

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2011.
Cross Heading: Activation of suspended sentence of service detention. (See end of Document for details)

SCHEDULES

SCHEDULE 3

MINOR AMENDMENTS OF SERVICE LEGISLATION

Activation of suspended sentence of service detention

- 14 In each of sections 190(1)(a), 191(2)(b) and 193(2)(b) of AFA 2006 (circumstances where suspended sentence may be activated), for “an offence in the British Islands” substitute “ an offence under the law of any part of the British Islands ”.

Commencement Information

- II** Sch. 3 para. 14 in force at 2.4.2012 by S.I. 2012/669, art. 4(d)

- 15 (1) Section 194 of AFA 2006 (limits on commanding officer's powers to activate suspended sentence) is amended as follows.
- (2) In subsection (4) for “before the relevant time” substitute “ within the relevant time (defined by section 194A) ”.
- (3) Omit subsection (6).

Commencement Information

- I2** Sch. 3 para. 15 in force at 2.4.2012 by S.I. 2012/669, art. 4(d)

- 16 After section 194 of AFA 2006 insert—

“194A Extended powers of activation: time for obtaining

- (1) In section 194(4) “within the relevant time” means—
- (a) where section 193(2)(a) applies, before the start of the summary hearing of the charge mentioned there (but this is subject to subsections (2) and (3));
- (b) where section 193(2)(b) applies, before the start of the hearing as to whether an order under section 193 should be made.
- (2) Subsection (3) applies where the summary hearing of the charge mentioned in section 193(2)(a) is one where, after the start of the 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—

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- (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 section 194(4) as made within the relevant time.”

Commencement Information

I3 Sch. 3 para. 16 in force at 2.4.2012 by S.I. 2012/669, art. 4(d)

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