
STATUTORY INSTRUMENTS

2009 No. 1059

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

PART 10

SUMMARY DEALING

CHAPTER 5

Review of summary findings and punishments

Powers on a review carried out or completed under AFA 2006

72.—(1) This article applies where a review is carried out, or completed, under section 152 of AFA 2006 in respect of—

- (a) a finding under AA 1955, AFA 1955 or NDA 1957;
- (b) a punishment awarded in respect of such a finding; or
- (c) an order under section 91B(1) of NDA 1957 (including such an order made after commencement by virtue of article 55 or 62).

(2) Section 152(3) of AFA 2006 has effect as if for paragraph (b) there were substituted—

- “(b) the person to whom the review relates has not brought an appeal to a summary appeal court under section 83ZE of AA 1955 or AFA 1955 or section 52FK of NDA 1957 or an appeal to the Summary Appeal Court under section 141, and the period provided by section 141(2) has ended.”

(3) Section 152(5) of AFA 2006 has effect as if for paragraph (b) there were substituted—

- “(b) the person to whom the review relates has brought an appeal to a summary appeal court under section 83ZE of AA 1955 or AFA 1955 or section 52FK of NDA 1957 or an appeal to the Summary Appeal Court under section 141.”

(4) Where this article applies and an appeal was brought to a summary appeal court, section 152(6) of AFA 2006 has effect as if for paragraph (a) there were substituted—

- “(a) the appeal is in the course of being heard, or is to be heard, by the Summary Appeal Court, and”.

(5) Where this article applies and an appeal was brought to a summary appeal court, section 152(7) of AFA 2006 has effect—

- (a) as if in paragraph (a) the reference to the Summary Appeal Court included a reference to a summary appeal court; and
- (b) in a case where the hearing of the appeal was completed by a summary appeal court, as if both references to “the court” in paragraph (b), and the second reference to “the court” in the words after that paragraph, were to the summary appeal court.

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009, Section 72.