate must authorise his detention in service custody.

(3) A person who has been ordered to surrender to service custody under paragraph (1) may be arrested without a warrant by a service policeman if he fails without reasonable cause to surrender to custody in accordance with the order.

(4) A person arrested under paragraph (3) must be brought as soon as practicable, and, in any event, not more than 24 hours after he is arrested, before a judge advocate and the judge advocate must authorise the keeping of the person in service custody.

(5) For the purposes of calculating the period referred to in paragraph (4), the following are to be disregarded—

- (a) Saturday;
- (b) Sunday;
- (c) Christmas Day;
- (d) Good Friday;
- (e) any day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽¹⁾ in the part of the United Kingdom where the person is for the time being detained.

Commencement Information

II Art. 23 in force at 1.8.2013, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces (Retrial for Serious Offences) Order 2013, Section 23.