

## **What to Do When Served With a British Summons**

- a) DON'T PANIC! You're not the first person to receive a summons.
- b) Do listen attentively as the British police constable explains what to do with the copies of your summons.
- c) Do consider pleading guilty if you have actually committed a minor offense and are not required to appear in court in person. The easiest way to handle your case is plead guilty by mail. This allows the court to hear the case in your absence and mail a notice of any fine levied against you.
- d) Do wear a civilian coat and tie (or equivalent for women) and take your 3 AF driver's license if you appear in a local court.
- e) Do complete the "mitigating circumstances" section of the paperwork required before trial. List any allotments you are currently paying (child support, mortgages, schooling, or any other debts). Be truthful about all debts. Only list what you are actually paying. This information will be used in determining your sentence, and can only work to your advantage.
- f) Do pay on time the fine imposed on you by the court. Courts are not reluctant to issue a warrant for your arrest if you don't pay, and it may be a violation of the UCMJ if you do not pay. Don't compound your problems by failing to pay.
- g) Do bring all receipts showing complete payment of fines to the Legal Office, so we can remove you from international hold status. The British courts do not automatically notify us that you have paid.

## **International Hold**

International hold is an administrative process which insures that members show up for trial in British Courts. A member is placed on hold as soon as the base legal office receives notice that he or she is charged with committing a serious offense. The Legal office is required to do this under the NATO Status of Forces Agreement with Great Britain.

A service member is not released from international hold until confirmation that all criminal procedure are complete. You cannot go TDY, on leave, or PCS outside the U.K. until you are off international hold and have paid all fines in full.

## **DUI Offenses – What to Expect**

- a) Your presence for trial is mandatory, and you must have your 3AF driver's license with you.
- b) Your court sentence will likely include a fine and a suspension of your driver license (usually between 12- 18 months).
- c) Your on base driving privileges will usually be suspended while you await trial. The suspension of the 3AF driver's license will suspend you from driving in the U.K., because military authorities control your driving privileges overseas. Driving is a privilege, not a right, and can be withdrawn by the installation commander for just cause (including failing a British breathalyzer test).

## **Jurisdiction over Offenders**

All U.S. citizens living in England must respect the laws of the U.K. and cooperate with local law enforcement officials. U.S. military personnel are subject to the U.K. and U.S. laws, in addition to the Uniform Code of Military Justice (UCMJ). British courts are fair; but fines and court costs can be expensive.

## **British or Military Court?**

The U.S. has exclusive jurisdiction when a service member commits an act which violates only the UCMJ (AWOL, failure to go, etc.).

The U.K. has exclusive jurisdiction over offenses that violate only British Law. If an act violates both British and U.S. laws, (robbery, larceny, murder, rape, etc.), both countries have jurisdiction to try the case. In general, the U.K. has the primary right to exercise jurisdiction. The U.S. gains the right to exercise jurisdiction over cases arising from official duty or cases involving other U.S. personnel, but not a British citizen or property. The British courts can grant jurisdiction to the U.S., however the U.K. has sole jurisdiction over civilians.

## **Services of Air Force and British Lawyers**

Air Force Judge Advocates cannot represent servicemembers in local courts. JAGs do give legal advice and refer clients to local solicitors (lawyers). A list of British solicitors is available at the Legal Office. Many British solicitors will give a basic consultation for a small fee, if the consultation doesn't last more than thirty minutes and doesn't include telephone calls or writing letters on your behalf. For criminal cases, you should apply to Magistrates Court for Legal Aid. Generally, Legal Aid is granted if it is in the interest of justice for an accused to have a solicitor (a serious charge, possible prison sentence, or if the case involves complicated issues of law) and they meet the financial test. In most cases military members fail the financial test as they earn more than the qualifying amount. A contribution may have to be paid based on the accused's income and assets.

## U.S. Trial Observers

When a service member or accompanying civilian is tried by a British court for serious offenses that may result in imprisonment, a military lawyer attends the proceedings as an impartial observer and reports on the fairness and results of the trial.

## Civilian Confinement

A service member may be sentenced to prison as a result of a civilian court conviction. When sentenced to prison, the member is classified as being “in confinement” and all his or her military pay is stopped. The member’s unit will send a representative to visit the prisoner each month. Periodic visits may also be made by the Legal Office, the Chapel or the Hospital.

If you have any questions, please contact the legal office at 238-2028.

This handout is for basic information on topic covered as it relates to military personnel stationed in the United Kingdom. It is not intended to take the place of legal advice from a Judge Advocate. There may be important exceptions in some states to the information presented here. Please contact the Legal Office for questions and further information. You may view more information on various legal topics at the Air Force Legal Assistance website found at <https://aflegalassistance.law.af.mil>. Additionally, complete legal worksheets for Wills, Living Wills, Powers of Attorney (General, Special, and for Health Care), and access to the Online Survey are found on the Air Force Legal Assistance website.

Scan Below to Access the:

RAF Mildenhall Legal Office Website  
[www.mildenhall.af.mil/Info/Legal-Office](http://www.mildenhall.af.mil/Info/Legal-Office)



Legal Assistance Website  
<https://aflegalassistance.law.af.mil>



## Legal Assistance Information Series **BRITISH SUMMONS**



**Hours of Operation** (Walk-ins)  
Notary Public & Powers of Attorney  
Monday – Friday: 800-1630 hrs

**Legal Assistance**  
By Appointment Only

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