

*These notes refer to the Armed Forces Act 2006 (c.52)
which received Royal Assent on 8 November 2006*

ARMED FORCES ACT 2006

EXPLANATORY NOTES

COMMENTARY

First Group of Parts – Discipline

Part 11 – the Service Civilian Court

The Service Civilian Court: court and proceedings

Section 279: Court must consider whether trial by Court Martial more appropriate

550. This section provides that, before the charge is put and a plea entered, the SCC must decide whether it or the Court Martial should try the charge. Before making this decision the SCC must give the prosecution the opportunity to inform it of any previous convictions the defendant has, and it must give the prosecution and the defendant an opportunity to make representations about which court should try the charge; this corresponds to the position to be introduced in the civilian system pursuant to amendments to the Magistrates' Courts Act 1980 made by the Criminal Justice Act 2003.
551. The matters that the SCC must take into account in making a decision are specified in this section and mirror those matters that the magistrates' court must take into account when deciding whether to decline jurisdiction. Where the SCC declines jurisdiction it must refer the charge to the Court Martial.