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DRAFT STATUTORY INSTRUMENTS

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**2008 No. \*\*\***

**DEFENCE**

**The Armed Forces (Alignment of  
Service Discipline Acts) Order 2008**

*Made* - - - - - \*\*\*

*Coming into force* \*\*\*

**THE ARMED FORCES (ALIGNMENT OF  
SERVICE DISCIPLINE ACTS) ORDER 2008**

1. Citation and commencement
2. Interpretation
3. Powers of arrest
4. For section 74 of the Air Force Act 1955 (power...
5. In section 131(1) of each of the 1955 Acts (trial...
6. In section 132(4) of each of the 1955 Acts (arrest...
7. (1) Section 209 of each of the 1955 Acts (application...
8. For subsections (2) and (3) of section 45 of the...
9. After section 45 of the 1957 Act insert— Power of...
10. In section 51(1) of the 1957 Act (jurisdiction to try...
11. (1) Section 118 of the 1957 Act (application of Act...
12. Omit paragraph 3 of Schedule 4 to the 1957 Act...
13. (1) Section 225(1) of the Army Act 1955, section 223(1)...
14. (1) Section 9 of the Armed Forces Act 2001 (entry...
15. In section 10(13) of the Armed Forces Act 2001 (power...
16. Custody after charge
17. Referral of charge to commanding officer
18. (1) Section 83BB of each of the 1955 Acts (referral...
19. In section 85A of each of the 1955 Acts (powers...
20. (1) Section 52I of the 1957 Act (functions of the...
21. (1) Section 52II of the 1957 Act (referral of charge...
22. In section 62ZA of the 1957 Act (powers of court-martial...
23. Suspended sentences of military and air-force courts-martial
24. (1) Section 120 of each of the 1955 Acts (suspension...
25. After section 120 of each of the 1955 Acts insert—...
26. Suspended sentences of Standing Civilian Courts

27. After paragraph 20 of that Schedule insert— (1) Where the suspension of a sentence is determined under...
28. Suspended sentences and committal orders under the 1957 Act
29. (1) Section 81 of the 1957 Act (place of imprisonment...
30. (1) Section 90 of the 1957 Act (suspension of sentences)...
31. For section 91 of the 1957 Act (committal or re-committal...
32. In section 92(1)(b) of the 1957 Act (reconsideration of sentences),...
33. Postponement of sentence
34. (1) The 1957 Act is amended as follows.
35. Transitional provisions  
Signature

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#### SCHEDULE — TRANSITIONAL PROVISIONS

1. Powers of arrest
2. Referral of charge to commanding officer
3. For the purposes of section 120(7A) of each of the...
4. Suspended sentences of military and air-force courts-martial
5. (1) Section 120(5E) of each of the 1955 Acts (review,...
6. (1) Section 120ZA of each of the 1955 Acts (activation...
7. In relation to section 120ZA(6) of each of the 1955...
8. Suspended sentences of Standing Civilian Courts
9. Suspended sentences and committal orders under the 1957 Act
10. (1) In sections 91(1) and 91B(1) of the 1957 Act...
11. (1) Where— (a) a sentence of detention is suspended under...
12. Where a committal order has been issued under section 91...
13. Postponement of sentence

Explanatory Note