



Armed Forces Act 2016

2016 CHAPTER 21

Investigation and charging

5 Power of Director of Service Prosecutions to charge etc

- (1) In section 121 of AFA 2006 (power of the Director of Service Prosecutions to direct bringing of charges etc)—
- (a) in subsection (1), for “subsections (2) to (5)” substitute “ subsections (1A) to (5) ”,
 - (b) after subsection (1) insert—

“(1A) The Director may bring a charge or charges against the person concerned in respect of the case.

(1B) If—

 - (a) the Director brings a charge under subsection (1A), and
 - (b) the Service Civilian Court has jurisdiction to try the charge,

the Director may allocate the charge for trial by that court.”,
 - (c) in subsection (4), after “appropriate” insert “ to bring a charge under subsection (1A) or ”,
 - (d) in subsection (5), after “could” insert “ bring a charge under subsection (1A) or ”, and
 - (e) in the heading, after “to” insert “ charge or ”.
- (2) In section 122 of AFA 2006 (charges brought at the direction of the Director of Service Prosecutions)—
- (a) in subsection (2), for “brought as a result of such a direction” substitute “ brought by the Director of Service Prosecutions (“the Director”) under section 121(1A) or by an officer as a result of a direction under section 121(2) ”,
 - (b) in subsection (2)(a), for “the Director of Service Prosecutions allocated it (under section 121(3))” substitute “ the Director allocated it (under section 121(1B) or (3)) ”, and
 - (c) in the heading, after “brought” insert “ by or ”.

Changes to legislation: There are currently no known outstanding effects
for the Armed Forces Act 2016, Section 5. (See end of Document for details)

(3) In the Youth Justice and Criminal Evidence Act 1999—

- (a) in section 45A(15)(b) (reporting restrictions: when proceedings in a service court commence), for “section 122” substitute “ section 121(1A) or 122 ”, and
- (b) in paragraph 6(6)(a) of Schedule 7 (reporting restrictions: transitional provision), for “section 122” substitute “ section 121(1A) or 122 ”.

Commencement Information

- I1** [S. 5](#) in force at 22.5.2019 for specified purposes by [S.I. 2019/961](#), [reg. 2\(1\)\(a\)](#) (with [reg. 3](#))
- I2** [S. 5](#) in force at 1.7.2019 in so far as not already in force by [S.I. 2019/961](#), [reg. 2\(1\)\(b\)](#) (with [reg. 3](#))

Changes to legislation:

There are currently no known outstanding effects for the Armed Forces Act 2016, Section 5.