STATUTORY INSTRUMENTS

2009 No. 1059

The Armed Forces Act 2006
(Transitional Provisions etc) Order 2009

PART 18

DISCIPLINE: MISCELLANEOUS

Offences in relation to service courts

178.—(1) Where a person has been sentenced under section 57(2) of AA 1955 or AFA 1955 or section 38(3) of NDA 1957 (summary disposal of offences in relation to service courts), the sentence may be revoked and (if the person is in custody) his discharge ordered.

(2) The powers conferred by paragraph (1) may be exercised—

(a) where the person was sentenced by a court-martial, by the judge advocate for the court-martial;

(b) where the person was sentenced by a summary appeal court, by the judge advocate for the proceedings before the summary appeal court;

(c) where the person was sentenced by a judicial officer, by the judicial officer.

(3) Where—

(a) an offence has under section 101 of AA 1955 or AFA 1955 or section 65 of NDA 1957 been certified to a civil court in the United Kingdom or a British overseas territory, and

(b) that court has not exercised the powers conferred by that section,

section 311(3) of AFA 2006 (power of civil court to deal with contempt certified by service court) applies as if the offence had been certified to that court under section 311(2) of that Act.

(4) In section 312(3) and (4) of AFA 2006 (power to make committal for misbehaviour in court consecutive to a sentence), references to a sentence of service detention that has been passed on the person on a previous occasion include an SDA sentence of service detention.

(5) In section 312(6)(a) of AFA 2006 (inclusion of committal for misbehaviour in court in references to service detention), the reference to a committal to service custody under section 309 of that Act includes a sentence of detention under section 57(2) of AA 1955 or AFA 1955 or section 38(3) of NDA 1957.