

Status: Point in time view as at 28/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1976, SCHEDULE 9. (See end of Document for details)

SCHEDULES

SCHEDULE 9

Section 22.

MISCELLANEOUS AMENDMENTS

Modifications etc. (not altering text)

- C1** The text of ss. 2, 5(1), 9–12, 15, 16, 18, 20, 22(5)(6), Schs. 1, 2, and 4–10 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Criminal Evidence Act 1898

- 1 In section 6(1) of the ^{M1} Criminal Evidence Act 1898 after the words “1957” there shall be inserted the words “and in Standing Civilian Courts established under the Armed Forces Act 1976”.

Marginal Citations

- M1** 1898 c. 36.

- 2 ^{F1}

Textual Amendments

- F1** Sch. 9 para. 2 repealed by S.I. 1979/1714 (N.I.19), Sch. 2

Army Act 1955 and Air Force Act 1955

- ^{F23}

Textual Amendments

- F2** Sch. 9 paras. 3–8 repealed (28.3.2009 for specified purposes) by Armed Forces Act 2006 (c. 52), s. 383(2), Sch. 17; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

- ^{F24}

Textual Amendments

- F2** Sch. 9 paras. 3–8 repealed (28.3.2009 for specified purposes) by Armed Forces Act 2006 (c. 52), s. 383(2), Sch. 17; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

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F25

Textual Amendments
F2 Sch. 9 paras. 3-8 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

F26

Textual Amendments
F2 Sch. 9 paras. 3-8 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

F27

Textual Amendments
F2 Sch. 9 paras. 3-8 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

F28

Textual Amendments
F2 Sch. 9 paras. 3-8 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

9 F3

Textual Amendments
F3 Sch. 9 para. 9 repealed (with saving) by [Armed Forces Act 1981 \(c. 55, SIF 7:1\)](#), s. 28(2), [Sch. 5 Pt. I](#)

Naval Discipline Act 1957

F410

Textual Amendments
F4 Sch. 9 para. 10 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

F511

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Textual Amendments

F5 Sch. 9 para. 11 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

12 **F6**

Textual Amendments

F6 Sch. 9 para. 12 repealed by [Armed Forces Act 1981 \(c. 55, SIF 7:1\)](#), s. 28, [Sch. 5 Pt. II](#)

F713

Textual Amendments

F7 Sch. 9 para. 13 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

F814

Textual Amendments

F8 Sch. 9 para. 14 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

Criminal Justice Act 1967

15 In section 89(1) of the ^{M2} Criminal Justice Act 1967 (false written statements tendered in evidence) after the word "Act" there shall be inserted the words "or in proceedings before a court-martial by virtue of the said section 9 as extended by section 12 above or by section 99A of the Army Act 1955 or section 99A of the Air Force Act 1955".

Marginal Citations

M2 1967 c. 80.

Courts-Martial (Appeals) Act 1968

F916

Textual Amendments

F9 Sch. 9 para. 16 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

F1017

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Textual Amendments

- F10** Sch. 9 para. 17 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

Treatment of Offenders Act (Northern Ireland) 1968

- 18 In section 33(4)(b) of the ^{M3} Treatment of Offenders Act (Northern Ireland) 1968 after the words “court-martial” there shall be inserted the words “or a Standing Civilian Court established under the Armed Forces Act 1976”.

Marginal Citations

- M3** 1968 c. 29 (N.I.).

- 19 ^{F11}

Textual Amendments

- F11** Sch. 9 para. 19 repealed by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, [Sch. 9](#)

Rehabilitation of Offenders Act 1974

- 20 (1) In subsection (1) of section 2 of the Rehabilitation of Offenders Act 1974 after the word “awarded” there shall be inserted the words “or order made by virtue of Schedule 5A to the Army Act 1955 or to the Air Force Act 1955 or Schedule 4A to the Naval Discipline Act 1957”.

^{F12}(2)

- (3) The following paragraph shall be inserted after subsection (5)(b) of that section:—
 “(bb) any proceedings before a Standing Civilian Court established under the Armed Forces Act 1976 ;”.

- (4) In paragraph (d) of section 5(1) of that Act (sentences excluded from rehabilitation) at the end of the paragraph there shall be inserted the words “or a corresponding court-martial punishment”.

- (5) The following subsection shall be inserted after that subsection:—

“(IA) In subsection (1)(d) above “corresponding court martial punishment” means a punishment awarded under section 71A(3) or (4) of the Army Act 1955, section 71A(3) or (4) of the Air Force Act 1955 or section 43A(3) or (4) of the Naval Discipline Act 1957.”.

Textual Amendments

- F12** Sch. 9 para. 20(2) repealed (1.10.1996) 1996 c. 46, s. 35(2), [Sch. 7 Pt. III](#); S.I. 1996/2474, art. 2, [Sch.](#)(with art. 3)

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21 (1) The following entries shall be made in Table B in subsection (2) of section 5 of that Act (rehabilitation periods for particular sentences):—

(a) after the entry relating to a sentence of Borstal training—

“A custodial order under Schedule 5A to the Army Act 1955 or the Air Force Act 1955, or under Schedule 4A to the Naval Discipline Act 1957, where the maximum period of detention specified in the order is more than six months.	Seven years.”;
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(b) after the entry relating to an order for detention in a detention centre:—

“A custodial order under any of the Schedules to the said Acts of 1955 and 1957 mentioned above, where the maximum period of detention specified in the order is six months or less.	Three years.”.
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(2) The following paragraphs shall be added after subsection (5)(f) of that section:—

“(g) a community supervision order under Schedule 5A to the Army Act 1955 or the Air Force Act 1955, or under Schedule 4A to the Naval Discipline Act 1957;

(h) a reception order under any of those Schedules;”.

(3) The following subsection shall be inserted after subsection (10) of that section:—

“(10A) The reference in subsection (5) above to the period during which a reception order has effect includes a reference to any subsequent period during which by virtue of the order having been made the Social Work (Scotland) Act 1968 or the Children and Young Persons Act Northern Ireland) 1968 has effect in relation to the person in respect of whom the order was made and subsection (10) above shall accordingly have effect in relation to any such subsequent period.”

Treatment of Offenders (Northern Ireland) Order 1976

22 In Article 2(2) of the ^{M4} Treatment of Offenders (Ireland) Order 1976, in the definition of “court” after the words “court-martial” there shall be inserted the words “ or a Standing Civilian Court established under the Armed Forces Act 1976”.

Marginal Citations

M4 Northern S.I. 1976 No. 226 (N.I.4).

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