



Armed Forces Act 2001

2001 CHAPTER 19

PART 3

TRIAL AND PUNISHMENT OF OFFENCES

30 Conditional release from custody

- ^{F1}(1) The Secretary of State may by order make provision enabling a person who has been sentenced by [^{F1}the Court Martial, the Summary Appeal Court or the Service Civilian Court] (in this section referred to as “the convicted person”) to be released from custody subject to conditions pending a relevant determination.
- (2) In subsection (1), “relevant determination” means—
- ^{F2}(a) in the case of a person sentenced by [^{F2}the Court Martial, the determination of an appeal to the Court Martial Appeal Court,]
 - ^{F3}(b) in the case of a person sentenced by [^{F3}the Summary Appeal Court, the determination of an appeal to the High Court under section 149(2) of the Armed Forces Act 2006] or of any appeal from the High Court to the [^{F4}Supreme Court] under section 1 of the Administration of Justice Act 1960 (c. 65), and
 - ^{F5}(c) in the case of a person sentenced by [^{F5}the Service Civilian Court, the determination of an appeal to the Court Martial or of an appeal from the Court Martial to the Court Martial Appeal Court.]
- (3) An order under this section may, in particular, make provision—
- (a) as to the court to which or person to whom any application for release from custody is to be made,
 - (b) as to the manner in which any such application is to be made,
 - (c) as to the criteria to be applied when making a decision under the order,
 - (d) as to the conditions that may be imposed,
 - (e) as to the enforcement of the attendance or return to custody of the convicted person,
 - (f) as to appeals against decisions taken under the order, and

Changes to legislation: Armed Forces Act 2001, Section 30 is up to date with all changes known to be in force on or before 14 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (g) for the time during which the convicted person is released from custody to be disregarded in computing the term of any sentence to which he is for the time being subject.

(4) An order under this section may—

- (a) make provision equivalent to that made by any provision of the Bail Act 1976 (c. 63), the Magistrates' Courts Act 1980 (c. 43) or the [^{F6}Senior Courts Act 1981] (c. 54) relating to bail in criminal proceedings, subject to such modifications as may be specified in the order,
- (b) make different provision in relation to different courts,
- (c) confer powers of arrest,
- [^{F7}(d) create service offences punishable by any of the punishments mentioned in the Table in section 164 of the Armed Forces Act 2006,]
- ^{F8}(e) make such amendments of the [^{F8}Court Martial Appeals Act 1968 or the Armed Forces Act 2006] as appear to the Secretary of State to be necessary or appropriate in consequence of the order.

[^{F9}(5A) Where an order under this section creates an offence punishable with imprisonment, the maximum term it may authorise is two years.]

(7) In section 42 of the Courts-Martial (Appeals) Act 1968 (bail) there are omitted—

- (a) in subsection (1), the words “to whom this section applies”, and
- (b) subsection (2).

Textual Amendments

- F1** Words in s. 30(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 195\(2\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- F2** Words in s. 30(2)(a) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 195\(3\)\(a\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- F3** Words in s. 30(2)(b) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 195\(3\)\(b\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- F4** Words in s. 30(2)(b) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 9 para. 76](#); S.I. 2009/1604, art. 2(d)
- F5** Words in s. 30(2)(c) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 195\(3\)\(c\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- F6** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, art. 2(d)
- F7** S. 30(4)(d) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 195\(4\)\(a\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- F8** Words in s. 30(4)(e) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 195\(4\)\(b\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- F9** S. 30(5A) substituted for s. 30(5)(6) (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 195\(5\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4

Changes to legislation: Armed Forces Act 2001, Section 30 is up to date with all changes known to be in force on or before 14 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

II S. 30 in force at 25.8.2006 by [S.I. 2006/2309](#), [art. 2](#)

Changes to legislation:

Armed Forces Act 2001, Section 30 is up to date with all changes known to be in force on or before 14 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 30(6)(a) words substituted by [2003 c. 44 Sch. 32 para. 140](#)