

*Status: Point in time view as at 02/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2011, SCHEDULE 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

Section 26

#### JUDGE ADVOCATES SITTING IN CIVILIAN COURTS

##### PART 1

##### AMENDMENTS CONFERRING JURISDICTION ON JUDGE ADVOCATES

###### *Senior Courts Act 1981 (c. 54)*

- 1 (1) Section 8 of the Senior Courts Act 1981 (persons who may exercise the jurisdiction of the Crown Court) is amended as follows.
- (2) In subsection (1)(b), for “, Recorder or District Judge (Magistrates' Courts)” substitute “, Recorder, qualifying judge advocate or District Judge (Magistrates' Courts)”.
- (3) In subsection (1)(c), for “or Recorder” substitute “, Recorder or qualifying judge advocate”.
- (4) After subsection (1) insert—
- “(1A) The jurisdiction of the Crown Court exercisable by a qualifying judge advocate by virtue of subsection (1) is the jurisdiction of the Court in relation to any criminal cause or matter other than an appeal from a youth court.”
- (5) In subsection (3), for “, Circuit judge, Recorder or District Judge (Magistrates' Courts)” substitute “, Circuit judge, Recorder, qualifying judge advocate or District Judge (Magistrates' Courts)”.
- (6) After subsection (3) insert—
- “(4) Subsection (1A) does not affect the jurisdiction of the Crown Court exercisable by a person who holds an office mentioned in subsection (1)(a) or (b) where that person is also a qualifying judge advocate.”

##### **Commencement Information**

**II** Sch. 2 para. 1 in force at 2.4.2012 by S.I. 2012/669, art. 4(c)

- 2 In section 73(2) and (3) of that Act (general provisions relating to Crown Court proceedings), for “or Recorder” (wherever it occurs) substitute “, Recorder or qualifying judge advocate”.

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**Commencement Information**

**I2** Sch. 2 para. 2 in force at 2.4.2012 by S.I. 2012/669, art. 4(c)

- 3 In section 74 of that Act (Crown Court proceedings on appeals)—
- (a) in subsection (1), after “Recorder” insert “ or a qualifying judge advocate”; and
  - (b) in subsection (3), for “or Recorder,” substitute “ , Recorder or qualifying judge advocate,”.

**Commencement Information**

**I3** Sch. 2 para. 3 in force at 2.4.2012 by S.I. 2012/669, art. 4(c)

- 4 In section 75(1) of that Act (allocation of cases and distribution of cases in Crown Court), for “, Circuit judge, Recorder or District Judge (Magistrates' Courts)” substitute “, Circuit judge, Recorder, qualifying judge advocate or District Judge (Magistrates' Courts)”.

**Commencement Information**

**I4** Sch. 2 para. 4 in force at 2.4.2012 by S.I. 2012/669, art. 4(c)

- 5 In section 151(1) of that Act (interpretation), at the appropriate place insert—
- ““qualifying judge advocate” means—
- (a) the Judge Advocate General; or
  - (b) a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951 (assistants to the Judge Advocate General);”.

**Commencement Information**

**I5** Sch. 2 para. 5 in force at 2.4.2012 by S.I. 2012/669, art. 4(c)

*Courts Act 2003 (c. 39)*

- 6 In section 66 of the Courts Act 2003 (judges having powers of District Judges (Magistrates' Courts))—
- (a) after subsection (2) insert—
 

“(2A) A qualifying judge advocate has the powers of a justice of the peace who is a District Judge (Magistrates' Courts) in relation to criminal causes and matters.”; and
  - (b) after subsection (4) insert—
 

“(5) In this section “qualifying judge advocate” means—

    - (a) the Judge Advocate General; or

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(b) a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951 (assistants to the Judge Advocate General).

(6) Subsection (2A) is without prejudice to the powers conferred by this section on a person within subsection (2) where that person is also a qualifying judge advocate.”

**Commencement Information**

**I6** Sch. 2 para. 6 in force at 2.4.2012 by S.I. 2012/669, art. 4(c)

**PART 2**

RELATED AMENDMENTS

*Criminal Justice Act 1967 (c. 80)*

7 In section 9(5) of the Criminal Justice Act 1967 (application for court attendance of person who has provided a written statement), after paragraph (d) insert—

“(e) subject to subsection (5A), a qualifying judge advocate (within the meaning of the Senior Courts Act 1981).

(5A) Subsection (5)(e) applies only where the application in question is to the Crown Court.”; but this paragraph is subject to paragraph 8.

**Commencement Information**

**I7** Sch. 2 para. 7 in force at 2.4.2012 by S.I. 2012/669, art. 4(c)

8 (1) This paragraph applies if the amendment made to section 9(5) of the Criminal Justice Act 1967 by paragraph 1 of Schedule 4 to the Courts Act 2003 has not come into force before the commencement of paragraph 1 of this Schedule.

(2) Until the coming into force of that amendment—

(a) paragraph 7 above does not apply; and

(b) section 9(5) of the Criminal Justice Act 1967 is amended as follows.

(3) The words from “by a puisne judge” to the end become paragraph (a).

(4) After paragraph (a) insert “; or

(b) subject to subsection (5A), by a qualifying judge advocate (within the meaning of the Senior Courts Act 1981) sitting alone.

(5A) Subsection (5)(b) applies only where the application in question is to the Crown Court.”

**Commencement Information**

**I8** Sch. 2 para. 8 in force at 2.4.2012 by S.I. 2012/669, art. 4(c)

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*Juries Act 1974 (c. 23)*

- 9 In section 9B(3) of the Juries Act 1974 (judges who may determine whether juror to be discharged on account of disability)—
- (a) omit the “or” at the end of paragraph (c); and
  - (b) after paragraph (d) insert “, or
    - (e) subject to subsection (4), a qualifying judge advocate (within the meaning of the Senior Courts Act 1981).
- (4) Subsection (3)(e) applies only where the case relates to a summons to attend for jury service in the Crown Court.”;
- but this is subject to paragraph 10.

**Commencement Information**

**I9** Sch. 2 para. 9 in force at 2.4.2012 by S.I. 2012/669, art. 4(c)

- 10 (1) This paragraph applies if the amendment made to section 9B(3) of the Juries Act 1974 by paragraph 3 of Schedule 4 to the Courts Act 2003 has not come into force before the commencement of paragraph 1 of this Schedule.
- (2) Until the coming into force of that amendment—
- (a) paragraph 9 above does not apply; and
  - (b) section 9B(3) of the Juries Act 1974 is amended as follows.
- (3) The words from “any judge” to the end become paragraph (a).
- (4) After paragraph (a) insert “, or
  - (b) subject to subsection (4), any qualifying judge advocate (within the meaning of the Senior Courts Act 1981).
- (4) Subsection (3)(b) applies only where the case relates to a summons to attend for jury service in the Crown Court.”

**Commencement Information**

**I10** Sch. 2 para. 10 in force at 2.4.2012 by S.I. 2012/669, art. 4(c)

*Police and Criminal Evidence Act 1984 (c. 60)*

- 11 (1) Schedule 1 to the Police and Criminal Evidence Act 1984 (access to excluded or special procedure material) is amended as follows.
- (2) In paragraph 17 (as amended by section 114(1) and (9) of the Serious Organised Crime and Police Act 2005), after “a Recorder” insert “, a qualifying judge advocate (within the meaning of the Senior Courts Act 1981) ”.

**Commencement Information**

**I11** Sch. 2 para. 11 in force at 2.4.2012 by S.I. 2012/669, art. 4(c)

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