

Status: Point in time view as at 12/05/2016.

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2016. (See end of Document for details)

SCHEDULE

Section 13

ISLE OF MAN AND BRITISH OVERSEAS TERRITORIES: FURTHER PROVISION

The commencement day

- 1 In this Schedule “the commencement day” has the same meaning as in section 13.

Pre-commencement amendments of AFA 2006 and provisions applied by AFA 2006

- 2 (1) In section 384(2) of AFA 2006 (as amended by section 13(3) of this Act) (extent to the Isle of Man and British overseas territories other than Gibraltar) the reference to AFA 2006 includes—
- (a) a pre-commencement amendment of AFA 2006,
 - (b) a provision of, or made under, an Act that is applied (by whatever words) by AFA 2006 by virtue of a pre-commencement amendment of AFA 2006, and
 - (c) a pre-commencement amendment or repeal of a provision of, or made under, an Act that is applied (by whatever words) by or under AFA 2006 (whether by virtue of a pre-commencement amendment of AFA 2006 or otherwise).
- (2) For the purposes of this Schedule, an amendment or repeal is a “pre-commencement” amendment or repeal if it is contained in an Act or instrument passed or made before the commencement day (whether or not it is in force on that day).

Instruments made under AFA 2006 or under Acts applied by AFA 2006

- 3 (1) An instrument made under AFA 2006, or under a provision of an Act applied by AFA 2006, that is in force in England and Wales immediately before the commencement day—
- (a) extends to the Isle of Man and the British overseas territories except Gibraltar, and
 - (b) comes into force there on the commencement day, subject to sub-paragraph (2).
- (2) Regulations made under section 322 of AFA 2006 (financial penalty enforcement orders) do not extend to a British overseas territory by virtue of sub-paragraph (1).

Removal of powers to extend provisions to Gibraltar

- 4 (1) The powers under the sections listed in sub-paragraph (2) (powers to extend provisions outside the United Kingdom) may not be exercised so as to provide for a pre-commencement amendment or repeal described in paragraph 2(1)(a) to (c) to extend to Gibraltar.
- (2) Those provisions are—
- (a) section 33(1) of the Armed Forces Act 2011;
 - (b) section 61(21) of the Crime and Courts Act 2013;
 - (c) section 23(5) of the Offender Rehabilitation Act 2014;
 - (d) section 5(3) of the Armed Forces (Service Complaints and Financial Assistance) Act 2015;
 - (e) section 97(5) of the Criminal Justice and Courts Act 2015.

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Effect of paragraphs 2 to 4

- 5 (1) Paragraphs 2 and 3 have effect despite any provision in an Act or instrument passed or made before the commencement day which provides (by whatever words) that a provision does not extend to the Isle of Man or a British overseas territory other than Gibraltar (including any provision disapplying section 385 of AFA 2006), subject to sub-paragraph (2).
- (2) Subsection (2) of section 384 of AFA 2006 continues to have effect subject to subsection (3) of that section (extent of paragraph 5(ba) of Schedule 9 to that Act).
- (3) Paragraphs 2 and 3 have effect despite any provision in an Act or instrument passed or made before the commencement day which provides (by whatever words) that a provision extends to Gibraltar.
- (4) The references in paragraph 2(1) to a pre-commencement amendment or pre-commencement repeal include any provision which brings the amendment or repeal into force and any provision which confers (by whatever words) a power by order or regulations to make provision about, or in connection with, the coming into force of the amendment or repeal.
- (5) Nothing in paragraph 2 affects whether references to AFA 2006, other than the reference in section 384(2) of that Act, include an amendment, repeal or provision described in that paragraph.
- (6) Paragraph 3 does not prevent the exercise of any power (whether express or implied) to make further instruments amending or revoking an instrument described in that paragraph (including the instrument as it extends to the Isle of Man and British overseas territories other than Gibraltar).

Consequential amendments of AFA 2006

- 6 AFA 2006 is amended as follows.
- 7 (1) Section 314 (arrest by civilian police of deserters and absentees without leave) is amended as follows.
- (2) In subsection (1), for “An officer of a UK police force or British overseas territory police force” substitute “ A civilian policeman ”.
- (3) After subsection (4) insert—
- “(4A) In this section “civilian policeman” means an officer of a UK police force or British overseas territory police force, other than a force or body constituted in Gibraltar.”
- (4) In subsection (5)(e), at the end insert “ other than Gibraltar ”.
- 8 (1) Section 315 (deserters and absentees without leave surrendering to civilian police) is amended as follows.
- (2) Omit subsection (5).
- (3) In subsection (6), for “ “relevant territory” has” substitute “ “civilian policeman” and “relevant territory” have”.
- 9 (1) Section 318 (arrest by civilian police of persons unlawfully at large) is amended as follows.

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(2) In subsection (1)(a), for “an officer of a UK police force or British overseas territory police force” substitute “ a civilian policeman ”.

(3) At the end insert—

“(3) In this section “civilian policeman” has the same meaning as in section 314.”

10 In section 340(1)(b) (restriction on aliens in regular forces etc), at the end insert “ other than Gibraltar ”.

11 In section 343(5)(b) (power in regulations about service inquiries to create offences), after “British overseas territory” insert “ other than Gibraltar ”.

12 In section 372 (evidence in proceedings before civilian courts), at the end of paragraph (c) insert “ other than Gibraltar ”.

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