



Armed Forces Act 2006

2006 CHAPTER 52

Second Group of Parts Miscellaneous Matters

PART 17

MISCELLANEOUS

Miscellaneous

354 Extension of powers of command dependent on rank or rate

An officer, warrant officer or non-commissioned officer of a regular or reserve force who is subject to service law (“A”) has, over members of any other such force who are of inferior rank or rate to A, such powers of command as are dependent on rank or rate.

355 Service of process

- (1) The Secretary of State may by regulations make provision with respect to the service of process on a relevant person in connection with proceedings of a description prescribed by the regulations.
- (2) Regulations under this section may in particular make provision—
 - (a) for any process served on a person’s commanding officer to be treated as duly served on the person;
 - (b) with respect to cases in which service of process is to be of no effect.
- (3) In this section “relevant person” means—
 - (a) a person subject to service law by reason of section 367(1) or (2)(a), (b), (c) or (e); or
 - (b) a civilian subject to service discipline.

356 Avoidance of assignment of or charge on pay and pensions etc

- (1) Each of the following shall be void—

Status: This is the original version (as it was originally enacted).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

- (a) every assignment (or, in Scotland, assignation) of any relevant pay or pension;
 - (b) every charge on any relevant pay or pension;
 - (c) every agreement to assign or charge any relevant pay or pension.
- (2) In this section “relevant pay or pension” means any pay, pension, benefit, bounty, grant or allowance payable to any person in respect of his or any other person’s service in Her Majesty’s forces.
- (3) No order may be made by a court the effect of which would be—
- (a) to prevent any person from receiving any relevant pay or pension; and
 - (b) to direct payment of it to another person.
- (4) Nothing in this section—
- (a) applies to the making or variation of attachment of earnings orders or of earnings arrestments; or
 - (b) prejudices any enactment or subordinate legislation providing for the payment of any sum to—
 - (i) a bankrupt’s trustee in bankruptcy, or
 - (ii) a permanent trustee in a sequestration under the Bankruptcy (Scotland) Act 1985 (c. 66),
 for distribution among creditors.
- (5) In this section—
- (a) “enactment” includes any provision of an Act of the Scottish Parliament or Northern Ireland legislation;
 - (b) the reference to subordinate legislation includes an instrument made under such an Act or under Northern Ireland legislation.

357 Power of British overseas territory to apply Act, etc

Where any of Her Majesty’s forces is raised under the law of a British overseas territory, any such law—

- (a) may make provision in relation to that force and its members so as to have effect when they are outside that territory (as well as when they are within it); and
- (b) may apply in relation to the force and its members all or any of the provisions of this Act, with or without modifications.

358 Amendments relating to reserve forces

Schedule 14 (amendments relating to the reserve forces) has effect.

359 Pardons for servicemen executed for disciplinary offences: recognition as victims of First World War

- (1) This section applies in relation to any person who was executed for a relevant offence committed during the period beginning with 4 August 1914 and ending with 11 November 1918.
- (2) Each such person is to be taken to be pardoned under this section in respect of the relevant offence (or relevant offences) for which he was executed.

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- (3) In this section “relevant offence” means any of the following—
- (a) an offence under any of the following provisions of the Army Act 1881 (c. 58)—
 - (i) section 4(2) (casting away arms etc);
 - (ii) section 4(7) (cowardice);
 - (iii) section 6(1)(b) (leaving post etc without orders);
 - (iv) section 6(1)(k) (sentinel sleeping etc on post or leaving post);
 - (v) section 7 (mutiny and sedition);
 - (vi) section 8(1) (striking etc superior officer);
 - (vii) section 9(1) (disobedience in defiance of authority);
 - (viii) section 12(1) (desertion or attempt etc to desert);
 - (b) an offence under any of the following provisions of the Indian Army Act 1911 (Indian Act, No 8 of 1911)—
 - (i) section 25(b) (casting away arms, cowardice, etc);
 - (ii) section 25(g) (sentry sleeping on post or quitting post);
 - (iii) section 25(i) (quitting guard etc);
 - (iv) section 27 (mutiny, disobedience, etc);
 - (v) section 29 (desertion or attempt to desert).
- (4) This section does not—
- (a) affect any conviction or sentence;
 - (b) give rise to any right, entitlement or liability; or
 - (c) affect the prerogative of mercy.
- (5) Any reference in this section to a provision of the Army Act 1881 (c. 58) includes a reference to that provision as applied by any enactment, wherever enacted.