
STATUTORY INSTRUMENTS

2009 No. 1059

The Armed Forces Act 2006
(Transitional Provisions etc) Order 2009

PART 9

INVESTIGATION, CHARGING AND MODE OF TRIAL

Deemed referrals under AFA 2006 s. 116(3)

50.—(1) This article applies where—

- (a) before commencement a service policeman reported to the commanding officer of a person—
 - (i) that there was sufficient evidence to charge the person with an offence (“the relevant offence”), but not sufficient evidence to charge the person with an offence mentioned in article 42(2); and
 - (ii) that the service policeman was not aware of any circumstances of a description prescribed for the purposes of section 116(2)(b) of AFA 2006; and
- (b) since that report, no service policeman has reported to the person's commanding officer that there is sufficient evidence to charge the person with an offence mentioned in article 42(2) or that the service policeman is aware of such circumstances.

(2) Where this article applies, the case relating to the relevant offence is to be regarded for the purposes of section 119(4) of AFA 2006 and article 49(1)(b) as having been referred to the commanding officer by a service policeman under section 116(3) of AFA 2006.

(3) References in this article to there being sufficient evidence to charge a person with an offence have the meaning given by section 116(5) of AFA 2006.

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009, Section 50.