
STATUTORY INSTRUMENTS

2009 No. 1059

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

PART 9

INVESTIGATION, CHARGING AND MODE OF TRIAL

Part of a case referred back under SDAs: power of CO to charge etc

51.—(1) This article applies where—

- (a) part of a case has been referred back to a person's commanding officer under section 83BB(2A) of AA 1955 or AFA 1955 or section 52II(2A) of NDA 1957; and
- (b) immediately after commencement, no charge relating to that part of the case is regarded for the purposes of Part 5 of AFA 2006 as allocated for Court Martial trial, Service Civilian Court trial or summary hearing.

(2) The part of the case is to be treated for the purposes of section 119(5) of AFA 2006 (by virtue of which a CO has power to bring a charge, etc, in respect of a case referred to him by the DSP) as a case referred to the commanding officer under section 121(4) of that Act.

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009, Section 51.