

*These notes refer to the Armed Forces Act 2006 (c.52)
which received Royal Assent on 8 November 2006*

ARMED FORCES ACT 2006

EXPLANATORY NOTES

SECOND GROUP OF PARTS – MISCELLANEOUS MATTERS

Part 16 – Inquiries

Section 343: Service inquiries

696. This section provides the Secretary of State with the relevant power to make regulations for causing inquiries to be held in prescribed circumstances.
697. Subsection (2) sets out some of the main things about which the regulations in particular may make provision. These include the matters about which inquiries must or may be held and the membership and functions of the service inquiry panel.
698. Subsection (3) sets out further provision which may be made by the regulations. The regulations may, in particular include provision enabling designated persons to decide in prescribed circumstances that a matter that would otherwise have to be referred to an inquiry panel need not be referred. They may also make provision about the taking of oaths and affirmations and rights of attendance at a service inquiry. Evidence given to an inquiry is not to be admissible at summary hearings under the Act or in proceedings before prescribed courts, except in the case of proceedings for a prescribed offence.
699. Subsection (4) enables the regulations to include (subject to appropriate modifications) provision equivalent to section 35 of the Inquiries Act 2005. This provides sanctions for non-compliance with requirements imposed by an inquiry panel (for example failure, without a reasonable excuse, to comply with a formal notice requiring attendance at the inquiry or the production of evidence) and sanctions for actions that are likely to hinder the inquiry (for example doing things intended to distort or alter evidence given to an inquiry panel).