



# Armed Forces Act 2001

## 2001 CHAPTER 19

### PART 3

#### TRIAL AND PUNISHMENT OF OFFENCES

#### **28 Provisions supplementary to ss. 26 and 27**

- (1) Where any of Her Majesty's forces incurs costs in respect of the exercise by the prosecuting authority of its functions as a party to proceedings under the services Acts, those costs shall, subject to any provision made by virtue of subsection (2), be taken for the purposes of sections 26 and 27 to have been incurred by the prosecuting authority.
- (2) Regulations under section 26 or 27 may make provision—
  - (a) as to the costs incurred by any of Her Majesty's forces which are or are not to be taken for the purposes of that section to have been incurred by the prosecuting authority, and
  - (b) as to the person to whom, or account into which, any payment in respect of costs incurred by the prosecuting authority is to be made.
- (3) In this section "the prosecuting authority" means the prosecuting authority appointed under section 83A of either of the 1955 Acts or section 52H of the 1957 Act, as the case requires.
- (4) In section 103 of each of the 1955 Acts (court-martial rules), in subsection (2) after paragraph (m) there is inserted—

“(mm) enabling any jurisdiction conferred on a court-martial by virtue of sections 26 to 28 of the Armed Forces Act 2001 to be exercised by the judge advocate sitting alone;”.
- (5) In section 58 of the 1957 Act (court-martial rules), in subsection (2) after paragraph (n) there is inserted—

“(nn) enabling any jurisdiction conferred on a court-martial by virtue of sections 26 to 28 of the Armed Forces Act 2001 to be exercised by the judge advocate sitting alone;”.