

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2011, Cross Heading: Summary hearing. (See end of Document for details)

SCHEDULES

SCHEDULE 3

MINOR AMENDMENTS OF SERVICE LEGISLATION

Summary hearing

- 10 In each of sections 133(3), 134(2) and 135(5) of AFA 2006 (obtaining extended powers of punishment), for “before the summary hearing of the charge or charges” substitute “ within the relevant time (defined by section 135A) ”.

Commencement Information

- II** Sch. 3 para. 10 in force at 2.4.2012 by S.I. 2012/669, art. 4(d)

- 11 After section 135 of AFA 2006 insert—

“135A Extended powers: time for obtaining

- (1) In each of sections 133(3), 134(2) and 135(5), “within the relevant time” means before the start of the summary hearing; but this is subject to subsections (2) and (3).
- (2) Subsection (3) applies where after the start of a summary hearing—
- (a) a charge is amended under section 123(2)(a);
 - (b) a charge is substituted for another charge under section 123(2)(b); or
 - (c) an additional charge is brought under section 123(2)(c).
- (3) Any application for or grant of extended powers which is made in the period between—
- (a) the making of the amendment, substitution or addition, and
 - (b) the time when the summary hearing is proceeded with after the amendment, substitution or addition,
- is to be treated for the purposes of sections 133(3), 134(2) and 135(5) as made within the relevant time.”

Commencement Information

- I2** Sch. 3 para. 11 in force at 2.4.2012 by S.I. 2012/669, art. 4(d)

- 12 In section 136 of AFA 2006 (maximum amount of fine), for subsections (1) to (3) substitute—

“(1) The maximum amount of a fine that a commanding officer may award is 28 days' pay.”

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Commencement Information

I3 Sch. 3 para. 12 in force at 2.4.2012 by S.I. 2012/669, art. 4(d) (with art. 7)

- 13 In section 153(2) of AFA 2006 (powers to make rules relating to summary hearings etc), in each of paragraphs (d) and (e) after “applications for” insert “, and grants of, ”.

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Commencement Information

I4 Sch. 3 para. 13 in force at 2.4.2012 by S.I. 2012/669, art. 4(d)

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