

Status: Point in time view as at 01/04/1997.

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1996, Cross Heading: Army Act 1955 (c. 18). (See end of Document for details)

SCHEDULES

SCHEDULE 1

PROCEDURE FOR DEALING WITH OFFENCES UNDER SERVICES ACTS.

Commencement Information

II Sch. 1 in force at 1.4.1997 (subject to savings) by [S.I. 1997/304](#), [art. 2](#) (with [art. 3](#))

PART IV

MINOR AND CONSEQUENTIAL AMENDMENTS

Army Act 1955 (c. 18)

- 66 The Army Act 1955 shall be amended as follows.
- 67 In section 134 (persons not to be tried under Act for offences already disposed of), in subsection (1)(b), for the words “been found guilty on the charge” there shall be substituted the words “ had a finding that the charge has been proved recorded against him ”.
- 68 Section 139 shall cease to have effect.
- 69 In section 143(1) (interpretation of Part II)—
- (a) the definition of “convening officer” shall cease to have effect; and
 - (b) in the definition of “prescribed”, for the words “Rules of Procedure” there shall be substituted the words “ rules under section 103 of this Act ”.
- 70 In section 198 (general provisions as to evidence), in subsection (9), after the words “that Act” there shall be inserted the words “ , or in any proceedings under the ^{M1}Naval Discipline Act 1957, by virtue of section 64C of that Act, ”.

Marginal Citations

M1 1957 c. 53.

- 71 In section 209(3) (modifications of Act in relation to trial of civilians by courts-martial)—
- (a) paragraph (d) shall cease to have effect;
 - (b) in paragraph (fa), the words “constituted under section 87 above” and “constituted under section 88 above” shall cease to have effect; and
 - (c) after paragraph (fa) there shall be inserted the following paragraph—
 - “(faa) references to the officers appointed members of a court-martial shall be construed as including references to

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persons who are members of a court-martial by virtue of paragraph (fa) above;”.

- 72 (1) Section 209(3B) (modifications of Act in its application to any area for which Standing Civilian Courts are established) shall be amended as follows.
- (2) After paragraph (a) there shall be inserted the following paragraph—
- “(aa) section 83 above shall have effect as if after subsection (1) there were inserted the following subsection—
- (1A) Regulations under this section may provide for sections 76 to 76C of this Act to have effect subject to such modifications as may be specified in relation to charges which may be tried by Standing Civilian Courts and which are brought against persons whom such courts may try.”;
- (3) For paragraph (b) there shall be substituted the following paragraph—
- “(b) section 103(1) above shall have effect as if the following paragraph were inserted after paragraph (b)— “
- (c) the hearing by courts-martial of appeals against findings and sentences of Standing Civilian Courts.”;
- (4) In paragraph (c)—
- (a) for “77, 79 and 80” there shall be substituted “ to 76C ”; and
- (b) for the words from “consequential” to “Procedure” there shall be substituted the words “ as may be specified by regulations under section 83 of this Act ”.
- 73 In section 211 (application of Act to reserve forces), in subsection (7), for the words “subsection (3) of section seventy-eight” there shall be substituted the words “ section 76C(2) ”.
- 74 In section 225(1) (general provisions as to interpretation of Act)—
- (a) in the definition of “appropriate superior authority” for the words from “has” to “and” there shall be substituted the words “ means a person who may act as an appropriate superior authority by virtue of ”;
- (b) after the definition of “corresponding rank” there shall be inserted the following definition—
- ““court administration officer” and “the court administration officer” have the meanings assigned to them by section 84A of this Act;”;
- (c) after the definition of “Her Majesty’s air forces”, “Her Majesty’s military forces” and “Her Majesty’s naval forces” there shall be inserted the following definition—
- ““the judge advocate” has the meaning assigned to it by section 84B(1) of this Act;”;
- (d) after the definition of “property” there shall be inserted the following definition—
- ““the prosecuting authority” has the meaning assigned to it by section 83A(1) of this Act;”;
- (e) the definition of “Rules of Procedure” shall cease to have effect.

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- 75 In Schedule 5A (powers of court on trial of civilian), in paragraphs 13(2)(a) and 14(6)(a), for the words “Rules of Procedure” there shall be substituted the word “rules”.

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