Changes to legislation: *Criminal Justice Act 2003, SCHEDULE 6 is up to date with all changes known to be in force on or before 07 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 6

Section 113

EVIDENCE OF BAD CHARACTER: ARMED FORCES

1 Sections 98 to 106, 109, 110 and 112, in so far as they are not applied in relation to proceedings before service courts by provision contained in or made under any other Act, have effect in relation to such proceedings (whether in the United Kingdom or elsewhere) as they have effect in relation to criminal proceedings.

2 Section 103, as it applies in relation to proceedings before service courts, has effect with the substitution in subsection (4)(a) of "charge sheet" for "written charge or indictment".

3 (1) Section 107 has effect in relation to proceedings before **[**[F1]the Court Martial**]**(whether in the United Kingdom or elsewhere) with the following modifications.

(2) In subsection (1)—

(a) for **[**[F2]a judge and jury**]** substitute " **[**[F3]the Court Martial**]** ";

(b) for "the court is satisfied" substitute " the judge advocate is satisfied ";

(c) for the words after paragraph (b) substitute " the judge advocate must either direct the court to acquit the defendant of the offence or, if he considers that there ought to be a retrial, **[**[F4]discharge**]** the court. "

(3) In subsection (2)—

(a) for "jury" substitute " court ";

(b) for "the court is satisfied" substitute " the judge advocate is satisfied ".

(4) In subsection (3)—

(a) for paragraph (a) substitute—

"(a) a court is required to determine under section 115B(2) of the Army Act 1955, **[**[F5]section 167 of the Armed Forces Act 2006**]** whether a person charged with an offence did the act or made the omission charged,";

(b) for "the court is satisfied" substitute " the judge advocate is satisfied ";

(c) for the words after paragraph (c) substitute "the judge advocate must either direct the court to acquit the defendant of the offence or, if he considers that there ought to be a rehearing, the **[**[F6]discharge**]**court."

(5) For subsection (4) substitute—

"(4) This section does not prejudice any other power a judge advocate may have to direct a court to acquit a person of an offence or to **[**[F7]discharge**]** a court."

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Textual Amendments

F1 Words in Sch. 6 para. 3(1) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378(1), 383, **Sch. 16 para. 234(2)(a)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

F2 Words in Sch. 6 para. 3(2)(a) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378(1), 383, **Sch. 16 para. 234(2)(b)(i)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

F3 Words in Sch. 6 para. 3(2)(a) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378(1), 383, **Sch. 16 para. 234(2)(b)(ii)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

F4 Word in Sch. 6 para. 3(2)(c) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378(1), 383, **Sch. 16 para. 234(2)(b)(iii)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

F5 Words in Sch. 6 para. 3(4)(a) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378(1), 383, **Sch. 16 para. 234(2)(c)(i)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

F6 Word in Sch. 6 para. 3(4)(c) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378(1), 383, **Sch. 16 para. 234(2)(c)(ii)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

F7 Word in Sch. 6 para. 3(5) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378(1), 383, **Sch. 16 para. 234(2)(d)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

4 Section 110, as it applies in relation to proceedings before service courts, has effect with the substitution of the following for subsection (1)—

"(1) Where the court makes a relevant ruling—

(a) it must state in open court (but, in the case of a ruling by a judge advocate in proceedings before **[**[F8]the Court Martial**]**, in the absence of the other members of the court) its reasons for the ruling;

(b) if it is **[**[F9]the Summary Appeal Court or the Service Civilian Court**]**, it must cause the ruling and the reasons for it to be entered in the note of the court's proceedings."

Textual Amendments

F8 Words in Sch. 6 para. 4 substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378(1), 383, **Sch. 16 para. 234(3)(a)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

F9 Words in Sch. 6 para. 4 substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378(1), 383, **Sch. 16 para. 234(3)(b)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

5 Section 111 has effect as if **[**[F10]the expression**]**"rules of court" included rules regulating the practice and procedure of service courts.

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Textual Amendments

F10 Words in Sch. 6 para. 5 substituted (1.9.2004) by The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 3, **Sch. para. 52** (with art. 2(2))

[F11 6 In this Schedule "service court" means—

(a) the Court Martial;

(b) the Summary Appeal Court;

(c) the Service Civilian Court; or

(d) the Court Martial Appeal Court.]

Textual Amendments

F11 Sch. 6 para. 6 substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378(1), 383, **Sch. 16 para. 234(4)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

Changes to legislation:
Criminal Justice Act 2003, SCHEDULE 6 is up to date with all changes known to be in force on or before 07 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/2574, Sch. by S.I. 2012/2761 art. 2

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 256AZBA-256AZBC and cross-heading inserted by 2024 c. 21 s. 62(1)
- s. 256AZBC(1) power to amend or apply conferred by 2012 c.10, s. 128(3A) (as inserted) by 2024 c. 21 s. 60(3)
- s. 150(aa) inserted by 2012 c. 10 Sch. 26 para. 19(2) (This amendment not applied to legislation.gov.uk. Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 150(ba) inserted by 2012 c. 10 Sch. 26 para. 19(3) (This amendment not applied to legislation.gov.uk. Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 151(A1) inserted by 2008 c. 4 s. 11(3)
- s. 151(1A) inserted by 2008 c. 4 s. 11(5)
- s. 151(1A)(b) word substituted by 2008 c. 4 Sch. 4 para. 76(3) (This amendment not applied to legislation.gov.uk. S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(1A)(c) substituted by 2009 c. 25 Sch. 17 para. 8(3) (This amendment not applied to legislation.gov.uk. S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(2A)(b) substituted by 2009 c. 25 Sch. 17 para. 8(4)
- s. 151(4A) inserted by 2009 c. 25 Sch. 17 para. 8(5)
- s. 151(8)(a) words substituted by 2009 c. 25 Sch. 17 para. 8(6)(a)
- s. 151(8)(b) words inserted by 2009 c. 25 Sch. 17 para. 8(6)(b)(i)
- s. 151(8)(b) words substituted by 2009 c. 25 Sch. 17 para. 8(6)(b)(ii)
- s. 151(8)(c)-(f) inserted by 2009 c. 25 Sch. 17 para. 8(6)(c)
- s. 165(5) inserted by 2014 c. 12 s. 179(3)
- s. 237(1A) inserted by 2006 c. 48 s. 34(3)
- s. 237(1B)(f)(g) inserted by 2021 c. 11 Sch. 13 para. 40(b)
- s. 237A237B inserted by 2024 c. 21 s. 59(2)
- s. 237A power to amend conferred by 2012 c.10, s. 128(3)(aaza) (as inserted) by 2024 c. 21 s. 60(2)(b)
- s. 239A inserted by 2015 c. 2 s. 8(1)
- s. 239A cross-heading inserted by 2015 c. 2 Sch. 3 para. 5
- s. 250(5C) inserted by 2015 c. 2 Sch. 3 para. 7(4)
- s. 250(5D) inserted by 2024 c. 21 s. 64(3)
- s. 255A(4A) inserted by 2015 c. 2 s. 9(2)
- s. 255B(3A) inserted by 2015 c. 2 s. 9(3)(b)
- s. 255B(3A) inserted by 2024 c. 21 s. 59(5)
- s. 255B(4A)-(4C) inserted by 2015 c. 2 s. 9(3)(d)
- s. 255C(3A) inserted by 2015 c. 2 s. 9(4)(b)
- s. 255C(3A) inserted by 2024 c. 21 s. 59(6)
- s. 255C(4A)-(4C) inserted by 2015 c. 2 s. 9(4)(d)
- s. 256A(1)-(1B) substituted for s. 256A(1) by 2015 c. 2 s. 9(6)(a)
- s. 256A(4A)(4B) inserted by 2015 c. 2 s. 9(6)(f)

- s. 256A(5)(6) substituted for s. 256A(5) by 2015 c. 2 s. 9(6)(g)
- s. 256AZA inserted by 2015 c. 2 s. 10(1)
- s. 256AZB(3) inserted by 2024 c. 21 s. 59(7)
- s. 257(3) inserted by 2006 c. 48 s. 34(4)
- s. 258(1A) inserted by 2006 c. 48 s. 34(5)
- s. 260(4)(aa) substituted for word by 2008 c. 4 s. 34(7)(b) (This amendment not applied to legislation.gov.uk. S. 34(2)(4)(b)(7)(10) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(b); S.I. 2012/2906, art. 2(d))
- s. 268A inserted by 2024 c. 21 s. 70
- s. 327(4A)(ca) inserted by 2024 c. 21 s. 65
- Sch. 15B para. 49A omitted by S.I. 2019/780 reg. 26(4)(c) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 15B para. 49B omitted by S.I. 2019/780 reg. 26(4)(d) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 18B inserted by 2024 c. 21 Sch. 2
- Sch. 19 para. 2(2)(e) and word inserted by 2024 c. 21 s. 74(3)(b)
- Sch. 19 para. 2(2A) inserted by 2024 c. 21 s. 74(4)
- Sch. 20B para. 34(6)(7) substituted for Sch. 20B para. 34(6) by 2015 c. 2 Sch. 3 para. 10