



# Armed Forces Act 2006

## 2006 CHAPTER 52

### PART 19

#### SUPPLEMENTARY

#### CHAPTER 1

#### APPLICATION OF ACT

#### *Persons subject to service law*

### **367 Persons subject to service law: regular and reserve forces**

- (1) Every member of the regular forces is subject to service law at all times.
- (2) Every member of the reserve forces is subject to service law while—
  - (a) in permanent service on call-out under any provision of the Reserve Forces Act 1980 (c. 9) or the Reserve Forces Act 1996 (c. 14) or under any other call-out obligation of an officer;
  - (b) in home defence service on call-out under section 22 of the Reserve Forces Act 1980;
  - (c) in [<sup>F1</sup>full-time] service under a commitment entered into under section 24 of the Reserve Forces Act 1996;
  - (d) undertaking any training or duty (whether or not in pursuance of an obligation); or
  - (e) serving on the permanent staff of a reserve force.

#### **Textual Amendments**

- F1** Word in s. 367(2)(c) omitted (1.5.2022 for specified purposes) by virtue of [Armed Forces Act 2021 \(c. 35\)](#), s. 24(1), [Sch. 2 para. 9](#) (with [Sch. 2 para. 10](#)); [S.I. 2022/471](#), reg. 2(c)

*Status: Point in time view as at 01/05/2022.*

*Changes to legislation: Armed Forces Act 2006, Cross Heading: Persons subject to service law is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Commencement Information

- I1** S. 367 in force at 1.10.2008 for specified purposes by [S.I. 2008/1650](#), **art. 2(c)**
- I2** S. 367 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3(a)(b)** (with transitional provisions in [S.I. 2009/1059](#))
- I3** S. 367 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

### 368 References to members of the regular forces

- (1) Subsections (2) and (3) apply for the purposes of this Act.
- (2) A person recalled to service under—
  - (a) any provision of the Reserve Forces Act 1980 or the Reserve Forces Act 1996, or
  - (b) any other recall obligation of an officer,
 is to be regarded as being a member of the regular forces from acceptance into service to release or discharge.
- (3) Subject to subsection (2), an officer who is not on the active list is not to be regarded as being a member of the regular forces.
- (4) For the purposes of subsection (3), an officer is on the active list if (and only if) any of the following provides that an officer of his description is on such a list—
  - (a) Queen's Regulations;
  - (b) Royal Warrant;
  - (c) an order under section 2 of the Air Force (Constitution) Act 1917 (c. 51).

#### Modifications etc. (not altering text)

- C1** [S. 368\(2\)\(3\)](#) applied (30.6.2021) by [Overseas Operations \(Service Personnel and Veterans\) Act 2021](#) (c. 23), **ss. 7(5)**, **14(2)**; [S.I. 2021/678](#), **reg. 2**

### 369 Members of British overseas territories' forces serving with UK forces

- (1) While a member of a British overseas territory force is undertaking any duty with or training with a regular or reserve force (“the relevant force”)—
  - (a) subsection (2) applies to him; and
  - (b) nothing in section 357 (power of British overseas territory to apply this Act, etc) applies in relation to him.
- (2) A person to whom this subsection applies—
  - (a) is subject to service law; and
  - (b) shall (subject to subsection (3)) be treated as if he were a member of the relevant force of relative rank or rate.
- (3) The Secretary of State may by order modify any provision of this Act in its application to a member of a British overseas territory force who is or has been within subsection (1).
- (4) In this section—
 

“British overseas territory force” means any of Her Majesty's forces that is raised under the law of a British overseas territory;

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“relative rank or rate”, in relation to a person to whom subsection (2) applies, means such rank or rate of the relevant force as may be prescribed by Queen's Regulations for a person of his description.

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