

EXPLANATORY NOTES

ARMED FORCES ACT 2001

INTRODUCTION

SUMMARY

BACKGROUND

The statutory framework for discipline in the armed forces

THE ACT - COMMENTARY ON SECTIONS

PART 1 – CONTINUANCE OF SERVICES ACTS

Section 1: Continuance of Services Acts

PART 2 – POWERS OF ENTRY, SEARCH AND SEIZURE

Sections 2 to 16

The previous position and the new arrangements in outline

Section 2: Powers to stop and search persons, vehicles,

Section 3: Provisions relating to search under section 2

Section 4: Power of Commanding Officer in relation to stopping and searching of persons, vehicles

Section 5: Power of judicial officer to authorise entry and search of certain premises

Section 6: Special provisions as to access

Section 7: Power of commanding officer to authorise entry and search of certain premises

Section 8: Review by judicial officer

Section 9: Entry for purposes of arrest

Section 10: Search upon arrest

Section 11: Power to make provisions equivalent to that made by sections 18 to 22 of the Police and Criminal Evidence Act 1984

Section 12: Property in possession of service police or commanding officer

Section 13: Orders and codes of practice under section 113 of the Police and Criminal Evidence Act 1984.

Section 14: Power to use reasonable force

Section 15: Meaning of “service living accommodation”

Section 16: Part 2: Supplementary provisions

PART 3 – TRIAL AND PUNISHMENT OF OFFENCES

Sections 17 to 30

Section 17: Summary dealing or trial and functions of the prosecuting authority

Section 18: Abolition of naval disciplinary courts

Section 19: Membership of courts-martial

Section 20: Eligibility of warrant officers for membership of summary appeal courts

Section 21: Review of sentences by Courts-Martial Appeal Court

Section 22: Required custodial sentences

Section 23: Restriction of judicial review of courts-martial

Section 24: Offences in relation to courts-martial

Section 25: Powers to compel attendance of witnesses

Section 26: Provisions for orders as to costs

Section 27: Costs against legal representatives

Section 28: Provisions supplementary to sections 26 and 27

Section 29: Custody

Section 30: Conditional release from custody

PART 4 – MISCELLANEOUS AND GENERAL

Sections 31 to 39

Section 31: Power to make provisions in consequence of enactments relating to criminal justice

Section 32: Powers to test for alcohol or drugs after a serious incident

Section 33: Interpretation of section 32

Section 34: Miscellaneous amendments

PART 1 – AMENDMENTS OF SEXUAL OFFENCES (AMENDMENT) ACT 1992

PART 2 – ABOLITION OF OFFICE OF DEPUTY JUDGE ADVOCATE

PART 3 – AMENDMENTS OF RESERVE FORCES ACT 1996

PART 4 – AMENDMENTS CONSEQUENTIAL ON SECTION 21(5) OF HUMAN RIGHTS ACT 1998

PART 5 – QUEEN ALEXANDRA’S ROYAL NAVAL NURSING SERVICE AND FORMER WOMEN’S ROYAL NAVAL SERVICE

PART 6 – OTHER AMENDMENTS

Marriages in Service Chapels

Retirement age for assistants to Judge Advocate General

Sentence where penalty fixed by law as life imprisonment

Qualification for appointment as a judicial officer

Evidence given before boards of inquiry

Compensation for loss

Redress of Complaints

Civilian contractors attached to or accompanying a force

Interpretation of references to “Royal Air Force Police”

Interpretation of references to a “constable”

Application to civilians

Arrest of civilian whose sentence is deferred

Right of appeal to Courts-Martial Appeal Court

Children in respect of whom protective orders may be made

Amendment relating to abolition of naval disciplinary courts

Section 35: Orders and regulations

Section 36: Application to Channel Islands, Isle of Man,

Section 37: Interpretation

Section 38: Repeals

Section 39: Short title and commencement

COMMENCEMENT DATE

HANSARD REFERENCES