

2007 No. 1442 (C. 60)

DEFENCE

**The Armed Forces Act 2006 (Commencement No. 1) Order
2007**

Made - - - -

10th May 2007

The Secretary of State makes the following Order in exercise of the powers conferred by section 383(2) of the Armed Forces Act 2006(a):

1. This Order may be cited as the Armed Forces Act 2006 (Commencement No. 1) Order 2007.
2. The following provisions of the Armed Forces Act 2006 shall come into force on 4th June 2007—

(1) section 378(1), in so far as it gives effect to paragraphs 28, 100(a), 146(1) (in so far as it relates to paragraphs 146(2) and 146(3)), 146(2), 146(3), 147, 149, 170, 171(1) (in so far as it relates to paragraph 171(2)(a)), 171(2)(a), 172, 173, 174, 175(1) (in so far as it relates to paragraphs 175(2)(c) and 175(4)), 175(2)(c), 175(4) and 187(a) of Schedule 16 to the Armed Forces Act 2006;

(2) sections 379 and 381.

Date 10th May 2007

Derek Twigg
Parliamentary Under Secretary of State
Ministry of Defence

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the commencement of a number of provisions of the Armed Forces Act 2006 (“the Act”) with effect from 4th June 2007.

One of the effects of article 2(1) of this Order is to bring into force section 378(1) of the Act to the extent that it gives effect to paragraph 28 of Schedule 16. That paragraph amends section 52D of the Naval Discipline Act 1957, which relates to summary trial by commanding officers of persons charged with offences under that Act. The amendments remove restrictions on the right under section 52D to elect trial by court-martial instead of summary trial. Paragraph 28 also provides for changes as to who gives an officer the right to elect and as to the person to whom a case is referred, where an officer has elected trial by court-martial and subsequently withdraws his election.

Article 2(1) of this Order also brings into force section 378(1) of the Act to the extent that it gives effect to a number of other paragraphs of Schedule 16. These paragraphs make changes to legislation consequent upon the change of name of the Royal Naval Regulating Branch to that of ‘the Royal Navy Police’.

Article 2(2) of this Order brings into force sections 379 and 381 of the Act. Section 379 empowers the Secretary of State, for prescribed purposes in relation to giving full effect to the Act, to amend or repeal or revoke earlier legislation by Order. Section 381 empowers the Secretary of State, by Order, to align specified legislation relating to the Armed Forces with the effect of the Act.

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