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STATUTORY INSTRUMENTS

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**2006 No. 235 (C.6)**

**DEFENCE**

The Armed Forces Act 2001  
(Commencement No. 6) Order 2006

Made - - - - 1 February 2006

The Secretary of State makes the following Order in exercise of the powers conferred by section 39(2) of the Armed Forces Act 2001<sup>(1)</sup>:

1. This Order may be cited as the Armed Forces Act 2001 (Commencement No. 6) Order 2006.
2. The following provisions of the Armed Forces Act 2001 (“the Act”) shall come into force on 3rd February 2006—
  - section 32(1) to (8);
  - section 32(9) so far as it is not already in force;
  - section 33;
  - Schedule 5 so far as it is not already in force.
3. In relation to sections 32 and 33 of, and paragraphs 2, 3, 4, 6 and 7 of Schedule 5 to, the Act, article 2 only applies to incidents which occur on or after 3<sup>rd</sup> February 2006.

1st February 2006

*Don Touhig*  
Parliamentary Under Secretary of State Ministry  
of Defence

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 3rd February 2006 the provisions of the Armed Forces Act 2001 (“the Act”) referred to in article 2. Sections 32 and 33 grant powers to request a sample to test for the presence of alcohol or drugs after the occurrence of a serious incident. Section 32 enables the Defence Council to make regulations as to such post incident testing and section 33 makes provision for the interpretation of section 32.

Paragraphs 1(2) and 5(2)(a) of Schedule 5 to the Act make minor amendment to the offence in the Service Discipline Acts of failing to provide a sample for compulsory drug testing. Paragraphs 1(3) and 5(3) of Schedule 5 specify who may require such a test to be taken and the purposes for which the results of such a test may be used.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
ss 1, 34 and Sch. 6 (partially), 35, 36, 37, 38 and Sch. 7 (partially), and 39	11th May 2001	Royal Assent
ss 34 and Sch. 6 (partially), and 38 and Sch. 7 (partially)	1st October 2001	<a href="#">2001/3234 (C.104)</a>
ss 17 and Sch. 1, 18, 19 and Sch. 2, 23, 24, 32(9) and Sch. 5 (partially), 34 and Sch. 6 (partially), 38 and Sch. 7 (partially)	28th February 2002	<a href="#">2002/345 (C.8)</a>
ss 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 31 and 34 and Sch. 6 (partially)	30th September 2003	<a href="#">2003/2268 (c.89)</a>
s 20	21st July 2004	<a href="#">2004/1938 (C.83)</a>
ss 26, 27 and 28	14th October 2005	<a href="#">2005/2861(C.120)</a>