

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Article 2 of this Order brings into force on 30th September 2003 sections 2 to 11 and 13 to 16 of the Armed Forces Act 2001 (“the Act”). Those sections include powers of entry, search and seizure in the investigation of offences under the Army Act 1955, the Air Force Act 1955, and the Naval Discipline Act 1957.

Article 2 of this Order also brings into force on the same date section 31 of the Act. Section 31 provides a general order-making power for the Secretary of State to make for the armed forces provisions equivalent to those made by any civilian criminal justice Act (or any subordinate legislation under such Act) made in the same session as, or after the session in which, the Act was enacted.

Article 2 of this Order also brings into force on the same date paragraphs 41 and 42 of Schedule 6 to the Act. Those paragraphs relate to redress of complaints, a procedure whereby a person subject to service law may make a complaint about any matter relating to his service. They extend the existing restrictions to exclude complaints in respect of decisions of judicial officers and judge advocates when exercising their powers to authorise continuing custody or hear cases before the Summary Appeal Court; complaints in respect of decisions of a judicial officer under Part 2 of the Act; and complaints in any matter where the person aggrieved may appeal under section 83ZE of the Army Act 1955 or the Air Force Act 1955, or under section 52FK of the Naval Discipline Act 1957.

Articles 3 and 4 make transitional provisions so that the new restrictions on the right of redress do not apply to any matter which occurred before 30 September 2003.