
STATUTORY INSTRUMENTS

2009 No. 1059

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

PART 3

CERTAIN ACTS BEFORE COMMENCEMENT

Offence incomplete at commencement

9.—(1) This article applies where an offence under an enactment mentioned in article 2(4)(a), (b), (f) or (g) is partly committed by a person before commencement.

(2) For the purposes of this article an offence is partly committed by a person before commencement if—

- (a) an act or omission by the person, proof of which is required for conviction of the offence, occurs before commencement; and
- (b) a relevant event occurs after commencement.

(3) In this article “relevant event”, in relation to an offence, means any act, omission or other event (including any result of one or more acts or omissions) proof of which is required for conviction of the offence.

(4) Where this article applies in relation to an offence under an enactment mentioned in article 2(4)(a) or (b), any question whether that offence has been committed is to be decided as if the SDAs were still in force at the time of the relevant events that occurred after commencement.

(5) Where this article applies in relation to an offence under an enactment mentioned in article 2(4)(f) or (g), the offence is to be treated for the purposes of articles 2(4) and 5 as having been committed before commencement.

(6) Where this article applies in relation to an offence—

- (a) each of articles 7 and 13 has effect as if in paragraph (2) of that article the reference to the time the offence was committed were to the time of the act or omission referred to in paragraph (2)(a) above; and
- (b) for the purposes of article 20(1) and (2) the offence is to be treated as having been committed at that time.

(7) In this article “the SDAs” means—

- (a) the provisions of AA 1955, AFA 1955 and NDA 1957 whose repeal came into force at commencement; and
- (b) any subordinate legislation made under those provisions that was in force immediately before commencement.