



Armed Forces Act 2001

2001 CHAPTER 19

An Act to continue the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957; to make further provision in relation to the armed forces and the Ministry of Defence Police; and for connected purposes. [11th May 2001]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Modifications etc. (not altering text)

- C1 [Act](#) power to amend conferred (4.6.2007) by [Armed Forces Act 2006 \(c. 52\)](#), **ss. 381**, 383(2); S.I. 2007/1442, art. 2(2)

PART 1

CONTINUANCE OF SERVICES ACTS

^{F1} Continuance of services Acts

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Textual Amendments

- F1 Ss. 1-12 repealed (8.11.2006 for the purpose of the repeal of s. 1, 28.3.2009 for specified purposes for the repeal of ss. 2-12, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(1), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

PART 2

POWERS OF ENTRY, SEARCH AND SEIZURE

Powers to stop and search

^{F1}2 Powers to stop and search persons, vehicles etc

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Textual Amendments

- F1** Ss. 1-12 repealed (8.11.2006 for the purpose of the repeal of s. 1, 28.3.2009 for specified purposes for the repeal of ss. 2-12, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(1), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

^{F1}3 Provisions relating to search under s. 2

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Textual Amendments

- F1** Ss. 1-12 repealed (8.11.2006 for the purpose of the repeal of s. 1, 28.3.2009 for specified purposes for the repeal of ss. 2-12, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(1), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

^{F1}4 Power of commanding officer in relation to stopping and searching of persons, vehicles etc

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Textual Amendments

- F1** Ss. 1-12 repealed (8.11.2006 for the purpose of the repeal of s. 1, 28.3.2009 for specified purposes for the repeal of ss. 2-12, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(1), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

Entry and search of premises

^{F1}5 Power of judicial officer to authorise entry and search of certain premises

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Textual Amendments

- F1** Ss. 1-12 repealed (8.11.2006 for the purpose of the repeal of s. 1, 28.3.2009 for specified purposes for the repeal of ss. 2-12, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(1), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

^{F1}6 Special provisions as to access

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Textual Amendments

- F1** Ss. 1-12 repealed (8.11.2006 for the purpose of the repeal of s. 1, 28.3.2009 for specified purposes for the repeal of ss. 2-12, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(1), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

^{F1}7 Power of commanding officer to authorise entry and search of certain premises

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Textual Amendments

- F1** Ss. 1-12 repealed (8.11.2006 for the purpose of the repeal of s. 1, 28.3.2009 for specified purposes for the repeal of ss. 2-12, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(1), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

^{F1}8 Review by judicial officer

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Textual Amendments

- F1** Ss. 1-12 repealed (8.11.2006 for the purpose of the repeal of s. 1, 28.3.2009 for specified purposes for the repeal of ss. 2-12, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(1), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

^{F1}9 Entry for purpose of arrest etc

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Textual Amendments

- F1** Ss. 1-12 repealed (8.11.2006 for the purpose of the repeal of s. 1, 28.3.2009 for specified purposes for the repeal of ss. 2-12, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#),

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s. 383(1), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Powers exercisable on arrest

^{F1}10 Search upon arrest

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Textual Amendments

F1 Ss. 1-12 repealed (8.11.2006 for the purpose of the repeal of s. 1, 28.3.2009 for specified purposes for the repeal of ss. 2-12, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(1), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Seizure etc.

^{F1}11 Power to make provision equivalent to that made by ss. 18 to 22 of Police and Criminal Evidence Act 1984

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Textual Amendments

F1 Ss. 1-12 repealed (8.11.2006 for the purpose of the repeal of s. 1, 28.3.2009 for specified purposes for the repeal of ss. 2-12, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(1), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

^{F1}12 Property in possession of service police or commanding officer

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Textual Amendments

F1 Ss. 1-12 repealed (8.11.2006 for the purpose of the repeal of s. 1, 28.3.2009 for specified purposes for the repeal of ss. 2-12, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(1), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Supplementary

13 Orders and codes of practice under s. 113 of Police and Criminal Evidence Act 1984

(1) Section 113 of the 1984 Act (application of Act to armed forces) is amended as follows.

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^{F2}(2)

^{F3}(3)

- (4) In subsection (4) for the words “enquiries into such offences” there is substituted “ the powers mentioned in subsection (3)(a) above or the enquiries mentioned in subsection (3)(b) above ”.

Textual Amendments

- F2** [S. 13\(2\)](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), art. 4
- F3** [S. 13\(3\)](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), art. 4

Commencement Information

- I1** S. 13 in force at 30.9.2003 by [S.I. 2003/2268](#), [art. 2](#)

^{F4}14 Power to use reasonable force

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Textual Amendments

- F4** [Ss. 14-22](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), art. 4

^{F4}15 Meaning of “service living accommodation”

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Textual Amendments

- F4** [Ss. 14-22](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), art. 4

^{F4}16 Part 2: supplementary provisions

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Textual Amendments

- F4** [Ss. 14-22](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), art. 4

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PART 3

TRIAL AND PUNISHMENT OF OFFENCES

F⁴17 Summary dealing or trial and functions of prosecuting authority

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Textual Amendments

- F4** [Ss. 14-22](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), art. 4

F⁴18 Abolition of naval disciplinary courts

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Textual Amendments

- F4** [Ss. 14-22](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), art. 4

F⁴19 Membership of courts-martial

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Textual Amendments

- F4** [Ss. 14-22](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), art. 4

F⁴20 Eligibility of warrant officers for membership of summary appeal courts

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Textual Amendments

- F4** [Ss. 14-22](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), art. 4

F⁴21 Review of sentences by Courts-Martial Appeal Court

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Textual Amendments
F4 [Ss. 14-22](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), art. 4

F422 Required custodial sentences
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Textual Amendments
F4 [Ss. 14-22](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), art. 4

23 Restriction of judicial review of courts-martial

- (1) Section 29 of the [^{F5}Senior Courts Act 1981] (c. 54) (orders of mandamus, prohibition and certiorari) is amended as follows.
- (2) In subsection (1) at the beginning there is inserted “ Subject to subsection (3A), ”.
- (3) After subsection (3) there is inserted—
- “(3A) The High Court shall have no jurisdiction to make orders of mandamus, prohibition or certiorari in relation to the jurisdiction of a court-martial in matters relating to—
- (a) trial by court-martial for an offence, or
- (b) appeals from a Standing Civilian Court;
- and in this subsection “court-martial” means a court-martial under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957.”

Textual Amendments
F5 Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 1\(2\)](#); [S.I. 2009/1604](#), art. 2(d)

Commencement Information
I2 S. 23 in force at 28.2.2002 by [S.I. 2002/345](#), art. 2 (with art. 3)

F624 Offences in relation to courts-martial etc
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Textual Amendments

- F6** S. 24 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

^{F7}25 Powers to compel attendance of witnesses

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Textual Amendments

- F7** S. 25 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

26 Provision for orders as to costs

- ^{F8}(1) The Secretary of State may by regulations make provision empowering [^{F8}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] has incurred costs as a result of an unnecessary or improper act or omission by, or on behalf of, another party to the proceedings, to make an order as to the payment of those costs.

- (2) Regulations under this section may, in particular—

- (a) allow the making of such an order as is mentioned in subsection (1) at any time during the proceedings,
- (b) make provision as to the account to be taken, in making such an order, of any other order as to costs which has been made in respect of the proceedings or any grant of representation for the purposes of the proceedings which has been made under the Legal Aid Act 1988 (c. 34) or under any legal aid scheme operated by any of Her Majesty's forces,
- (c) make provision as to the account to be taken of such an order as is mentioned in subsection (1) in the making of any other order as to costs in respect of the proceedings,
- ^{F9}(d) contain provision in relation to [^{F9}the Service Civilian Court] equivalent to that made by section 18(5) of the Prosecution of Offences Act 1985 (c. 23) in relation to a magistrates' court, subject to such modifications as the Secretary of State thinks fit, and
- (e) make provision as to appeals against orders made by virtue of the regulations.

- (3) Regulations under this section shall provide—

- ^{F10}(a) that a person against whom an order is made by [^{F10}the Court Martial under the regulations may appeal to the Court Martial Appeal Court;]
- ^{F11}(b) that a person against whom an order is made by [^{F11}the Summary Appeal Court or the Service Civilian Court] under the regulations may appeal to the High Court in England and Wales.

- ^{F12}(4)

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Textual Amendments

- F8** Words in s. 26(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 192\(2\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F9** Words in s. 26(2)(d) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 192\(3\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F10** Words in s. 26(3)(a) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 192\(4\)\(a\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F11** Words in s. 26(3)(b) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 192\(4\)\(b\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F12** S. 26(4) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 192\(5\)](#), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Commencement Information

- I3** S. 26 in force at 14.10.2005 by [S.I. 2005/2861](#), [art. 2](#)

27 Costs against legal representatives etc

- ^{F13}(1) [^{F13}In any proceedings before—]
- ^{F13}(a) the Court Martial,
- (b) the Summary Appeal Court,
- (c) the Service Civilian Court, or
- (d) the Court Martial Appeal Court,]
- [^{F13}the court may disallow], or (as the case may be) order the legal or other representative concerned to meet, the whole of any wasted costs or such part of them as may be determined in accordance with regulations.
- (2) Regulations shall provide—
- ^{F14}(a) that a legal or other representative against whom action is taken by [^{F14}the Court Martial under subsection (1) may appeal to the Court Martial Appeal Court;]
- ^{F15}(b) that a legal or other representative against whom action is taken by [^{F15}the Summary Appeal Court or the Service Civilian Court] under subsection (1) may appeal to the High Court in England and Wales.
- ^{F16}(3) In this section—
- “legal or other representative”, in relation to any proceedings, means—
- (a) a person who is exercising a right of audience, or a right to conduct litigation, on behalf of any party to the proceedings, or
- (b) [^{F16}a person appointed under section 365 of the Armed Forces Act 2006 (prosecuting officers);]
- “regulations” means regulations made by the Secretary of State;
- “wasted costs” means any costs incurred by a party—
- (a) as a result of any improper, unreasonable or negligent act or omission on the part of any representative or any employee of a representative; or

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- (b) which, in the light of any such act or omission occurring after they were incurred, the court considers it is unreasonable to expect that party to pay.

Textual Amendments

- F13** Words in s. 27(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 193\(2\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- F14** Words in s. 27(2)(a) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 193\(3\)\(a\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- F15** Words in s. 27(2)(b) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 193\(3\)\(b\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- F16** Words in s. 27(3) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 193\(4\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4

Commencement Information

- I4** S. 27 in force at 14.10.2005 by [S.I. 2005/2861](#), art. 2

28 Provisions supplementary to ss. 26 and 27

^{F17F18F19}(1) Where any of Her Majesty's forces incurs costs in respect of the exercise by the [^{F17}Director of Service Prosecutions ("the Director") of his] functions as a party to proceedings [^{F19}before a court mentioned in section 27(1)], those costs shall, subject to any provision made by virtue of subsection (2), be taken for the purposes of sections 26 and 27 to have been incurred by the [^{F18}Director].

^{F20}(2) Regulations under section 26 or 27 may make provision—

- (a) as to the costs incurred by any of Her Majesty's forces which are or are not to be taken for the purposes of that section to have been incurred by the [^{F20}Director], and
- (b) as to the person to whom, or account into which, any payment in respect of costs incurred by the [^{F20}Director] is to be made.

^{F21}(3)

^{F21}(4)

^{F21}(5)

Textual Amendments

- F17** Words in s. 28(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 194\(2\)\(a\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- F18** Word in s. 28(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 194\(2\)\(c\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4

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- F19** Words in [s. 28\(1\)](#) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 16 para. 194\(2\)\(b\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F20** Word in [s. 28\(2\)](#) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 16 para. 194\(3\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F21** [S. 28\(3\)-\(5\)](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 16 para. 194\(4\), Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Modifications etc. (not altering text)

- C2** [S. 28\(1\)](#) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\), art. 1\(3\), Sch. 1 para. 49](#)

Commencement Information

- I5** [S. 28](#) in force at 14.10.2005 by [S.I. 2005/2861, art. 2](#)

^{F22}29 Custody

.....

Textual Amendments

- F22** [S. 29](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

30 Conditional release from custody

- ^{F23}(1) The Secretary of State may by order make provision enabling a person who has been sentenced by [^{F23}the Court Martial, the Summary Appeal Court or the Service Civilian Court] (in this section referred to as “the convicted person”) to be released from custody subject to conditions pending a relevant determination.
- (2) In subsection (1), “relevant determination” means—
- ^{F24}(a) in the case of a person sentenced by [^{F24}the Court Martial, the determination of an appeal to the Court Martial Appeal Court,]
- ^{F25}(b) in the case of a person sentenced by [^{F25}the Summary Appeal Court, the determination of an appeal to the High Court under section 149(2) of the Armed Forces Act 2006] or of any appeal from the High Court to the [^{F26}Supreme Court] under section 1 of the Administration of Justice Act 1960 (c. 65), and
- ^{F27}(c) in the case of a person sentenced by [^{F27}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.]
- (3) An order under this section may, in particular, make provision—
- (a) as to the court to which or person to whom any application for release from custody is to be made,
- (b) as to the manner in which any such application is to be made,

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (c) as to the criteria to be applied when making a decision under the order,
 - (d) as to the conditions that may be imposed,
 - (e) as to the enforcement of the attendance or return to custody of the convicted person,
 - (f) as to appeals against decisions taken under the order, and
 - (g) for the time during which the convicted person is released from custody to be disregarded in computing the term of any sentence to which he is for the time being subject.
- (4) An order under this section may—
- (a) make provision equivalent to that made by any provision of the Bail Act 1976 (c. 63), the Magistrates' Courts Act 1980 (c. 43) or the [^{F5}Senior Courts Act 1981] (c. 54) relating to bail in criminal proceedings, subject to such modifications as may be specified in the order,
 - (b) make different provision in relation to different courts,
 - (c) confer powers of arrest,
 - [^{F28}(d) create service offences punishable by any of the punishments mentioned in the Table in section 164 of the Armed Forces Act 2006,]
 - [^{F29}(e) make such amendments of the [^{F29}Court Martial Appeals Act 1968 or the Armed Forces Act 2006] as appear to the Secretary of State to be necessary or appropriate in consequence of the order.
- [^{F30}(5A) Where an order under this section creates an offence punishable with imprisonment, the maximum term it may authorise is two years.]
- (7) In section 42 of the Courts-Martial (Appeals) Act 1968 (bail) there are omitted—
- (a) in subsection (1), the words “to whom this section applies”, and
 - (b) subsection (2).

Textual Amendments

- F5** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 11 para. 1(2)**; [S.I. 2009/1604](#), art. 2(d)
- F23** Words in s. 30(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 195(2)**; [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F24** Words in s. 30(2)(a) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 195(3)(a)**; [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F25** Words in s. 30(2)(b) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 195(3)(b)**; [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F26** Words in s. 30(2)(b) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 9 para. 76**; [S.I. 2009/1604](#), art. 2(d)
- F27** Words in s. 30(2)(c) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 195(3)(c)**; [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F28** S. 30(4)(d) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 195(4)(a)**; [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

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- F29**

Words in s. 30(4)(e) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 195\(4\)\(b\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- F30**

S. 30(5A) substituted for s. 30(5)(6) (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 195\(5\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- Commencement Information**

I6 S. 30 in force at 25.8.2006 by [S.I. 2006/2309](#), [art. 2](#)

PART 4

MISCELLANEOUS AND GENERAL

Provision equivalent to criminal justice enactments

- F3131**

Power to make provision in consequence of enactments relating to criminal justice
.....

Textual Amendments

F31 [Ss. 31-33](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

Testing for alcohol or drugs

- F3132**

Powers to test for alcohol or drugs after serious incident
.....

Textual Amendments

F31 [Ss. 31-33](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

Commencement Information

I7 S. 32(9) in force at 28.2.2002 for specified purposes by [S.I. 2002/345](#), [art. 2](#)

- F3133**

Interpretation of s. 32
.....

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments
F31 Ss. 31-33 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

Miscellaneous amendments

34 Miscellaneous amendments

Schedule 6 (which contains miscellaneous amendments relating to the armed forces) shall have effect.

Commencement Information
I8 S. 34 partly in force; s. 34 in force for certain purposes at 11.5.2001 see s. 39; s. 34 in force for certain purposes at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3); s. 34 in force for certain further purposes at 28.2.2002 by S.I. 2002/345, art. 2
I9 S. 34 in force at 30.9.2003 for specified purposes by S.I. 2003/2268, art. 2

General

35 Orders and regulations

- (1) Any power of the Secretary of State to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) A statutory instrument containing (whether alone or with other provisions)—
 - ^{F32}(a)
 - ^{F33}(b)
 - ^{F34}(c) an order under section 30 ^{F34}... which by virtue of section 30(4)(e) ^{F34}... makes any provision adding to, replacing or omitting any part of the text of an Act, shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (3) A statutory instrument which contains—
 - (a) an order made by the Secretary of State under—
 - ^{F35}(i)
 - ^{F35}(ii)
 - (iii) section 30,
 - ^{F36}(iv)
 - ^{F37}(v) ^{F37}... or
 - (b) regulations made by the Secretary of State under—
 - ^{F38}(i)
 - (ii) section 26, or
 - (iii) section 27,

Status: This version of this Act contains provisions that are prospective.

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and which is not subject to the requirement in subsection (2) that a draft of the instrument be laid before and approved by a resolution of each House of Parliament, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (4) Any power of the Secretary of State to make an order or regulations under this Act includes power to make such incidental, consequential or transitional provision as the Secretary of State thinks fit.

Textual Amendments

- F32** S. 35(2)(a) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), art. 4
- F33** S. 35(2)(b) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), art. 4
- F34** Words in s. 35(2)(c) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), art. 4
- F35** S. 35(3)(a)(i)(ii) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), art. 4
- F36** S. 35(3)(a)(iv) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), art. 4
- F37** Words in s. 35(3)(a)(v) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), art. 4
- F38** S. 35(3)(b)(i) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), art. 4

36 Application to Channel Islands and Isle of Man

^{F39}(1)

- (2) Her Majesty may by Order in Council direct that any of the provisions of this Act specified in subsection (3) shall extend, with such exceptions and modifications as appear to Her Majesty to be appropriate, to the Channel Islands and the Isle of Man.

- (3) The provisions referred to in subsection (2) are—

^{F40}(a)

(b) sections 26 to 28,

(c) section 30,

^{F41}(d)

^{F42}(e)

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F39 [S. 36\(1\)](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), [art. 4](#)

F40 [S. 36\(3\)\(a\)](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), [art. 4](#)

F41 [S. 36\(3\)\(d\)](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), [art. 4](#)

F42 [S. 36\(3\)\(e\)](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), [art. 4](#)

^{F43}**37 Interpretation**

.....

Textual Amendments

F43 [S. 37](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), [art. 4](#)

38 Repeals

The enactments specified in Schedule 7 (which includes enactments that are spent in consequence of section 21(5) of the Human Rights Act 1998 (c. 42) or section 60 of the Youth Justice and Criminal Evidence Act 1999 (c.23)) are repealed to the extent specified in that Schedule.

Commencement Information

I10 [S. 38](#) partly in force: s. 38 in force for certain purposes at 11.5.2001 see s. 39; s. 38 in force for certain purposes at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#)); s. 38 in force for certain further purposes at 28.2.2002 by [S.I. 2002/345](#), [art. 2](#)

39 Short title and commencement

- (1) This Act may be cited as the Armed Forces Act 2001.
- (2) Subject to subsections (3) and (4), this Act shall come into force on such day as the Secretary of State may by order appoint.
- (3) The following provisions shall come into force on the day on which this Act is passed—
 - (a) section 1,
 - (b) section 35,
 - (c) section 36,

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (d) section 37,
 - (e) this section,
 - (f) Parts 4 and 5 of Schedule 6, and section 34 so far as relating to those Parts, and
 - (g) Parts 4 to 6 of Schedule 7, and section 38 so far as relating to those Parts.
- (4) The repeal by this Act of section 1 of the Armed Forces Act 1996 (c. 46) shall come into force on 1st September 2001.
- (5) An order under subsection (2) may appoint different days for different purposes.
- (6) An order under subsection (2) may contain such transitional provisions and savings as appear to the Secretary of State to be necessary or expedient in connection with the provisions brought into force by the order.

Subordinate Legislation Made

- P1** S. 39(2)(6) power exercised: 1.10.2001 appointed for specified provisions by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))
- P2** S. 39(2)(6) power exercised: 28.2.2002 appointed for specified provisions by [S.I. 2002/345](#), [art. 2](#) (subject to [art. 3](#))

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

F44SCHEDULE 1

Section 17

SUMMARY DEALING OR TRIAL AND FUNCTIONS OF PROSECUTING AUTHORITY

Textual Amendments

F44 Schs. 1-5 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

Army Act 1955 (c. 18)

F441	.....
F442	.....
F443	.....
F444	.....

Air Force Act 1955 (c. 19)

F445
F446	.....
F447	.....
F448	.....

Naval Discipline Act 1957 (c. 53)

F449	.....
F4410	.....
F4411	.....
F4412	.....
F4413	.....
F4414	.....
F4415	.....
F4416	.....
F4417	.....

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

F44SCHEDULE 2

Section 19

MEMBERSHIP OF COURTS-MARTIAL

Army Act 1955 (c. 18)

F441
F442
F443
F444
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F446
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Air Force Act 1955 (c. 19)

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F4410
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Naval Discipline Act 1957

F4415
F4416
F4417
F4418

Status: This version of this Act contains provisions that are prospective.
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PROSPECTIVE	
F44	SCHEDULE 3
Section 22	
REQUIRED CUSTODIAL SENTENCES	
Army Act 1955 (c. 18) and Air Force Act 1955 (c. 19)	
F44	1
F44	2
F44	3
F44	4
Naval Discipline Act 1957 (c. 53)	
F44	5
F44	6
F44	7

PROSPECTIVE	
F44	SCHEDULE 4
Section 29	
AMENDMENTS RELATING TO CUSTODY	
Army Act 1955 (c. 18) and Air Force Act 1955 (c. 19)	
F44	1
F44	2
F44	3
F44	4
F44	5
F44	6
F44	7
Naval Discipline Act 1957 (c. 53)	
F44	8

Status: This version of this Act contains provisions that are prospective.

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F4410
F4411

F44SCHEDULE 5

Section 32(9)

TESTING FOR ALCOHOL OR DRUGS

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

F441	.....
F442	.....
F443	.....
F444	.....

Naval Discipline Act 1957 (c. 53)

F445	.....
F446	.....
F447	.....

SCHEDULE 6

Section 34

MISCELLANEOUS AMENDMENTS

PART 1

AMENDMENTS OF SEXUAL OFFENCES (AMENDMENT) ACT 1992

- 1
- At the end of section 2 of the Sexual Offences (Amendment) Act 1992 (c. 34) (offences to which that Act applies) there is inserted—
“(4) This Act applies to a service offence (wherever committed) if the corresponding civil offence is mentioned in subsection (1).”

Commencement Information	
I11	Sch. 6 Pt. 1 in force at 1.10.2001 by S.I. 2001/3234 , art. 2 (subject to art. 3)

F452
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Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F45 Sch. 6 para. 2 repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, [Sch. 7](#); [S.I. 2004/874](#), art. 2

Commencement Information

I12 Sch. 6 Pt. 1 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

- 3 (1) Section 6 of that Act (interpretation etc.) is amended as follows.
- (2) In subsection (1)—
- (a) after the definition of “complainant” there is inserted—
- ““corresponding civil offence”, in relation to a service offence, means the civil offence (within the meaning of the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957) the commission of which constitutes the service offence;”
- and
- (b) after the definition of “relevant programme” there is inserted—
- ““service offence” means an offence against section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957;”.
- (3) In subsection (3) after “accused of an offence” there is inserted “, other than a service offence, ”.
- (4) After subsection (3) there is inserted—
- “(3A) For the purposes of this Act, a person is accused of a service offence if he is treated by section 75(4) of the Army Act 1955, section 75(4) of the Air Force Act 1955 or section 47A(4) of the Naval Discipline Act 1957 as charged with the offence, and references in section 3 to an accusation alleging an offence shall be construed accordingly.”

Commencement Information

I13 Sch. 6 Pt. 1 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

- 4 (1) Section 7 of that Act (application of Act in relation to courts-martial) is amended as follows.
- (2) In subsection (1), for “section 2(1)” there is substituted “ section 2(4) ”.
- (3) In subsection (2), paragraph (f) and the word “and” preceding it are omitted.

Commencement Information

I14 Sch. 6 Pt. 1 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

PART 2

ABOLITION OF OFFICE OF DEPUTY JUDGE ADVOCATE

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

- 5 In section 30(1)(b) of the Courts-Martial (Appeals) Act 1951 (assistants to Judge Advocate General), there are omitted—
- (a) the words “, and such number of officers to be known as Deputy Judge Advocates,”, and
 - (b) the words “in each case”.

Commencement Information

I15 Sch. 6 Pt. 2 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

- 6 In section 31 of that Act (qualifications of Judge Advocate General and assistants)
-
- (a) in subsection (2)—
 - (i) at the end of paragraph (b) there is inserted “ or ”, and
 - (ii) paragraph (d) and the word “or” preceding it are omitted,
 - (b) subsection (3) is omitted, and
 - (c) in subsection (4), for “, an Assistant Judge Advocate General or a Deputy Judge Advocate” there is substituted “ or an Assistant Judge Advocate General ”.

Commencement Information

I16 Sch. 6 Pt. 2 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

- 7 In section 32(1) of that Act (tenure of Judge Advocate General and assistants) for “, an Assistant Judge Advocate General or a Deputy Judge Advocate” there is substituted “ or an Assistant Judge Advocate General ”.

Commencement Information

I17 Sch. 6 Pt. 2 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

House of Commons Disqualification Act 1975 (c. 24) and Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 8 In Part 3 of Schedule 1 to each of the House of Commons Disqualification Act 1975 and the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices), in the entry beginning “Judge Advocate General”, for “, Assistant Judge Advocate General or Deputy Judge Advocate” there is substituted “ or Assistant Judge Advocate General ”.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I18 Sch. 6 Pt. 2 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

Courts and Legal Services Act 1990 (c. 41)

- 9 In Schedule 11 to the Courts and Legal Services Act 1990 (judges etc. barred from legal practice) in the entry relating to an Assistant or Deputy Judge Advocate General, the words “or Deputy” are omitted.

Commencement Information

I19 Sch. 6 Pt. 2 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

Judicial Pensions and Retirement Act 1993 (c. 8)

- 10 In section 27(3) of the Judicial Pensions and Retirement Act 1993 (completion of proceedings after retirement), paragraph (f) is omitted.

Commencement Information

I20 Sch. 6 Pt. 2 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

PART 3

AMENDMENTS OF RESERVE FORCES ACT 1996

Delegation by Secretary of State of certain functions

- 11 In section 35(1) of the Reserve Forces Act 1996 (c. 14) (exercise of certain functions under section 32 or 33 of that Act) after “section” there is inserted “31, ”.

Commencement Information

I21 Sch. 6 Pt. 3 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

Notice given by special member

- 12 In section 41 of that Act (cessation of liabilities), in subsection (4) the word “been” is omitted.

Commencement Information

I22 Sch. 6 Pt. 3 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Absence for voting

13 In section 125 of that Act (absence for voting), in paragraph (a), after “Member of the Scottish Parliament” there is inserted “, a Member of the National Assembly for Wales, a Member of the Northern Ireland Assembly ”.

Commencement Information

I23 Sch. 6 Pt. 3 in force at 1.10.2001 by [S.I. 2001/3234](#), **art. 2** (subject to [art. 3](#))

PART 4

AMENDMENTS CONSEQUENTIAL ON SECTION 21(5) OF HUMAN RIGHTS ACT 1998

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

F4614

Textual Amendments

F46 [Sch. 6 paras. 14-27](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), **art. 4**

F4615

Textual Amendments

F46 [Sch. 6 paras. 14-27](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), **art. 4**

F4616

Textual Amendments

F46 [Sch. 6 paras. 14-27](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), **art. 4**

F4617

Textual Amendments

F46 [Sch. 6 paras. 14-27](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), **art. 4**

F4618

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F46 [Sch. 6 paras. 14-27](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, [art. 4](#)

Naval Discipline Act 1957 (c. 53)

^{F46}19

Textual Amendments

F46 [Sch. 6 paras. 14-27](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, [art. 4](#)

^{F46}20

Textual Amendments

F46 [Sch. 6 paras. 14-27](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, [art. 4](#)

^{F46}21

Textual Amendments

F46 [Sch. 6 paras. 14-27](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, [art. 4](#)

^{F46}22

Textual Amendments

F46 [Sch. 6 paras. 14-27](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, [art. 4](#)

PART 5

QUEEN ALEXANDRA’S ROYAL NAVAL NURSING SERVICE
AND FORMER WOMEN’S ROYAL NAVAL SERVICE

Naval Discipline Act 1957 (c. 53)

^{F46}23

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F46 Sch. 6 paras. 14-27 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

F4624

Textual Amendments

F46 Sch. 6 paras. 14-27 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

Armed Forces Act 1976 (c. 52)

F4625

Textual Amendments

F46 Sch. 6 paras. 14-27 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

House of Commons Disqualification Act 1975 (c. 24)

F4626

Textual Amendments

F46 Sch. 6 paras. 14-27 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

F4627

Textual Amendments

F46 Sch. 6 paras. 14-27 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Armed Forces Act 1981 (c. 55)

- 28 Section 20(2) of, and Part 3 of Schedule 3 to, the Armed Forces Act 1981 (which apply to members of Queen Alexandra’s Royal Naval Nursing Service provisions of the Armed Forces Act 1966 relating to discharge etc.) shall cease to have effect.

Housing Act 1985 (c. 68)

- 29 In section 622 of the Housing Act 1985, in the definition of “regular armed forces of the Crown”, for the words from “, the regular air force” to the end there is substituted “ or the regular air force as defined by section 223 of the Air Force Act 1955 ”.

Housing Act 1996 (c. 52)

- ^{F47}30

Textual Amendments

- F47** Sch. 6 para. 30 repealed (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 16](#); [S.I. 2008/3068](#), art. 5, [Sch.](#) (with arts. 6-13)

PART 6

OTHER AMENDMENTS

Marriages in service chapels

- 31 In section 68 of the Marriage Act 1949 (c. 76) (solemnization of marriages in naval, military and air force chapels)—
- (a) in subsection (2)(e), after “daughter” there is inserted “ , son, step-daughter or step-son ”, and
 - (b) in subsection (3), the words from “and the expression” to the end are omitted.

Commencement Information

- I24** Sch. 6 para. 31 wholly in force; Sch. 6 para. 31 not in force at Royal Assent see s. 39; Sch. 6 para. 31 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

Retirement age for assistants to Judge Advocate General

- 32 (1) In section 32(2) of the Courts-Martial (Appeals) Act 1951 (c. 46) (tenure of office of Judge Advocate General and assistants), for “sixty-five” there is substituted “ seventy ”.
- (2) The amendment made by sub-paragraph (1) applies in relation to any such officer as is mentioned in section 30(1) of that Act (assistants to Judge Advocate General) whether appointed before or after the commencement of sub-paragraph (1).

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

F48125

Sch. 6 para. 32 wholly in force; Sch. 6 para. 32 not in force at Royal Assent see s. 39; Sch. 6 para. 32 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

Sentence where penalty for civil offence fixed by law as life imprisonment

F4833

Textual Amendments

F48

[Sch. 6 paras. 33-56](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), [art. 4](#)

F4834

Textual Amendments

F48

[Sch. 6 paras. 33-56](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), [art. 4](#)

Qualification for appointment as judicial officer

F4835

Textual Amendments

F48

[Sch. 6 paras. 33-56](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), [art. 4](#)

F4836

Textual Amendments

F48

[Sch. 6 paras. 33-56](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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](#)); [S.I. 2009/1167](#), [art. 4](#)

Evidence given before boards of inquiry

F4837

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F48 [Sch. 6 paras. 33-56](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

F4838

Textual Amendments

F48 [Sch. 6 paras. 33-56](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

Compensation for loss

F4839

Textual Amendments

F48 [Sch. 6 paras. 33-56](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

F4840

Textual Amendments

F48 [Sch. 6 paras. 33-56](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

Redress of complaints

F4841

Textual Amendments

F48 [Sch. 6 paras. 33-56](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

F4842

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F48 Sch. 6 paras. 33-56 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

F4843

Textual Amendments

F48 Sch. 6 paras. 33-56 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

Civilian contractors attached to or accompanying armed forces

F4844

Textual Amendments

F48 Sch. 6 paras. 33-56 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

F4845

Textual Amendments

F48 Sch. 6 paras. 33-56 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

Interpretation of references to “Royal Air Force Police”

F4846

Textual Amendments

F48 Sch. 6 paras. 33-56 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

F4847

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments
F48 Sch. 6 paras. 33-56 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

F4848

Textual Amendments
F48 Sch. 6 paras. 33-56 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

Interpretation of references to a “constable”

F4849

Textual Amendments
F48 Sch. 6 paras. 33-56 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

Application to civilians

F4850

Textual Amendments
F48 Sch. 6 paras. 33-56 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

F4851

Textual Amendments
F48 Sch. 6 paras. 33-56 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

F4852

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments
F48 Sch. 6 paras. 33-56 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

F4853

Textual Amendments
F48 Sch. 6 paras. 33-56 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

Arrest of civilian whose sentence is deferred

F4854

Textual Amendments
F48 Sch. 6 paras. 33-56 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

Right of appeal to Courts-Martial Appeal Court

F4855

Textual Amendments
F48 Sch. 6 paras. 33-56 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

F4856

Textual Amendments
F48 Sch. 6 paras. 33-56 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) 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); S.I. 2009/1167, art. 4

Children in respect of whom protective orders may be made

57 In section 17 of the Armed Forces Act 1991 (c. 62) (power to make service family child assessment orders), for subsections (1) and (2) there is substituted—

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- “(1) The power to make an order under this section (in this Part of this Act referred to as an “assessment order”) is exercisable only with respect to a child who—
- (a) resides outside the British Islands with the family of a person subject to service law serving in a country or territory outside the British Islands or of a civilian in a corresponding position, or
 - (b) is staying (for however short a time) outside the British Islands with such a family.
- (2) In the following provisions of this section and in section 18 of this Act, any reference to a person with whom a child was at any time residing includes a reference to a person with whom a child was staying.”

Commencement Information
I26 Sch. 6 para. 57 wholly in force; Sch. 6 para. 57 not in force at Royal Assent see s. 39; Sch. 6 para. 57 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

- 58 In section 19 of that Act (power to make orders for the emergency protection of children of service families) for subsections (1) and (2) there is substituted—
- “(1) The power to make an order under this section (in this Part of this Act referred to as a “protection order”) is exercisable only with respect to a child who—
- (a) resides outside the British Islands with the family of a person subject to service law serving in a country or territory outside the British Islands or of a civilian in a corresponding position, or
 - (b) is staying (for however short a time) outside the British Islands with such a family.
- (2) In the following provisions of this Part, any reference to a person with whom a child was at any time residing includes a reference to a person with whom a child was staying.”

Commencement Information
I27 Sch. 6 para. 58 wholly in force; Sch. 6 para. 58 not in force at Royal Assent see s. 39; Sch. 6 para. 58 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

Amendment relating to abolition of naval disciplinary courts

F4959

Textual Amendments
F49 Sch. 6 para. 59 repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, [Sch. 7](#); [S.I. 2004/874](#), [art. 2](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 7

Section 38

REPEALS

PART 1

REPEALS RELATING TO ABOLITION OF NAVAL DISCIPLINARY COURTS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Criminal Evidence Act 1898 (c. 36)	In section 6(1), the words “and disciplinary courts”.
The Army Act 1955 (c. 18)	In section 57(3), the words “or disciplinary court”.
The Air Force Act 1955 (c. 19)	In section 57(3), the words “or disciplinary court”.
The Naval Discipline Act 1957 (c. 53)	In section 38(2), the words “and to a disciplinary court”. Section 52C(5). Section 52G. Section 65(4). Section 70(7). In section 73, the words “and disciplinary courts”. In section 76(6)(a), the words “or disciplinary court”. In section 77(1), the words “or disciplinary court”. In section 95(2), the words “and to disciplinary courts”. In section 129(1), the words “or disciplinary court”, in both places where they occur. In Schedule 5, in the entries relating to section 57 of the Army Act 1955 and section 57 of the Air Force Act 1955, the words from “after the word” to “court”, and”.
The Courts-Martial (Appeals) Act 1968 (c. 20)	In section 57(1), in the definition of “naval court-martial”, the words “, and includes a disciplinary court”.
The Civil Evidence Act 1968 (c. 64)	In section 11(6), the words from “or a disciplinary” to “Act of 1957”.
The Civil Evidence Act (Northern Ireland) 1971 (c. 36 (N.I.))	In section 7(6), the words from “or a disciplinary” to “Act of 1957” and the words “disciplinary court”.
The Police and Criminal Evidence Act 1984 (c. 60)	In section 67(12)(a), the words from “or a disciplinary” to “1957”. In section 82(1), in the definition of “court-martial”, the words from “or a disciplinary” to “Act of 1957”.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

	In section 113(11)(a), the words from “or a disciplinary” to “Act of 1957”.
The Criminal Justice Act 1988 (c. 33)	In section 146, the words from “disciplinary” to “1957,”. In Schedule 13, in paragraph 1, in paragraph (b) of the definition of “Service courts”, the words from “and disciplinary” to “that Act” and in paragraph 7(b) the words from “or disciplinary” to “that Act”.
The Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))	In Article 66(11)(a), the words from “or a disciplinary” to “1957”. In Article 70(2)(b), head (ii) and the word “or” immediately preceding it.
The Criminal Justice and Public Order Act 1994 (c. 33)	Section 39(2)(g).
The Northern Ireland (Emergency Provisions) Act 1996 (c. 22)	In section 54(9), in the definition of “criminal proceedings”, the words from “or a disciplinary” to “1957 Act”.
The Armed Forces Act 1996 (c. 46)	In section 11(4), paragraph (b) of the definition of “service disciplinary proceedings”. In Schedule 1, paragraphs 100, 105, 108, 109(2)(c) and (4)(a) and 111.
The Police Act 1997 (c. 50)	In section 108(1), in paragraph (a) of the definition of “criminal proceedings” the words from “or a disciplinary” to “Act of 1957”.
The Youth Justice and Criminal Evidence Act 1999 (c. 23)	In section 63(1), in paragraph (a) of the definition of “service court”, the words from “or a disciplinary” to the end.
The Terrorism Act 2000 (c. 11)	In section 101(9), in the definition of “criminal proceedings”, the words from “or a disciplinary” to “1957 Act”.
The Regulation of Investigatory Powers Act 2000 (c. 23)	In section 81(4)(a), sub-paragraph (ii) and the word “or” immediately preceding it.
The Freedom of Information Act 2000 (c. 36)	In section 29(5), in paragraph (a) of the definition of “criminal proceedings”, the words from “or a disciplinary” to “of 1957”.

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PROSPECTIVE	
PART 2	
REPEALS RELATING TO REQUIRED CUSTODIAL SENTENCES	
Short title and chapter	Extent of repeal
The Crime (Sentences) Act 1997 (c. 43)	Section 55(2). In Schedule 4, paragraphs 1(1) and (4), 2(1) and (4) and 3(1) and (4).
The Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In Schedule 9, paragraphs 8, 13 and 18.

PART 3	
REPEALS RELATING TO ABOLITION OF OFFICE OF DEPUTY JUDGE ADVOCATE	
<div>Commencement Information</div> <div>I28 Sch. 7 Pt. 3 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)</div>	
Short title and chapter	Extent of repeal
The Courts-Martial (Appeals) Act 1951 (c. 46)	In section 30(1)(b), the words “, and such number of officers to be known as Deputy Judge Advocates,” and the words “in each case”. In section 31— (a) in subsection (2), paragraph (d) and the word “or” which precedes it, and (b) subsection (3).
The Courts and Legal Services Act 1990 (c. 41)	In Schedule 11, in the entry relating to an Assistant or Deputy Judge Advocate General, the words “or Deputy”.
The Judicial Pensions and Retirement Act 1993 (c. 8)	In section 27(3), paragraph (f).

PART 4	
REPEALS CONSEQUENTIAL ON HUMAN RIGHTS ACT 1998	
Short title and chapter	Extent of repeal

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

The Army Act 1955 (c. 18)

In section 31, subsection (1) and, in subsection (2), the words “, in a case not falling within the last foregoing subsection”.

In section 68, the proviso.

In section 70(3), paragraph (a).

In section 71(1), paragraph (a).

In section 71A(3), the words from “, nor shall sentence of death” to “when the offence was committed”.

In section 85(2), the words “of death or”.

In section 96, subsections (3) and (4).

Section 112.

Section 113(6).

Section 121.

In section 123—

In section 85(2), the words “of death or”.

—*cont.*

(a) in subsection (1), the words “Regulations under section one hundred and twenty-one of this Act or” and the words “regulations or”, and

(b) in subsection (2), the words “regulations or”.

In section 125—

(a) in subsection (1), the words “death or” and the words “regulations under section one hundred and twenty-one of this Act or of”, and

(b) subsection (2).

In section 126—

(a) in subsection (1), the words from “sentences of death” to “authorities and”, and

(b) in subsection (3), the words “no sentence of death passed by a court-martial shall be executed, and”.

Section 128(1).

In section 129 (1) the words—

(a) “regulations under section one hundred and twenty-one of this Act or”,

(b) “regulations or”, and

(c) “execution of the sentence is completed or”.

In section 209(3)(a)(i), after the word “paragraphs”, the letter “(a),”.

Section 214(3).

Section 215(4).

In Schedule 5A—

(a) in the Table at paragraph 15, the first entry in each of the first and second columns, and

(b) in the Note to the Table, the words from the “or” at the end of paragraph (a) to “first and second columns, and”.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

The Air Force Act 1955 (c. 19)

In section 31, subsection (1) and, in subsection (2), the words “, in a case not falling within the last foregoing subsection”.

In section 68, the proviso.

In section 70(3), paragraph (a).

In section 71(1), paragraph (a).

In section 71A(3), the words from “, nor shall sentence of death” to “when the offence was committed”.

In section 85(2), the words “of death or”.

In section 96, subsections (3) and (4).

Section 112.

Section 113(6).

Section 121.

In section 123—

(a) in subsection (1), the words “Regulations under section one hundred and twenty-one of this Act or” and the words “regulations or”, and

(b) in subsection (2), the words “regulations or”.

In section 125—

(a) in subsection (1), the words “death or” and the words “regulations under section one hundred and twenty-one of this Act or of”, and

(b) subsection (2).

In section 126—

(a) in subsection (1), the words from “sentences of death” to “those authorities and”, and

(b) in subsection (3), the words “no sentence of death passed by a court-martial shall be executed, and”.

Section 128(1).

In section 129 (1) the words—

(a) “regulations under section one hundred and twenty-one of this Act or”,

(b) “regulations or”, and

(c) “execution of the sentence is completed or”.

In section 209(3)(a)(i), after the word “paragraphs”, the letter “(a),”.

Section 212(3).

Section 213(4).

In Schedule 5A—

(a) in the Table at paragraph 15, the first entry in each of the first and second columns, and

(b) in the Note to the Table, the words from the “or” at the end of paragraph (a) to “first and second columns, and”.

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The Naval Discipline Act 1957 (c. 53)	<p>In section 9, subsection (1) and, in subsection (2), the words “not described in the foregoing subsection”.</p> <p>In section 10, the words from “, if the offence is committed” to “in any other case,”.</p> <p>In section 40, the proviso to the section.</p> <p>In section 42(1), paragraph (a).</p> <p>In section 43(1), paragraph (a).</p> <p>In section 43A(3), the words from “nor shall sentence of death” to “when the offence was committed”.</p> <p>In section 62, subsections (4) and (5).</p> <p>Section 70(6).</p> <p>Sections 78 to 80.</p> <p>Section 123(4).</p> <p>Section 124(2).</p> <p>In section 125(2), the words “80 and”.</p> <p>In Schedule 4A—</p> <p>(a) in the Table at paragraph 15, the first entry in each of the first and second columns, and</p> <p>(b) in the Note to the Table, the words from the “or” at the end of paragraph (a) to “first and second columns, and”.</p>
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PART 5

REPEALS CONSEQUENTIAL ON YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999

<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Army Act 1955 (c. 18)	Section 200A.
The Air Force Act 1955 (c. 19)	Section 200A.
The Courts-Martial (Appeals) Act 1968 (c. 20)	Section 37A.
The Armed Forces Act 1976 (c. 52)	In Schedule 3, paragraph 17A.
The Police and Criminal Evidence Act 1984 (c. 60)	In Schedule 6, paragraphs 28(4), 29(4), 34 and 36.

PART 6

REPEALS RELATING TO QUEEN ALEXANDRA’S ROYAL NAVAL NURSING SERVICE

<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Naval Discipline Act 1957 (c. 53)	<p>In section 111, in subsection (1), the words “and Queen Alexandra’s Royal Naval Nursing Service” and, in subsection (2), the</p>

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

	words “or of Queen Alexandra’s Royal Naval Nursing Service”.
	In section 132(5), the words “Queen Alexandra’s Royal Naval Nursing Service”.
The Armed Forces Act 1976 (c. 52)	In section 6(9)(b), the words “or Queen Alexandra’s Royal Naval Nursing Service”.
The Armed Forces Act 1981 (c. 55)	Section 20(2). Part 3 of Schedule 3.

PART 7

OTHER REPEALS

Commencement Information

I29 [Sch. 7 Pt. 7](#) partly in force at 1.9.2001 see [s. 39\(4\)](#); [Sch. 7 Pt. 7](#) in force insofar as not already in force with the exception of certain repeals at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Marriage Act 1949 (c. 76)	In section 68(3), the words from “and the expression” to the end.
The Army Act 1955 (c. 18)	In section 75L(2), the word “or” at the end of paragraph (a). Section 209(3C). Paragraph 2A(13) of Schedule 5A. In paragraph 9 of Schedule 6, the words “and one hundred and eighty”.
The Air Force Act 1955 (c. 19)	In section 75L(2), the word “or” at the end of paragraph (a). Section 209(3C). Paragraph 2A(13) of Schedule 5A. In paragraph 9 of Schedule 6, the words “and one hundred and eighty”.
The Naval Discipline Act 1957 (c. 53)	In section 12A(1), the words “on conviction by court-martial”. In section 42(1), the words “subject to section 43A below be liable”. In section 47M(2), the word “or” at the end of paragraph (a). Paragraph 4B of Schedule 4.
The Courts-Martial (Appeals) Act 1968 (c. 20)	In section 42, in subsection (1) the words “to whom this section applies”, and subsection (2).
The Sexual Offences (Amendment) Act 1992 (c. 34)	In section 7(2), paragraph (f) and the word “and” preceding it.
The Reserve Forces Act 1996 (c. 14)	In section 41(4), the word “been”.

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The Armed Forces Act 1996 (c. 46)

Section 1.

Status:

This version of this Act contains provisions that are prospective.

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 6(2)(a) words substituted by [2003 c. 39 Sch. 4 para. 15](#)
- s. 30(6)(a) words substituted by [2003 c. 44 Sch. 32 para. 140](#)