



Armed Forces Act 2006

2006 CHAPTER 52

First Group of Parts Discipline

PART 2

JURISDICTION AND TIME LIMITS

CHAPTER 1

JURISDICTION

Service Civilian Court

51 Jurisdiction of the Service Civilian Court

- (1) The Service Civilian Court has jurisdiction to try any service offence committed outside the British Islands by a civilian, except an offence within subsection (3) or an offence in relation to which subsection (6) applies.
- (2) For the purposes of subsection (1) an offence is committed by a civilian if it is committed by a person who, at the time when it is committed, is a civilian subject to service discipline.
- (3) The offences within this subsection are—
 - (a) an indictable-only offence under section 42;
 - (b) an offence under section 266 committed in respect of a financial statement order made by a court other than the Service Civilian Court;
 - (c) any service offence under regulations under section 328 or 343;
 - (d) an offence within section 50(2)(h) or (i) (Reserve Forces Act offences).
- (4) For the purposes of subsection (3)(a) an offence under section 42 is “indictable-only” if the corresponding offence under the law of England and Wales is under that law an offence which, if committed by an adult, is triable only on indictment; but this is subject to subsection (5).

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (5) Where the defendant is aged under 18 at the time a decision under section 279 is made, an offence under section 42 is “indictable-only” for the purposes of subsection (3)(a) above if (and only if)—
- (a) the corresponding offence under the law of England and Wales is murder, manslaughter or an offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (c. 28) (causing or allowing death of child etc); or
 - (b) section 227 (firearms offences) would apply if the accused were convicted by the Court Martial of the offence under section 42.
- (6) This subsection applies in relation to an offence if the defendant is for the time being—
- (a) a member of the regular or reserve forces; or
 - (b) liable to recall.
- (7) For the purposes of subsection (6) a person is “liable to recall” if—
- (a) under section 65(1) of the Reserve Forces Act 1996 (c. 14) he is liable to be recalled for service; or
 - (b) he is liable to be recalled as mentioned in section 35(1) of the Reserve Forces Act 1980 (c. 9).