



# Armed Forces Act 1996

## CHAPTER 46

### ARMED FORCES ACT 1996

#### *Continuance of Services Acts*

- 1 Continuance of Services Acts.

#### *Terms and conditions of service*

- 2 Enlistment or entry for local service.
- 3 Discharge certificates.
- 4 Mode of making regulations relating to enlistment etc.

#### *Trial and punishment of offences under Services Acts*

- 5 Procedure for dealing with offences under Services Acts.
- 6 Abrogation of common law corroboration rules.
- 7 Evidence from children.
- 8 Findings of unfitness to stand trial and insanity.
- 9 Postponement of sentences of courts-martial.
- 10 Community supervision orders.

#### *Fingerprints and samples*

- 11 Fingerprinting of certain offenders.
- 12 Taking of samples from certain offenders.

#### *Rehabilitation of service offenders*

- 13 Application of Rehabilitation of Offenders Act 1974.
- 14 Application of Rehabilitation of Offenders (Northern Ireland) Order 1978.

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### *Review and appeal*

- 15 Abolition of confirmation.
- 16 Review of findings and sentences.
- 17 Appeals against sentence.
- 18 Powers exercisable by registrar.
- 19 Appeals on behalf of deceased persons.

### *Redress of complaints*

- 20 Services redress of complaints procedures.

### *Complaints to ...employment tribunals*

- 21 Sex discrimination: Great Britain.
- 22 Sex discrimination: Northern Ireland.
- 23 Racial discrimination.
- 24 Equal treatment: Great Britain.
- 25 Equal treatment: Northern Ireland.
- 26 Other complaints: Great Britain.
- 27 Other complaints: Northern Ireland.

### *Miscellaneous*

- 28 Exemptions from Firearms Act 1968.
- 29 Exemptions from Firearms (Northern Ireland) Order 1981.
- 30 Greenwich Hospital.
- 31 Grants for preservation of Royal Naval College site.
- 32 Offences connected with services drug testing programmes.
- 33 Application of Visiting Forces Act 1952.

### *Supplemental*

- 34 The 1955 Acts and the 1957 Act.
- 35 Minor and consequential amendments and repeals.
- 36 Short title, commencement and application to Channel Islands and Isle of Man.

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## SCHEDULES

SCHEDULE 1 — Procedure for dealing with offences under Services Acts.

Part I — SUMMARY DISPOSAL OF OFFENCES

### *Army Act 1955 (c. 18)*

- 1 The Army Act 1955 shall be amended as follows.
- 2 For section 76 there shall be substituted the following sections—...
- 3 Sections 77 to 80 shall cease to have effect.
- 4 (1) Section 82 (officers who are to act as commanding...
- 5 For section 83 there shall be substituted the following section—...

### *Air Force Act 1955 (c. 19)*

- 6 The Air Force Act 1955 shall be amended as follows....
- 7 For section 76 there shall be substituted the following sections—...

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- 8 Sections 77 to 80 shall cease to have effect.  
9 (1) Section 82 (officers who are to act as commanding...  
10 For section 83 there shall be substituted the following section—...

*Naval Discipline Act 1957 (c. 53)*

- 11 The Naval Discipline Act 1957 shall be amended as follows....  
12 Sections 49, 50 and 52A shall cease to have effect....  
13 After section 52A there shall be inserted the following sections—...  
Part II — THE PROSECUTING AUTHORITY

*Army Act 1955 (c. 18)*

- 14 After section 83 of the Army Act 1955 there shall...

*Air Force Act 1955 (c. 19)*

- 15 After section 83 of the Air Force Act 1955 there...

*Naval Discipline Act 1957 (c. 53)*

- 16 After section 52G of the Naval Discipline Act 1957 there...  
Part III — TRIAL OF OFFENCES BY COURT-MARTIAL

*Army Act 1955 (c. 18)*

- 17 The Army Act 1955 shall be amended as follows.  
18 Section 84 shall cease to have effect.  
19 After section 84 there shall be inserted the following sections—...  
20 Section 85(3) shall cease to have effect.  
21 Sections 86 to 90 shall cease to have effect.  
22 (1) Section 91 (place for sitting of court-martial and adjournment...  
23 (1) Section 92 (challenges by accused to members of court-martial)...  
24 (1) Section 93 (administration of oaths) shall be amended as...  
25 In section 94 (courts-martial to sit in open court), after...  
26 (1) Section 95 (dissolution of courts-martial) shall be amended as...  
27 (1) Section 96 (decisions of courts-martial) shall be amended as...  
28 In section 97(3) (sentence of court-martial to be announced in...  
29 (1) Section 99 (rules of evidence) shall be amended as...  
30 For section 103 there shall be substituted the following section—...  
31 After section 103 there shall be inserted the following sections—...  
32 Sections 104 to 106 shall cease to have effect.

*Air Force Act 1955 (c. 19)*

- 33 The Air Force Act 1955 shall be amended as follows....  
34 Section 84 shall cease to have effect.  
35 After section 84 there shall be inserted the following sections—...  
36 Section 85(3) shall cease to have effect.  
37 Sections 86 to 90 shall cease to have effect.  
38 (1) Section 91 (place for sitting of court-martial and adjournment...  
39 (1) Section 92 (challenges by accused to members of court-martial)...  
40 (1) Section 93 (administration of oaths) shall be amended as...  
41 In section 94 (courts-martial to sit in open court), after...  
42 (1) Section 95 (dissolution of courts-martial) shall be amended as...  
43 (1) Section 96 (decisions of courts-martial) shall be amended as...

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- 44 In section 97(3) (sentence of court-martial to be announced in...  
 45 (1) Section 99 (rules of evidence) shall be amended as...  
 46 For section 103 there shall be substituted the following section—...  
 47 After section 103 there shall be inserted the following sections—...  
 48 Sections 104 to 106 shall cease to have effect.

*Naval Discipline Act 1957 (c. 53)*

- 49 The Naval Discipline Act 1957 shall be amended as follows....  
 50 Section 53 shall cease to have effect.  
 51 After section 53 there shall be inserted the following sections—...  
 52 For section 54 there shall be substituted the following section—...  
 53 Section 55 shall cease to have effect.  
 54 (1) Section 56 (place and time of sittings of courts-martial)...  
 55 After section 56 there shall be inserted the following section—...  
 56 (1) Section 57 (quorum) shall be amended as follows.  
 57 For section 58 there shall be substituted the following section—...  
 58 (1) Section 59 (challenges by accused to members of court-martial)...  
 59 (1) Section 60 (administration of oaths) shall be amended as...  
 60 In section 61 (courts-martial to sit in open court), after...  
 61 (1) Section 62 (findings and sentences of courts-martial) shall be...  
 62 In section 64(1) (summoning of witnesses), for the words “clerk...  
 63 After section 64 there shall be inserted the following sections—...

Part IV — MINOR AND CONSEQUENTIAL AMENDMENTS

*Courts-Martial (Appeals) Act 1951 (c. 46)*

- 64 In section 28(2) of the Courts-Martial (Appeals) Act 1951  
 (qualification...  
 65 In section 31 of that Act (qualification for appointment as...

*Army Act 1955 (c. 18)*

- 66 The Army Act 1955 shall be amended as follows.  
 67 In section 134 (persons not to be tried under Act...  
 68 Section 139 shall cease to have effect.  
 69 In section 143(1) (interpretation of Part II)—  
 70 In section 198 (general provisions as to evidence), in subsection...  
 71 In section 209(3) (modifications of Act in relation to trial...  
 72 (1) Section 209(3B) (modifications of Act in its application to...  
 73 In section 211 (application of Act to reserve forces), in...  
 74 In section 225(1) (general provisions as to interpretation of Act)—...  
 75 In Schedule 5A (powers of court on trial of civilian),...

*Air Force Act 1955 (c. 19)*

- 76 The Air Force Act 1955 shall be amended as follows....  
 77 In section 134 (persons not to be tried under Act...  
 78 Section 139 shall cease to have effect.  
 79 In section 143(1) (interpretation of Part II)—  
 80 In section 198 (general provisions as to evidence), in subsection...  
 81 In section 209(3) (modifications of Act in relation to trial...  
 82 (1) Section 209(3B) (modifications of Act in its application to...  
 83 In section 210 (application of Act to reserve forces), in...  
 84 In section 223(1) (general provisions as to interpretation of Act)—...

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85 In Schedule 5A (powers of court on trial of civilian),...

*Naval Discipline Act 1957 (c. 53)*

86 The Naval Discipline Act 1957 shall be amended as follows....  
87 In section 65(4) (contempt of court-martial by civilians), for the...  
88 In section 66(1) (record of proceedings of court-martial) for the...  
89 In section 76 (restitution or compensation on conviction of larceny...  
90 In section 81 (place of imprisonment or detention)—  
91 In section 85(2) (commencement of sentences) for the words “section...  
92 In section 103(1) (arrest under warrants of naval authorities) for...  
93 In section 129(1) (jurisdiction of civil courts) for the words...  
94 In section 135(1) (general provisions as to interpretation of Act)—...  
95 In Schedule 1 (application of Act to marine forces), in...  
96 In Schedule 2 (application of Act to attached military and...  
97 In Schedule 4 (application of Act to certain civilians), in...  
98 In Schedule 4A (powers of court on trial of civilian),...

*Criminal Justice Act 1967 (c. 80)*

99 In section 12 of the Criminal Justice Act 1967 (application...

*Civil Evidence Act 1968 (c. 64)*

100 .....

*Civil Evidence Act (Northern Ireland) 1971 (c. 36 (N.I.))*

101 In section 7 of the Civil Evidence Act (Northern Ireland)...

*Armed Forces Act 1976 (c. 52)*

102 In section 6 of the Armed Forces Act 1976 (establishment...  
103 (1) Schedule 3 to that Act (Standing Civilian Courts) shall...

*Police and Criminal Evidence Act 1984 (c. 60)*

104 The Police and Criminal Evidence Act 1984 shall be amended...  
105 .....  
106 In section 72(1) (meaning of certain expressions used in Part...  
107 In section 82(1) (meaning of certain expressions used in Part...

*Criminal Justice Act 1988 (c. 33)*

108 .....  
109 (1) Schedule 13 to that Act (evidence before courts-martial etc.)...

*Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))*

110 In Article 66(11)(a) of the Police and Criminal Evidence (Northern...

*Criminal Justice and Public Order Act 1994 (c. 33)*

111 .....

SCHEDULE 2 — Findings of unfitness to stand trial and insanity

*Changes to legislation:* There are currently no known outstanding effects for the Armed Forces Act 1996. (See end of Document for details)

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*The 1955 Acts*

- 1 For section 116 of each of the 1955 Acts (provisions...
- 2 In section 225(1) of the Army Act 1955 (general provisions...
- 3 In section 223(1) of the Air Force Act 1955 (general...

*The 1957 Act*

- 4 For section 63 of the 1957 Act (special finding of...
- 5 In section 135(1) of the 1957 Act (general provisions as...

*The Courts-Martial (Appeals) Act 1968 (c. 20)*

- 6 For section 16 of the Courts-Martial (Appeals) Act 1968 (“the...
- 7 In section 21(1) of the 1968 Act (appeal against finding...
- 8 In section 22(4) of the 1968 Act (consequences where appeal...
- 9 For section 23 of the 1968 Act there shall be...
- 10 (1) Section 24 of the 1968 Act (appeal against finding...
- 11 For section 25 of the 1968 Act there shall be...
- 12 (1) Section 57 of the 1968 Act (interpretation) shall be...

SCHEDULE 3 — Community supervision orders

*The 1955 Acts*

- 1 (1) Paragraph 4 of Schedule 5A to each of the...
- 2 In section 209 of each of the 1955 Acts (application...

*The 1957 Act*

- 3 (1) Paragraph 4 of Schedule 4A to the 1957 Act...
- 4 In the Fourth Schedule to the 1957 Act (application to...

SCHEDULE 4 — Schedule to be inserted in the Rehabilitation of Offenders Act 1974

SCHEDULE 5 — Review of findings and sentence

*The 1955 Acts*

- 1 The 1955 Acts shall be amended as follows.
- 2 Section 108 (power of accused to present petition against finding...
- 3 For section 112 (approval required for death sentences) there shall...
- 4 For section 113 (review of findings and sentences of courts-martial)...
- 5 In section 113A (power of reviewing authority to authorise retrial)...
- 6 For section 115 of the Army Act 1955 (review of...
- 7 For section 115 of the Air Force Act 1955 (review...

*The 1957 Act*

- 8 The 1957 Act shall be amended as follows.
- 9 For section 70 (review of findings and sentences) there shall...
- 10 For section 71 (power to quash or alter findings) there...
- 11 In section 71A (power to authorise retrial), for the words...
- 12 After section 71A there shall be inserted the following section—...
- 13 Section 72 (power to remit or alter sentences) shall cease...

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## SCHEDULE 6 — Minor and consequential amendments

### *Naval Medical Compassionate Fund*

- 1 In section 1 of the Naval Medical Compassionate Fund Act...

### *Affidavits and declarations outside the United Kingdom*

- 2 In section 204(1) of the Army Act 1955 (officers entitled...

### *Enlistment in the Royal Air Force*

- 3 For section 3 of the Air Force Act 1955 (enlistment...

### *Suspension of sentences*

- 4 (1) In section 120 of each of the 1955 Acts...

### *Remission of sentences*

- 5 In section 122 of each of the 1955 Acts (Imprisonment...  
6 In section 82 of the 1957 Act (Naval Detention Quarters...

### *Reviews*

- 7 In Schedule 5A to each of the 1955 Acts (powers...  
8 In Schedule 4A to the 1957 Act (powers of court...  
9 In Schedule 3 to the Armed Forces Act 1976 (Standing...

### *Removal or amendment of spent expressions*

- 10 In section 111(1) of the 1957 Act (persons subject to...  
11 In section 6(9)(b) of the Armed Forces Act 1976 (membership...

### *Queen's Regulations for the Royal Navy*

- 12 In section 135(1) of the 1957 Act (general interpretation), after...

### *Meaning of "protected prisoner of war"*

- 13 In paragraph 1 of Schedule 3 to the Courts-Martial (Appeals)...

### *Abolition of confirmation*

- 14 In section 82(2) of the Police and Criminal Evidence Act...  
15 In Article 70(2) of the Police and Criminal Evidence (Northern...

## SCHEDULE 7 — Repeals

Part I — REPEALS RELATING TO CHANGES TO PROCEDURE FOR DEALING WITH OFFENCES UNDER SERVICES ACTS

Part II — REPEALS RELATING TO ABOLITION OF CONFIRMATION

Part III — OTHER REPEALS

**Changes to legislation:**

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