

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2011, Cross Heading: Armed Forces Act 2006 (c. 52). (See end of Document for details)

SCHEDULES

SCHEDULE 4

CONSEQUENTIAL AMENDMENTS

Armed Forces Act 2006 (c. 52)

- 3 (1) Section 50(2) of AFA 2006 (definition of “service offence”) is amended as follows.
- (2) After paragraph (a) insert—
- “(aa) an offence under section 93A, 93E or 93G (testing for alcohol or drugs on suspicion);”.
- ^{F1}(3)
- (4) For paragraph (e) substitute—
- “(e) an offence under section 305 (random drug testing);”.

Textual Amendments

- F1** Sch. 4 para. 3(3) repealed (8.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 82\(2\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(g)(ii)

Commencement Information

- I1** Sch. 4 para. 3(1) (2) (4) in force at 1.11.2013 by [S.I. 2013/2501](#), [art. 3\(d\)](#)

- 4 (1) Section 53(1) of AFA 2006 (offences that may be dealt with at a summary hearing) is amended as follows.
- (2) After paragraph (g) insert—
- “(ga) an offence under section 93A, 93E or 93G (testing for alcohol or drugs on suspicion);”.
- (3) For paragraph (i) substitute—
- “(i) an offence under section 305 (random drug testing);”.

Commencement Information

- I2** Sch. 4 para. 4 in force at 1.11.2013 by [S.I. 2013/2501](#), [art. 3\(d\)](#)

- 5 In section 58 of AFA 2006 (time limit for charging civilian formerly subject to service discipline)—
- (a) in subsection (5)(a), after sub-paragraph (i) insert—
- “(ia) leaving a country in which he fell within paragraph 5 of that Schedule;”;
- (b) in subsection (7), after paragraph (a) insert—

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- “(aa) in relation to a person who falls within subsection (5)(a) by reason of leaving a country in which he fell within paragraph 5 of that Schedule, in that country or any other country in which he falls within that paragraph;”;
- (c) after subsection (7) insert—
- “(8) In subsections (5)(a)(ia) and (7)(aa) “country” is to be read in accordance with paragraph 14 of Schedule 15.”

Commencement Information

I3 Sch. 4 para. 5 in force at 14.12.2012 by [S.I. 2012/2921](#), [art. 3\(b\)](#)

- 6 In section 87(1) of AFA 2006 (power of CO to authorise entry and search by service policeman), for paragraphs (a) and (b) substitute—
- “(a) that a relevant offence within the meaning of section 84 has been committed;
- (b) that material which is likely to be of substantial value (whether by itself or together with other material) to the investigation of the offence is on the premises;
- (c) that the material would be likely to be admissible in evidence at a trial for the offence;
- (d) that it does not consist of or include items subject to legal privilege, excluded material or special procedure material (within the meaning given by section 84);
- (e) that at least one of the conditions specified in section 83(4) applies; and
- (f) that it is likely that the purpose of the search would be frustrated or seriously prejudiced if no search could be carried out before the time mentioned in subsection (2).”

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I4 Sch. 4 para. 6 in force at 14.12.2012 by [S.I. 2012/2921](#), [art. 3\(b\)](#)

- 7 In section 88(1) of AFA 2006 (power of CO to authorise entry and search by person other than service policeman), for paragraphs (a) and (b) substitute—
- “(a) that a relevant offence within the meaning of section 84 has been committed;
- (b) that material which is likely to be of substantial value (whether by itself or together with other material) to the investigation of the offence is on the premises;
- (c) that the material would be likely to be admissible in evidence at a trial for the offence;
- (d) that it does not consist of or include items subject to legal privilege, excluded material or special procedure material (within the meaning given by section 84);
- (e) that at least one of the conditions specified in section 83(4) applies (the reference in section 83(4)(e) to a service policeman being read as a reference to a person authorised under this subsection); and

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- (f) that it is likely that the purpose of the search would be frustrated or seriously prejudiced if no search could be carried out before the time mentioned in subsection (2).”

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I5 Sch. 4 para. 7 in force at 14.12.2012 by S.I. 2012/2921, art. 3(b)

- 8 (1) Section 97 of AFA 2006 (power to use reasonable force) becomes subsection (1) of that section.
- (2) After that subsection insert—
- “(2) Subsection (1) does not apply in relation to powers conferred by Chapter 3A of this Part.”

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I6 Sch. 4 para. 8 in force at 1.11.2013 by S.I. 2013/2501, art. 3(d)

- 9 In section 164(3) of AFA 2006 (provisions to which section 164 is subject)—
- (a) omit the entry relating to section 165 of the Act;
- (b) omit the “and” after the entry relating to Chapters 4 to 6 of Part 8; and
- (c) after the entry relating to Part 9 insert “; and
- Schedule 3A (offender elected Court Martial trial).”

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I7 Sch. 4 para. 9 in force at 2.4.2012 by S.I. 2012/669, art. 4(e)

- 10 In Part 13 of AFA 2006, for the heading to Chapter 1 substitute— “ RANDOM DRUG TESTING ”.

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I8 Sch. 4 para. 10 in force at 1.11.2013 by S.I. 2013/2501, art. 3(d)

- 11 In section 305 of AFA 2006 (testing for drugs)—
- (a) for the heading substitute “ Random drug testing ”;
- (b) in subsection (2)(b) omit the words from “or an investigation” to the end.

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I9 Sch. 4 para. 11 in force at 1.11.2013 by S.I. 2013/2501, art. 3(d)

- 12 (1) Section 308 of AFA 2006 (provisions supplementary to sections 305 and 306) is amended as follows.
- (2) In the heading, for “Sections 305 and 306” substitute “ Section 305 ”.
- (3) In subsection (1)—

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- (a) for “sections 305(1) and 306(2)” substitute “ section 305(1) ”;
 - (b) omit paragraph (b);
 - (c) in paragraph (c), omit “or 306(2)”;
 - (d) in paragraph (d), omit “or 306(2)”.
- (4) Omit subsection (2).
- (5) In subsection (3), omit “or section 306(2)”.
- (6) In subsection (4), before paragraph (a) insert—
 “(za) Chapter 3A of Part 3,”.

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I10 Sch. 4 para. 12 in force at 1.11.2013 by S.I. 2013/2501, art. 3(d)

- 13 In section 325(1) of AFA 2006 (evidential burden as respects excuses)—
- (a) after “41,” insert “ 93A, 93E, 93G, ”;
 - (b) for “266 and 306” substitute “ 232G and 266 ”.

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I11 Sch. 4 para. 13 in force at 1.11.2013 by S.I. 2013/2501, art. 3(d)

- 14 (1) Section 373 of AFA 2006 (orders, regulations and rules) is amended as follows.
- (2) In subsection (2)—
- (a) after “sections” insert “ 20A, ”;
 - (b) after “36,” insert “ 93F, ”.
- (3) In subsection (3)(d)—
- (a) after “section” insert “ 20A, ”;
 - (b) after “336(5)(a)” insert “, 336A ”.
- (4) In subsection (3)(g), after “section” insert “ 232F or ”.

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I12 Sch. 4 para. 14 in force at 8.3.2012 by S.I. 2012/669, art. 3(f)

- 15 Omit section 380(9) of AFA 2006.

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I13 Sch. 4 para. 15 in force at 8.3.2012 by S.I. 2012/669, art. 3(f)

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