
DRAFT STATUTORY INSTRUMENTS

2008 No.

**The Armed Forces (Alignment of Service
Discipline Acts) (No. 2) Order 2008**

Prosecuting authority for the Army

2. For section 83A of the Army Act 1955(1) (the prosecuting authority) substitute—

“83A The prosecuting authority

(1) Her Majesty may appoint a person as the prosecuting authority for the Army; and in this Act “the prosecuting authority” means the person so appointed.

(2) A person may be appointed as the prosecuting authority only if the person—

- (a) has a ten year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 (c. 41);
- (b) is an advocate or solicitor in Scotland of at least ten years’ standing;
- (c) is a member of the Bar of Northern Ireland, or a solicitor of the Court of Judicature of Northern Ireland, of at least ten years’ standing; or
- (d) has in a relevant territory rights and duties similar to those of a barrister or solicitor in England and Wales, has had those rights and duties for at least ten years, and is subject to punishment or disability for breach of professional rules.

(3) The prosecuting authority shall hold and vacate office in accordance with the terms of that authority’s appointment.

(4) In this section “relevant territory” means—

- (a) any of the Channel Islands;
- (b) the Isle of Man;
- (c) a country other than the United Kingdom that is a member of the Commonwealth;
or
- (d) a British overseas territory.”

(1) 1955 c. 18. Section 83A of the Army Act 1955 was inserted by the Armed Forces Act 1996 (c. 46), section 5 and Schedule 1, Part 2, paragraph 14