



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.