

EXPLANATORY NOTES

ARMED FORCES ACT 2001

INTRODUCTION

SUMMARY

BACKGROUND

The statutory framework for discipline in the armed forces

THE ACT - COMMENTARY ON SECTIONS

PART 1 – CONTINUANCE OF SERVICES ACTS

Section 1: Continuance of Services Acts

PART 2 – POWERS OF ENTRY, SEARCH AND SEIZURE

Sections 2 to 16

The previous position and the new arrangements in outline

Section 2: Powers to stop and search persons, vehicles, etc.

Section 3: Provisions relating to search under section 2

Section 4: Power of Commanding Officer in relation to stopping and searching of persons, vehicles etc.

Section 5: Power of judicial officer to authorise entry and search of certain premises

Section 6: Special provisions as to access

Section 7: Power of commanding officer to authorise entry and search of certain premises

Section 8: Review by judicial officer

Section 9: Entry for purposes of arrest etc.

Section 10: Search upon arrest

Section 11: Power to make provisions equivalent to that made by sections 18 to 22 of the Police and Criminal Evidence Act 1984

Section 12: Property in possession of service police or commanding officer

These notes refer to the Armed Forces Act 2001 (c.19)

Section 13: Orders and codes of practice under section 113 of the Police and Criminal Evidence Act 1984.

Section 14: Power to use reasonable force

Section 15: Meaning of “service living accommodation”

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PART 3 – TRIAL AND PUNISHMENT OF OFFENCES

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Section 18: Abolition of naval disciplinary courts

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Section 20: Eligibility of warrant officers for membership of summary appeal courts

Section 21: Review of sentences by Courts-Martial Appeal Court

Section 22: Required custodial sentences

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Section 24: Offences in relation to courts-martial etc.

Section 25: Powers to compel attendance of witnesses

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PART 4 – AMENDMENTS CONSEQUENTIAL ON SECTION 21(5) OF HUMAN RIGHTS ACT 1998

PART 5 – QUEEN ALEXANDRA’S ROYAL NAVAL NURSING SERVICE AND FORMER WOMEN’S ROYAL NAVAL SERVICE

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Section 37: Interpretation

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COMMENCEMENT DATE

HANSARD REFERENCES