

SCHEDULES

SCHEDULE 16

Section 378

MINOR AND CONSEQUENTIAL AMENDMENTS

Metropolitan Police Act 1860 (c. 135)

- 1 In section 2 of the Metropolitan Police Act 1860 (swearing of constables to act on military land etc), for “subject to naval or marine or military or air force discipline” substitute “who are subject to service law, or are civilians subject to service discipline, within the meaning of the Armed Forces Act 2006”.

Naval and Marine Pay and Pensions Act 1865 (c. 73)

- 2 In section 3 of the Naval and Marine Pay and Pensions Act 1865 (payment of naval and marine pay and pensions according to Order in Council) for the words from “pay” to “thereof” substitute “pensions and grants”.
- 3 In section 9 of that Act (Order in Council not to contain provision inconsistent with Naval Discipline Act), for the words from “pay” to the end substitute “pensions contained in the Armed Forces Act 2006.”

Naval Pensions Act 1884 (c. 44)

- 4 In section 2 of the Naval Pensions Act 1884 (application of certain enactments to Greenwich Hospital pensions), for “or section 128G of the Naval Discipline Act 1957” substitute “or section 356 of the Armed Forces Act 2006”.

Foreign Marriage Act 1892 (c. 23)

- 5 In section 22 of the Foreign Marriage Act 1892 (marriages abroad by members of armed forces etc)—
- (a) in subsection (1A)—
 - (i) in paragraph (a)(i) for the words from “employed” to the end substitute “a relevant civilian who is employed in that territory; or”;
 - (ii) in paragraph (b) for “so prescribed” substitute “prescribed by Order in Council”;
 - (b) after that subsection insert—

“(1AA) In subsection (1A)(a)(i) “relevant civilian” means a civilian subject to service discipline (within the meaning of the Armed Forces Act 2006) of a description prescribed by Order in Council.”

Regimental Debts Act 1893 (c. 5)

- 6 In the Regimental Debts Act 1893, for the words “military law”, in each place, substitute “service law”.

Status: This is the original version (as it was originally enacted).

7 In section 23 of that Act (application of Act to deserters etc), omit the words “is sentenced to death or”.

8 In section 29 of that Act (definitions)—

- (a) in the definition of “desert” for the words from “against paragraph (a)” to the end substitute “under section 8 of the Armed Forces Act 2006,”;
- (b) for the words after that definition substitute—

““Subject to service law” has the same meaning as in the Armed Forces Act 2006.”

9 After that section insert—

“29A Application of Act to members of naval, marine or air forces

- (1) Regulations may provide that any provision of this Act does not apply, or applies with prescribed modifications, in relation to a relevant person.
- (2) In this section “relevant person” means a person subject to service law who is not a member of Her Majesty’s military forces.”

10 In section 33 of that Act (short title) for “Regimental Debts Act 1893” substitute “Debts (Deceased Servicemen etc) Act 1893”.

Uniforms Act 1894 (c. 45)

11 In section 4 of the Uniforms Act 1894 (interpretation)—

- (a) in the definition of “Her Majesty’s Military Forces”, for “Army Act 1955” substitute “Armed Forces Act 2006”;
- (b) for the definition of “Her Majesty’s Naval Forces” substitute—

““Her Majesty’s Naval Forces” does not include any Commonwealth force.”

Criminal Evidence Act 1898 (c. 36)

12 (1) Section 6 of the Criminal Evidence Act 1898 (application of Act) is amended as follows.

(2) In subsection (1) omit the words from “including” to the end.

(3) After that subsection insert—

“(1A) This Act applies in relation to service proceedings as it applies in relation to criminal proceedings before a court in England and Wales.

(1B) In this section “service proceedings” means proceedings before a court (other than a civilian court) in respect of a service offence; and “service offence” and “civilian court” here have the same meanings as in the Armed Forces Act 2006.”

Air Force (Constitution) Act 1917 (c. 51)

13 In section 2(1) of the Air Force (Constitution) Act 1917 (government, discipline and pay of the Royal Air Force)—

- (a) omit “, pay, allowances,”;

Status: This is the original version (as it was originally enacted).

- (b) after “Air Force”, in the second place where it occurs, insert “(except pay and allowances)”.

Visiting Forces (British Commonwealth) Act 1933 (c. 6)

- 14 (1) Section 4 of the Visiting Forces (British Commonwealth) Act 1933 (attached personnel) is amended as follows.
- (2) In subsection (2)(ii), for the words from the beginning to “may” substitute “may, with his consent,”.
- (3) In subsection (3)—
- (a) for the words before the proviso substitute—

“(3) While a member of another force is by virtue of this section attached temporarily to a home force—

 - (a) he is subject to service law for the purposes of the Armed Forces Act 2006 at all times at which he would be so subject if he were a member of that force; and
 - (b) he shall be treated as if he were a member of the home force of relative rank:”;
 - (b) in the proviso, for the words from “the Naval Discipline Act” to “as the case may be,” substitute “the Armed Forces Act 2006”.

Defence (Armed Forces) Regulations 1939 (S.I. 1939/1304)

- 15 In Regulation 6 of the Defence (Armed Forces) Regulations 1939—
- (a) for “the Naval Discipline Act, military law or air-force law” substitute “service law within the meaning of the Armed Forces Act 2006”;
 - (b) omit the words from “within the meaning of” to the end;
- and the text of the Regulation set out in Part C of Schedule 2 to the Emergency Laws (Repeal) Act 1959 (c. 19) is amended accordingly.

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

- 16 In section 29 of the Courts-Martial (Appeal) Act 1951 (appointment of Judge Advocate General) for “His Majesty’s regular, auxiliary and reserve land and air forces” substitute “Her Majesty’s regular and reserve naval, land and air forces”.

Prison Act 1952 (c. 52)

- 17 In section 43 of the Prison Act 1952 (young offender institutions etc), after subsection (7) add—
- “(8) The application of this Act to a person on whom a custodial sentence (within the meaning of the Armed Forces Act 2006) has been passed in respect of a service offence (within the meaning of that Act) is not affected by the omission from subsection (1) of a reference to that sentence.”

Visiting Forces Act 1952 (c. 67)

- 18 (1) Section 13 of the Visiting Forces Act 1952 (apprehension etc of deserters and absentees of visiting forces) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In subsection (1)—
 - (a) for the words from “sections one hundred and eighty-six” to “regular forces)” substitute “sections 314 to 317 of the Armed Forces Act 2006 (which relate to the apprehension and transfer to service custody of deserters and absentees without leave who are subject to service law)”;
 - (b) for “from the regular forces” substitute “who are subject to service law”.
- (3) In subsection (2) for the words from “the said sections” to “eighty-eight” substitute “sections 314 and 315 of that Act”.
- (4) For subsection (3) substitute—
 - “(3) In sections 315 to 317 of that Act as applied by subsection (1) above—
 - (a) references to the transfer of a person to service custody are to be read as references to the handing over of that person to such authority of the country to which he belongs, at such place in the United Kingdom, as may be designated by the appropriate authority of that country;
 - (b) references to the taking of a person into service custody are to be read as references to the taking of a person into the custody of such authority of the country to which he belongs as may be designated by the appropriate authority of that country.”
- 19 In section 14 of that Act (evidence for purposes of section 13) for “Army Act 1955” substitute “Armed Forces Act 2006”.

Army Act 1955 (3 & 4 Eliz. 2 c. 18)

- 20 After section 91 of the Army Act 1955 insert—

“Preliminary hearings as to plea

91A Preliminary hearings as to plea

- (1) Subsections (2) to (4) apply in relation to a charge against a person (“the accused”) preferred by the prosecuting authority.
- (2) The accused shall be arraigned at a hearing before a judge advocate.
- (3) That hearing may take place at any time before the time when the court-martial that is to try the charge first sits.
- (4) The arraignment is to be treated as having occurred before the court-martial.
- (5) Rules under section 103 may make provision for and in connection with the making of orders and rulings by a judge advocate at a hearing at which the accused is arraigned, including in particular—
 - (a) provision corresponding to any provision of, or that may be made by virtue of, sections 31, 33, 34 and 37 of the Criminal Procedure and Investigations Act 1996, subject to such modifications as the Secretary of State considers appropriate;
 - (b) provision for the variation or discharge of such orders and rulings.

- (6) The reference in subsection (1) to a charge preferred by the prosecuting authority includes—
- (a) a charge substituted by the prosecuting authority; and
 - (b) where a charge is amended by the prosecuting authority before the accused is arraigned in respect of it, the charge as so amended.
- (7) Nothing in this section applies in relation to a charge preferred or substituted after the time when the court-martial first sits.”
- 21 (1) Section 103 of that Act (rules) is amended as follows.
- (2) In subsection (2)—
- (a) after paragraph (b) insert—
“(ba) appeals against orders or rulings made in preliminary proceedings;”;
 - (b) after paragraph (mm) insert—
“(mn) appeals against any orders (including directions) of courts-martial prohibiting or restricting the publication of any matter or excluding the public from any proceedings;”.
- (3) After subsection (2) insert—
- “(2A) In subsection (2)(a), (b) and (ba), the references to proceedings preliminary to trials include hearings at which the accused is arraigned.
- (2B) Rules made by virtue of subsection (2)(ba) or (mn) may confer jurisdiction on the Courts-Martial Appeal Court, and rules under section 49 of the Courts-Martial (Appeals) Act 1968 may make provision about the powers of that court in relation to appeals made by virtue of subsection (2)(ba) or (mn).”
- 22 In section 120 of that Act (suspension of sentences), after subsection (7) insert—
- “(7A) Subsection (5) does not apply if the person was tried by court-martial for the fresh offence in pursuance of an election for court-martial trial.”

Air Force Act 1955 (3 & 4 Eliz. 2 c. 19)

- 23 After section 91 of the Air Force Act 1955 insert—

“Preliminary hearings as to plea

91A Preliminary hearings as to plea

- (1) Subsections (2) to (4) apply in relation to a charge against a person (“the accused”) preferred by the prosecuting authority.
- (2) The accused shall be arraigned at a hearing before a judge advocate.
- (3) That hearing may take place at any time before the time when the court-martial that is to try the charge first sits.
- (4) The arraignment is to be treated as having occurred before the court-martial.

Status: This is the original version (as it was originally enacted).

- (5) Rules under section 103 may make provision for and in connection with the making of orders and rulings by a judge advocate at a hearing at which the accused is arraigned, including in particular—
 - (a) provision corresponding to any provision of, or that may be made by virtue of, sections 31, 33, 34 and 37 of the Criminal Procedure and Investigations Act 1996, subject to such modifications as the Secretary of State considers appropriate;
 - (b) provision for the variation or discharge of such orders and rulings.
 - (6) The reference in subsection (1) to a charge preferred by the prosecuting authority includes—
 - (a) a charge substituted by the prosecuting authority; and
 - (b) where a charge is amended by the prosecuting authority before the accused is arraigned in respect of it, the charge as so amended.
 - (7) Nothing in this section applies in relation to a charge preferred or substituted after the time when the court-martial first sits.”
- 24 (1) Section 103 of that Act (rules) is amended as follows.
- (2) In subsection (2)—
- (a) after paragraph (b) insert—
 - “(ba) appeals against orders or rulings made in preliminary proceedings;”;
 - (b) after paragraph (mm) insert—
 - “(mn) appeals against any orders (including directions) of courts-martial prohibiting or restricting the publication of any matter or excluding the public from any proceedings;”.
- (3) After subsection (2) insert—
- “(2A) In subsection (2)(a), (b) and (ba), the references to proceedings preliminary to trials include hearings at which the accused is arraigned.
 - (2B) Rules made by virtue of subsection (2)(ba) or (mn) may confer jurisdiction on the Courts-Martial Appeal Court, and rules under section 49 of the Courts-Martial (Appeals) Act 1968 may make provision about the powers of that court in relation to appeals made by virtue of subsection (2)(ba) or (mn).”
- 25 In section 120 of that Act (suspension of sentences), after subsection (7) insert—
- “(7A) Subsection (5) does not apply if the person was tried by court-martial for the fresh offence in pursuance of an election for court-martial trial.”

Naval Discipline Act 1957 (c. 53)

- 26 In section 47M of the Naval Discipline Act 1957 (judicial officers), for “Judge Advocate of Her Majesty’s Fleet”, in both places, substitute “Judge Advocate General”.
- 27 In section 52C(4) of that Act (powers of higher authority), for “of the accused” substitute “or appropriate superior authority”.
- 28 (1) Section 52D of that Act (summary trial) is amended as follows.

- (2) For subsections (2) and (2ZA) substitute—
- “(2) The commanding officer or appropriate superior authority (as the case may be) shall afford the accused the opportunity of electing court-martial trial.”
- (3) In subsection (4) for paragraph (b) substitute—
- “(b) if the accused is an officer below the rank of captain whose commanding officer satisfies the conditions in section 52B(6A)(a) and (b), refer the charge back to the commanding officer of the accused;
- (c) if the accused is an officer other than one within paragraph (b) above, refer the charge back to the appropriate superior authority;”.
- (4) In subsection (4A) for “Subsections (2) and (2ZA) above do not” substitute “Subsection (2) above does not”.
- (5) In subsection (4C) for “subsection (2) or (2ZA) above” substitute “subsection (2) above”.
- 29 In section 52FG(1) of that Act (judge advocates of the summary appeal court), for “Judge Advocate of Her Majesty’s Fleet” substitute “Judge Advocate General”.
- 30 In section 52FJ(3) of that Act (constitution of summary appeal court), for “Judge Advocate of Her Majesty’s Fleet” substitute “Judge Advocate General”.
- 31 In section 53B(1) of that Act (judge advocate of a court-martial), for “Judge Advocate of Her Majesty’s Fleet” substitute “Judge Advocate General”.
- 32 In section 53C(2) of that Act (ordering of courts martial), for “Judge Advocate of Her Majesty’s Fleet” substitute “Judge Advocate General”.
- 33 (1) Section 58 of that Act (rules) is amended as follows.
- (2) In subsection (2)—
- (a) after paragraph (b) insert—
- “(ba) appeals against orders or rulings made in preliminary proceedings;”;
- (b) after paragraph (nn) insert—
- “(no) appeals against any orders (including directions) of courts-martial prohibiting or restricting the publication of any matter or excluding the public from any proceedings;”.
- (3) After subsection (2) insert—
- “(2A) In subsection (2)(a), (b) and (ba), the references to proceedings preliminary to trials include hearings at which the accused is arraigned.
- (2B) Rules made by virtue of subsection (2)(ba) or (no) may confer jurisdiction on the Courts-Martial Appeal Court, and rules under section 49 of the Courts-Martial (Appeals) Act 1968 may make provision about the powers of that court in relation to appeals made by virtue of subsection (2)(ba) or (no).”
- 34 After section 58 of that Act insert—

Status: This is the original version (as it was originally enacted).

“58A Preliminary hearings as to plea

- (1) Subsections (2) to (4) apply in relation to a charge against a person (“the accused”) preferred by the prosecuting authority.
- (2) The accused shall be arraigned at a hearing before a judge advocate.
- (3) That hearing may take place at any time before the time when the court-martial that is to try the charge first sits.
- (4) The arraignment is to be treated as having occurred before the court-martial.
- (5) Rules under section 58 may make provision for and in connection with the making of orders and rulings by a judge advocate at a hearing at which the accused is arraigned, including in particular—
 - (a) provision corresponding to any provision of, or that may be made by virtue of, sections 31, 33, 34 and 37 of the Criminal Procedure and Investigations Act 1996, subject to such modifications as the Secretary of State considers appropriate;
 - (b) provision for the variation or discharge of such orders and rulings.
- (6) The reference in subsection (1) to a charge preferred by the prosecuting authority includes—
 - (a) a charge substituted by the prosecuting authority; and
 - (b) where a charge is amended by the prosecuting authority before the accused is arraigned in respect of it, the charge as so amended.
- (7) Nothing in this section applies in relation to a charge preferred or substituted after the time when the court-martial first sits.”

35 In section 59(4A) of that Act (challenge by accused), for “Judge Advocate of Her Majesty’s Fleet” substitute “Judge Advocate General”.

36 In section 63A(5)(b) of that Act (powers to deal with person unfit to stand trial etc), for “Judge Advocate of Her Majesty’s Fleet” substitute “Judge Advocate General”.

37 In section 64 of that Act (summoning of witnesses)—

- (a) omit subsection (1);
- (b) in subsection (2) for “notice under this section” substitute “summons issued in accordance with rules under section 58”.

38 In section 73 of that Act (saving for functions of JAF), including in the sidenote to that section, for “Judge Advocate of Her Majesty’s Fleet” substitute “Judge Advocate General”.

Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 (c. 58)

39 (1) Section 1 of the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 (records of births, marriages and deaths among armed forces etc overseas) is amended as follows.

(2) In subsection (1)—

- (a) omit the words “, or among the families of”;
- (b) for paragraph (b) substitute—

“(b) civilians subject to service discipline.”

Status: This is the original version (as it was originally enacted).

(3) In subsection (3)—

- (a) for the words from “, or the family” to “of this section” substitute “a civilian subject to service discipline”;
- (b) for “more particular description” substitute “particular description of such civilians”.

(4) For subsection (5) substitute—

“(6) In this section “civilian subject to service discipline” has the same meaning as in the Armed Forces Act 2006.”

40 In section 2(1) of that Act (records of births and deaths in HM ships and aircraft etc)—

- (a) omit paragraphs (a) and (b);
- (b) in paragraph (c) for “such an aircraft” substitute “one of Her Majesty’s aircraft (as defined by paragraph 1(4) of Schedule 15 to the Armed Forces Act 2006)”.

41 In section 4 of that Act (validation of certain entries)—

- (a) in subsection (1) for the words from “of any description” to “section one of this Act” substitute “within subsection (1A) below”;
- (b) after that subsection insert—

“(1A) A person is within this subsection if—

- (a) he serves Her Majesty in, or is otherwise employed in any capacity connected with, Her Majesty’s naval, military or air forces; or
- (b) he belongs to or is employed by any organisation concerned with the welfare of members of those forces.”

42 In section 5(1)(b) of that Act (registration of births of legitimated persons), for the words from “a person of” to the end substitute “a civilian subject to service discipline (within the meaning of the Armed Forces Act 2006).”.

Public Records Act 1958 (c. 51)

43 In Schedule 1 to the Public Records Act 1958 (definition of public records), in paragraph 4(1), after paragraph (f) insert—

“(fa) records of the Court Martial, the Summary Appeal Court or the Service Civilian Court;”.

Coroners Act (Northern Ireland) 1959 (c. 15)

44 In section 18 of the Coroners Act (Northern Ireland) 1959 (jury to be summoned in certain cases), after subsection (3) add—

“(4) This section and section 39(3) of the Prison Act (Northern Ireland) 1953 (prison officers etc not to be jurors) shall apply where a death occurs on service custody premises within the meaning of section 300 of the Armed Forces Act 2006 as they apply where a death occurs in prison.”

Status: This is the original version (as it was originally enacted).

Administration of Justice Act 1960 (c. 65)

- 45 (1) Section 13 of the Administration of Justice Act 1960 (appeal in cases of contempt of court) is amended as follows.
- (2) In subsection (2)(c) for “and from an order or decision of the Court of Criminal Appeal or the Courts-Martial Appeal Court” substitute “and from an order or decision (except one made in Scotland or Northern Ireland) of the Court Martial Appeal Court”.
- (3) In subsection (5) after paragraph (c) insert—
- “(d) to an order or decision (except one made in Scotland or Northern Ireland) of the Court Martial, the Summary Appeal Court or the Service Civilian Court under section 309 of the Armed Forces Act 2006.”.

Criminal Justice Act 1961 (c. 39)

- 46 In section 22 of the Criminal Justice Act 1961 (assisting escaped prisoners etc), for subsection (3) substitute—
- “(2A) The reference in subsection (2) to a person who has been sentenced as mentioned there includes—
- (a) a person on whom a custodial sentence within the meaning of the Armed Forces Act 2006 has been passed (anywhere) in respect of a service offence within the meaning of that Act;
- (b) a person in respect of whom an order under section 214 of that Act (detention for commission of offence during currency of order) has been made.”
- 47 In section 39 of that Act (interpretation) for subsection (2) substitute—
- “(2) Except as otherwise expressly provided, references in this Act to a court do not include the Court Martial, the Summary Appeal Court, the Service Civilian Court, the Court Martial Appeal Court or the Supreme Court on an appeal brought from the Court Martial Appeal Court.”

Parliamentary Commissioner Act 1967 (c. 13)

- 48 In Schedule 3 to the Parliamentary Commissioner Act 1967 (matters not subject to investigation)—
- (a) in paragraph 6 for the words from “proceedings at any place” to “Air Force Act 1955” substitute “service law proceedings (as defined by section 324(5) of the Armed Forces Act 2006) (anywhere)”;
- (b) in paragraph 7 for “Courts-Martial Appeal Court” substitute “Court Martial Appeal Court”.

Criminal Justice Act 1967 (c. 80)

- 49 In section 72 of the Criminal Justice Act 1967 (power to issue warrant for arrest of escaped prisoners etc) after subsection (5) add—
- “(6) References in this section to offences include service offences within the meaning of the Armed Forces Act 2006.”

- 50 In section 104(1) of that Act (interpretation), in the definition of “court” for “a court-martial” substitute “the Court Martial, the Summary Appeal Court, the Service Civilian Court, the Court Martial Appeal Court or the Supreme Court on an appeal brought from the Court Martial Appeal Court”.

Civil Evidence Act 1968 (c. 64)

- 51 (1) Section 11 of the Civil Evidence Act 1968 (convictions as evidence in civil proceedings) is amended as follows.
- (2) In subsection (1) for “by a court-martial there or elsewhere” substitute “of a service offence (anywhere)”.
- (3) In subsection (2) for “by a court-martial there or elsewhere” substitute “of a service offence”.
- (4) In subsection (5) after paragraph (a) insert—
- “(aa) section 187 of the Armed Forces Act 2006 (which makes similar provision in respect of service convictions);”.
- (5) For subsection (6) substitute—
- “(7) In this section—
- “service offence” has the same meaning as in the Armed Forces Act 2006;
- “conviction” includes anything that under section 376(1) and (2) of that Act is to be treated as a conviction, and “convicted” is to be read accordingly.”
- 52 In section 13 of that Act (conclusiveness of convictions for purposes of defamation actions)—
- (a) in subsection (3) for “by a court-martial there or elsewhere” substitute “(in the case of a service offence) a conviction (anywhere) of that service offence”;
- (b) in subsection (4) for “(6)” substitute “(7)”.
- 53 In section 18 of that Act (general interpretation etc)—
- (a) in subsection (2), in the definition of “court” for “court-martial” substitute “service court”;
- (b) after that subsection insert—
- “(2A) In subsection (2) “service court” means the Court Martial, the Summary Appeal Court, the Service Civilian Court, the Court Martial Appeal Court or the Supreme Court on an appeal brought from the Court Martial Appeal Court.”

Equal Pay Act 1970 (c. 41)

- 54 (1) Section 7A of the Equal Pay Act 1970 (service pay and conditions) is amended as follows.
- (2) In subsection (5)—
- (a) in paragraph (a) for the words from “a complaint” to “those procedures” substitute “a service complaint in respect of the claim”;
- (b) in paragraph (b) for “complaint” substitute “service complaint”.

Status: This is the original version (as it was originally enacted).

- (3) In subsection (7), for “the service redress procedures” substitute “the service complaint procedures”.
- (4) In subsection (12), for the definition of “the service redress procedures” substitute—
- ““service complaint” means a complaint under section 334 of the Armed Forces Act 2006;
- “the service complaint procedures” means the procedures prescribed by regulations under that section.”
- 55 In section 7AB of that Act (“arrears date” for purposes of section 7A(9)(a) (proceedings in England and Wales))—
- (a) in subsection (2), in paragraph (b) of the definitions of “concealment case” and “disability case”, for “complaint under the service redress procedures” substitute “service complaint”;
 - (b) in subsection (3) for “complaint under the service redress procedures” substitute “service complaint”;
 - (c) in subsection (5) for the words from “complaint” to the end substitute “service complaint having been made.”;
 - (d) in subsection (6) for “complaint under the service redress procedures” substitute “service complaint”.
- 56 In section 7AC of that Act (determination of “period” for purposes of section 7A(9) (b) (proceedings in Scotland))—
- (a) in subsection (2) for “complaint under the service redress procedures” substitute “service complaint”;
 - (b) in subsection (4) for the words from “complaint” to the end substitute “service complaint having been made.”;
 - (c) in subsection (5) for “complaint under the service redress procedures” substitute “service complaint”.

Equal Pay Act (Northern Ireland) 1970 (c. 32)

- 57 (1) Section 6A of the Equal Pay Act (Northern Ireland) 1970 (service pay and conditions) is amended as follows.
- (2) In subsection (5)—
- (a) in paragraph (a) for the words from “a complaint” to “those procedures” substitute “a service complaint in respect of the claim”;
 - (b) in paragraph (b) for “complaint” substitute “service complaint”.
- (3) In subsection (7), for “the service redress procedures” substitute “the service complaint procedures”.
- (4) In subsection (12), for the definition of “the service redress procedures” substitute—
- ““service complaint” means a complaint under section 334 of the Armed Forces Act 2006;
- “the service complaint procedures” means the procedures prescribed by regulations under that section.”
- 58 In section 6AB of that Act (“arrears date” in proceedings under section 6A(9))—

- (a) in subsection (2), in paragraph (b) of the definitions of “concealment case” and “disability case”, for “complaint under the service redress procedures” substitute “service complaint”;
- (b) in subsection (3) for “complaint under the service redress procedures” substitute “service complaint”;
- (c) in subsection (5) for the words from “complaint” to the end substitute “service complaint having been made.”;
- (d) in subsection (6) for “complaint under the service redress procedures” substitute “service complaint”.

Civil Evidence Act (Northern Ireland) 1971 (c. 36)

59 (1) Section 7 of the Civil Evidence Act (Northern Ireland) 1971 (convictions as evidence in civil proceedings) is amended as follows.

(2) In subsection (1) for “by a court-martial there or elsewhere” substitute “of a service offence (anywhere)”.

(3) In subsection (2) for “by a court-martial there or elsewhere” substitute “of a service offence”.

(4) In subsection (5) after paragraph (b) insert—

“(bb) section 187 of the Armed Forces Act 2006 (which makes similar provision in respect of service convictions);”.

(5) For subsection (6) substitute—

“(7) In this section—

“service offence” has the same meaning as in the Armed Forces Act 2006;

“conviction” includes anything that under section 376(1) and (2) of that Act is to be treated as a conviction, and “convicted” is to be read accordingly.”

60 In section 9 of that Act (conclusiveness of convictions for purposes of defamation actions)—

(a) in subsection (3) for “by a court-martial there or elsewhere” substitute “(in the case of a service offence) a conviction (anywhere) of that service offence”;

(b) in subsection (4) for “(6)” substitute “(7)”.

61 In section 14 of that Act (general interpretation etc)—

(a) in subsection (2), in the definition of “court” for “court-martial” substitute “service court”;

(b) after that subsection insert—

“(2A) In subsection (2) “service court” means the Court Martial, the Summary Appeal Court, the Service Civilian Court, the Court Martial Appeal Court or the Supreme Court on an appeal brought from the Court Martial Appeal Court.”

Juries Act 1974 (c. 23)

62 In Schedule 1 to the Juries Act 1974 (persons disqualified from jury service, etc)—

Status: This is the original version (as it was originally enacted).

- (a) in paragraph 7(c) after “Channel Islands” insert “or a service community order or overseas community order under the Armed Forces Act 2006”;
- (b) in paragraph 8(a) for “by a court-martial” substitute “(anywhere) in respect of a service offence within the meaning of the Armed Forces Act 2006”.

Rehabilitation of Offenders Act 1974 (c. 53)

- 63 In section 1 of the Rehabilitation of Offenders Act 1974 (rehabilitated persons and spent convictions), in subsection (4) after “2000” insert “or section 187 of the Armed Forces Act 2006”.
- 64 In section 2 of that Act (rehabilitation of persons dealt with in service disciplinary proceedings)—
- (a) in subsection (5) after “any of the following—” insert—
 - “(za) any proceedings (whether or not before a court) in respect of a service offence within the meaning of the Armed Forces Act 2006 (except proceedings before a civilian court within the meaning of that Act);”;
 - (b) after that subsection add—
 - “(6) Section 376(1) to (3) of the Armed Forces Act 2006 (“conviction” and “sentence” in relation to summary hearings and the SAC) apply for the purposes of this Act as they apply for the purposes of that Act.”
- 65 (1) Section 5 of that Act (rehabilitation periods for particular sentences) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (d)—
 - (i) after “Powers of Criminal Courts (Sentencing) Act 2000,” insert “or under section 209 or 218 of the Armed Forces Act 2006,”;
 - (ii) after “said Act of 2000” insert “or section 209 of the said Act of 2006”;
 - (iii) omit “or a corresponding court-martial punishment”;
 - (b) in paragraph (f), at the end insert “(including any sentence within this paragraph passed as a result of any of sections 219 to 222 of the Armed Forces Act 2006)”.
- (3) For subsection (1A) substitute—
- “(1A) In subsection (1)(d)—
- (a) references to section 209 of the Armed Forces Act 2006 include references to section 71A(4) of the Army Act 1955 or Air Force Act 1955 or section 43A(4) of the Naval Discipline Act 1957;
 - (b) the reference to section 218 of the Armed Forces Act 2006 includes a reference to section 71A(3) of the Army Act 1955 or Air Force Act 1955 or section 43A(3) of the Naval Discipline Act 1957.”
- (4) In subsection (2)—
- (a) in Table A, in the fifth entry for “Any sentence of detention” substitute “Any sentence of service detention within the meaning of the Armed Forces Act 2006, or any sentence of detention corresponding to such a sentence,”;

Status: This is the original version (as it was originally enacted).

- (b) in Table B—
 - (i) in the fourth entry, after “2000” insert “or under section 209 of the Armed Forces Act 2006”;
 - (ii) in the fifth entry, for “either of those provisions” substitute “any provision mentioned in the fourth entry in this Table”.
 - (5) Before subsection (3) insert—
 - “(2A) Table B applies in relation to a sentence under section 71A(4) of the Army Act 1955 or Air Force Act 1955 or section 43A(4) of the Naval Discipline Act 1957 as it applies in relation to one under section 209 of the Armed Forces Act 2006.”
 - (6) In subsection (4A) after “2003” insert “or a service community order or overseas community order under the Armed Forces Act 2006”.
 - (7) In subsection (6A) after “2000” insert “, or an order under section 211 of the Armed Forces Act 2006 was made”.
 - (8) In subsection (9)(b) after “2000” insert “or section 209 of the Armed Forces Act 2006”.
- 66 In the Schedule to that Act (service disciplinary convictions referred to in section 6(6)(bb)), after paragraph 6 add—

“Provisions of the Armed Forces Act 2006

- 7 Any service offence within the meaning of the Armed Forces Act 2006 except one punishable in the case of an offender aged 18 or over with imprisonment for more than two years.”

House of Commons Disqualification Act 1975 (c. 24)

- 67 In section 1 of the House of Commons Disqualification Act 1975 (disqualification of holders of certain offices)—
- (a) in subsection (1)(c) omit “or the Ulster Defence Regiment”;
 - (b) in subsection (3), in the definition of “regular armed forces of the Crown”, for the words from “the regular forces” to the end substitute “the Royal Marines, the regular army (as defined by section 374 of the Armed Forces Act 2006) or the Royal Air Force.”
- 68 In Part 1 of Schedule 1 to that Act (judicial offices disqualifying for membership), for “Judge of the Courts-Martial Appeal Court.” substitute “Judge of the Court Martial Appeal Court.”

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 69 In section 1 of the Northern Ireland Assembly Disqualification Act 1975 (disqualification of holders of certain offices)—
- (a) in subsection (1)(c) omit the words from “or” to the end;
 - (b) in subsection (2), in the definition of “regular armed forces of the Crown”, for the words from “the regular forces” to the end substitute “the Royal Marines, the regular army (as defined by section 374 of the Armed Forces Act 2006) or the Royal Air Force.”

Status: This is the original version (as it was originally enacted).

- 70 In Part 1 of Schedule 1 to that Act (judicial offices disqualifying for membership), for “Judge of the Courts-Martial Appeal Court.” substitute “Judge of the Court Martial Appeal Court.”

Sex Discrimination Act 1975 (c. 65)

- 71 (1) Section 85 of the Sex Discrimination Act 1975 (application to Crown etc) is amended as follows.
- (2) In subsection (9B)—
- (a) in paragraph (a) for the words from “a complaint” to “those procedures” substitute “a service complaint in respect of the act complained of”;
 - (b) in paragraph (b) for “complaint” substitute “service complaint”.
- (3) In subsection (9D) for “the service redress procedures” substitute “the service complaint procedures”.
- (4) In subsection (10) for the definition of “the service redress procedures” substitute—
- ““service complaint” means a complaint under section 334 of the Armed Forces Act 2006;
- “the service complaint procedures” means the procedures prescribed by regulations under that section;”.

Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (c. 14)

- 72 In section 1(4) of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (investigation of death and application for public inquiry)—
- (a) after paragraph (b) insert—

“(ba) he is detained in, or is subject to detention in, service custody premises (within the meaning of section 300 of the Armed Forces Act 2006);”;
 - (b) in paragraph (c)(i) for “and (b)” substitute “, (b) and (ba)”.

Bail Act 1976 (c. 63)

- 73 In section 2(2) of the Bail Act 1976 (definitions), for the definition of “Courts-Martial Appeal rules” substitute—
- “Court Martial Appeal Rules” means rules made under section 49 of the Court Martial Appeals Act 1968,.”.
- 74 In section 5(10) of that Act (meaning of “prescribed” for purposes of section 5), for “Courts-Martial Appeal rules” substitute “Court Martial Appeal Rules”.
- 75 In section 6(9)(c)(v) of that Act (meaning of the “appropriate officer” of the court), for “Courts-Martial Appeal Court” substitute “Court Martial Appeal Court”.
- 76 In section 8(4) of that Act (persons before whom recognizance may be entered into) —
- (a) in paragraph (d)—
 - (i) for “Courts-Martial Appeal Court” substitute “Court Martial Appeal Court”;

Status: This is the original version (as it was originally enacted).

- (ii) for “Courts-Martial Appeal rules” substitute “Court Martial Appeal Rules”;
 - (b) in the words after paragraph (d) for “Courts-Martial Appeal rules” substitute “Court Martial Appeal Rules”.
- 77 In section 13(3) of that Act (application of Act), for “Courts-Martial Appeal Court” substitute “Court Martial Appeal Court”.
- 78 In Schedule 1 to that Act (persons entitled to bail: supplementary provisions)—
 - (a) in paragraph 4 of each of Parts 1 and 2, for the words from “the sentence” to the end substitute “a sentence of a court or a sentence imposed by an officer under the Armed Forces Act 2006.”; and
 - (b) in paragraph 4 of Part 3 omit the definition of “the Services Acts”.

Race Relations Act 1976 (c. 74)

- 79 In section 57(4B) of the Race Relations Act 1976 (claims under Part 3), in the words after the definition of “public investigator functions”, for the words from “any offence” to “1957” substitute “any service offence within the meaning of the Armed Forces Act 2006”.
- 80 (1) Section 75 of that Act (application to Crown etc) is amended as follows.
 - (2) In subsection (9)—
 - (a) in paragraph (a) for the words from “a complaint” to “those procedures” substitute “a service complaint in respect of the act complained of”;
 - (b) in paragraph (b) for “complaint” substitute “service complaint”.
 - (3) In subsection (9B) for “the service redress procedures” substitute “the service complaint procedures”.
 - (4) In subsection (10), for paragraph (ab) substitute—
 - “(ac) “service complaint” means a complaint under section 334 of the Armed Forces Act 2006;
 - (ad) “the service complaint procedures” means the procedures prescribed by regulations under that section;”.
- 81 In section 78(1) of that Act (general interpretation provisions), for the definition of “criminal proceedings” substitute—
 - ““criminal proceedings” includes service law proceedings (as defined by section 324(5) of the Armed Forces Act 2006);”.

Sex Discrimination (Northern Ireland) Order 1976 (S.I. 1976/1042 (N.I. 15))

- 82 (1) Article 82 of the Sex Discrimination (Northern Ireland) Order 1976 (application to Crown etc) is amended as follows.
 - (2) In paragraph (9B)—
 - (a) in sub-paragraph (a) for the words from “a complaint” to “those procedures” substitute “a service complaint in respect of the act complained of”;
 - (b) in sub-paragraph (b) for “complaint” substitute “service complaint”.
 - (3) In paragraph (9D) for “the service redress procedures” substitute “the service complaint procedures”.

Status: This is the original version (as it was originally enacted).

- (4) In paragraph (10) for the definition of “the service redress procedures” substitute—
- ““service complaint” means a complaint under section 334 of the Armed Forces Act 2006;
- “the service complaint procedures” means the procedures prescribed by regulations under that section;”.

Judicature (Northern Ireland) Act 1978 (c. 23)

- 83 In section 44 of the Judicature (Northern Ireland) Act 1978 (appeals in cases of contempt of court)—
- (a) in subsection (2)(b) for “Courts-Martial Appeal Court” substitute “Court Martial Appeal Court”;
- (b) in subsection (5) after paragraph (c) insert—
- “(d) to an order or decision of the Court Martial or the Summary Appeal Court under section 309 of the Armed Forces Act 2006;”.

Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))

- 84 In Article 2 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (interpretation), in paragraph (2), in the definition of “service disciplinary proceedings”, after “any of the following—” insert—
- “(za) any proceedings (whether or not before a court) in respect of a service offence within the meaning of the Armed Forces Act 2006 (except proceedings before a civilian court within the meaning of that Act);”.
- 85 In Article 4 of that Order (rehabilitation of persons dealt with in service disciplinary proceedings), after paragraph (1) insert—
- “(1A) Section 376(1) to (3) of the Armed Forces Act 2006 (“conviction” and “sentence” in relation to summary hearings and the SAC) apply for the purposes of this Order as they apply for the purposes of that Act.”
- 86 (1) Article 6 of that Order (rehabilitation periods for particular sentences) is amended as follows.
- (2) In paragraph (1)—
- (a) in sub-paragraph (c) omit the “and” at the end;
- (b) in sub-paragraph (d) omit “or a corresponding court-martial punishment”;
- (c) after that sub-paragraph insert—
- “(e) a sentence of detention for life, or for a term exceeding thirty months, passed under section 209 of the Armed Forces Act 2006;
- (f) a sentence of detention during Her Majesty’s pleasure under section 218 of that Act; and
- (g) any of the following passed as a result of any of sections 219 to 222 of that Act—
- (i) a sentence of imprisonment for public protection under section 225 of the Criminal Justice Act 2003;

Status: This is the original version (as it was originally enacted).

- (ii) a sentence of detention for public protection under section 226 of that Act;
- (iii) an extended sentence under section 227 or 228 of that Act.”.

(3) In paragraph (2)—

- (a) in Table A, in the fifth entry for “Any sentence of detention” substitute “Any sentence of service detention within the meaning of the Armed Forces Act 2006, or any sentence of detention corresponding to such a sentence,”;
- (b) in Table B—
 - (i) in the fourth entry, after “1998” insert “or under section 209 of the Armed Forces Act 2006”;
 - (ii) in the fifth entry, after “Article 45” insert “or that section 209”.

(4) After paragraph (4) insert—

“(4A) Where in respect of a conviction an order under section 211 of the Armed Forces Act 2006 (detention and training order) was made, the rehabilitation period applicable to the sentence shall be—

- (a) in the case of a person aged 15 or over on conviction, five years if the order was for a term exceeding six months, or three and a half years if it was for six months or less;
- (b) in the case of a person aged under 15 on conviction, a period beginning with the date of conviction and ending one year after the date on which the order ceases to have effect.

(4B) Where in respect of a conviction a service community order under the Armed Forces Act 2006 or an overseas community order under that Act was made, the rehabilitation period applicable to the sentence shall be—

- (a) in the case of a person aged 18 or over on conviction, 5 years from the date of conviction;
- (b) in the case of a person aged under 18 on conviction, two and a half years from the date of conviction or a period beginning with the date of conviction and ending when the order ceases to have effect, whichever is the longer.”

(5) In paragraph (9)—

- (a) omit sub-paragraph (a);
- (b) in sub-paragraph (c) after “1998” insert “or section 209 of the Armed Forces Act 2006”.

(6) After paragraph (9) insert—

“(9A) In this Article—

- (a) references in paragraphs (1) and (2) to section 209 of the Armed Forces Act 2006 include references to section 71A(4) of the Army Act 1955 or Air Force Act 1955 or section 43A(4) of the Naval Discipline Act 1957;
- (b) the reference in paragraph (1) to section 218 of the Armed Forces Act 2006 includes a reference to section 71A(3) of the Army Act 1955 or Air Force Act 1955 or section 43A(3) of the Naval Discipline Act 1957.”

Status: This is the original version (as it was originally enacted).

- 87 In the Schedule to that Order (service disciplinary convictions referred to in Article 7(6)(bb)), after paragraph 6 add—

“Provisions of the Armed Forces Act 2006

- 7 Any service offence within the meaning of the Armed Forces Act 2006 except one punishable in the case of an offender aged 18 or over with imprisonment for more than two years.”

Magistrates' Courts Act 1980 (c. 43)

- 88 In section 19(5) of the Magistrates' Courts Act 1980 (decision as to allocation), for paragraph (b) substitute—

“(b) a previous conviction of a service offence within the meaning of the Armed Forces Act 2006 (“conviction” here including anything that under section 376(1) and (2) of that Act is to be treated as a conviction).”

- 89 In section 125D(3) of that Act (execution by person not in possession of warrant), for paragraph (b) substitute—

“(b) a warrant under section 313, 314 or 317 of the Armed Forces Act 2006;”.

Public Passenger Vehicles Act 1981 (c. 14)

- 90 In Schedule 3 to the Public Passenger Vehicles Act 1981 (supplementary provisions as to qualifications for PSV operator's licence), in paragraph 1—

- (a) in sub-paragraph (6) after “1978” insert “or a service community order or overseas community order under the Armed Forces Act 2006”;
- (b) in sub-paragraph (7) for the words from “a civil offence” to the end substitute “an offence under section 42 of the Armed Forces Act 2006.”

Contempt of Court Act 1981 (c. 49)

- 91 In section 19 of the Contempt of Court Act 1981 (interpretation), for “Courts-Martial Appeal Court”, in both places, substitute “Court Martial Appeal Court”.

- 92 In Schedule 1 to that Act (times when proceedings are active for purposes of section 2), after paragraph 1 insert—

“1A In paragraph 1 the reference to an offence includes a service offence within the meaning of the Armed Forces Act 2006.”

Senior Courts Act 1981 (c. 54)

- 93 In section 29 of the Senior Courts Act 1981 (mandatory, prohibiting and quashing orders), for subsection (3A) substitute—

“(3A) The High Court shall have no jurisdiction to make mandatory, prohibiting or quashing orders in relation to the jurisdiction of the Court Martial in matters relating to—

- (a) trial by the Court Martial for an offence; or
- (b) appeals from the Service Civilian Court.”

Criminal Justice Act 1982 (c. 48)

- 94 (1) Section 32 of the Criminal Justice Act 1982 (early release of prisoners) is amended as follows.
- (2) In subsection (1) at the end of paragraph (b) add “or
- (c) imprisonment to which they were sentenced for an offence under section 42 of the Armed Forces Act 2006 (criminal conduct) as respects which the corresponding offence under the law of England and Wales (within the meaning of that section) is—
- (i) an excluded offence;
- (ii) an attempt to commit an excluded offence;
- (iii) conspiracy to commit an excluded offence; or
- (iv) aiding or abetting, counselling, procuring or inciting the commission of an excluded offence.”
- (3) After that subsection insert—
- “(1A) The reference in subsection (1)(a) to sentences of imprisonment for public protection under section 225 of the Criminal Justice Act 2003 and to extended sentences under 227 of that Act includes such sentences passed as a result of section 219 or 220 of the Armed Forces Act 2006.”
- (4) After subsection (2) insert—
- “(2A) Section 48 of the Armed Forces Act 2006 (attempts, conspiracy, incitement and aiding and abetting outside England and Wales) applies for the purposes of subsection (1)(c)(ii) to (iv) above as if the reference in subsection (3)(b) of that section to any of the following provisions of that Act were a reference to subsection (1)(c)(ii) to (iv).”
- (5) In subsection (3)(b) after “(iv)” insert “or (1)(c)”.

Representation of the People Act 1983 (c. 2)

- 95 In section 3(2)(a) of the Representation of the People Act 1983 (disenfranchisement of offenders in prison etc), for the words from “court-martial” to “1976” substitute “court of a service offence within the meaning of the Armed Forces Act 2006”.
- 96 In section 3A of that Act (disenfranchisement of offenders detained in mental hospitals), for subsection (5) substitute—
- “(5) The reference in subsection (2)(a)(i) to an order under section 37 or 38 of the Mental Health Act 1983 includes such an order made by virtue of Schedule 4 to the Armed Forces Act 2006 (including as applied by section 16(2) of the Court Martial Appeals Act 1968).”

Mental Health Act 1983 (c. 20)

- 97 (1) Section 47 of the Mental Health Act 1983 (removal to hospital of prisoners etc) is amended as follows.
- (2) In subsection (5)(a)—
- (a) after “proceedings” insert “or service disciplinary proceedings”;

Status: This is the original version (as it was originally enacted).

- (b) after “trial” insert “or a sentence of service detention within the meaning of the Armed Forces Act 2006”.

(3) After subsection (5) add—

- “(6) In subsection (5)(a) “service disciplinary proceedings” means proceedings in respect of a service offence within the meaning of the Armed Forces Act 2006.”

Repatriation of Prisoners Act 1984 (c. 47)

98 In section 1 of the Repatriation of Prisoners Act 1984 (warrants for transfer of prisoners etc into or out of UK), after subsection (7) insert—

- “(7A) In subsection (7)(a) the reference to an order made by a court or tribunal in the United Kingdom in the course of the exercise of its criminal jurisdiction includes an order made (anywhere) by—
 - (a) the Court Martial;
 - (b) the Service Civilian Court;
 - (c) the Court Martial Appeal Court; or
 - (d) the Supreme Court on an appeal brought from the Court Martial Appeal Court.”

Inheritance Tax Act 1984 (c. 51)

99 In section 154(2) of the Inheritance Tax Act 1984 (death on active service etc), for the words from “(not being a member” to “any body of those forces” substitute “a civilian subject to service discipline within the meaning of the Armed Forces Act 2006”.

Police and Criminal Evidence Act 1984 (c. 60)

100 In section 63A(1B) of the Police and Criminal Evidence Act 1984 (fingerprints and samples: supplementary provisions)—

- (a) in paragraph (h) for “Royal Navy Regulating Branch” substitute “Royal Navy Police”;
- (b) omit paragraph (k).

101 In section 67 of that Act (codes of practice: supplementary), for subsection (12) substitute—

- “(12) In subsection (11) “criminal proceedings” includes service proceedings.
- (13) In this section “service proceedings” means proceedings before a court (other than a civilian court) in respect of a service offence; and “service offence” and “civilian court” here have the same meanings as in the Armed Forces Act 2006.”

102 (1) Section 72 of that Act (provision supplementary to Part 7 (documentary evidence in criminal proceedings)) is amended as follows.

- (2) In subsection (1), in the definition of “proceedings”, for paragraphs (a) to (c) substitute “service proceedings.”
- (3) After that subsection insert—

- “(1A) In subsection (1) “service proceedings” means proceedings before a court (other than a civilian court) in respect of a service offence; and “service offence” and “civilian court” here have the same meanings as in the Armed Forces Act 2006.”
- 103 In section 75(3) of that Act (supplementary provision about conviction as evidence of commission of offence), after paragraph (a) insert—
- “(aa) section 187 of the Armed Forces Act 2006 (which makes similar provision in respect of service convictions);”.
- 104 (1) Section 82 of that Act (interpretation of Part 8 (evidence in criminal proceedings: general)) is amended as follows.
- (2) In subsection (1)—
- (a) omit the definition of “court-martial”;
- (b) in the definition of “proceedings”, for paragraphs (a) to (c) substitute “service proceedings;”;
- (c) in the definition of “Service court” for “a court-martial or a Standing Civilian Court” substitute “the Court Martial or the Service Civilian Court”.
- (3) After that subsection insert—
- “(1A) In subsection (1) “service proceedings” means proceedings before a court (other than a civilian court) in respect of a service offence; and “service offence” and “civilian court” here have the same meanings as in the Armed Forces Act 2006.”
- (4) Omit subsection (2).
- 105 (1) Section 113 of that Act (application of Act to armed forces) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) The Secretary of State may by order make provision in relation to—
- (a) investigations of service offences,
- (b) persons arrested under a power conferred by or under the Armed Forces Act 2006,
- (c) persons charged under that Act with service offences,
- (d) persons in service custody, or
- (e) persons convicted of service offences,
- which is equivalent to that made by any provision of Part 5 of this Act (or this Part of this Act so far as relating to that Part), subject to such modifications as the Secretary of State considers appropriate.”
- (3) In subsection (2) for the words from “offences” to the end substitute “service offences”.
- (4) In subsection (3) for the words from “concerned with” to the end substitute “concerned with—
- (a) the exercise of powers conferred by or under Part 3 of the Armed Forces Act 2006; or
- (b) investigations of service offences.”
- (5) In subsection (4) for “enquiries” substitute “investigations”.

Status: This is the original version (as it was originally enacted).

- (6) For subsection (9) substitute—
 - “(9) Subsection (8) above applies to proceedings in respect of an offence under a provision of Part 1 of the Armed Forces Act 2006 other than section 42 (criminal conduct).”
 - (7) Omit subsection (11).
 - (8) In subsection (12) for the words from “proceedings” to the end of paragraph (c) substitute “service proceedings”.
 - (9) After that subsection insert—
 - “(12A) In this section—
 - “service offence” has the meaning given by section 50 of the Armed Forces Act 2006;
 - “criminal proceedings” includes service proceedings;
 - “service proceedings” means proceedings before a court (other than a civilian court) in respect of a service offence; and
 - “civilian court” has the meaning given by section 374 of the Armed Forces Act 2006;
 - and section 376(1) and (2) of that Act (meaning of “convicted” in relation to summary hearings and the SAC) apply for the purposes of subsection (1) (e) above as they apply for the purposes of that Act.”
 - (10) After subsection (13) add—
 - “(14) Section 373(5) and (6) of the Armed Forces Act 2006 (supplementary provisions) apply in relation to an order under this section as they apply in relation to an order under that Act.”
- 106 (1) Section 120 of that Act (extent) is amended as follows.
- (2) For subsections (6) and (7) substitute—
 - “(6) Nothing in subsection (1) affects—
 - (a) the extent of section 113(1) to (7) and (12) to (14);
 - (b) the extent of the relevant provisions so far as they relate to service proceedings.”
 - (3) In subsection (8)—
 - (a) for paragraphs (a) and (b) substitute—
 - “(a) section 67(11) to (13);”;
 - (b) for paragraphs (d) and (e) substitute—
 - “(d) section 113(8) to (10).”
 - (4) For subsection (9) substitute—
 - “(8A) In this section “service proceedings” means proceedings before a court (other than a civilian court) in respect of a service offence; and “service offence” and “civilian court” here have the same meanings as in the Armed Forces Act 2006.”

- (8B) Section 384 of the Armed Forces Act 2006 (Channel Islands, Isle of Man and British overseas territories) applies in relation to the provisions mentioned in subsection (6)(a) and (b) above as it applies in relation to that Act.”

Prosecution of Offences Act 1985 (c. 23)

- 107 In section 19 of the Prosecution of Offences Act 1985 (provision for orders as to costs in other circumstances)—
- (a) in subsection (3)(c)(ii) for the words from “to which” to the end substitute “within subsection (3B) below;”;
 - (b) after subsection (3A) insert—

“(3B) A request is within this subsection if—

 - (a) it is a request to a registered medical practitioner to make a written or oral report on the medical condition of an offender or defendant; and
 - (b) it is made by a court—
 - (i) for the purpose of determining whether or not to include in a community order (within the meaning of Part 12 of the Criminal Justice Act 2003) a mental health treatment requirement under section 207 of that Act or make an order under section 37 of the Mental Health Act 1983 (hospital orders and guardianship orders) or otherwise for the purpose of determining the most suitable method of dealing with an offender; or
 - (ii) in exercise of the powers conferred by section 11 of the Powers of Criminal Courts (Sentencing) Act 2000 (remand of a defendant for medical examination).”

Housing Act 1985 (c. 68)

- 108 In section 622(1) of the Housing Act 1985 (minor definitions), for the definition of “regular armed forces of the Crown” substitute—
- ““regular armed forces of the Crown” means the regular forces as defined by section 374 of the Armed Forces Act 2006;”.

Debtors (Scotland) Act 1987 (c. 18)

- 109 In section 73(3)(b) of the Debtors (Scotland) Act 1987, for the words from “section 203” to “Council” substitute “section 356 of the Armed Forces Act 2006”.

Coroners Act 1988 (c. 13)

- 110 In section 8 of the Coroners Act 1988 (duty to hold inquest) after subsection (6) add—
- “(7) This section applies in relation to service custody premises (within the meaning of section 300 of the Armed Forces Act 2006) and persons detained in such premises as it applies in relation to prisons and prisoners.”

Status: This is the original version (as it was originally enacted).

- 111 In section 19 of that Act (post-mortem examination without inquest) in subsection (4) (b) after “prison” insert “or in service custody premises (within the meaning of section 300 of the Armed Forces Act 2006),”.

Criminal Justice Act 1988 (c. 33)

- 112 In the Criminal Justice Act 1988, omit section 50 (suspended sentences on certain civilians in service courts).
- 113 In section 146 of that Act (evidence before service courts)—
- (a) in the sidenote, for “courts-martial etc” substitute “certain service courts”; and
 - (b) for “courts-martial, the Courts-Martial Appeal Court and Standing Civilian Courts” substitute “certain service courts”.
- 114 In section 172 of that Act (extent), for subsections (7) to (9) substitute—
- “(7) Nothing in subsection (1) above affects the extent of section 146 or Schedule 13.”
- 115 (1) Schedule 13 to that Act (evidence before service courts) is amended as follows.
- (2) In the title for “courts-martial etc” substitute “service courts”.
 - (3) In paragraph 1—
 - (a) in the definition of “procedural instruments”, for paragraphs (a) to (d) substitute—
 - “(a) Court Martial rules within the meaning of the Armed Forces Act 2006;
 - (b) SCC rules within the meaning of that Act; and
 - (c) rules under section 49 of the Court Martial Appeals Act 1968;”;
 - (b) in the definition of “Service courts”, for paragraphs (a) to (d) substitute—
 - “(a) the Court Martial;
 - (b) the Service Civilian Court; and
 - (c) the Court Martial Appeal Court.”
 - (4) Omit paragraphs 7, 9 and 10.

Road Traffic Act 1988 (c. 52)

- 116 In section 183 of the Road Traffic Act 1988 (application to the Crown), in subsection (6) for the words from “subject to” to “air force law” substitute “subject to service law (within the meaning of the Armed Forces Act 2006)”.
- 117 (1) Section 184 of that Act (application of sections 5 to 10 to persons subject to service discipline) is amended as follows.
- (2) In subsection (1)—
 - (a) in the words before paragraph (a) for “persons subject to service discipline” substitute “persons subject to service law and civilians subject to service discipline”;

Status: This is the original version (as it was originally enacted).

- (b) in paragraph (a) for “the corresponding service offence” substitute “an offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales is that offence”;
- (c) in paragraph (b) for “naval, military or air force authority” substitute “officer”;
- (d) in paragraph (e)—
 - (i) for “persons subject to service discipline” substitute “persons subject to service law or civilians subject to service discipline”;
 - (ii) omit “and” at the end of the paragraph;
- (e) in paragraph (f) for “the corresponding service offence” substitute “an offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales is a traffic offence within the meaning of section 6”;
- (f) after that paragraph add—
 - “(g) in section 6E as it applies by virtue of paragraph (c) above, subsection (2) were omitted and the reference in subsection (1) to any place were to—
 - (i) service living accommodation (as defined by section 96 of the Armed Forces Act 2006), or
 - (ii) premises occupied as a residence (alone or with other persons) by the person on whom the requirement is to be imposed or the person to be arrested.”
- (3) In subsection (2), for the words from “a person” to “without warrant” substitute “without warrant a person who is subject to service law or is a civilian subject to service discipline”.
- (4) For subsection (3) substitute—
 - “(3) In this section—
 - “civilian subject to service discipline” has the same meaning as in the Armed Forces Act 2006;
 - “corresponding offence under the law of England and Wales”, in relation to an offence under section 42 of that Act, has the meaning given by that section;
 - “member of the provost staff” means—
 - (a) anyone who is, or by reason of section 375(5) of that Act is to be treated as, a service policeman for the purposes of that Act; or
 - (b) a person lawfully exercising authority on behalf of a provost officer (within the meaning of that Act);
 - “subject to service law” has the same meaning as in that Act.”

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

- 118 In Article 66 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (codes of practice – supplementary), for paragraph 11 substitute—

“(11) In paragraph (10) “criminal proceedings” includes service proceedings.

Status: This is the original version (as it was originally enacted).

(11A) In this Article “service proceedings” means proceedings before a court (other than a civilian court) in respect of a service offence; and “service offence” and “civilian court” here have the same meanings as in the Armed Forces Act 2006.”

119 In Article 70 of that Order (interpretation of Part IX (evidence in criminal proceedings – general))—

- (a) in paragraph (1), in the definition of “Service court” for “a court-martial or a Standing Civilian Court” substitute “the Court Martial or the Service Civilian Court”;
- (b) omit paragraph (2).

120 In Article 73(3) of that Order (supplementary provision about conviction as evidence of commission of offence), before sub-paragraph (b) insert—

“(aa) section 187 of the Armed Forces Act 2006 (which makes similar provision in respect of service convictions);”.

Courts and Legal Services Act 1990 (c. 41)

121 In section 119(1) of the Courts and Legal Services Act 1990 (interpretation), in the definition of “court”—

- (a) in paragraph (a), at the end insert “and”;
- (b) omit paragraph (b).

Armed Forces Act 1991 (c. 62)

122 In section 24 of the Armed Forces Act 1991 (extent etc) for subsections (4) and (5) substitute—

“(4) Section 384 of the Armed Forces Act 2006 applies in relation to Part 3 of this Act as it applies in relation to that Act.”

Local Government Finance Act 1992 (c. 14)

123 (1) Schedule 1 to the Local Government Finance Act 1992 (persons disregarded for purposes of discount) is amended as follows.

(2) In paragraph 1—

- (a) in sub-paragraph (1)(a) for “of a court” substitute “or award”;
- (b) for sub-paragraph (2) substitute—

“(2) This sub-paragraph applies to—

- (a) an order of a court in the United Kingdom;
- (b) an order or award (whether or not of a court) made (anywhere) in proceedings in respect of a service offence within the meaning of the Armed Forces Act 2006.”;
- (c) in sub-paragraph (3), omit “or” at the end of paragraph (a) and after that paragraph insert—
 - “(aa) is temporarily released under rules under section 300 of the Armed Forces Act 2006; or”;
- (d) in sub-paragraph (6)(a) for the words from “imprisoned” to the end substitute “in service custody; and”.

- (3) In paragraph 6(2)(b) for the words from “subject to” to the end substitute “subject to service law within the meaning of the Armed Forces Act 2006.”

Sexual Offences (Amendment) Act 1992 (c. 34)

- 124 In section 2 of the Sexual Offences (Amendment) Act 1992 (offences to which the Act applies), for subsection (4) substitute—

“(4) This Act applies to an offence under section 42 of the Armed Forces Act 2006 if the corresponding offence under the law of England and Wales (within the meaning given by that section) is an offence within a paragraph of subsection (1) above.”

- 125 In section 3 of that Act (power to displace restrictions in section 1), after subsection (6A) insert—

“(6B) Where a person is charged with an offence to which this Act applies by virtue of section 2(4), this section applies as if—

- (a) in subsections (1) and (2) for any reference to the judge there were substituted a reference to the court; and
- (b) subsections (6) and (6A) were omitted.”

- 126 In section 4 of that Act (special rules for cases of incest or buggery), omit subsection (9).

- 127 (1) Section 6 of that Act (interpretation etc) is amended as follows.

- (2) In subsection (1) omit the definitions of “corresponding civil offence” and “service offence”.

- (3) After that subsection insert—

“(1A) Section 48 of the Armed Forces Act 2006 (attempts, conspiracy, incitement and aiding and abetting outside England and Wales) applies for the purposes of this Act as if the reference in subsection (3)(b) of that section to any of the following provisions of that Act were a reference to any provision of this Act.”

- (4) In subsection (3) for “a service offence” substitute “an offence under section 42 of the Armed Forces Act 2006”.

- (5) In subsection (3A) for the words from “a service offence” to “as charged with the offence” substitute “an offence under section 42 of the Armed Forces Act 2006 if he is charged (under Part 5 of that Act) with the offence”.

- 128 Omit section 7 of that Act (courts-martial).

- 129 In section 8 of that Act (short title, commencement and extent, etc) omit subsection (7).

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

- 130 In section 39 of the Criminal Justice and Public Order Act 1994 (power to apply sections 34 to 38 to armed forces), for subsection (2) substitute—

“(2) This section applies to any proceedings before an officer or court in respect of a service offence (other than proceedings before a civilian court); and

Status: This is the original version (as it was originally enacted).

“service offence” and “civilian court” here have the same meanings as in the Armed Forces Act 2006.”

Goods Vehicles (Licensing of Operators) Act 1995 (c. 23)

131 In Schedule 3 to the Goods Vehicles (Licensing of Operators) Act 1995, in paragraph 5 for sub-paragraph (1) substitute—

“(1) In paragraph 1(3)(a) the reference to an offence mentioned in paragraph 5 of Schedule 2 includes an offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is an offence mentioned in that paragraph.

(1A) In paragraphs 3 and 4, references to an offence under the law of any part of the United Kingdom include an offence under section 42 of that Act.

(1B) In paragraph 3(2)(c) the reference to a community order includes a service community order or overseas community order under that Act.”

Pensions Act 1995 (c. 26)

132 In section 166(5)(a) of the Pensions Act 1995 (pensions on divorce etc), for the words from “section 203(1) and (2) of the Army Act 1955” to “1957” substitute “section 356 of the Armed Forces Act 2006”.

Criminal Procedure (Scotland) Act 1995 (c. 46)

133 In section 307 of the Criminal Procedure (Scotland) Act 1995 (interpretation)—

(a) in subsection (2)—

(i) for “court-martial”, both times it occurs, substitute “service court”;

(ii) for the words “under the” to the end substitute “for an offence under section 42 of the Armed Forces Act 2006.”;

(b) after that subsection insert—

“(2A) In subsection (2), “service court” means—

(a) the Court Martial;

(b) the Summary Appeal Court;

(c) the Court Martial Appeal Court; or

(d) the Supreme Court on an appeal brought from the Court Martial Appeal Court.”

Disability Discrimination Act 1995 (c. 50)

134 In section 68 of the Disability Discrimination Act 1995 (interpretation)—

(a) in subsection (1) for the definition of “criminal proceedings” substitute—

““criminal proceedings” includes service law proceedings (as defined by section 324(5) of the Armed Forces Act 2006);”;

(b) in subsection (1C), in the definition of “offence” for the words from “any offence” to “1957” substitute “any service offence within the meaning of the Armed Forces Act 2006”.

Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))

- 135 In Article 162(5)(a) of the Pensions (Northern Ireland) Order 1995 (pensions on divorce etc), for the words from “section 203(1) and (2) of the Army Act 1955” to “1957” substitute “section 356 of the Armed Forces Act 2006”.

Employment Rights Act 1996 (c. 18)

- 136 In section 192 of the Employment Rights Act 1996 (armed forces)—
- (a) in subsection (4)—
 - (i) in paragraph (a) for the words from “a complaint” to “those procedures” substitute “a service complaint”;
 - (ii) in paragraph (b) for “complaint” substitute “service complaint”;
 - (b) in subsection (5)(b) for “the service procedures for the redress of complaints” substitute “the service complaint procedures”;
 - (c) for subsection (6) substitute—

“(6A) In subsections (4) and (5)—

“service complaint” means a complaint under section 334 of the Armed Forces Act 2006;

“the service complaint procedures” means the procedures prescribed by regulations under that section.”

Criminal Procedure and Investigations Act 1996 (c. 25)

- 137 For section 78 of the Criminal Procedure and Investigations Act 1996 substitute—

“78 Application to armed forces

- (1) Subject to subsection (2), nothing in this Act applies in relation to—
 - (a) proceedings before a court (other than a civilian court) in respect of a service offence; or
 - (b) any investigation conducted with a view to its being ascertained whether a person should be charged with a service offence or whether a person charged with such an offence is guilty of it.
- (2) The Secretary of State may by order—
 - (a) make as regards any proceedings mentioned in subsection (1)(a) provision equivalent to the provisions contained in or made under Part 1, subject to such modifications as he considers appropriate;
 - (b) make as regards any investigation mentioned in subsection (1)(b) provision equivalent to the provisions contained in or made under Part 2, subject to such modifications as he considers appropriate.
- (3) An order under this section may make provision in such way as the Secretary of State considers appropriate, and may in particular apply any of the provisions concerned, with or without modifications.
- (4) In this section—
 - (a) “civilian court” and “service offence” have the same meanings as in the Armed Forces Act 2006;

Status: This is the original version (as it was originally enacted).

- (b) references to charges are to charges brought under Part 5 of that Act.”

Armed Forces Act 1996 (c. 46)

- 138 In section 6 of the Armed Forces Act 1996 (abrogation of common law corroboration rules), in subsection (3) for the words from “for any offence” to the end substitute “before—
- (a) the Court Martial;
 - (b) the Summary Appeal Court;
 - (c) the Service Civilian Court;
 - (d) the Court Martial Appeal Court; or
 - (e) the Supreme Court on an appeal brought from the Court Martial Appeal Court.”

Housing Act 1996 (c. 52)

- 139 In section 199(4) of the Housing Act 1996 (local connection), for the words from “the Royal Navy” to the end substitute “the regular forces as defined by section 374 of the Armed Forces Act 2006.”

Social Security (Recovery of Benefits) Act 1997 (c. 27)

- 140 In Part 1 of Schedule 1 to the Social Security (Recovery of Benefits) Act 1997 (compensation payments), in paragraph 2 after “2000” insert “or section 175 of the Armed Forces Act 2006”.

Crime (Sentences) Act 1997 (c. 43)

- 141 In section 31A(5) of the Crime (Sentences) Act 1997 (termination of licences of persons serving preventive sentences), in the definition of “preventive sentence”, at the end insert “(including such a sentence of imprisonment or detention passed as a result of section 219 or 221 of the Armed Forces Act 2006)”.
- 142 (1) Section 34 of that Act (meaning of “life sentence” for purposes of Chapter 2 of Part 2) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (d) at the end insert “(including one passed as a result of section 219 of the Armed Forces Act 2006)”;
 - (b) in paragraph (e) at the end insert “(including one passed as a result of section 221 of the Armed Forces Act 2006)”;
 - (c) after that paragraph add—
 - “(f) a sentence of detention for life under section 209 of the Armed Forces Act 2006;
 - (g) a sentence under section 218 of that Act (detention at Her Majesty’s pleasure).”
- (3) Omit subsection (3).
- 143 In section 47(4) of that Act (application of section 47), at the end of paragraph (b) insert “or” and for paragraphs (c) and (d) substitute—

Status: This is the original version (as it was originally enacted).

- “(c) Schedule 4 to the Armed Forces Act 2006 (including as applied by section 16(2) of the Court Martial Appeals Act 1968).”
- 144 In section 57 of that Act (extent etc), for subsection (8) substitute—
- “(8) Nothing in subsection (4) above affects the extent of section 47 of this Act so far as it confers a power on the Court Martial or the Court Martial Appeal Court.”
- 145 In Schedule 1 to that Act (transfer of prisoners within the British Islands), in paragraph 20(1) (interpretation)—
- (a) before the definition of “prison” insert—
- “detention and training order” includes an order under section 211 of the Armed Forces Act 2006;”;
- (b) in the definition of “sentence of imprisonment”, after “detention” insert “(except a sentence of service detention within the meaning of the Armed Forces Act 2006)”.

Police Act 1997 (c. 50)

- 146 (1) Section 93 of the Police Act 1997 (authorisations to interfere with property etc) is amended as follows.
- (2) In subsection (3)(aa) for “Royal Navy Regulating Branch” substitute “Royal Navy Police”.
- (3) In subsection (5)(eb) for “Royal Navy Regulating Branch” substitute “Royal Navy Police”.
- (4) In subsection (6A)(a) for “subject to service discipline” substitute “who is subject to service law or is a civilian subject to service discipline”.
- (5) For subsection (6B) substitute—
- “(6B) In subsection (6A) “subject to service law” and “civilian subject to service discipline” have the same meanings as in the Armed Forces Act 2006.”
- 147 In section 94(2)(db) of that Act (authorisations given in absence of authorising officer), for “Royal Navy Regulating Branch” substitute “Royal Navy Police”.
- 148 In section 108(1) of that Act (interpretation of Part 3), in the definition of “criminal proceedings”, for paragraphs (a) to (c) substitute “proceedings (whether or not before a court) in respect of a service offence within the meaning of the Armed Forces Act 2006;”.
- 149 In section 113B(10) of that Act (enhanced criminal record certificates: meaning of “police force”), for paragraphs (a) and (b) substitute—
- “(a) the Royal Navy Police;”.

Race Relations (Northern Ireland) Order 1997 (S.I. 1997/869 (N.I. 6))

- 150 (1) Article 71 of the Race Relations (Northern Ireland) Order 1997 (application to Crown etc) is amended as follows.
- (2) In paragraph (8)—

Status: This is the original version (as it was originally enacted).

- (a) in sub-paragraph (a) for the words from “a complaint” to “those procedures” substitute “a service complaint in respect of the act complained of”;
 - (b) in sub-paragraph (b) for “complaint” substitute “service complaint”.
- (3) In paragraph (10) for “the service redress procedures” substitute “the service complaint procedures”.
- (4) In paragraph (12), for the definition of “the service redress procedures” substitute—
- ““service complaint” means a complaint under section 334 of the Armed Forces Act 2006;
- “the service complaint procedures” means the procedures prescribed by regulations under that section;”.

Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (S.I. 1997/1183 (N.I. 12))

- 151 In Part 1 of Schedule 1 to the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (compensation payments), in paragraph 2 after “1994” insert “or section 175 of the Armed Forces Act 2006”.

Landmines Act 1998 (c. 33)

- 152 In section 5(7) of the Landmines Act 1998 (international military operations), in the definition of “Her Majesty’s armed forces” for “Army Act 1955” substitute “Armed Forces Act 2006”.

Crime and Disorder Act 1998 (c. 37)

- 153 In section 38(4)(h) of the Crime and Disorder Act 1998 (youth justice services), after “detention and training order” insert “(including an order under section 211 of the Armed Forces Act 2006)”.
- 154 In section 41(5) of that Act (functions of Youth Justice Board)—
- (a) in paragraph (i), for sub-paragraphs (i) and (ii) substitute—
 - “(i) secure accommodation, within the meaning given by section 107 of the Powers of Criminal Courts (Sentencing) Act 2000, for the purpose of detaining persons subject to orders under section 100, 104(3)(a) or 105(2) of that Act or section 211 or 214 of the Armed Forces Act 2006;
 - (ii) accommodation which is or may be used for the purpose of detaining persons sentenced under section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000 or section 209 or 218 of the Armed Forces Act 2006;”;
 - (b) in paragraph (j), for sub-paragraphs (i) and (ii) substitute—
 - “(i) secure accommodation, within the meaning given by section 107 of the Powers of Criminal Courts (Sentencing) Act 2000, to be used for detaining a person in accordance with a determination under

- section 102(1), 104(3)(a) or 105(2) of that Act or section 214(3) of the Armed Forces Act 2006; or
- (ii) accommodation to be used for detaining a person in accordance with a direction by the Secretary of State under section 92 of the Powers of Criminal Courts (Sentencing) Act 2000 or a determination by the Secretary of State under section 210 or 218(3) of the Armed Forces Act 2006;”.

- 155 In Schedule 3 to that Act (procedure where persons sent for trial under section 51), in paragraph 9(5) (definition of “previous conviction”) for paragraph (b) substitute—
- “(b) a previous conviction of a service offence within the meaning of the Armed Forces Act 2006 (“conviction” here including anything that under section 376(1) and (2) of that Act is to be treated as a conviction).”

Human Rights Act 1998 (c. 42)

- 156 In section 4(5)(c) of the Human Rights Act 1998 (declaration of incompatibility), for “Courts-Martial Appeal Court” substitute “Court Martial Appeal Court”.
- 157 In section 5(5) of that Act (right of Crown to intervene), for “Courts-Martial Appeal Court” substitute “Court Martial Appeal Court”.

Youth Justice and Criminal Evidence Act 1999 (c. 23)

- 158 In section 44(13)(c) of the Youth Justice and Criminal Evidence Act 1999 (reporting restrictions on alleged offences involving persons under 18: meaning of “person subject to service law”), for sub-paragraphs (i) and (ii) substitute—
- “(i) a person subject to service law within the meaning of the Armed Forces Act 2006; or
 - (ii) a civilian subject to service discipline within the meaning of that Act.”
- 159 In section 63(1) of that Act (interpretation of Part 2), in the definition of “service court”, for paragraphs (a) to (c) substitute—
- “(a) the Court Martial;
 - (b) the Service Civilian Court; or
 - (c) the Court Martial Appeal Court.”
- 160 In section 68 of that Act (extent etc), omit subsection (10).
- 161 In Schedule 7 to that Act (transitional provision), in paragraph 6(6)—
- (a) in paragraph (a) for the words from “the prosecuting authority” to the end substitute “the charge is brought under section 122 of the Armed Forces Act 2006;”.
 - (b) for paragraph (b) substitute—
 - “(b) proceedings on appeal are to be taken to be instituted—
 - (i) in the case of an appeal under the Court Martial Appeals Act 1968, when the application for leave to appeal is lodged in accordance with section 9 of that Act;

Status: This is the original version (as it was originally enacted).

- (ii) in the case of an appeal under section 285 of the Armed Forces Act 2006 (except one for which leave is required), when the notice of appeal is given;
- (iii) in the case of an appeal under that section for which leave is required, when the application for leave to appeal is lodged;
- (iv) in the case of a reference under section 34 of the Court Martial Appeals Act 1968 or section 12A or 12B of the Criminal Appeal Act 1995, when the reference is made.”

Welfare Reform and Pensions Act 1999 (c. 30)

- 162 In section 44(1)(a) of the Welfare Reform and Pensions Act 1999 (disapplication of restrictions on alienation), for the words from “section 203(1) and (2) of the Army Act 1955” to “1957” substitute “section 356 of the Armed Forces Act 2006”.

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 163 (1) Section 82A of the Powers of Criminal Courts (Sentencing) Act 2000 (determination of tariffs for discretionary life sentences) is amended as follows.
- (2) In subsection (3)(b) for the words from “below” to “custody)” substitute “(crediting periods of remand in custody) or under section 246 of the Armed Forces Act 2006 (equivalent provision for service courts)”.
- (3) In each of subsections (7) and (8) for “a court-martial” substitute “the Court Martial”.
- 164 In section 99 of that Act (conversion of sentence of detention to sentence of imprisonment)—
- (a) in subsection (5) after paragraph (a) insert—
- “(aa) a sentence of detention under section 209 or 218 of the Armed Forces Act 2006,”;
- (b) after that subsection add—
- “(6) References in this section to a sentence under section 226 or 228 of the Criminal Justice Act 2003 include such a sentence passed as a result of section 221 or 222 of the Armed Forces Act 2006.”
- 165 (1) Section 106A of that Act (which relates to the interaction of detention and training orders with sentences of detention, and is modified by section 213 of this Act) is amended as follows.
- (2) In subsection (1) (definitions)—
- (a) in paragraph (a) of the definition of “sentence of detention”, after “above” insert “or section 209 of the Armed Forces Act 2006”;
- (b) after that definition insert “and references in this section to a sentence of detention under section 228 of the 2003 Act include such a sentence passed as a result of section 222 of the Armed Forces Act 2006.”
- (3) In subsection (8) (provisions for the purposes of which a person subject to a sentence of detention and a detention and training order is to be treated as subject only to the sentence of detention)—

- (a) in paragraph (b), for “and section 235” to the end substitute “, section 235 of the 2003 Act and section 210 of the Armed Forces Act 2006 (place of detention etc),”;
- (b) at the end of paragraph (c) add “, and
 - (d) section 214 of the Armed Forces Act 2006 (offences committed during a detention and training order under that Act).”

166 For section 114 of that Act substitute—

“114 Offences under service law

- (1) Where—
 - (a) a person has at any time been convicted of an offence under section 42 of the Armed Forces Act 2006, and
 - (b) the corresponding offence under the law of England and Wales (within the meaning given by that section) was a class A drug trafficking offence or a domestic burglary,the relevant section of this Chapter shall have effect as if he had at that time been convicted in England and Wales of that corresponding offence.
- (2) Subsection (3) of section 113 applies for the purposes of this section as it applies for the purposes of that section.
- (3) Section 48 of the Armed Forces Act 2006 (attempts, conspiracy, incitement and aiding and abetting outside England and Wales) applies for the purposes of this section as if the reference in subsection (3)(b) of that section to any of the following provisions of that Act were a reference to this section.”

167 (1) Section 134 of that Act (effect of compensation order on subsequent award of damages in civil proceedings) is amended as follows.

(2) In subsections (1) and (2) omit “or award”.

(3) For subsection (3) substitute—

“(3) In this section “service compensation order” means a service compensation order under the Armed Forces Act 2006.”

168 In section 163 of that Act (general definitions), in the definition of “court”, for “a court-martial” substitute “the Court Martial”.

Regulation of Investigatory Powers Act 2000 (c. 23)

169 In section 18(11) of the Regulation of Investigatory Powers Act 2000 (exceptions to section 17: meaning of “relevant judge”), for paragraph (c) substitute—

“(c) in relation to proceedings before the Court Martial, the judge advocate for those proceedings; or”.

170 In section 32(6)(g) of that Act (senior authorising officers for intrusive surveillance), for “Royal Navy Regulating Branch” substitute “Royal Navy Police”.

171 (1) Section 33 of that Act (rules for grant of authorisations of surveillance etc) is amended as follows.

(2) In subsection (6)(d)—

Status: This is the original version (as it was originally enacted).

- (a) for “Royal Navy Regulating Branch,” substitute “Royal Navy Police”;
- (b) for “person subject to service discipline” substitute “person subject to service law or a civilian subject to service discipline”.

(3) For subsection (7) substitute—

“(7) In subsection (6) “subject to service law” and “civilian subject to service discipline” have the same meanings as in the Armed Forces Act 2006.”

172 In section 34(4)(g) of that Act (persons entitled to grant authorisation in the senior officer’s absence)—

- (a) for “Royal Navy Regulating Branch” substitute “Royal Navy Police”;
- (b) for “that Branch” substitute “that force”.

173 In section 41(7) of that Act (Secretary of State authorisations), for “Royal Navy Regulating Branch” substitute “Royal Navy Police”.

174 In section 56(1) of that Act (interpretation of Part 3 (investigation of certain electronic data)), in the definition of “chief officer of police”, in paragraph (f) for “Royal Navy Regulating Branch” substitute “Royal Navy Police”.

175 (1) Section 81 of that Act (general interpretation) is amended as follows.

(2) In subsection (1)—

- (a) in the definition of “Her Majesty’s forces”, for “Army Act 1955” substitute “Armed Forces Act 2006”;
- (b) in the definition of “legal proceedings” after “tribunal” insert “or proceedings before an officer in respect of a service offence within the meaning of the Armed Forces Act 2006”;
- (c) in the definition of “police force”, in paragraph (g) for “Royal Navy Regulating Branch” substitute “Royal Navy Police”.

(3) In subsection (4), for paragraphs (a) to (c) substitute “proceedings before a court in respect of a service offence within the meaning of the Armed Forces Act 2006”.

(4) In subsection (6)(b)—

- (a) for “Royal Navy Regulating Branch” substitute “Royal Navy Police”;
- (b) for the words from “that Branch” to the end substitute “that force who is not for the time being attached to or serving either with that force or with another of those police forces”.

Freedom of Information Act 2000 (c. 36)

176 In section 30 of the Freedom of Information Act 2000 (investigations and proceedings conducted by public authorities), for subsection (5) substitute—

“(5) In this section—

“criminal proceedings” includes service law proceedings (as defined by section 324(5) of the Armed Forces Act 2006);

“offence” includes a service offence (as defined by section 50 of that Act).”

Criminal Justice and Court Services Act 2000 (c. 43)

- 177 In section 1 of the Criminal Justice and Court Services Act 2000 (purposes of Chapter 1 of Part 1 (national probation service)), in subsection (2)(a) after “2003)” insert “and service community orders and overseas community orders under the Armed Forces Act 2006”.
- 178 After section 5 of that Act insert—

“5A Local probation boards and service justice

- (1) A local probation board may, in pursuance of arrangements made with the Secretary of State, carry out activities anywhere in the world in relation to persons who are or have been subject to proceedings before service courts.
- (2) Any activities carried out in relation to such persons must correspond to activities which the board is required or authorised to carry out in relation to persons who have been charged with or convicted of criminal offences.
- (3) In this section “service court” means—
- (a) a court-martial constituted under the Army Act 1955 (3 & 4 Eliz. 2 c. 18), the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or the Naval Discipline Act 1957 (c. 53);
 - (b) a summary appeal court constituted under section 83ZA of the Army Act 1955, section 83ZA of the Air Force Act 1955 or section 52FF of the Naval Discipline Act 1957; or
 - (c) a Standing Civilian Court.”
- 179 (1) Section 27 of that Act (armed forces offences equivalent to “an offence against a child”) is amended as follows.
- (2) In subsection (2) for “an armed forces offence” substitute “an offence under section 42 of the Armed Forces Act 2006”.
- (3) For subsections (3) to (5) substitute—
- “(3) Section 48 of the Armed Forces Act 2006 (attempts, conspiracy, incitement and aiding and abetting outside England and Wales) applies for the purposes of subsection (2) of this section as if the reference in subsection (3)(b) of that section to any of the following provisions of that Act were a reference to subsection (2) of this section.”
- 180 (1) Section 30 of that Act (disqualification from working with children: supplemental) is amended as follows.
- (2) In subsection (1)—
- (a) in the definition of “guardianship order”, omit the words from “the Army” to “1957 or”;
 - (b) in the definition of “qualifying sentence”—
 - (i) in paragraph (d) after “2000” insert “or section 209 of the Armed Forces Act 2006”;
 - (ii) in paragraph (e) after “or more” insert “under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 or section 211 of the Armed Forces Act 2006”;
 - (iii) omit paragraph (f);

Status: This is the original version (as it was originally enacted).

- (c) in the definition of “relevant order”, for “a court-martial or the Courts-Martial Appeal Court” substitute “the Court Martial or the Court Martial Appeal Court”;
 - (d) in the definition of “superior court”, for “a court-martial or the Courts-Martial Appeal Court” substitute “the Court Martial or the Court Martial Appeal Court”.
- (3) Omit subsection (2).
- (4) In subsection (3), omit “, or to a sentence of detention imposed by a court-martial or the Courts-Martial Appeal Court,”.
- 181 In section 31(2) of that Act (appeals) for “a court-martial”, in both places, substitute “the Court Martial”.
- 182 In section 33 of that Act (provisions relating to application for review of disqualification)—
 - (a) in subsection (7), in the definition of “order for admission to hospital”, omit paragraph (a);
 - (b) in subsection (8)(a), for “(f)” substitute “(e)”.
- 183 In section 42 of that Act (interpretation of Part 2 (protection of children)) omit—
 - (a) in subsection (1), the definition of “armed forces offence”;
 - (b) subsection (2).
- 184 In section 62(5) of that Act (meaning of “sentence of imprisonment” for purposes of section 62)—
 - (a) in paragraph (f) at the end insert “(including one passed as a result of section 221 or 222 of the Armed Forces Act 2006)”;
 - (b) after that paragraph insert—
 - “(g) a sentence of detention under section 209 or 218 of the Armed Forces Act 2006, and
 - (h) an order under section 211 of that Act,”.
- 185 In section 64(5) of that Act (meaning of “sentence of imprisonment” for purposes of section 64)—
 - (a) in paragraph (f) at the end insert “(including one passed as a result of section 221 or 222 of the Armed Forces Act 2006)”;
 - (b) after that paragraph insert—
 - “(g) a sentence of detention under section 209 or 218 of the Armed Forces Act 2006, and
 - (h) an order under section 211 of that Act,”.
- 186 In section 81(2) of that Act (extent)—
 - (a) in paragraph (a) for “courts-martial or the Courts-Martial Appeal Court” substitute “the Court Martial or the Court Martial Appeal Court”;
 - (b) omit paragraph (h).

Criminal Justice and Police Act 2001 (c. 16)

- 187 In section 88(8) of the Criminal Justice and Police Act 2001 (functions of Central Police Training and Development Authority)—
 - (a) in paragraph (g) for “Royal Navy Regulating Branch” substitute “Royal Navy Police”;

(b) omit paragraph (j).

International Criminal Court Act 2001 (c. 17)

- 188 In section 32(6) of the International Criminal Court Act 2001 (meaning of “prisoner” in that section) for “detention” substitute “service detention (within the meaning of the Armed Forces Act 2006)”.
- 189 In section 67(3) of that Act (definition of person subject to UK service jurisdiction), for paragraphs (a) to (c) substitute “a person subject to service law, or a civilian subject to service discipline, within the meaning of the Armed Forces Act 2006.”
- 190 In section 75 of that Act (meaning of “national court” and “service court” in that Act) for the definition of “service court” substitute—
- ““service court” means—
- (a) the Court Martial;
- (b) the Service Civilian Court;
- (c) the Court Martial Appeal Court; or
- (d) the Supreme Court on an appeal brought from the Court Martial Appeal Court.”
- 191 In Part 1 of Schedule 2 to that Act (delivery up of persons subject to criminal proceedings etc), in paragraph 5(5)(b) (meaning of “prisoner” in paragraph 5) for “detention” substitute “service detention (within the meaning of the Armed Forces Act 2006)”.

Armed Forces Act 2001 (c. 19)

- 192 (1) Section 26 of the Armed Forces Act 2001 (power to make provision for orders as to costs) is amended as follows.
- (2) In subsection (1) for the words from “courts-martial” to “services Acts” substitute “any of the Court Martial, the Summary Appeal Court, the Service Civilian Court and the Court Martial Appeal Court, in any case where the court is satisfied that one party to proceedings before that court”.
- (3) In subsection (2)(d) for “a Standing Civilian Court” substitute “the Service Civilian Court”.
- (4) In subsection (3)—
- (a) in paragraph (a) for the words from “a court-martial” to the end substitute “the Court Martial under the regulations may appeal to the Court Martial Appeal Court,”;
- (b) in paragraph (b) for “a summary appeal court or a Standing Civilian Court” substitute “the Summary Appeal Court or the Service Civilian Court”.
- (5) Omit subsection (4).
- 193 (1) Section 27 of that Act (costs against legal representatives) is amended as follows.
- (2) In subsection (1) for the words from the beginning to “may disallow” substitute
- “In any proceedings before—
- (a) the Court Martial,
- (b) the Summary Appeal Court,

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- (c) the Service Civilian Court, or
- (d) the Court Martial Appeal Court,

the court may disallow”.

- (3) In subsection (2)—
 - (a) in paragraph (a) for the words from “a court-martial” to the end substitute “the Court Martial under subsection (1) may appeal to the Court Martial Appeal Court;”;
 - (b) in paragraph (b) for “a summary appeal court or a Standing Civilian Court” substitute “the Summary Appeal Court or the Service Civilian Court”.
 - (4) In subsection (3), in the definition of “legal or other representative” for paragraph (b) substitute—
 - “(b) a person appointed under section 365 of the Armed Forces Act 2006 (prosecuting officers);”.
- 194 (1) Section 28 of that Act (provisions supplementary to sections 26 and 27) is amended as follows.
- (2) In subsection (1)—
 - (a) for “prosecuting authority of its” substitute “Director of Service Prosecutions (“the Director”) of his”;
 - (b) for “under the services Acts” substitute “before a court mentioned in section 27(1)”;
 - (c) for “prosecuting authority” in the second place where it occurs substitute “Director”.
 - (3) In subsection (2) for “prosecuting authority” in both places substitute “Director”.
 - (4) Omit subsections (3) to (5).
- 195 (1) Section 30 of that Act (conditional release from custody) is amended as follows.
- (2) In subsection (1) for “a court-martial, a summary appeal court or a Standing Civilian Court” substitute “the Court Martial, the Summary Appeal Court or the Service Civilian Court”.
 - (3) In subsection (2)—
 - (a) in paragraph (a) for the words from “a court-martial” to the end substitute “the Court Martial, the determination of an appeal to the Court Martial Appeal Court,”;
 - (b) in paragraph (b) for the words from “a summary appeal court” to “1957 Act” substitute “the Summary Appeal Court, the determination of an appeal to the High Court under section 149(2) of the Armed Forces Act 2006”;
 - (c) in paragraph (c) for the words from “a Standing Civilian Court” to the end substitute “the Service Civilian Court, the determination of an appeal to the Court Martial or of an appeal from the Court Martial to the Court Martial Appeal Court.”
 - (4) In subsection (4)—
 - (a) for paragraph (d) substitute—

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- “(d) create service offences punishable by any of the punishments mentioned in the Table in section 164 of the Armed Forces Act 2006,”;
- (b) in paragraph (e) for the words from “1955 Acts” to “Armed Forces Act 1976 (c. 52)” substitute “Court Martial Appeals Act 1968 or the Armed Forces Act 2006”.

(5) For subsections (5) and (6) substitute—

“(5A) Where an order under this section creates an offence punishable with imprisonment, the maximum term it may authorise is two years.”

Anti-terrorism, Crime and Security Act 2001 (c. 24)

- 196 In Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 (forfeiture of terrorist cash), in paragraph 16(3)(a) (case where compensation order made), after “2000 (c. 6),” insert “or in pursuance of a service compensation order under the Armed Forces Act 2006,”.

Proceeds of Crime Act 2002 (c. 29)

- 197 In section 308(4)(a) of the Proceeds of Crime Act 2002 (general exceptions), after “2000 (c. 6)” insert “or in pursuance of a service compensation order under the Armed Forces Act 2006”.

Railways and Transport Safety Act 2003 (c. 20)

- 198 In section 90(1) of the Railways and Transport Safety Act 2003 (Crown application etc), for the words from “Her Majesty's” to “Army Act 1955 (c. 18),” substitute “any of Her Majesty's forces (within the meaning of the Armed Forces Act 2006)”.
- 199 In section 101(1) of that Act (military application), for the words from “Her Majesty's” to “Army Act 1955 (c. 18)” substitute “any of Her Majesty's forces (within the meaning of the Armed Forces Act 2006)”.

Extradition Act 2003 (c. 41)

- 200 In section 3 of the Extradition Act 2003 (arrest under certified Part 1 warrant)—
- (a) for subsections (3) and (4) substitute—
 - “(3) The warrant may be executed by a service policeman anywhere, but only if the person is subject to service law or is a civilian subject to service discipline.”;
 - (b) omit subsection (6).
- 201 In section 5 of that Act (provisional arrest), for subsections (3) to (5) substitute—
- “(3) A service policeman may arrest a person under subsection (1) only if the person is subject to service law or is a civilian subject to service discipline.
 - (4) If a service policeman has power to arrest a person under subsection (1) he may exercise the power anywhere.”
- 202 In section 71 of that Act (arrest warrant following extradition request)—
- (a) for subsection (6) substitute—

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- “(6) If a warrant issued under this section—
 - (a) is directed to a service policeman, and
 - (b) is in respect of a person subject to service law or a civilian subject to service discipline,
 it may be executed anywhere.”;
 - (b) omit subsection (8).
- 203 In section 73 of that Act (provisional warrant)—
 - (a) for subsection (7) substitute—
 - “(7) If a warrant issued under this section—
 - (a) is directed to a service policeman, and
 - (b) is in respect of a person subject to service law or a civilian subject to service discipline,
 it may be executed anywhere.”;
 - (b) omit subsection (9).
- 204 In section 155 of that Act (service personnel) for the words from “military law” to the end substitute “service law.”
- 205 In section 216 of that Act (interpretative provisions)—
 - (a) after subsection (7) insert—
 - “(7A) “Civilian subject to service discipline” has the same meaning as in the Armed Forces Act 2006.”
 - (b) for subsections (13) and (14) substitute—
 - “(13) “Service policeman” means anyone who is, or by reason of section 375(5) of the Armed Forces Act 2006 is to be treated as, a service policeman for the purposes of that Act.
 - (13A) “Subject to service law” has the same meaning as in that Act.”

Sexual Offences Act 2003 (c. 42)

- 206 In section 81(3)(b) of the Sexual Offences Act 2003 (persons formerly subject to Part 1 of Sex Offenders Act 1997), omit “or a term of service detention”.
- 207 In section 116 of that Act (qualifying offenders for purposes of section 114)—
 - (a) in subsection (2)(c), after “93” insert “or 93A”;
 - (b) after subsection (2) insert—
 - “(2A) In subsection (2)(c) references to the corresponding civil offence are to be read, in relation to an offence within paragraph 93A of Schedule 3, as references to the corresponding offence under the law of England and Wales.”
- 208 (1) Section 131 of that Act (young offenders: application) is amended as follows.
 - (2) In paragraph (a) after “detention and training order” insert “(including an order under section 211 of the Armed Forces Act 2006)”.
 - (3) In paragraph (h) after “2000 (c. 6),” insert “section 209 or 218 of the Armed Forces Act 2006,”.

- (4) In paragraph (k) after “2003” insert “(including one passed as a result of section 221 of the Armed Forces Act 2006)”.
- (5) In paragraph (l) for “that Act” substitute “the Criminal Justice Act 2003 (including one passed as a result of section 222 of the Armed Forces Act 2006)”.
- 209 (1) Section 133 (Part 2: general interpretation) is amended as follows.
- (2) In subsection (1)—
- (a) for the definition of “order for conditional discharge” substitute—
- ““order for conditional discharge” means an order under any of the following provisions discharging the offender conditionally—
- (a) section 12 of the Powers of Criminal Courts (Sentencing) Act 2000;
- (b) Article 4 of the Criminal Justice (Northern Ireland) Order 1996;
- (c) section 185 of the Armed Forces Act 2006;
- (d) paragraph 3 of Schedule 5A to the Army Act 1955 or Air Force Act 1955 or Schedule 4A to the Naval Discipline Act 1957;”;
- (b) in the definition of “the period of conditional discharge” for paragraphs (c) to (e) substitute—
- “(c) section 185(2) of the Armed Forces Act 2006;”;
- (c) after the definition of “risk of sexual harm order” insert—
- ““service detention” has the meaning given by section 374 of the Armed Forces Act 2006;”;
- (d) omit the definition of “term of service detention”.
- (3) In subsection (1A) after paragraph (b) insert—
- “(ba) Schedule 4 to the Armed Forces Act 2006 (including as applied by section 16(2) of the Court Martial Appeals Act 1968),”.
- 210 In section 134(1) of that Act (conditional discharges and probation orders), after paragraph (c) insert—
- “(ca) section 187(1) of the Armed Forces Act 2006 (conviction with absolute or conditional discharge deemed not to be a conviction);”.
- 211 (1) Section 137 of that Act (service courts) is amended as follows.
- (2) In subsection (1)(d), for the words from “the offence under section 70” to the end substitute “an offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is that offence.”
- (3) In subsection (4) for “a court-martial or Standing Civilian Court” substitute “the Court Martial or the Service Civilian Court”.
- (4) After that subsection add—
- “(5) In subsection (1)(a) the reference to a service court includes a reference to the following—
- (a) the Court Martial Appeal Court;

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- (b) the Supreme Court on an appeal brought from the Court Martial Appeal Court;
 - (c) a court-martial;
 - (d) a Standing Civilian Court.”
- 212 (1) Schedule 3 to that Act (sexual offences for purposes of Part 2) is amended as follows.
 - (2) In paragraph 93—
 - (a) in sub-paragraph (2) omit “service”;
 - (b) after that sub-paragraph add—

“(3) In sub-paragraph (2), the reference to detention is to detention awarded under section 71(1)(e) of the Army Act 1955 or Air Force Act 1955 or section 43(1)(e) of the Naval Discipline Act 1957.”
 - (3) After that paragraph insert—

“93A (1) An offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is an offence listed in any of paragraphs 1 to 35.

(2) A reference in any of those paragraphs to being made the subject of a community sentence of at least 12 months is to be read, in relation to an offence under that section, as a reference to—

 - (a) being made the subject of a service community order or overseas community order under the Armed Forces Act 2006 of at least 12 months; or
 - (b) being sentenced to a term of service detention of at least 112 days.

(3) Section 48 of that Act (attempts, conspiracy, incitement and aiding and abetting outside England and Wales) applies for the purposes of this paragraph as if the reference in subsection (3)(b) to any of the following provisions of that Act were a reference to this paragraph.”
- 213 In Schedule 5 to that Act (other offences for purposes of Part 2), after paragraph 172 insert—

“172A (1) An offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is an offence listed in any of paragraphs 1 to 63A.

(2) Section 48 of that Act (attempts, conspiracy, incitement and aiding and abetting outside England and Wales) applies for the purposes of this paragraph as if the reference in subsection (3)(b) to any of the following provisions of that Act were a reference to this paragraph.”

Criminal Justice Act 2003 (c. 44)

- 214 (1) Section 94 of the Criminal Justice Act 2003 (extension of section 31 of the Armed Forces Act 2001) is amended as follows.
 - (2) For subsection (1) substitute—

- “(1) Section 323 of the Armed Forces Act 2006 (provision in consequence of criminal justice enactments) applies in relation to an enactment contained in this Part so far as relating to matters not specified in subsection (2) of section 324 of that Act as it applies in relation to a criminal justice enactment (within the meaning given by that section).”
- (3) In subsection (2) for “that section” substitute “section 323 of that Act”.
- (4) For subsection (3) substitute—
- “(3) In subsection (2) “service offence” has the same meaning as in the Armed Forces Act 2006.”
- 215 In section 112(1) of that Act (interpretation of Chapter 1 of Part 11 (evidence of bad character)), for the definition of “service offence” substitute—
- ““service offence” has the same meaning as in the Armed Forces Act 2006;”.
- 216 In section 143(4) of that Act (meaning of “previous conviction”), for paragraph (b) substitute—
- “(b) a previous conviction of a service offence within the meaning of the Armed Forces Act 2006 (“conviction” here including anything that under section 376(1) and (2) of that Act is to be treated as a conviction).”
- 217 (1) Section 151 of that Act (community order for persistent offender previously fined) is amended as follows.
- (2) In subsection (4) for the words from “the finding of guilt” to the end substitute “conviction in service disciplinary proceedings”.
- (3) In subsection (5) after “compensation order” insert “, or a service compensation order awarded in service disciplinary proceedings,”.
- (4) After subsection (7) add—
- “(8) In this section—
- (a) “service disciplinary proceedings” means proceedings (whether or not before a court) in respect of a service offence within the meaning of the Armed Forces Act 2006; and
- (b) any reference to conviction or sentence, in the context of service disciplinary proceedings, includes anything that under section 376(1) to (3) of that Act is to be treated as a conviction or sentence.”
- 218 For section 233 of that Act substitute—

“233 Offences under service law

- (1) Where—
- (a) a person has at any time been convicted of an offence under section 42 of the Armed Forces Act 2006 (criminal conduct), and
- (b) the corresponding offence under the law of England and Wales, within the meaning given by that section, was a relevant offence,
- section 229 has effect as if he had at that time been convicted in England and Wales of that corresponding offence.

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- (2) Section 48 of the Armed Forces Act 2006 (attempts, conspiracy, incitement and aiding and abetting outside England and Wales) applies for the purposes of this section as if the reference in subsection (3)(b) of that section to any of the following provisions of that Act were a reference to this section.”
- 219 In section 237 of that Act (meaning of “fixed-term prisoner”), at the end of the title insert “etc” and after subsection (1) insert—
- “(1B) In this Chapter—
- (a) references to a sentence of imprisonment include such a sentence passed by a service court;
- (b) references to a sentence of detention under section 91 of the Sentencing Act include a sentence of detention under section 209 of the Armed Forces Act 2006;
- (c) references to a sentence under section 227 of this Act include a sentence under that section passed as a result of section 220 of the Armed Forces Act 2006; and
- (d) references to a sentence under section 228 of this Act include a sentence under that section passed as a result of section 222 of that Act.
- (1C) Nothing in subsection (1B) has the effect that section 240 or 265 (provision equivalent to which is made by the Armed Forces Act 2006) applies to a service court.”
- 220 In section 241 of that Act (effect of direction under section 240 on release on licence), after subsection (1) insert—
- “(1A) In subsection (1) the reference to a direction under section 240 includes a direction under section 246 of the Armed Forces Act 2006.”
- 221 In section 246 of that Act (disapplication of power to release prisoners on licence early), after subsection (4) insert—
- “(4A) In subsection (4)—
- (a) the reference in paragraph (d) to a community order includes a service community order or overseas community order under the Armed Forces Act 2006; and
- (b) the reference in paragraph (i) to a direction under section 240 includes a direction under section 246 of that Act.”
- 222 In section 250 of that Act (licence conditions) after subsection (2) insert—
- “(2A) If the sentence (or, if more than one, each sentence) that the prisoner is serving is one in relation to which no custody plus or intermittent custody order is in force, subsection (2) has effect as if there were omitted—
- (a) paragraph (a)(i);
- (b) the words “so far as not inconsistent with them,” in paragraph (a)(ii); and
- (c) the words from “and which” in paragraph (b)(i).”
- 223 In section 251(3) of that Act (licence conditions on re-release of prisoner serving sentence of less than 12 months) after “relevant court order” add “(if any)”.

- 224 (1) Section 252 of that Act (duty to comply with licence conditions) is renumbered as subsection (1) of that section.
- (2) After that subsection insert—
- “(2) But where—
- (a) the licence relates to a sentence of imprisonment passed by a service court,
- (b) no custody plus order was made in relation to the sentence, or such an order was made but subsequently revoked, and
- (c) the person is residing outside the British Islands,
- the conditions specified in the licence apply to him only so far as it is practicable for him to comply with them where he is residing.”
- 225 In section 260 of that Act (disapplication of power to remove prisoner liable to removal from UK), after subsection (3) insert—
- “(3A) In subsection (3)(e) the reference to a direction under section 240 includes a direction under section 246 of the Armed Forces Act 2006.”
- 226 In section 263(1)(a) of that Act (concurrent terms), omit “by any court”.
- 227 In section 268 of that Act (interpretation of Chapter 6 of Part 12), in the definition of “fixed-term prisoner” after “237(1)” insert “(as extended by section 237(1B))”.
- 228 In section 269(3)(b) of that Act (determination of minimum term in relation to mandatory life sentence), after “custody” insert “or under section 246 of the Armed Forces Act 2006 (equivalent provision for service courts)”.
- 229 In section 272 of that Act (review of minimum term on a reference by the Attorney General), omit subsections (2) and (3).
- 230 In section 277 of that Act (interpretation of Chapter 7 of Part 12 (effect of life sentence)), in the definition of “court”, for “a court-martial” substitute “the Court Martial”.
- 231 In section 305(1) of that Act (interpretation of Part 12)—
- (a) at the end of the definition of “court” insert “, but this does not apply where a contrary intention appears from any provision of the Armed Forces Act 2006;”; and
- (b) for the definitions of “service court” and “service disciplinary proceedings” substitute—
- ““service court” means—
- (a) the Court Martial;
- (b) the Summary Appeal Court;
- (c) the Service Civilian Court;
- (d) the Court Martial Appeal Court; or
- (e) the Supreme Court on an appeal brought from the Court Martial Appeal Court;”.
- 232 In section 329 of that Act (civil proceedings for trespass to the person brought by offender), for subsection (7) substitute—
- “(7) Where—

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- (a) a person is convicted of an offence under section 42 of the Armed Forces Act 2006 (criminal conduct), and
 - (b) the corresponding offence under the law of England and Wales (within the meaning given by that section) is an imprisonable offence,

he is to be treated for the purposes of this section as having been convicted in the United Kingdom of that corresponding offence; and in paragraph (a) the reference to conviction includes anything that under section 376(1) and (2) of that Act is to be treated as a conviction.”
- 233 (1) Section 337 of that Act (extent) is amended as follows.
 - (2) In subsection (12)—
 - (a) in paragraph (a) for “by a court-martial” substitute “in respect of service offences within the meaning of the Armed Forces Act 2006”;
 - (b) in paragraph (b) for “courts-martial or the Courts-Martial Appeal Court” substitute “the Court Martial or the Court Martial Appeal Court”.
 - (3) After that subsection insert—

“(12A) Nothing in subsection (1) affects the extent of section 94; and section 384 of the Armed Forces Act 2006 applies in relation to section 94 of this Act as it applies in relation to that Act.”
 - (4) In subsection (13)—
 - (a) in paragraph (a)—
 - (i) omit sub-paragraphs (i) to (iii), (v), (vii) and (viii);
 - (ii) in sub-paragraph (iv) for “Courts-Martial (Appeals) Act 1968” substitute “Court Martial Appeals Act 1968”, and at the end of that sub-paragraph insert “or”;
 - (b) omit paragraph (b).
- 234 (1) Schedule 6 to that Act (modifications for armed forces of provisions about evidence of bad character) is amended as follows.
 - (2) In paragraph 3—
 - (a) in sub-paragraph (1) for “courts-martial” substitute “the Court Martial”;
 - (b) in sub-paragraph (2)—
 - (i) in paragraph (a) for “judge and jury” substitute “a judge and jury”;
 - (ii) also in paragraph (a) for “court-martial” substitute “the Court Martial”;
 - (iii) in paragraph (c) for “dissolve” substitute “discharge”;
 - (c) in sub-paragraph (4)—
 - (i) in the paragraph substituted by paragraph (a), for the words from “section 115B(2) of the Army” to “1957” substitute “section 167 of the Armed Forces Act 2006”;
 - (ii) in paragraph (c) for “dissolve” substitute “discharge”;
 - (d) in the subsection substituted by sub-paragraph (5), for “dissolve” substitute “discharge”.
 - (3) In the subsection substituted by paragraph 4 of that Schedule—
 - (a) in paragraph (a) for “a court-martial” substitute “the Court Martial”;

- (b) in paragraph (b) for “a Standing Civilian Court” substitute “the Summary Appeal Court or the Service Civilian Court”.

(4) For paragraph 6 substitute—

“6 In this Schedule “service court” means—

- (a) the Court Martial;
- (b) the Summary Appeal Court;
- (c) the Service Civilian Court; or
- (d) the Court Martial Appeal Court.”

- 235 (1) Schedule 7 to that Act (modifications for armed forces of provisions about hearsay evidence) is amended as follows.

(2) In paragraph 2—

- (a) for sub-paragraph (2) substitute—

“(2) In section 116(2) for paragraph (c) substitute—

“(c) that either of the following applies—

- (i) the court is sitting neither in the United Kingdom nor in a British overseas territory and it is not reasonably practicable to secure the attendance of the relevant person; or
- (ii) the court is sitting in the United Kingdom or a British overseas territory but the relevant person is outside the United Kingdom or outside that territory (as the case may be) and it is not reasonably practicable to secure his attendance.”

- (b) in the subsection inserted by sub-paragraph (3), for the words from ““criminal proceedings”” to the end substitute “the reference to criminal proceedings includes proceedings before an officer in respect of a service offence within the meaning of the Armed Forces Act 2006.”;
- (c) in the paragraph substituted by sub-paragraph (4), for “a court-martial” substitute “the Court Martial”;
- (d) for sub-paragraph (5) substitute—

“(5) In section 127—

- (a) in subsection (1)(c)—

- (i) for “the appropriate rules” substitute “rules made under the Armed Forces Act 2006 or the Court Martial Appeals Act 1968”;
- (ii) for “section 9 of the Criminal Justice Act 1967 (c. 80)” substitute “such rules”;

- (b) omit subsection (7).”;

- (e) in the subsection inserted by sub-paragraph (7), for paragraphs (a) and (b) substitute “to proceedings before an officer, the Court Martial or the Service Civilian Court in respect of a service offence within the meaning of the Armed Forces Act 2006.”

(3) In paragraph 3—

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- (a) in sub-paragraph (1) for “courts-martial” substitute “the Court Martial”;
- (b) in sub-paragraph (2)—
 - (i) for “judge and jury” substitute “a judge and jury”;
 - (ii) for “court-martial” substitute “the Court Martial”.

(4) In paragraph 4—

- (a) in sub-paragraph (1) for “courts-martial” substitute “the Court Martial”;
- (b) in sub-paragraph (2)—
 - (i) in paragraph (a) for “judge and jury” substitute “a judge and jury”;
 - (ii) also in paragraph (a) for “court-martial” substitute “the Court Martial”;
 - (iii) in paragraph (c) for “dissolve” substitute “discharge”;
- (c) in sub-paragraph (4)—
 - (i) in the paragraph substituted by paragraph (a), for the words from “section 115B(2) of the Army” to “1957” substitute “section 167 of the Armed Forces Act 2006”;
 - (ii) in paragraph (c) for “dissolve” substitute “discharge”;
- (d) in the subsection substituted by sub-paragraph (5), for “dissolve” substitute “discharge”.

(5) Omit paragraphs 5 to 7.

(6) For paragraph 8 substitute—

- “8 In this Schedule, and in any provision of this Part as applied by this Schedule, “service court” means—
- (a) the Court Martial;
 - (b) the Summary Appeal Court;
 - (c) the Service Civilian Court; or
 - (d) the Court Martial Appeal Court.”

236 In Schedule 21 to that Act (determination of minimum term in relation to mandatory life sentence), at the end of paragraph 12 (but not as part of sub-paragraph (c)) insert “or of section 238(1)(b) or (c) or 239 of the Armed Forces Act 2006.”

Crime (International Co-operation) Act 2003 (c. 32)

237 In section 47(9) of the Crime (International Co-operation) Act 2003 (transfer of UK prisoner to assist investigation abroad) for “(3A)” substitute “(4)”.

Domestic Violence, Crime and Victims Act 2004 (c. 28)

238 (1) Section 8 of the Domestic Violence, Crime and Victims Act 2004 (evidence and procedure: courts-martial) is amended as follows.

- (2) In the sidenote for “courts-martial” substitute “the Court Martial”.
- (3) In subsection (1) for “courts-martial” substitute “the Court Martial”.
- (4) For subsection (2) substitute—

- “(2) A reference to an offence—
- (a) of murder,

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- (b) of manslaughter, or
- (c) under section 5,

is to be read as a reference to an offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is that offence.”

239 In section 45(1) of that Act (interpretation of sections 35 to 44), in the definition of “court”, for “a court-martial or the Courts-Martial Appeal Court” substitute “the Court Martial or the Court Martial Appeal Court”.

240 For section 62(4) of that Act (extent) substitute—

“(4) Nothing in subsection (1) affects the extent of section 8 or of any provision of section 6 as applied by section 8.”

Human Tissue Act 2004 (c. 30)

241 In section 39(6)(c) of the Human Tissue Act 2004 (criminal justice purposes), for the words from “offences” to the end substitute “service offences within the meaning of the Armed Forces Act 2006.”

242 In Part 2 of Schedule 4 to that Act (use for an excepted purpose), in paragraph 5(4) (c) for the words from “offences” to the end substitute “service offences within the meaning of the Armed Forces Act 2006.”

Civil Partnership Act 2004 (c. 33)

243 In section 245(2) of the Civil Partnership Act 2004 (interpretation), for “Army Act 1955 (3 & 4 Eliz 2 c. 18)” substitute “Armed Forces Act 2006”.

Constitutional Reform Act 2005 (c. 4)

244 In Part 2 of Schedule 14 to the Constitutional Reform Act 2005 (the Judicial Appointments Commission: relevant offices and enactments), in the table, in the entry relating to a judge of the Courts-Martial Appeal Court—

- (a) in the first column for “Courts-Martial Appeal Court” substitute “Court Martial Appeal Court”;
- (b) in the second column for “Courts-Martial (Appeals) Act 1968 (c. 20)” substitute “Court Martial Appeals Act 1968 (c. 20)”.

Gambling Act 2005 (c. 19)

245 In section 354(2) of the Gambling Act 2005 (Crown application), for the words from “Her Majesty's” to the end substitute “any of Her Majesty's forces (within the meaning of the Armed Forces Act 2006).”

246 In Part 1 of Schedule 7 to that Act (relevant offences)—

- (a) for paragraphs 14 to 16 substitute—

“14A An offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is an offence listed elsewhere in this Schedule.”;

Status: This is the original version (as it was originally enacted).

(b) after paragraph 22 insert—

“22A Section 48 of the Armed Forces Act 2006 (attempts, conspiracy, incitement and aiding and abetting outside England and Wales) applies for the purposes of this Act as if the reference in subsection (3)(b) to any of the following provisions of that Act were a reference to any provision of this Act.”