

SCHEDULES

SCHEDULE 16

MINOR AND CONSEQUENTIAL AMENDMENTS

Criminal Procedure and Investigations Act 1996 (c. 25)

137 For section 78 of the Criminal Procedure and Investigations Act 1996 substitute—

“78 Application to armed forces

- (1) Subject to subsection (2), nothing in this Act applies in relation to—
 - (a) proceedings before a court (other than a civilian court) in respect of a service offence; or
 - (b) any investigation conducted with a view to its being ascertained whether a person should be charged with a service offence or whether a person charged with such an offence is guilty of it.
- (2) The Secretary of State may by order—
 - (a) make as regards any proceedings mentioned in subsection (1)(a) provision equivalent to the provisions contained in or made under Part 1, subject to such modifications as he considers appropriate;
 - (b) make as regards any investigation mentioned in subsection (1)(b) provision equivalent to the provisions contained in or made under Part 2, subject to such modifications as he considers appropriate.
- (3) An order under this section may make provision in such way as the Secretary of State considers appropriate, and may in particular apply any of the provisions concerned, with or without modifications.
- (4) In this section—
 - (a) “civilian court” and “service offence” have the same meanings as in the Armed Forces Act 2006;
 - (b) references to charges are to charges brought under Part 5 of that Act.”