



Armed Forces Act 2006

2006 CHAPTER 52

First Group of Parts Discipline

PART 2

JURISDICTION AND TIME LIMITS

CHAPTER 3

DOUBLE JEOPARDY

66 Civilian proceedings barring subsequent service proceedings

- (1) The Court Martial may not try a person for an offence under section 42 (criminal conduct) if the act constituting the offence amounts to an offence under the law of England and Wales for which a civilian court in England and Wales would on the ground of *autrefois acquit* or *autrefois convict* be debarred from trying him.
- (2) The Court Martial may not try a person for a non-criminal service offence (that is, a service offence not under section 42) if—
 - (a) any act constituting an element of the offence amounts to an offence under the law of England and Wales (“offence X”); and
 - (b) a civilian court in England and Wales would on the ground of *autrefois acquit* be debarred from trying the person for offence X.
- (3) Where an act constituting—
 - (a) an offence under section 42, or
 - (b) an element of a non-criminal service offence,would amount to an offence under the law of England and Wales if it had been done in England or Wales, it shall be assumed for the purposes of subsection (1) or (2) to amount to that offence.
- (4) Where a civilian court (anywhere) has taken an offence into consideration in sentencing a person and the sentence has not been quashed, the person shall be treated

Status: *This is the original version (as it was originally enacted).*

for the purposes of subsection (1) as having been convicted by that court of that offence.

- (5) Where by reason of this section a person cannot be tried by the Court Martial for an offence—
- (a) the Service Civilian Court may not try him for that offence; and
 - (b) a charge against him in respect of that offence may not be heard summarily by an officer.
- (6) This section does not apply in any case where the question whether a person can be tried for an offence (or dealt with summarily for it) is determined by section 63.
- (7) In this section “act” includes an omission and references to the doing of an act are to be read accordingly.