



Armed Forces Act 2006

2006 CHAPTER 52

First Group of Parts Discipline

PART 7

TRIAL BY COURT MARTIAL

CHAPTER 2

COURT MARTIAL PROCEEDINGS

161 Power of Court Martial to convict of offence other than that charged

- (1) Where the Court Martial acquits a person of an offence specifically charged in the charge sheet, but the allegations in the charge sheet amount to or include (expressly or by implication) an allegation of another service offence, the court may convict him of that other offence.
- (2) For the purposes of subsection (1)—
 - (a) an allegation of an offence to which section 39(1) applies (offence X) shall be taken as including an allegation of an offence under that section of attempting to commit offence X; and
 - (b) an allegation of a completed section 42 offence shall be taken as including an allegation of a section 42 offence of attempt.
- (3) Subsection (1) applies in relation to a charge sheet containing more than one charge as if each charge were contained in a separate charge sheet.
- (4) In this section—

“a completed section 42 offence” means an offence that, by virtue of section 1(4) of the Criminal Attempts Act 1981 (c. 47) as modified by section 43 of this Act, is an offence to which section 1 of that Act applies;

“a section 42 offence of attempt” has the meaning given by section 44(2).