



# Armed Forces Discipline Act 2000 (repealed)

## 2000 CHAPTER 4

### *Custody*

#### **5 Release from custody after charge or during proceedings.**

(1) After section 75H of the <sup>M1</sup>Army Act 1955 there is inserted—

**“75J Release from custody after charge or during proceedings.**

- (1) This section applies where, at a hearing under section 75F(1) of this Act or on a review under section 75G(1) of this Act, the judicial officer or judge advocate (as the case may be) does not authorise keeping the accused in military custody.
- (2) Where this section applies, the accused—
  - (a) subject to paragraph (b) below, shall be released from military custody forthwith, but
  - (b) if he is subject to military law only by virtue of section 131 or 205(1) (ea), (eb), (g) or (h) of this Act, may be required to comply, before release or later, with such requirements as appear to the judicial officer or judge advocate (as the case may be) to be necessary for the purpose of securing his attendance at any hearing in connection with the offence to which the charge relates.
- (3) A person on whom a requirement has been imposed under subsection (2)(b) above is guilty of an offence if he fails without reasonable cause to attend any hearing to which the requirement relates.
- (4) A person guilty of an offence under this section shall be liable on conviction by court-martial to imprisonment for a term not exceeding two years or any less punishment provided by this Act.”

(2) After section 75H of the <sup>M2</sup>Air Force Act 1955 there is inserted—

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*Status: Point in time view as at 02/10/2000.*

*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Discipline Act 2000 (repealed), Section 5. (See end of Document for details)*

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**“75J Release from custody after charge or during proceedings.**

- (1) This section applies where, at a hearing under section 75F(1) of this Act or on a review under section 75G(1) of this Act, the judicial officer or judge advocate (as the case may be) does not authorise keeping the accused in air-force custody.
  - (2) Where this section applies, the accused—
    - (a) subject to paragraph (b) below, shall be released from air-force custody forthwith, but
    - (b) if he is subject to air-force law only by virtue of section 131 or 205(1) (ff), (h) or (i) of this Act, may be required to comply, before release or later, with such requirements as appear to the judicial officer or judge advocate (as the case may be) to be necessary for the purpose of securing his attendance at any hearing in connection with the offence to which the charge relates.
  - (3) A person on whom a requirement has been imposed under subsection (2)(b) above is guilty of an offence if he fails without reasonable cause to attend any hearing to which the requirement relates.
  - (4) A person guilty of an offence under this section shall be liable on conviction by court-martial to imprisonment for a term not exceeding two years or any less punishment provided by this Act.”
- (3) After section 47J of the 1957 Act there is inserted—

**“47K Release from custody after charge or during proceedings.**

- (1) This section applies where, at a hearing under section 47G(1) of this Act or on a review under section 47H(1) of this Act, the judicial officer or judge advocate (as the case may be) does not authorise keeping the accused in naval custody.
- (2) Where this section applies, the accused—
  - (a) subject to paragraph (b) below, shall be released from naval custody forthwith, but
  - (b) if he is a person to whom section 51 of this Act applies or is subject to this Act by virtue of section 111(3) or (5) of this Act, may be required to comply, before release or later, with such requirements as appear to the judicial officer or judge advocate (as the case may be) to be necessary for the purpose of securing his attendance at any hearing in connection with the offence to which the charge relates.
- (3) A person on whom a requirement has been imposed under subsection (2)(b) above is guilty of an offence if he fails without reasonable cause to attend any hearing to which the requirement relates.
- (4) A person guilty of an offence under this section shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.

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**Status:** Point in time view as at 02/10/2000.

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(5) Any such offence shall be treated as if it were an offence under Part I of this Act.”

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**Marginal Citations**

**M1** 1955 c. 18.

**M2** 1955 c. 19.

**Status:**

Point in time view as at 02/10/2000.

**Changes to legislation:**

There are currently no known outstanding effects for the Armed Forces Discipline Act 2000 (repealed), Section 5.