

*These notes refer to the Armed Forces Act 2001
(c.19) which received Royal Assent on 11 May 2001*

ARMED FORCES ACT 2001

EXPLANATORY NOTES

THE ACT - COMMENTARY ON SECTIONS

Part 3 – Trial and Punishment of Offences

Section 30: Conditional release from custody

102. In the civilian system, a person who is appealing against conviction or sentence may apply to be released on bail pending the outcome of the appeal. There was no equivalent provision within the Service discipline system. Section 30 enables the Secretary of State by order to make such provision in relation to Service appeals.
103. An order under section 30 may apply to persons who are appealing from a conviction by a court-martial, a summary appeal court, a Standing Civilian Court or against a decision of the Courts-Martial Appeal Court. The section lists a number of matters which may be dealt with by order, for example, how and to whom an application for release may be made and the criteria to be applied when considering an application. It also provides for a power to make orders in relation to the arrest of those who fail to comply with conditions imposed on their release and the offences thus committed. Orders under this section will be made by affirmative procedure if they amend any Act and otherwise by negative resolution procedure (section 35).