



# Armed Forces Act 2006

## 2006 CHAPTER 52

### PART 19 U.K.

#### SUPPLEMENTARY

### CHAPTER 2 U.K.

#### OTHER SUPPLEMENTARY PROVISIONS

##### 372 Evidence in proceedings before civilian courts U.K.

The Secretary of State may by regulations make provision with respect to evidence, including the admissibility of evidence, in proceedings for an offence created by or under this Act before a civilian court in—

- (a) any part of the United Kingdom;
- (b) the Isle of Man; or
- (c) a British overseas territory [<sup>F1</sup>other than Gibraltar].

#### Textual Amendments

**F1** Words in [s. 372\(c\)](#) inserted (12.5.2016) by [Armed Forces Act 2016 \(c. 21\), s. 19\(2\)\(b\), Sch. para. 12](#)

#### Commencement Information

- I1** S. 372 in force at 28.3.2009 for specified purposes by [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))
- I2** S. 372 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167, art. 4](#)

##### 373 Orders, regulations and rules U.K.

- (1) Any power to make orders, regulations or rules conferred by this Act on the Secretary of State is exercisable by statutory instrument.

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- [<sup>F2</sup>(1A) The powers conferred by paragraphs 6 and 7 of Schedule 2A on the Lord Chancellor to make regulations are exercisable by statutory instrument.]
- (2) The powers conferred by sections [<sup>F3</sup>20A,] 36, [<sup>F4</sup>93AA,][<sup>F5</sup> 93F,] 132, 135, 164, 173, 174, 328 to 331 [<sup>F6</sup>, 340 and 340B] on the Defence Council to make regulations are exercisable by statutory instrument; and the Statutory Instruments Act 1946 (c. 36) applies in relation to those powers as if the Defence Council were a Minister of the Crown.
- (3) A statutory instrument containing [<sup>F7</sup>(whether alone or with other provision)]—
- (a) an order under section 53, 89, 113, [<sup>F8</sup>276A(7),] 324(2)(h), 379 or 381,
  - (b) an order under section 323 which by virtue of section 323(4)(c) makes any provision adding to, replacing or omitting any part of the text of an Act,
  - (c) regulations under section 128 which make provision of a kind mentioned in section 128(2)(c) or (e) or prescribe documents for the purposes of section 118(2)(b),
  - (d) regulations under section [<sup>F9</sup>20A, ][<sup>F10</sup>93AA(2),][<sup>F11</sup>177J(7),] 271, [<sup>F12</sup>340A(4), 340E(1) or 340N],
  - (e) regulations under section 328 which make provision of a kind mentioned in section 328(2)(c),
  - [<sup>F13</sup>(ea) regulations under section 329(1) which make provision of a kind mentioned in section 329(2)(ha), (i), or (j),]
  - (eb) regulations under section 329(3A),]
  - [<sup>F14</sup>(ec) the first regulations under each of sections 340P(1), 340Q and 340R,
  - (ed) regulations under section 340P(3),]
  - [<sup>F15</sup>(ee) regulations under section 343AE(4),
  - (ef) regulations under section 343AF,
  - (eg) regulations under section 343B(4A),]
  - (f) rules under section 163 which—
    - (i) by virtue of section 155 make provision about the constitution of the Court Martial, or
    - (ii) make provision authorised by section 165, or
  - (g) rules under section [<sup>F16</sup> 232F]<sup>F17</sup>...,
- may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- (4) Any other statutory instrument under this Act, except one containing only an order under any of sections 382 to 384, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) [<sup>F18</sup>Except for regulations made under section 177J(7),] any order, regulations or rules made under this Act may—
- (a) contain incidental, supplemental, consequential, transitional, transitory and saving provision;
  - (b) make different provision for different cases.
- [<sup>F19</sup>(5A) Regulations made under section 177J(7) may contain transitional, transitory and saving provision.]

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- (6) Where a provision of this Act confers a power to make an order containing provision equivalent to a provision of PACE, the order may apply that provision of PACE with modifications.

#### Textual Amendments

- F2** S. 373(1A) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 14 para. 7; S.I. 2015/778, art. 3, Sch. 1 para. 80**
- F3** Word in s. 373(2) inserted (8.3.2012) by Armed Forces Act 2011 (c. 18), s. 32(3), **Sch. 4 para. 14(2)(a); S.I. 2012/669, art. 3(f)**
- F4** Word in s. 373(2) inserted (19.7.2018 for specified purposes, 1.1.2019 in so far as not already in force) by Armed Forces Act 2016 (c. 21), ss. 2(8)(a), 19(1); S.I. 2018/876, reg. 2(a)(b)
- F5** Word in s. 373(2) inserted (8.3.2012) by Armed Forces Act 2011 (c. 18), s. 32(3), **Sch. 4 para. 14(2)(b); S.I. 2012/669, art. 3(f)**
- F6** Words in s. 373(2) substituted (1.1.2016) by Armed Forces (Service Complaints and Financial Assistance) Act 2015 (c. 19), s. 7(1), **Sch. para. 10(a); S.I. 2015/1957, reg. 2** (with savings and transitional provisions in S.I. 2015/1969)
- F7** Words in s. 373(3) inserted (15.12.2021) by Armed Forces Act 2021 (c. 35), ss. 22(3), 24(2)(a)
- F8** Word in s. 373(3)(a) inserted (31.10.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 25 para. 31; S.I. 2009/1028, art. 2(b)**
- F9** Word in s. 373(3)(d) inserted (8.3.2012) by Armed Forces Act 2011 (c. 18), s. 32(3), **Sch. 4 para. 14(3)(a); S.I. 2012/669, art. 3(f)**
- F10** Word in s. 373(3)(d) inserted (19.7.2018 for specified purposes, 1.1.2019 in so far as not already in force) by Armed Forces Act 2016 (c. 21), ss. 2(8)(b), 19(1); S.I. 2018/876, reg. 2(a)(b)
- F11** Word in s. 373(3)(d) inserted (1.5.2022 for specified purposes, 1.4.2023 in so far as not already in force) by Armed Forces Act 2021 (c. 35), ss. 15(4)(a), 24(1); S.I. 2022/471, reg. 2(f); S.I. 2023/158, reg. 3
- F12** Words in s. 373(3)(d) substituted (1.1.2016) by Armed Forces (Service Complaints and Financial Assistance) Act 2015 (c. 19), s. 7(1), **Sch. para. 10(b); S.I. 2015/1957, reg. 2** (with savings and transitional provisions in S.I. 2015/1969)
- F13** S. 373(3)(ea)(eb) inserted (30.6.2018) by Armed Forces (Flexible Working) Act 2018 (c. 2), ss. 1(5), 3(3); S.I. 2018/799, reg. 2
- F14** S. 373(3)(ec)(ed) inserted (1.11.2022 for specified purposes, 20.2.2023 for specified purposes, 19.6.2023 in so far as not already in force) by Armed Forces Act 2021 (c. 35), ss. 11(4), 24(1); S.I. 2022/1095, reg. 3; S.I. 2023/158, reg. 4; S.I. 2023/621, reg. 2
- F15** S. 373(3)(ee)-(eg) inserted (1.5.2022 for specified purposes, 22.11.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), ss. 8(5), 24(1); S.I. 2022/471, reg. 3; S.I. 2022/1161, reg. 3
- F16** Words in s. 373(3)(g) inserted (8.3.2012) by Armed Forces Act 2011 (c. 18), s. 32(3), **Sch. 4 para. 14(4); S.I. 2012/669, art. 3(f)**
- F17** Words in s. 373(3)(g) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 13 para. 4; S.I. 2012/2906, art. 2(k)**
- F18** Words in s. 373(5) inserted (1.5.2022 for specified purposes, 1.4.2023 in so far as not already in force) by Armed Forces Act 2021 (c. 35), ss. 15(4)(b), 24(1); S.I. 2022/471, reg. 2(f); S.I. 2023/158, reg. 3
- F19** S. 373(5A) inserted (1.5.2022 for specified purposes, 1.4.2023 in so far as not already in force) by Armed Forces Act 2021 (c. 35), ss. 15(4)(c), 24(1); S.I. 2022/471, reg. 2(f); S.I. 2023/158, reg. 3

#### Modifications etc. (not altering text)

- C1** S. 373(5) applied by 1984 c. 60, s. 113(14) (as added (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. 105(10)** (with s. 385); 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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- C2** S. 373(6) applied by 1984 c. 60, s. 113(14) (as added (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. 105\(10\)](#) (with [s. 385](#)); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4)

**Changes to legislation:**

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

- specified provision(s) transitional provisions for effects of commencing SI 2009/812 by [S.I. 2009/1059 Order](#)

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 12A applied (with modifications) by S.I. 2009/1059, art. 106A (as inserted) by [S.I. 2024/619 reg. 44\(2\)](#)
- Pt. 12A inserted by [2016 c. 21 s. 7](#)
- Pt. 16B inserted by [2023 c. 48 s. 1](#)
- s. 50(2)(ca) inserted by [2011 c. 18 Sch. 4 para. 3\(3\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 3(3) repealed (8.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 82(2); S.I. 2015/373, art. 2(g)(ii))
- s. 209(8) inserted by [2021 c. 11 Sch. 13 para. 41\(3\)](#)
- s. 213(3A) words inserted by [2021 c. 11 Sch. 13 para. 41\(6\)](#)
- s. 218A(6A) inserted by Sch. 26 para. 12(1)(db) (as inserted) by [S.I. 2020/1520 reg. 6\(2\)\(b\)](#)
- s. 218A(6A) words omitted by virtue of 2020 c. 17, Sch. 26 para. 12(1)(dc) (as inserted) by [S.I. 2020/1520 reg. 6\(2\)\(b\)](#)
- s. 219A(1)(d)(i) omitted by virtue of 2020 c. 17, Sch. 26 para. 14(a)(i) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(b\)](#)
- s. 219A(1)(d)(iii) omitted by virtue of 2020 c. 17, Sch. 26 para. 14(a)(i) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(b\)](#)
- s. 219A(1)(da) inserted by [2021 c. 11 Sch. 13 para. 41\(7\)](#)
- s. 219A(1)(da)(i) omitted by virtue of 2020 c. 17, Sch. 26 para. 14(a)(ii) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(b\)](#)
- s. 219A(2A) inserted by 2020 c. 17, Sch. 26 para. 14(bb) (as inserted) by [S.I. 2020/1520 reg. 6\(3\)](#)
- s. 219ZA inserted by [2021 c. 11 Sch. 8 para. 2](#)
- s. 219ZA(1)(e) words omitted by virtue of 2020 c. 17, Sch. 26 para. 13A(a) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(a\)](#)
- s. 219ZA(4)-(6) omitted by virtue of 2020 c. 17, Sch. 26 para. 13A(b) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(a\)](#)
- s. 219ZA(7) words omitted by virtue of 2020 c. 17, Sch. 26 para. 13A(c) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(a\)](#)
- s. 223(1A) inserted by [2021 c. 11 Sch. 13 para. 41\(8\)\(a\)](#)
- s. 224A(1)(d)(iii) and word inserted by [2021 c. 11 Sch. 13 para. 41\(9\)\(a\)\(ii\)](#)
- s. 224A(1)(d)(iii) words substituted by 2020 c. 17, Sch. 26 para. 15(a)(iii) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(c\)](#)
- s. 224A(1A) inserted by [2021 c. 11 Sch. 8 para. 8\(4\)](#)
- s. 224A(3A) inserted by [2021 c. 11 Sch. 13 para. 41\(9\)\(b\)](#)
- s. 224B inserted by [2021 c. 11 Sch. 8 para. 9](#)
- s. 225(1A) inserted by 2020 c. 17, Sch. 26 para. 15A (as inserted) by [S.I. 2020/1520 reg. 6\(4\)](#)
- s. 226(1A) inserted by 2020 c. 17, Sch. 26 para. 15B (as inserted) by [S.I. 2020/1520 reg. 6\(4\)](#)
- s. 227(3)(a)(b) substituted for words by [2021 c. 11 Sch. 13 para. 41\(10\)](#)
- s. 238(6)(a) word omitted by [2021 c. 11 Sch. 13 para. 41\(11\)\(a\)](#)

- s. 238(6)(b) word substituted by 2021 c. 11 Sch. 13 para. 41(11)(c)
- s. 238(6)(aa) inserted by 2021 c. 11 Sch. 13 para. 41(11)(b)
- s. 239(3A)(3B) inserted by 2021 c. 11 Sch. 8 para. 3
- s. 239(3A) words omitted by virtue of 2020 c. 17, Sch. 26 para. 18(a)(i) (as inserted) by 2021 c. 11 Sch. 13 para. 43(7)(d)
- s. 239(3A) words omitted by virtue of 2020 c. 17, Sch. 26 para. 18(a)(ii) (as inserted) by 2021 c. 11 Sch. 13 para. 43(7)(d)
- s. 239(3B) words omitted by virtue of 2020 c. 17, Sch. 26 para. 18(b) (as inserted) by 2021 c. 11 Sch. 13 para. 43(7)(d)
- s. 260(1)(ca) inserted by 2021 c. 11 Sch. 13 para. 41(14)(a)(ii)
- s. 260(1)(ca) words omitted by virtue of 2020 c. 17, Sch. 26 para. 19(a)(iiia) (as inserted) by 2021 c. 11 Sch. 13 para. 43(7)(e)(i)
- s. 260(4B)(a) words omitted by virtue of 2020 c. 17, Sch. 26 para. 19(b)(ii) (as substituted) by 2021 c. 11 Sch. 13 para. 43(7)(e)(ii)
- s. 260(4B)(za) inserted by 2021 c. 11 Sch. 13 para. 41(14)(b)
- s. 260(4B)(za) words omitted by virtue of 2020 c. 17, Sch. 26 para. 19(b)(i) (as substituted) by 2021 c. 11 Sch. 13 para. 43(7)(e)(ii)
- s. 261(1)(ba) inserted by 2021 c. 11 Sch. 13 para. 41(15)
- s. 261(1)(ba) words omitted by virtue of 2020 c. 17, Sch. 26 para. 20(c) (as inserted) by 2021 c. 11 Sch. 13 para. 43(7)(f)
- s. 261A(3)(a) words in s. 261A(3) renumbered as s. 261A(3)(a) by 2021 c. 11 Sch. 8 para. 4(a)
- s. 261A(3)(b)(c) inserted by 2021 c. 11 Sch. 8 para. 4(b)
- s. 261A(3)(b) words omitted by virtue of 2020 c. 17, Sch. 26 para. 20A(a) (as inserted) by 2021 c. 11 Sch. 13 para. 43(7)(g)
- s. 261A(3)(c)(i) words omitted by virtue of 2020 c. 17, Sch. 26 para. 20A(b) (as inserted) by 2021 c. 11 Sch. 13 para. 43(7)(g)
- s. 262A(2A) inserted by 2021 c. 11 Sch. 13 para. 41(16)(a)
- s. 262A(2A)(b) omitted by virtue of 2020 c. 17, Sch. 26 para. 21(a) (as substituted) by 2021 c. 11 Sch. 13 para. 43(7)(h)
- s. 262A(3A) inserted by 2021 c. 11 Sch. 13 para. 41(16)(b)
- s. 262A(3A) omitted by virtue of 2020 c. 17, Sch. 26 para. 21(b) (as substituted) by 2021 c. 11 Sch. 13 para. 43(7)(h)
- s. 262A(4) words inserted by 2021 c. 11 Sch. 13 para. 41(16)(c)(i)
- s. 262A(4) words inserted by 2021 c. 11 Sch. 13 para. 41(16)(c)(ii)
- s. 262A(4) words omitted by virtue of 2020 c. 17, Sch. 26 para. 21(c) (as substituted) by 2021 c. 11 Sch. 13 para. 43(7)(h)
- s. 270A270B inserted by 2008 c. 4 Sch. 25 para. 27 (This amendment not applied to legislation.gov.uk. Sch. 25 para. 26(3)(4) repealed (2.4.2012) by 2011 c. 18, Sch. 3 para. 20(3), Sch. 5; S.I. 2012/669, art. 4(d)(f) (with art. 13))
- s. 270B(6)(aa) inserted by 2009 c. 25 Sch. 17 para. 9(2) (This amendment not applied to legislation.gov.uk. Sch. 17 para. 9 repealed (2.4.2012) without ever being in force by 2011 c. 18, Sch. 5; S.I. 2012/669, art. 4(f))
- s. 270B(10) word repealed by 2009 c. 25 Sch. 23 Pt. 5
- s. 270B(10)(a) words inserted by 2009 c. 25 Sch. 17 para. 9(3)(a) (This amendment not applied to legislation.gov.uk. Sch. 17 para. 9 repealed (2.4.2012) without ever being in force by 2011 c. 18, Sch. 5; S.I. 2012/669, art. 4(f))
- s. 270B(10)(b) words substituted by 2009 c. 25 Sch. 17 para. 9(3)(b) (This amendment not applied to legislation.gov.uk. Sch. 17 para. 9 repealed (2.4.2012) without ever being in force by 2011 c. 18, Sch. 5; S.I. 2012/669, art. 4(f))
- s. 270B(10)(c)-(e) inserted by 2009 c. 25 Sch. 17 para. 9(3)(c) (This amendment not applied to legislation.gov.uk. Sch. 17 para. 9 repealed (2.4.2012) without ever being in force by 2011 c. 18, Sch. 5; S.I. 2012/669, art. 4(f))
- s. 304B inserted by 2016 c. 21 s. 8
- s. 304C inserted by 2016 c. 21 s. 9
- s. 304C(5A) inserted by 2021 c. 11 Sch. 8 para. 5
- s. 304C(5A) words omitted by virtue of 2020 c. 17, Sch. 26 para. 24A(a) (as inserted) by 2021 c. 11 Sch. 13 para. 43(7)(i)

- s. 304C(5A) words substituted by 2020 c. 17, Sch. 26 para. 24A(b) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(i\)](#)
- s. 304F-304H inserted by [2016 c. 21 s. 12](#)
- s. 377(8) inserted by 2020 c. 17, Sch. 26 para. 26 (as inserted) by [S.I. 2020/1520 reg. 6\(5\)](#)
- Sch. 7 para. 9(A1) inserted by [2020 c. 9 Sch. 2 para. 123\(8\)\(a\)](#) (This pre-consolidation amendment comes into force immediately before the consolidation date on 1.12.2020 (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416) to facilitate the sentencing consolidation and then is repealed immediately afterwards on 1.12.2020 by the Sentencing Act 2020 (c. 17), Sch. 28; S.I. 2020/1236, reg. 2)