

*These notes refer to the Armed Forces Act 2006 (c.52)
which received Royal Assent on 8 November 2006*

ARMED FORCES ACT 2006

EXPLANATORY NOTES

COMMENTARY

First Group of Parts – Discipline

Part 5 – Investigation, Charging and Mode of Trial

Chapter 2 – Charging and Mode of Trial

Powers of charging etc

Section 121: Power of DSP to direct bringing of charge etc

264. This section gives powers to the DSP where he has had a case referred to him by a service policeman (under section 116) or by a CO (under section 120). The powers are:

- to direct a CO to bring specified charges
- where he gives such a direction, to allocate the case for trial by the SCC if that court has jurisdiction
- where he decides it would not be appropriate to give such a direction, to refer the case to the CO (in which event, under section 119 the CO has initial powers in relation to the case)
- to give a direction (under section 127) barring further proceedings for an offence to which the case relates.