



# Armed Forces Act 1981

## 1981 CHAPTER 55

An Act to continue the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957; to amend those Acts and other enactments relating to the armed forces; to confer new powers for the temporary detention abroad of servicemen or civilians subject to those Acts suffering from mental disorder or the children of service and certain civilian families in need of care or control; to complete the assimilation for statutory purposes of the women's services with the rest of the armed forces; to amend the Patents Act 1977 in relation to inventions by members of the armed forces; to abolish the office of Accountant General of the Navy; to make further provision in relation to the naval prize cash balance; and for connected purposes. [28th July 1981]

### Modifications etc. (not altering text)

- C1 Act: power to amend conferred (4.6.2007) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 381, 383(2); S.I. 2007/1442, art. 2(2)

### Commencement Information

- II Act partly in force 28.07.1981 see [s. 29](#). Act wholly in force 28.07.1982.

## PART I

### CONTINUANCE OF SERVICES ACTS

1 ..... F1

### Textual Amendments

- F1 S. 1 repealed by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), s. 16(2), [Sch. 2](#)

*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1981. (See end of Document for details)*

**PART II**

**TRIAL AND PUNISHMENT OF OFFENCES**

**F22 Young service offenders: custodial orders.**

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**Textual Amendments**

**F2** Ss. 2-8 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

**F23 Power to stay further proceedings under one of the Services Acts with a view to other proceedings.**

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**Textual Amendments**

**F2** Ss. 2-8 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

**F24 Marines: forfeiture of service where desertion confessed.**

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**Textual Amendments**

**F2** Ss. 2-8 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

**F25 Power on review or confirmation to annul the taking into consideration of other offences.**

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**Textual Amendments**

**F2** Ss. 2-8 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

**F26 Trial of persons ceasing to be subject to service law and time limits for trials.**

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*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1981. (See end of Document for details)*

**Textual Amendments**

**F2** Ss. 2-8 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

**F27** **Extent of accused’s right to copy of record of court-martial proceedings.**

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**Textual Amendments**

**F2** Ss. 2-8 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

**F28** **Right of penalised parent or guardian to copy of record of court-martial proceedings.**

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**Textual Amendments**

**F2** Ss. 2-8 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

**9** ..... **F3**

**Textual Amendments**

**F3** S. 9 repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119, [Sch. 7 Pt. III](#)

**F410** **Amendments relating to trial and punishment of civilians under the Services Acts.**

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**Textual Amendments**

**F4** S. 10 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1981. (See end of Document for details)*

**F5 11 Minor amendments and repeals relating to procedure and evidence.**

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**Textual Amendments**

**F5** S. 11 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

**12 Increase in fine for certain minor offences under the Reserve Forces Act 1980 <sup>M1</sup>.**

In section 143(1) of the Reserve Forces Act 1980 (fine not exceeding £5 for member of Ulster Defence Regiment for failure to attend or comply with orders, etc.) for “£5” there shall be substituted “£50”.

**Modifications etc. (not altering text)**

**C2** The text of ss. 2, 3, 4(2), 5, 6(1)(2)(3)(c)(4)(5)(6), 7, 8, 10–12, 15, 16, 18, 19, 20(3), 21–23, 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M1** [1980 c. 9](#).

**PART III**

MISCELLANEOUS

*New powers in relation to persons under incapacity*

**F6 13 Temporary removal to and detention for treatment in service hospitals abroad of servicemen and others suffering from mental disorder.**

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**Textual Amendments**

**F6** S. 13 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

**F7 14** .....

*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1981. (See end of Document for details)*

**Textual Amendments**

- F7** S. 14 repealed and superseded (1.6.1996) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\)](#), ss. 19(7), 26(2), [Sch. 3](#); [S.I. 1996/1173](#), [art. 2](#), SCh.(with art. 3)

*Amendments of the Naval Discipline Act 1957 as to offences and punishments*

**<sup>F8</sup>15 Prize offence : minor amendment as to intent.**

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**Textual Amendments**

- F8** Ss. 15-19 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

**<sup>F8</sup>16 Power on summary trial to award stoppages.**

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**Textual Amendments**

- F8** Ss. 15-19 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

**<sup>F8</sup>17 Abolition of death penalty for spying in ships, etc. abroad.**

.....

**Textual Amendments**

- F8** Ss. 15-19 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

*Amendments of the Services Acts relating to evidence and proceedings thereunder*

**<sup>F8</sup>18**

.....

**Textual Amendments**

- F8** Ss. 15-19 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1981. (See end of Document for details)*

**<sup>F8</sup>19 Officers who can take affidavits and declarations abroad.**

.....

**Textual Amendments**

- F8** Ss. 15-19 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

**20 Women’s services: statutory assimilation and application thereto of certain enactments.**

- (1) Parts I and II of Schedule 3 to this Act shall have effect for the purpose of completing the assimilation for all purposes of the statute law of the women’s services administered by the Defence Council with the military, naval and air forces of the Crown in or with which their members serve.
- (2) Part III of that Schedule shall have effect for the purpose of applying to the members of Queen Alexandra’s Royal Naval Nursing Service <sup>F9</sup>. . . provisions of the <sup>M2</sup>Armed Forces Act 1966 applicable to ratings in the Royal Navy relating to discharge from service and to false statements made on entry into service.
- (3) The Reserve Forces Act 1980 <sup>M3</sup> shall have effect, and be deemed always to have had effect, with the substitution, in section 156(3) (application of the Act to women as to men), for the words “so far as it relates to the military and air forces” of the words “except so much of it as relates to the Royal Fleet Reserve and Royal Marines Reserve”.

**Textual Amendments**

- F9** Words in s. 20(2) repealed (1.10.1996) by [1996 c. 46](#), s. 35(2), [Sch. 7 Pt. III](#); S.I. 1996/2474, art. 2, [Sch.](#)

**Modifications etc. (not altering text)**

- C3** The text of ss. 2, 3, 4(2), 5, 6(1)(2)(3)(c)(4)(5)(6), 7, 8, 10–12, 15, 16, 18, 19, 20(3), 21–23, 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

- M2** [1966 c. 45](#).  
**M3** [1980 c. 9](#).

**<sup>F10</sup>21 Clarification of the meaning in the Naval Discipline Act 1957 of “marine forces” and “naval reserve forces”.**

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*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1981. (See end of Document for details)*

**Textual Amendments**

**F10** S. 21 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

**22 Members of the armed forces are “employees” for the purposes of the Patents Act 1977.**

- (1) The Patents Act 1977 <sup>M4</sup> shall have effect, and be deemed always to have had effect, with the following amendments (being amendments to secure that members of the armed forces are “employees” for the purposes of that Act).
- (2) In section 42(4), at the end of the definition of “Crown employee”, there shall be added the words “or a person serving in the naval, military or air forces of the Crown.”.
- (3) In section 130(1), at the end of the definition of “employee, there shall be added the words “or a person who serves (or served) in the naval, military or air forces of the Crown”.

**Modifications etc. (not altering text)**

**C4** The text of ss. 2, 3, 4(2), 5, 6(1)(2)(3)(c)(4)(5)(6), 7, 8, 10–12, 15, 16, 18, 19, 20(3), 21–23, 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M4** 1977 c. 37.

**<sup>F11</sup>23 Inquiries : persons affected who must be given a opportunity to be present and represented.**

**Textual Amendments**

**F11** S. 23 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

**24 Abolition of the office of Accountant General of the Navy.**

<sup>F12</sup>(1) .....

- (2) Accordingly the enactments specified in this subsection which refer to that office shall be amended as follows—
  - (a) in sections 6 and 8 of the Naval Agency and Disribution Act 1864 <sup>M5</sup> (registration of certain instruments in the Accountant General’s Office) for the words “in the office of the Accountant General of the Navy” there shall be substituted the words “with the Secretary of State” ; and

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- (b) in section 47 of the Greenwich Hospital Act 1865<sup>M6</sup> (Accountant General to prepare for audit the accounts of the hospital's property) for the words "The Accountant general of the Navy" there shall be substituted the words "The Secretary of State".

**Textual Amendments**

**F12** S. 24(1) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 5** Group 1

**Modifications etc. (not altering text)**

**C5** The text of ss. 2, 3, 4(2), 5, 6(1)(2)(3)(c)(4)(5)(6), 7, 8, 10–12, 15, 16, 18, 19, 20(3), 21–23, 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M5** 1864 c. 24.

**M6** 1865 c. 89.

**F13 25 Naval prize cash balance not to include percentage deduction.**

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**Textual Amendments**

**F13** S. 25 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

**26 Payment of military pensions.**

The<sup>M7</sup> Army Pensions Act 1914 (which requires pensions in respect of military service, whether payable under statute or the prerogative, to be paid in advance) shall cease to have effect except in relation to pensions which have been granted before the passing of this Act and which are, at the date of its passing, paid in advance in accordance with that Act.

**Marginal Citations**

**M7** 1914 c. 83.

**F14 27 Naval and marine pay and pensions: no further publication in London Gazette.**

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**Textual Amendments**

**F14** S. 27 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4



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*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1981. (See end of Document for details)*

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## PART IV

### GENERAL

#### 28 Minor and consequential amendments and repeals.

- (1) The enactments specified in Schedule 4 to this Act shall be amended in accordance with the provisions of that Schedule.
- (2) The enactments specified in Schedule 5 to this Act (which include some spent enactments) are hereby repealed to the extent specified in the third column of that Schedule subject, in the case of the repeals included in Part I, to the saving at the end of that Part.

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**Modifications etc. (not altering text)**

- C6** The text of ss. 2, 3, 4(2), 5, 6(1)(2)(3)(c)(4)(5)(6), 7, 8, 10–12, 15, 16, 18, 19, 20(3), 21–23, 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### 29 Commencement.

- (1) Subject to subsections (4) and (5) below, this Act shall come into force on such date as the Secretary of State may appoint by order made by statutory instrument.
- (2) Different dates may be so appointed for different provisions or for different purposes.
- (3) A provision brought into force by an order under subsection (1) above shall have effect subject to such supplementary provisions (which may include saving and transitional provisions) as may be specified in the order.
- (4) The following provisions of this Act shall come into force on the day it is passed, namely, sections 1, 7, 15, 16, 17, 19, 20, 21, 22, 25, 26, 27, 28(2), this section, section 30 and Schedule 3.
- (5) The repeals contained in Schedule 5 to this Act shall come into force in accordance with the provisions at the end of that Schedule.

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**Modifications etc. (not altering text)**

- C7** Power of appointment conferred by s. 29(1) fully exercised: [S.I. 1981/1503](#) and 1982/497

#### 30 Short title.

This Act may be cited as the Armed Forces Act 1981.

*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1981. (See end of Document for details)*

## SCHEDULES

### <sup>F15</sup>SCHEDULE 1

Section 10.

#### AMENDMENTS RELATING TO TRIAL OF CIVILIANS, ETC.

**Textual Amendments**

**F15** Sch. 1 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

*F15* ...

- F15** .....
- F15** .....
- F15** .....
- F15** .....

### <sup>F16</sup>SCHEDULE 2

Section 11.

#### MINOR AMENDMENTS AND REPEALS RELATING TO PROCEDURE AND EVIDENCE

**Textual Amendments**

**F16** Sch. 2 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

*F16* ...

- F16** .....
- F16** .....
- F16** .....

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*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1981. (See end of Document for details)*

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F16 .....

F16 .....

F16 .....

F16 .....

F16 .....

F16F17 .....

**Textual Amendments**

**F17** Sch. 2 para. 9 repealed (6.12.2006) by [Youth Justice and Criminal Evidence Act 1999 \(c. 23\)](#), s. 68(3)(4), [Sch. 6](#) (with [Sch. 7](#)); S.I. 2006/2885, art. 2(b)

SCHEDULE 3

WOMEN’S SERVICES

**PART I**

STATUTORY ASSIMILATION

*Existing enactments*

- 1 (1) Every enactment which refers to the armed forces or the naval, military or air forces of the Crown shall have effect as if the reference included a reference to the women’s services of those forces administered by the Defence Council and any enactment containing the words “men”, “soldiers”, “seamen”, “airmen” or other word importing a reference to persons of the male sex only as, or as having been, or as capable of being, members of the naval, military or air forces of the Crown shall have effect as if for such word there had been substituted therein words having a like meaning in other respects but importing a reference to persons of either sex.
- (2) Sub-paragraph (1) above applies for the interpretation of references to the reserve or auxiliary forces as it applies for the interpretation of references to the regular forces of the Crown.
- (3) Sub-paragraph (1) above does not apply in a case where, or to the extent to which, the enactment refers to the Royal Navy.

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*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1981. (See end of Document for details)*

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- (4) Sub-paragraph (1) above does not apply in a case where, or to the extent to which, the enactment refers to the naval, military or air forces of the Crown raised outside the United Kingdom; but nothing in this sub-paragraph affects the meaning of “visiting force” in the <sup>M8</sup>Visiting Forces (British Commonwealth) Act 1933 or Part I of the <sup>M9</sup>Visiting Forces Act 1952.
- (5) This paragraph has effect in place of subsection (1) of section 3 of the <sup>M10</sup>Army and Air Force (Women’s Service) Act 1948 (which makes corresponding provision in relation to the military and air forces) and of so much of any other enactment as explains, in relation to the women’s services, particular statutory references to the armed forces of the Crown; but the power to make Orders in Council under subsection (2) of that section shall include power to make the like provision in consequence of the preceding provisions of this paragraph so far as those provisions relate to the naval forces of the Crown.

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**Marginal Citations**

- M8** 1933 c. 6.  
**M9** 1952 c. 67.  
**M10** 1948 c. 21.

*Future enactments*

F18<sub>2</sub> .....

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**Textual Amendments**

- F18** Sch. 3 para. 2 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

**PART II**

SPECIFIC

- 3 In section 2 of the Pensions Commutation Act 1871 <sup>M11</sup>, in the definition of “officer”, for the words “the Army and Navy” there shall be substituted the words “Her Majesty’s naval or land forces” and for the word “Navy” there shall be substituted the words “naval forces”.

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**Modifications etc. (not altering text)**

- C8** The text of Schs. 1, 2, 3 Pt. II (paras. 3–10), 4, 5 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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**Marginal Citations**

- M11** 1871 c. 36.

*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1981. (See end of Document for details)*

- 4 In section 2(b) of the Colonial Prisoners Removal Act 1884<sup>M12</sup>, for the words “the Royal Navy or to Her Majesty’s regular military forces” there shall be substituted the words “her Majesty’s regular military or naval forces”.

**Modifications etc. (not altering text)**

**C9** The text of Schs. 1, 2, 3 Pt. II (paras. 3–10), 4, 5 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M12** 1884 c. 31.

- 5 In the Uniforms Act 1894<sup>M13</sup>, the following section shall be substituted for section 4:—

“4 In this Act— “Her Majesty’s Military Forces” has the same meaning as in the Army Act 1955 ; “Her Majesty’s Naval Forces” has the same meaning as in the Naval Discipline Act 1957.”.

**Modifications etc. (not altering text)**

**C10** The text of Schs. 1, 2, 3 Pt. II (paras. 3–10), 4, 5 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M13** 1894 c. 45.

- 6 In section 4 of the Air Force (Constitution) Act 1917<sup>M14</sup>, for the words “His Majesty’s Navy or Army” there shall be substituted the words “the Royal Navy or His Majesty’s Army”.

**Modifications etc. (not altering text)**

**C11** The text of Schs. 1, 2, 3 Pt. II (paras. 3–10), 4, 5 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M14** 1917 c. 51.

- 7 In section 5(1) and in the definition of “British ship” in section 10 of the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939<sup>M15</sup>, for the words “His Majesty’s Navy” (in each place where those words occur) there shall be substituted the words “the Royal Navy”.

*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1981. (See end of Document for details)*

**Modifications etc. (not altering text)**

**C12** The text of Schs. 1, 2, 3 Pt. II (paras. 3–10), 4, 5 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M15** 1939 c. 83.

- 8 In section 68(2) of the Marriage Act 1949 <sup>M16</sup>, in paragraph (a), for the words following “is serving in” there shall be substituted the words “any of the regular armed forces of the Crown ; or” and in paragraph (b) for the word “mentioned” there shall be substituted the word “included”.

**Modifications etc. (not altering text)**

**C13** The text of Schs. 1, 2, 3 Pt. II (paras. 3–10), 4, 5 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M16** 1949 c. 76.

- F19g .....

**Textual Amendments**

**F19** Sch. 3 para. 9 repealed (N.I.) (1.1.2004) by [The Marriage \(Northern Ireland\) Order 2003 \(S.I. 2003/413\)](#), art. 1(2), [Sch.](#); [S.R. 2003/466](#), art. 2(b)

- 10 In section 21(5) of the Armed Forces Act 1976 <sup>M17</sup>, in the definition of “qualified officers”, for the word “Navy” (in each place where it occurs) there shall be substituted the words “Royal Navy”.

**Modifications etc. (not altering text)**

**C14** The text of Schs. 1, 2, 3 Pt. II (paras. 3–10), 4, 5 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M17** 1976 c. 52.

*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1981. (See end of Document for details)*

### PART III

#### APPLICATION TO QARNNS AND WRNS OF PROVISIONS OF 1966 ACT AS TO DISCHARGE, ETC.

##### *Preliminary*

- 11 (1) The provisions of the <sup>M18</sup>Armed Forces Act 1966 specified in paragraphs 12, 13 and 14 below shall apply to members of and persons offering themselves for service in Queen Alexandra’s Royal Naval Nursing Service <sup>F20</sup>. . . in accordance with the provisions of those paragraphs.
- (2) In those paragraphs “rating”, in relation to Queen Alexandra’s Royal Naval Nursing Service <sup>F20</sup>. . ., means a member of that Service of or below the rate of warrant officer.

##### **Textual Amendments**

**F20** Words in Sch. 3 para. 11(1) and (2) repealed (1.10.1996) by 1996 c. 46, s. 35(2), Sch. 7 Pt. III; S.I. 1996/2474, art. 2, Sch.

##### **Marginal Citations**

**M18** 1966 c. 45.

##### *Postponement of discharge in event of war, etc.*

- [<sup>F21</sup>12 Section 4 (postponement of discharge or transfer to the reserve) shall have effect in relation to ratings of Queen Alexandra’s Royal Naval Nursing Service as if it provided–

##### **“Postponement of discharge–QARNNS.**

- 4 (1) This section applies to a rating if, on the relevant date, a call-out order under section 52, 54 or 56 of the Reserve Forces Act 1996 is in force authorising the call out for permanent service of members of the Royal Fleet Reserve.

For the purposes of this section, “the relevant date”, in relation to a rating, means the date on which he would, apart from this section, be entitled to be discharged.

- (2) A rating to whom this section applies may be retained in service in Queen Alexandra’s Royal Naval Nursing Service after the relevant date in accordance with this section for such period as the competent authority may order, and his service may be prolonged accordingly.
- (3) A rating may not be retained in Queen Alexandra’s Royal Naval Nursing Service after the relevant date for longer than twelve months.
- (4) A rating who is so retained is (if not discharged sooner) entitled to be discharged at the end of those twelve months.
- (5) If, while a person is being retained in service in Queen Alexandra’s Royal Naval Nursing Service by virtue of this section, it appears to the competent

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*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1981. (See end of Document for details)*

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authority that his service can be dispensed with, he shall be entitled to be discharged.

(6) Where, at the time at which under subsections (1) to (5) above a person is entitled to be discharged, a state of war exists between Her Majesty and a foreign power—

- (a) he may, by declaration made before his commanding officer in a form prescribed by regulations of the Defence Council, agree to continue in service in Queen Alexandra's Royal Naval Nursing Service while such a state of war exists, and
- (b) if the competent authority approve, he may continue accordingly as if the period for which his term of service could be prolonged under subsections (1) to (5) above were a period continuing so long as a state of war exists;

but this is subject to subsection (7) below.

(7) If it is so specified in the declaration, he shall be entitled to be discharged at the end of three months' notice given by him to his commanding officer.”]

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**Textual Amendments**

**F21** Sch. 3 para. 12 substituted (1.1.1999) by [S.I. 1998/3086, reg. 8\(1\)](#) (with [reg. 8\(2\)](#))

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**Modifications etc. (not altering text)**

**C15** Sch. 3 para. 12 modified (1.1.1999) by [S.I. 1998/3086, reg. 11, Sch. para. 5](#)

*Discharge*

13 Section 6 (except subsection (5)) shall apply to ratings of Queen Alexandra's Royal Naval Nursing Service <sup>F22</sup> . . . as it applies to ratings of the Royal Navy.

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**Textual Amendments**

**F22** Words in Sch. 3 para. 13 repealed (1.10.1996) by [1996 c. 46, s. 35\(2\), Sch. 7 Pt. III](#); [S.I. 1996/2474, art. 2, Sch.](#)

*False statements on entry*

14 Section 8 shall apply to persons offering themselves for service in Queen Alexandra's Royal Naval Nursing Service <sup>F23</sup> . . . as it applies to persons offering themselves for service in the Royal Navy.

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**Textual Amendments**

**F23** Words in Sch. 3 para. 14 repealed (1.10.1996) by [1996 c. 46, s. 35\(2\), Sch. 7 Pt. III](#); [S.I. 1996/2474, art. 2, Sch.](#)



*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1981. (See end of Document for details)*

SCHEDULE 4

Section 28.

MINOR AND CONSEQUENTIAL AMENDMENTS

**Modifications etc. (not altering text)**

**C16** The text of Schs. 1, 2, 3 Pt. II (paras. 3–10), 4, 5 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*The Army Act 1955*

<sup>F24</sup>1 . . . . .

**Textual Amendments**

**F24** Sch. 4 para. 1 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

*The Rehabilitation of Offenders Act 1974*

2 <sup>F25</sup>(1) . . . . .

[<sup>F26</sup>(2) The following entries shall be made in Table B in section 5(2) of the Rehabilitation of Offenders Act 1974 <sup>M19</sup> (rehabilitation period for particular sentences)—

(a) after the first entry relating to a custodial order under Schedule 5A to the 1955 Acts, or under Schedule 4A to the 1957 Act—

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“A custodial order under section 71AA Seven years.”  
of the Army Act 1955 or the Air Force Act 1955, or under section 43AA of the Naval Discipline Act 1957, where the maximum period of detention specified in the order is more than six months.

(b) after the second entry relating to such a custodial order—

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“A custodial order under section 71AA Three years.”]  
of the said Acts of 1955, or section 43AA of the said Act of 1957, where the maximum period of detention specified in the order is six months or less.

**Textual Amendments**

**F25** Sch. 4 para. 2(1) repealed (1.10.1996) by [1996 c. 46](#), s. 35(2), [Sch. 7 Pt. III](#); [S.I. 1996/2474](#), art. 2, [Sch.](#)

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*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1981. (See end of Document for details)*

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**F26** Sch. 4 para. 2(2) repealed (E.W.) (10.3.2014) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 25 Pt. 2** (with s. 141(1)-(6)); S.I. 2014/423, art. 2(c) (with art. 3)

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**Marginal Citations**

**M19** 1974 c. 53.

*The Rehabilitation of Offenders (Northern Ireland) Order 1978*

3 <sup>F27</sup>(1) .....

(2) The following entries shall be made in Table B in Article 6(2) of the rehabilitation of Offenders (Northern Ireland) Order 1978 (rehabilitation period for particular sentences)—

(a) after the first entry relating to a custodial order under Schedule 5A to the 1955 Acts, or under Schedule 4A to the 1957 Act—

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“A custodial order under section 71AA of the Army Act 1955 or the Air Force Act 1955, or under section 43AA of the Naval Discipline Act 1957, where the maximum period of detention specified in the order is more than six months.

(b) after the second entry relating to a custodial order—

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“A custodial order under section 71AA of the said Acts of 1955, or section 43AA of the said Act of 1957, where the maximum period of detention specified in the order is six months or less.

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**Textual Amendments**

**F27** Sch. 4 para. 3(1) repealed (1.10.1996) by [1996 c. 46](#), s. 35(2), **Sch. 7 Pt. III**; S.I. 1996/2474, art. 2, **Sch.**

SCHEDULE 5

Section 28.

REPEALS

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**Modifications etc. (not altering text)**

**C17** The text of Schs. 1, 2, 3 Pt. II (paras. 3–10), 4, 5 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1981. (See end of Document for details)*

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## PART I

### REPEALS CONSEQUENT ON ASSIMILATION OF WOMEN'S SERVICES

#### ACTS OF PARLIAMENT OF THE UNITED KINGDOM

<b>Chapter</b>	<b>Short Title</b>	<b>Extent of repeal</b>
5 & 6 Geo. 6. c. 8.	The War Orphans Act 1942.	In section 1(4), the words “Nursing Service or other”
6 & 7 Geo. 6. c. 39.	The Pensions Appeal Tribunals Act 1943.	In section 12(1), in the definition of “His Majesty’s naval, military or air forces” the words “the nursing service and” and “other”.
7 & 8 Geo. 6. c. 10.	The Disabled Persons (Employment) Act 1944.	In section 7(1)(c) the words from “or in” to “this Act”.  In section 16 the words “of the following classes, that is to say (a) men” and paragraph (b) together with the word “and” at the end of paragraph (a).
10 & 11 Geo. 6. c. 44.	The Crown Proceedings Act 1947.	In section 38, subsection (5).
11 & 12 Geo. 6. c. 21.	The Army and Air Force (Women’s Service) Act 1948.	Section 3(1).
12, 13 & 14 Geo. 6. c. 68.	The Representation of the People Act 1949.	In section 46, subsection (2).
12, 13 & 14 Geo. 6. c. 76.	The Marriage Act 1949.	In section 68, in subsection (2), paragraph (d) and subsections (4) and (5).  Schedule 3.
14 & 15 Geo. 6. c. 10.	The Reinstatement in Civil Employment Act 1950.	In section 1, paragraph (e).  In section 5(2), paragraph (iii) and the words “or paragraph (iii)”.  In section 8(1), the definition of “the competent naval, military or air force authority” and, in the definition of “service in the armed forces of the Crown”,

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		the words following “regular forces”.
14 & 15 Geo. 6. c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	In section 64, subsection (2).
		In Schedule 1, in paragraph 1, sub-paragraph (v).
3 & 4 Eliz. 2. c. 18.	The Army Act 1955.	In section 225(1), in the definition of “Her Majesty’s naval forces”, the words from “(which includes” to “those services)”.
3 & 4 Eliz. 2. c. 19.	The Air Force Act 1955.	In section 223(1), in the definition of “Her Majesty’s naval forces”, the words from “(which includes” to “those services)”.
1970 c. 10.	The Income and Corporation Taxes Act 1970.	In section 366(3) the following words, namely, “either”, or women serving in any of the capacities mentioned at the end of this subsection, “or women serving in any of the capacities so mentioned” and the list of capacities entitled “women’s services”.
		In section 366(4), the words “(whether men or women)”.
1970 c. 41.	The Equal Pay Act 1970.	In section 1(9), paragraph (b) and the word “or” immediately preceding it.
		In section 7(1) the words “or of any women’s service administered by the Defence Council” and “or of any such service”.
1974 c. 23.	The Juries Act 1974.	In section 9(1), the words “and others”.
		In Schedule 1, in Part III, the words from “the women’s” to “Nursing Service”.
1974 c. 46.	The Friendly Societies Act 1974.	In section 108, the words from “(which expression” to “Act)”.
		Schedule 8.

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*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1981. (See end of Document for details)*

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1974 c. 52.	The Trade Union and Labour Relations Act 1974.	In section 30(1), in the definition of “worker”, in paragraph (c), the words “or of any women’s service administered by the Defence Council”.
1975 c. 7.	The Finance Act 1975.	In Schedule 7, in paragraph 1, in sub-paragraph (2) the words “was employed as mentioned in sub-paragraph (3) below or” and the words “and not being so employed” and sub-paragraph (3).
1975 c. 65.	The Sex Discrimination Act 1975.	In section 85, in subsection (4), paragraph (b) and the word “or” immediately preceding it and, in subsection (6), the words “or service” and “(a) or (b)”.
1975 c. 71.	The Employment Protection Act 1975.	In section 121(3) the words “or of any women’s service administered by the Defence Council”.
1976 c. 25.	The Fair Employment (Northern Ireland) Act 1976.	In section 50(4), paragraph (a)(ii) and the immediately preceding “and”.
1976 c. 52.	The Armed Forces Act 1976.	In section 4, the words after “effect”. In Schedule 9, paragraph 9.
1976 c. 74.	The Race Relations Act 1976.	In section 75(10)(a) the words “(including any women’s service administered by the Defence Council)”.
1978 c. 44.	The Employment Protection (Consolidation) Act 1978.	In section 138(3), the words “or of any women’s service administered by the Defence Council”.  In Schedule 13, in paragraph 19(3), the words “or of any women’s service administered by the Defence Council”.
1980 c. 9.	The Reserve Forces Act 1980.	In Schedule 8, paragraph 5(1)(b) and the immediately preceding “and”.

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*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1981. (See end of Document for details)*

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***Acts of the Parliament of Northern Ireland and instruments relating to Northern Ireland***

1945 c. 6. (N.I.)	The Disabled Persons (Employment) Act (Northern Ireland) 1945.	In section 16, the words “of the following classes, that is to say : (a) men” and paragraph (b) together with the word “and” at the end of paragraph (a).  Schedule 1.
1960 c. 4. (N.I.)	The Disabled Persons (Employment) Act (Northern Ireland) 1960.	Section 4.
1965 c. 19. (N.I.)	The Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965.	In Schedule 1, in paragraph 11A(3), the words “or of any women’s service administered by the Defence Council”.
1967 c. 32. (N.I.)	The Marriage (Registration of Buildings) Act (Northern Ireland) 1967.	In section 2, in subsection (1), paragraph (d) and subsections (2) and (3). Schedule 1.
1970 c. 32. (N.I.)	The Equal Pay Act (Northern Ireland) 1970.	In section 1(10) paragraph (b) and the word “or” immediately preceding it.
S.I. 1974/2143 (N.I. 6).	The Juries (Northern Ireland) Order 1974.	In Schedule 2, in the entry relating to members of the forces the words from “including” to “Council”.
S.I. 1976/1042 (N.I. 15).	The Sex Discrimination (Northern Ireland) Order 1976.	In Article 82, in paragraph (5), sub-paragraph (b) and the word “or” immediately preceding that sub-paragraph and, in paragraph (7), the words “or service” and “(a) or (b)”.
S.I. 1976/1043 (N.I. 16).	The Industrial Relations (Northern Ireland) Order 1976.	In Article 2(2), in the definition of “worker”, in sub-paragraph (c), the words “or of any women’s service administered by the Defence Council”.  In Article 79(2) the words “or any women’s service administered by the Defence Council”.
S.I. 1976/1213 (N.I. 22).	The Pharmacy (Northern Ireland) Order 1976.	In Article 5, paragraph 5(b) and the preceding “and”.

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*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1981. (See end of Document for details)*

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S.I. 1976/2147 (N.I. 28).	The Industrial Relations (No. 2) (Northern Ireland) Order 1976.	In Article 62(3), the words “or of any women’s service administered by the Defence Council”.
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Nothing in the repeal of a reference in any enactment to any women’s service (or its reserve) shall affect the accrual after the date of the repeal of a right arising under that enactment by virtue of service before that date in that service (or reserve) or the continued validity or the issue after that date of any certificate or other document required to establish a right so arising.

## PART II

### OTHER REPEALS

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<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
27 & 28 Vict. c. 24.	The Naval Agency and Distribution Act 1864.	In section 17, the words from “and a percentage” to “by law deducted”.
28 & 29 Vict. c. 73.	The Naval and Marine Pay and Pensions Act 1865.	In section 12, the words “shall be published in the London Gazette and”.
48 & 49 Vict. c. 42.	The Greenwich Hospital Act 1885.	Section 4.
4 & 5 Geo. 5. c. 83.	The Army Pensions Act 1914.	The whole Act (except as mentioned in section 26 of this Act).
21 & 22 Geo. 5. c. 9.	The Colonial Naval Defence Act 1931.	In section 2(1), in paragraph (c), the words from “or of the Royal Naval Reserve” to the end and, in the proviso, the words “and the Royal Naval Volunteer Reserve”.
12 & 13 Geo. 6. c. 18.	The Colonial Naval Defence Act 1949.	In section 1(4), the words “or of the Royal Naval Volunteer Reserve” and the words from “(and in particular” to the end.
3 & 4 Eliz. 2. c. 18.	The Army Act 1955.	In section 82(2)(b), the words “in special circumstances”.  In section 131(2), the words “and the provisions thereof as to the summary dealing with charges”.

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*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1981. (See end of Document for details)*

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		In section 153(3), the words from “the service of the process” to the end.
		In section 209(3), paragraph (fb).
		In Schedule 7, in paragraph 6, the words “and so much of Part II as relates to forfeiture of service”.
3 & 4 Eliz. c. 19.	The Air Force Act 1955.	In section 82(2)(b), the words “in special circumstances”. Section 99(2). In section 131(2), the words “and the provisions thereof as to the summary dealing with charges.” In section 153(3), the words from “the service of the process” to the end. In section 209(3), paragraph (fb).
5 & 6 Eliz. 2. c. 53.	The Naval Discipline Act 1957.	In section 51, in subsection (1) the words “this and” and subsection (2). In section 93, the words “death or to”. In section 101, subsection (2).
9 & 10 Eliz. 2. c. 52.	The Army and Air Force Act 1961.	Section 24. In section 26, subsection (3).
1963 c. 39.	The Criminal Justice (Scotland) Act 1963.	In section 9, subsections (3) and (4).
1976 c. 52.	The Armed Forces Act 1976.	Section 1. In Schedule 9, paragraph 12.

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- 1 The following repeals shall come into force on the day this Act is passed—
- (a) the repeals contained in Part I of this Schedule;
  - (b) the repeals contained in Part II of this Schedule which relate to the Naval Agency and Distribution Act 1864, the Naval and Marine Pay and Pensions Act 1865, the Army Pensions Act 1914, section 93 of the Naval Discipline Act 1957, and Schedule 9 to the Armed Forces Act 1976.
- 2 The repeal of section 1 of the Armed Forces Act 1976 shall come into force on 1st September 1981 (in accordance with section 1(5) of this Act).



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**Changes to legislation:** *There are currently no known outstanding effects for the Armed Forces Act 1981. (See end of Document for details)*

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- 3 Subject to paragraphs 1 and 2 above, the repeals contained in this Schedule shall come into force in accordance with section 29(1) to (3) of this Act.

**Changes to legislation:**

There are currently no known outstanding effects for the Armed Forces Act 1981.