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STATUTORY INSTRUMENTS

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**2012 No. 669**

The Armed Forces Act 2011 (Commencement No. 1,  
Transitional and Transitory Provisions) Order 2012

PART 3: TRANSITIONAL

**Court Martial sentencing powers where election for trial by that court**

**10.**—(1) For the purposes of Schedule 3A to the 2006 Act (inserted by Schedule 1 to the 2011 Act), an offence of which a person is convicted falls within case B if the following conditions are satisfied.

- (2) The first condition is that the charge in respect of the offence was—
  - (a) substituted under section 125(2)(b) of the 2006 Act for a charge as regards which the person had elected Court Martial trial under section 129 of that Act; or
  - (b) brought under section 125(2)(c) of that Act in addition to such a charge.
- (3) The second condition is that the charge in respect of the offence was substituted or brought—
  - (a) before commencement; or
  - (b) after commencement (and, in the case of a substituted charge, in such circumstances that the accused's written consent was required by section 130A(2) of the 2006 Act), but by virtue only of consent given before commencement.