
STATUTORY INSTRUMENTS

2008 No. 1650 (C.72)

DEFENCE

**The Armed Forces Act 2006
(Commencement No. 3) Order 2008**

Made - - - - 24th June 2008

The Secretary of State makes the following order in exercise of the powers conferred upon him by section 383(2) of the Armed Forces Act 2006⁽¹⁾:

1. This order may be cited as the Armed Forces 2006 (Commencement No. 3) Order 2008.
2. The following provisions of the Armed Forces Act 2006 shall come into force on 1st October 2008—
 - (a) section 343;
 - (b) section 374 so far as is necessary to bring into force the definitions of “civilian court”, “Her Majesty’s forces”, “British overseas territory police force”, “overseas police force” and “UK police force”;
 - (c) section 367 so far as it relates to any provision made under section 343;
 - (d) section 375 so far as not already in force; and
 - (e) section 378(2) so far as is necessary to bring into force Schedule 17 for the repeal of sections 135 to 137 of the Army Act 1955⁽²⁾ and of the Air Force Act 1955⁽³⁾.
3. The repeals referred to in article 2(e) shall not have effect in relation to—
 - (a) a board of inquiry under section 135 of the Army Act 1955 or of the Air Force Act 1955 convened before 1st October 2008, or
 - (b) an inquiry under section 137 of either of those Acts which was begun before that date.
4. The following provisions of the Armed Forces Act 2006 shall come into force—
 - (a) paragraphs 21(c), 37(a) and 43(b) of Schedule 8;
 - (b) section 364; and
 - (c) section 378(2) so far as is necessary to bring into force Schedule 17 for the repeal of section 11 of the Criminal Justice Act 1967⁽⁴⁾.

(1) 2006 c.52
(2) 1955 c.18
(3) 1955 c.19
(4) 1967 c.80

Status: This is the original version (as it was originally made).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

24th June 2008

Derek Twigg
Parliamentary Under Secretary of State
Ministry of Defence

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st October 2008 the provisions of the Armed Forces Act 2006 (“the Act”) specified in article 2. They relate to the introduction of new provisions about internal service inquiries.

Section 343 of the Act provides for the Secretary of State to make regulations for causing service inquiries to be held.

Section 374 provides for the definition of terms applying for the purpose of the whole Act. Article 2(b) specifies the definitions brought into force by this Order.

Section 375 provides for the definition of terms relating to police forces.

Section 378(2) provides for the repeal or revocation of provisions specified in Schedule 17 to the Act. Article 2(d) brings into force the repeal by section 378(2) and Schedule 17 of sections 135 to 137 of the Army Act 1955 and of the Air Force Act 1955. These provisions relate to boards of inquiry, Army regimental inquiries and Royal Air Force unit inquiries.

Article 4 brings into force paragraphs 21(c), 37(a) and 43(b) of Schedule 8 to the Act; those paragraphs provide for amendments to the [Courts-Martial \(Appeals\) Act 1968\(c.20\)](#). Article 4 also brings into force section 364 (which provides for the appointment of the Director of Service Prosecutions) and the repeal by Schedule 17 to the Act of section 11 of the Criminal Justice Act 1967.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 359, 373, 382 to 384 and 386 and (in so far as they provide for the repeal of section 1 of the Armed Forces Act 2001(c.19)) section 378(2) and Schedule 17.	8th November 2006	Royal Assent
Sections 378(1) (partially), 379 and 381 and Schedule 16 (partially).	4 th June 2007	S.I. 2007/1442 (C.60)
Sections 358, 360 and 378(1) (partially) and Schedules 14 (partially) and 16 (partially).	15 th October 2007	S.I. 2007/2913 (C.115)
Sections 272(2) (partially), 334 to 339, 366, 367 (partially), 368 and 369, 374 (partially), 375(1) and (5), 378(1) (partially), and section 378(2) (partially) and Schedules 8 (partially), 16 (partially) and 17 (partially).	1 st January 2008	S.I. 2007/2913 (C.115)