
STATUTORY INSTRUMENTS

2013 No. 1852

The Armed Forces (Retrial for Serious Offences) Order 2013

PART 3

Investigation and arrest

Arrest under warrant

6.—(1) Where article 4 applies to the investigation of the commission of a qualifying offence, the acquitted person may not be arrested for the qualifying offence except under a warrant issued in accordance with this article.

(2) Paragraph (1) does not affect article 21(3)(b), 23(3) or any other power to arrest a person, or to issue a warrant for the arrest of a person, otherwise than for a qualifying offence.

(3) A judge advocate may issue a warrant for the acquitted person's arrest on the application of a service policeman.

(4) The judge advocate may issue the warrant only if satisfied by written information that new evidence has been obtained which would be relevant to an application under article 8(1) in respect of the acquitted person's alleged commission of the qualifying offence.

(5) Where a warrant has been issued under this article, a service policeman may arrest the acquitted person.

(6) The power of arrest conferred on a service policeman by paragraph (5) may be exercised—

- (a) personally;
- (b) by giving orders for the arrest of the acquitted person; or
- (c) where that person is subject to service law, by ordering him into arrest.

(7) The following provisions apply in relation to an arrest under paragraph (5) as they apply in relation to an arrest under section 67 of the 2006 Act⁽¹⁾—

- (a) section 70 of that Act (search on arrest);
- (b) section 90 of that Act (entry for purpose of arrest);
- (c) sections 98 to 102 and 104(2) of that Act (custody without charge);
- (d) regulations for the time being in force under section 104(1)(a) or (b) of that Act or (in so far as the regulations relate to compliance with any requirement of sections 98 to 102 or of regulations under paragraph 104(1)(b) of that Act) under section 104(1)(c) of that Act.

Commencement Information

II Art. 6 in force at 1.8.2013, see [art. 1](#)

⁽¹⁾ Section 67 was amended by paragraph 2 of Schedule 3 to the Armed Forces Act 2011 (c. 18).

Changes to legislation: There are currently no known outstanding effects for the The Armed Forces (Retrial for Serious Offences) Order 2013, Section 6. (See end of Document for details)

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