



# Armed Forces Act 2001

## CHAPTER 19

### ARMED FORCES ACT 2001

#### PART 1

##### CONTINUANCE OF SERVICES ACTS

- 1 Continuance of services Acts

#### PART 2

##### POWERS OF ENTRY, SEARCH AND SEIZURE

###### *Powers to stop and search*

- 2 Powers to stop and search persons, vehicles etc
- 3 Provisions relating to search under s. 2
- 4 Power of commanding officer in relation to stopping and searching of persons, vehicles etc

###### *Entry and search of premises*

- 5 Power of judicial officer to authorise entry and search of certain premises
- 6 Special provisions as to access
- 7 Power of commanding officer to authorise entry and search of certain premises
- 8 Review by judicial officer
- 9 Entry for purpose of arrest etc

###### *Powers exercisable on arrest*

- 10 Search upon arrest

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*Seizure etc.*

- 11 Power to make provision equivalent to that made by ss. 18 to 22 of Police and Criminal Evidence Act 1984
- 12 Property in possession of service police or commanding officer

*Supplementary*

- 13 Orders and codes of practice under s. 113 of Police and Criminal Evidence Act 1984
- 14 Power to use reasonable force
- 15 Meaning of “service living accommodation”
- 16 Part 2: supplementary provisions

**PART 3**

TRIAL AND PUNISHMENT OF OFFENCES

- 17 Summary dealing or trial and functions of prosecuting authority
- 18 Abolition of naval disciplinary courts
- 19 Membership of courts-martial
- 20 Eligibility of warrant officers for membership of summary appeal courts
- 21 Review of sentences by Courts-Martial Appeal Court
- 22 Required custodial sentences
- 23 Restriction of judicial review of courts-martial
- 24 Offences in relation to courts-martial etc
- 25 Powers to compel attendance of witnesses
- 26 Provision for orders as to costs
- 27 Costs against legal representatives etc
- 28 Provisions supplementary to ss. 26 and 27
- 29 Custody
- 30 Conditional release from custody

**PART 4**

MISCELLANEOUS AND GENERAL

*Provision equivalent to criminal justice enactments*

- 31 Power to make provision in consequence of enactments relating to criminal justice

*Testing for alcohol or drugs*

- 32 Powers to test for alcohol or drugs after serious incident
- 33 Interpretation of s. 32

*Miscellaneous amendments*

- 34 Miscellaneous amendments

*General*

- 35 Orders and regulations
- 36 Application to Channel Islands and Isle of Man
- 37 Interpretation
- 38 Repeals
- 39 Short title and commencement

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## SCHEDULES

### SCHEDULE 1 — Summary dealing or trial and functions of prosecuting authority

- 1 *Army Act 1955 (c. 18)*
- 2 In section 82(2) of that Act (officers who may act...
- 3 (1) Section 83BB of that Act (cases where charge may...
- 4 After that section there is inserted— CPower of prosecuting authority...
- 5 *Air Force Act 1955 (c. 19)*
- 6 In section 82(2) of that Act (officers who may act...
- 7 (1) Section 83BB of that Act (cases where charge may...
- 8 After that section there is inserted— Power of prosecuting authority...
- 9 *Naval Discipline Act 1957 (c. 53)*
- 10 In section 52C of that Act (powers of higher authority)...
- 11 (1) Section 52D of that Act (summary trial) is amended...
- 12 After section 52E of that Act there is inserted— Officers...
- 13 In section 52F of that Act (regulations as to summary...
- 14 (1) Section 52II of that Act (cases where charge may...
- 15 After that section there is inserted— Power of prosecuting authority...
- 16 In section 122 of that Act (powers of command of...
- 17 In section 135(1) of that Act (general interpretation), after the...

### SCHEDULE 2 — Membership of courts-martial

- 1 *Army Act 1955 (c. 18)*
- 2 For section 84D of that Act (constitution of general and...
- 3 (1) Section 92 of that Act (challenges by accused) is...
- 4 In section 93 of that Act (administration of oaths) in...
- 5 (1) Section 103A of that Act (field general courts-martial) is...
- 6 (1) Section 103B of that Act (constitution of field general...
- 7 In section 209 (application of Acts to civilians), in subsection...
- 8 *Air Force Act 1955 (c. 19)*
- 9 For section 84D of that Act (constitution of general and...
- 10 (1) Section 92 of that Act (challenges by accused) is...
- 11 In section 93 of that Act (administration of oaths) in...
- 12 (1) Section 103A of that Act (field general courts-martial) is...
- 13 (1) Section 103B of that Act (constitution of field general...
- 14 In section 209 (application of Acts to civilians), in subsection...
- 15 *Naval Discipline Act 1957*
- 16 For section 54 of that Act (composition of courts-martial) there...
- 17 (1) Section 59 of that Act (challenges by accused) is...
- 18 In section 118 (application of Acts to civilians), for subsection...

### SCHEDULE 3 — Required custodial sentences

- 1 *Army Act 1955 (c. 18) and Air Force Act 1955 (c. 19)*
- 2 (1) Section 70 of the Air Force Act 1955 (c....
- 3 After section 70 of each of the 1955 Acts there...
- 4 In paragraph 3 of Schedule 5A to each of the...
- 5 *Naval Discipline Act 1957 (c. 53)*
- 6 After section 42 there is inserted— Reduction in minimum sentences...
- 7 In paragraph 3 of Schedule 4A to the 1957 Act...

### SCHEDULE 4 — Amendments relating to custody

- 1 *Army Act 1955 (c. 18) and Air Force Act 1955 (c. 19)*

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- 2 In section 75J of each of the 1955 Acts (release...
- 3 (1) Section 75K of each of the 1955 Acts (arrest...
- 4 After section 75L of each of the 1955 Acts there...
- 5 (1) Section 75M of each of the 1955 Acts (custody...
- 6 After Schedule 1 to the Army Act 1955 (c. 18)...
- 7 After Schedule 1 to the Air Force Act 1955 (c....
- 8 *Naval Discipline Act 1957 (c. 53)*
- 9 In section 47K of the 1957 Act (release from custody...
- 10 (1) Section 47L of the 1957 Act (arrest during proceedings)...
- 11 In section 47N of that Act (custody rules), at the...

#### SCHEDULE 5 — Testing for alcohol or drugs

- 1 *Army Act 1955 (c. 18) and Air Force Act 1955 (c. 19)*
- 2 After section 34A of the Army Act 1955 (c. 18)...
- 3 After section 34A of the Air Force Act 1955 (c....
- 4 In the proviso to section 209(2) of each of the...
- 5 *Naval Discipline Act 1957 (c. 53)*
- 6 After section 12A of the 1957 Act there is inserted—...
- 7 In section 118(2) of the 1957 Act (application to certain...

#### SCHEDULE 6 — Miscellaneous amendments

##### Part 1 — AMENDMENTS OF SEXUAL OFFENCES (AMENDMENT) ACT 1992

- 1 At the end of section 2 of the Sexual Offences...
- 2 At the end of section 4 of that Act (special...
- 3 (1) Section 6 of that Act (interpretation etc.) is amended...
- 4 (1) Section 7 of that Act (application of Act in...

##### Part 2 — ABOLITION OF OFFICE OF DEPUTY JUDGE ADVOCATE

- 5 *Courts-Martial (Appeals) Act 1951 (c. 46)*
- 6 In section 31 of that Act (qualifications of Judge Advocate...
- 7 In section 32(1) of that Act (tenure of Judge Advocate...
- 8 *House of Commons Disqualification Act 1975 (c. 24) and Northern  
Ireland Assembly Disqualification Act 1975 (c. 25)*
- 9 *Courts and Legal Services Act 1990 (c. 41)*
- 10 *Judicial Pensions and Retirement Act 1993 (c. 8)*

##### Part 3 — AMENDMENTS OF RESERVE FORCES ACT 1996

- 11 *Delegation by Secretary of State of certain functions*
- 12 *Notice given by special member*
- 13 *Absence for voting*

##### Part 4 — AMENDMENTS CONSEQUENTIAL ON SECTION 21(5) OF HUMAN RIGHTS ACT 1998

- 14 *Army Act 1955 (c. 18) and Air Force Act 1955 (c. 19)*
- 15 In section 25(2) of each of those Acts (penalty for...
- 16 In section 26(3) of each of those Acts (penalty for...
- 17 In section 32 of each of those Acts (failure to...
- 18 (1) Section 126 of each of those Acts (special provisions...
- 19 *Naval Discipline Act 1957 (c. 53)*
- 20 In section 3(2) of that Act (penalty for assisting the...
- 21 In section 4(3) of that Act (penalty for obstructing operations)...
- 22 For subsection (7) of section 52B of that Act (investigation...

##### Part 5 — QUEEN ALEXANDRA'S ROYAL NAVAL NURSING SERVICE AND FORMER WOMEN'S ROYAL NAVAL SERVICE

- 23 *Naval Discipline Act 1957 (c. 53)*
- 24 In section 132(5) of that Act, the words "Queen Alexandra's...

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- 25 *Armed Forces Act 1976 (c. 52)*
- 26 *House of Commons Disqualification Act 1975 (c. 24)*
- 27 *Northern Ireland Assembly Disqualification Act 1975 (c. 25)*
- 28 *Armed Forces Act 1981 (c. 55)*
- 29 *Housing Act 1985 (c. 68)*
- 30 *Housing Act 1996 (c. 52)*
- Part 6 — OTHER AMENDMENTS
- 31 *Marriages in service chapels*
- 32 *Retirement age for assistants to Judge Advocate General*
- 33 *Sentence where penalty for civil offence fixed by law as life imprisonment*
- 34 (1) Section 42(1) of the 1957 Act (punishment of civil...
- 35 *Qualification for appointment as judicial officer*
- 36 (1) Section 47M of the 1957 Act (judicial officers) is...
- 37 *Evidence given before boards of inquiry*
- 38 In section 135 of the Air Force Act 1955 (c....
- 39 *Compensation for loss*
- 40 In subsection (2) of section 128C of the 1957 Act...
- 41 *Redress of complaints*
- 42 In section 130 of the 1957 Act (redress of complaints)...
- 43 In paragraph 9 of Schedule 6 to each of the...
- 44 *Civilian contractors attached to or accompanying armed forces*
- 45 In Schedule 3 to the 1957 Act (which lists civilians...
- 46 *Interpretation of references to “Royal Air Force Police”*
- 47 In section 223(1) of the Air Force Act 1955 (c....
- 48 In subsection (4) of section 11 of the Armed Forces...
- 49 *Interpretation of references to a “constable”*
- 50 *Application to civilians*
- 51 In Schedule 4 to the 1957 Act (application of Act...
- 52 In paragraph 4 of Schedule 5A to each of the...
- 53 In paragraph 4 of Schedule 4A to the 1957 Act...
- 54 *Arrest of civilian whose sentence is deferred*
- 55 *Right of appeal to Courts-Martial Appeal Court*
- 56 In section 36(1)(a) of that Act (functions of Courts-Martial Appeal...
- 57 *Children in respect of whom protective orders may be made*
- 58 In section 19 of that Act (power to make orders...
- 59 *Amendment relating to abolition of naval disciplinary courts*

#### SCHEDULE 7 — Repeals

- Part 1 — REPEALS RELATING TO ABOLITION OF NAVAL DISCIPLINARY COURTS
- Part 2 — REPEALS RELATING TO REQUIRED CUSTODIAL SENTENCES
- Part 3 — REPEALS RELATING TO ABOLITION OF OFFICE OF DEPUTY JUDGE ADVOCATE
- Part 4 — REPEALS CONSEQUENTIAL ON HUMAN RIGHTS ACT 1998
- Part 5 — REPEALS CONSEQUENTIAL ON YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999
- Part 6 — REPEALS RELATING TO QUEEN ALEXANDRA’S ROYAL NAVAL NURSING SERVICE
- Part 7 — OTHER REPEALS

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**Changes and effects yet to be applied to :**

- s. 1-12 repealed by 2006 c. 52 Sch. 17
- s. 2(8)(b) modified by 2006 c. 35 s. 8
- s. 2(9)(c) text amended by 2003 c. 44 Sch. 37 Pt. 1
- s. 2(9)(d) substituted by 2006 c. 35 Sch. 1 para. 33
- s. 2(9)(e) and word(s) inserted by 2003 c. 44 Sch. 1 Pt. 1 para. 15
- s. 5(2)(a) text amended by 2005 c. 15 Sch. 7 para. 50
- s. 6(2)(a) words substituted by 2003 c. 39 Sch. 4 para. 15
- s. 9(4) substituted by S.I. 2008/1694 art. 14(2)
- s. 9(8)(za) inserted by S.I. 2008/1694 art. 14(3)
- s. 10(13) text amended by S.I. 2008/1694 art. 15
- s. 11(1) text amended by S.I. 2008/1694 art. 15
- s. 13(2) repealed by 2006 c. 52 Sch. 17
- s. 13(3) repealed by 2006 c. 52 Sch. 17
- s. 14-22 repealed by 2006 c. 52 Sch. 17
- s. 24 repealed by 2006 c. 52 Sch. 17
- s. 25 repealed by 2006 c. 52 Sch. 17
- s. 25 text amended by 2005 c. 15 s. 170
- s. 26(1) text amended by 2006 c. 52 Sch. 16 para. 192(2)
- s. 26(2)(d) text amended by 2006 c. 52 Sch. 16 para. 192(3)
- s. 26(3)(a) text amended by 2006 c. 52 Sch. 16 para. 192(4)(a)
- s. 26(3)(b) text amended by 2006 c. 52 Sch. 16 para. 192(4)(b)
- s. 26(4) repealed by 2006 c. 52 Sch. 16 para. 192(5) Sch. 17
- s. 27(1) text amended by 2006 c. 52 Sch. 16 para. 193(2)
- s. 27(2)(a) text amended by 2006 c. 52 Sch. 16 para. 193(3)(a)
- s. 27(2)(b) text amended by 2006 c. 52 Sch. 16 para. 193(3)(b)
- s. 27(3) text amended by 2006 c. 52 Sch. 16 para. 193(4)
- s. 28(1) modified by S.I. 2009/1059 Sch. 1 para. 49
- s. 28(1) text amended by 2006 c. 52 Sch. 16 para. 194(2)
- s. 28(2) text amended by 2006 c. 52 Sch. 16 para. 194(3)
- s. 28(3)-(5) repealed by 2006 c. 52 Sch. 16 para. 194(4) Sch. 17
- s. 29 repealed by 2006 c. 52 Sch. 17
- s. 30(1) text amended by 2006 c. 52 Sch. 16 para. 195(2)
- s. 30(2)(a) text amended by 2006 c. 52 Sch. 16 para. 195(3)(a)
- s. 30(2)(b) text amended by 2006 c. 52 Sch. 16 para. 195(3)(b)
- s. 30(2)(b) words substituted by 2005 c. 4 Sch. 9 para. 76
- s. 30(2)(c) text amended by 2006 c. 52 Sch. 16 para. 195(3)(c)
- s. 30(4)(d) substituted by 2006 c. 52 Sch. 16 para. 195(4)(a)
- s. 30(4)(e) text amended by 2006 c. 52 Sch. 16 para. 195(4)(b)
- s. 30(5A) substituted for s. 30(5)(6) by 2006 c. 52 Sch. 16 para. 195(5)
- s. 30(6)(a) text amended by 2003 c. 44 Sch. 32 Pt. 1 para. 140
- s. 31 applied by 2003 c. 44 s. 94
- s. 31-33 repealed by 2006 c. 52 Sch. 17
- s. 31(7) text amended by 2003 c. 32 Sch. 5 para. 81
- s. 32(8)(a)(i) substituted by 2003 c. 20 Sch. 7 para. 13
- s. 35(2)(a) repealed by 2006 c. 52 Sch. 17
- s. 35(2)(b) repealed by 2006 c. 52 Sch. 17
- s. 35(2)(c) text amended by 2006 c. 52 Sch. 17
- s. 35(3)(a)(i)(ii) repealed by 2006 c. 52 Sch. 17
- s. 35(3)(a)(iv) repealed by 2006 c. 52 Sch. 17
- s. 35(3)(a)(v) text amended by 2006 c. 52 Sch. 17
- s. 35(3)(b)(i) repealed by 2006 c. 52 Sch. 17

- s. 36(1) repealed by 2006 c. 52 Sch. 17
- s. 36(3)(a) repealed by 2006 c. 52 Sch. 17
- s. 36(3)(d) repealed by 2006 c. 52 Sch. 17
- s. 36(3)(e) repealed by 2006 c. 52 Sch. 17
- s. 37 repealed by 2006 c. 52 Sch. 17
- Sch. 1-5 repealed by 2006 c. 52 Sch. 17
- Sch. 6 para. 2 repealed by 2003 c. 42 Sch. 7
- Sch. 6 para. 59 repealed by 2003 c. 42 Sch. 7
- Sch. 6 para. 14-27 repealed by 2006 c. 52 Sch. 17
- Sch. 6 para. 33-56 repealed by 2006 c. 52 Sch. 17
- Sch. 6 para. 30 and cross-heading repealed by 2008 c. 17 Sch. 16

**Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:**

- Act power to amend conferred by 2006 c. 52 s. 381
- Blanket Amendment words substituted by 2005 c. 4 Sch. 11 para. 1(2)

**Commencement Orders yet to be applied to the Armed Forces Act 2001:**

**Commencement Orders bringing provisions within this Act into force:**

- S.I. 2003/2268 art. 2 commences (2001 c. 19)
- S.I. 2005/2861 art. 2 commences (2001 c. 19)
- S.I. 2006/235 art. 2 commences (2001 c. 19)
- S.I. 2006/2309 art. 2 commences (2001 c. 19)
- S.I. 2007/662 art. 2 commences (2001 c. 19)
- S.I. 2007/3434 art. 2 commences (2001 c. 19)

**Commencement Orders bringing legislation that affects this Act into force:**

- S.I. 2004/81 art. 2-5 commences (2003 c. 44)
- S.I. 2004/786 art. 2 3 commences (2003 c. 32)
- S.I. 2004/827 art. 2-4 commences (2003 c. 20)
- S.I. 2004/874 art. 2 commences (2003 c. 42)
- S.I. 2005/910 art. 3 commences (2003 c. 39)
- S.I. 2005/950 art. 2-4 commences (2003 c. 44)
- S.I. 2005/2122 art. 2 amendment to earlier commencing SI 2005/950 Sch. 2 para. 23
- S.I. 2005/3495 art. 2 commences (2005 c. 15)
- S.I. 2006/3200 art. 2 commences (2006 c. 35)
- S.I. 2007/1442 art. 2 commences (2006 c. 52)
- S.I. 2008/1325 art. 2 commences (2005 c. 15)
- S.I. 2008/3068 art. 2-5 commences (2008 c. 17)
- S.I. 2009/812 art. 3 commences (2006 c. 52)
- S.I. 2009/1059 Order transitional provisions for effects of commencing SI 2009/812
- S.I. 2009/1167 art. 3 4 commences (2006 c. 52)
- S.I. 2009/1604 art. 2 commences (2005 c. 4)