

*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 280: Right to elect trial by Court Martial instead of by SCC

552. This section provides that where the SCC decides that it should try a charge, the defendant must be given the opportunity before arraignment to elect to be tried by the Court Martial. If the defendant (or any defendant if a charge is charged jointly) elects to be tried by the Court Martial, the charge must be referred to the Court Martial (and where there are two or more charges against the defendant, an election in respect of one or more of the charges is deemed to be an election for all of them). Otherwise the SCC must try the charge. The practical effect of this section, section 279 and Part 5 is that the SCC will try a charge only where the DSP, the court and the defendant are content that it should do so.