



# Armed Forces Act 2011

## CHAPTER 18

### ARMED FORCES ACT 2011

#### *Duration of Armed Forces Act 2006*

- 1 Duration of Armed Forces Act 2006

#### *Armed forces covenant report*

- 2 Armed forces covenant report

#### *Service Police and Ministry of Defence Police*

- 3 Provost Marshal's duty in relation to independence of investigations
- 4 Inspection of service police investigations
- 5 Provost Marshals: appointment
- 6 Ministry of Defence Police: performance regulations

#### *Powers of entry, search and seizure*

- 7 Power of judge advocate to authorise entry and search
- 8 Power to make provision about access to excluded material etc

#### *Alcohol and drugs*

- 9 Unfitness through alcohol or drugs
- 10 Exceeding alcohol limit for prescribed safety-critical duties
- 11 Testing for alcohol and drugs on suspicion of offence

#### *Punishments and other court orders*

- 12 Amendments relating to new rank of lance corporal in RAF Regiment
- 13 Reduction in rank or rate
- 14 Court Martial sentencing powers

*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2011. (See end of Document for details)*

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- 15 Increase in maximum term of detention for certain offences
- 16 Enforcement of financial penalties
- 17 Service sexual offences prevention orders

*Miscellaneous amendments of Armed Forces Act 2006*

- 18 Place of sitting of Service Civilian Court
- 19 Administrative reduction in rank or rate
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- 21 Persons eligible to be prosecuting officers
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- 23 Protected prisoners of war

*Other amendments and repeals*

- 24 Byelaws for service purposes
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SCHEDULES

SCHEDULE 1 — Court Martial sentencing powers

SCHEDULE 2 — Judge advocates sitting in civilian courts

Part 1 — AMENDMENTS CONFERRING JURISDICTION ON JUDGE  
ADVOCATES

*Senior Courts Act 1981 (c. 54)*

- 1 (1) Section 8 of the Senior Courts Act 1981 (persons...
- 2 In section 73(2) and (3) of that Act (general provisions...
- 3 In section 74 of that Act (Crown Court proceedings on...
- 4 In section 75(1) of that Act (allocation of cases and...
- 5 In section 151(1) of that Act (interpretation), at the appropriate...

*Courts Act 2003 (c. 39)*

- 6 In section 66 of the Courts Act 2003 (judges having...  
Part 2 — RELATED AMENDMENTS

*Criminal Justice Act 1967 (c. 80)*

- 7 In section 9(5) of the Criminal Justice Act 1967 (application...
- 8 (1) This paragraph applies if the amendment made to section...

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*Juries Act 1974 (c. 23)*

- 9 In section 9B(3) of the Juries Act 1974 (judges who...  
10 (1) This paragraph applies if the amendment made to section...

*Police and Criminal Evidence Act 1984 (c. 60)*

- 11 (1) Schedule 1 to the Police and Criminal Evidence Act...

SCHEDULE 3 — Minor amendments of service legislation

*Definition of “service policeman” in Armed Forces Act 1991*

- 1 In section 22A of the Armed Forces Act 1991 (removal...

*Powers of arrest of an officer acting on behalf of provost officer*

- 2 In section 67(2) of AFA 2006 (persons who may arrest...

*Entry for purposes of arrest by service policeman*

- 3 In section 90(6) of AFA 2006 (powers of arrest to...

*Definition of “service living accommodation”*

- 4 (1) Section 96 of AFA 2006 (definition of “service living...

*Consultation of DSP before decision by service police on referral of case*

- 5 (1) In section 116 of AFA 2006 (referral of case...

*Powers of DSP in respect of charge allocated for Court Martial trial*

- 6 (1) Section 125 of AFA 2006 (powers of Director of...

*Right to elect Court Martial trial*

- 7 In section 129 of AFA 2006 (right to elect Court...  
8 In section 130(3) of AFA 2006 (consequences of election for...  
9 After section 130 of AFA 2006 insert— Restrictions on DSP's...

*Summary hearing*

- 10 In each of sections 133(3), 134(2) and 135(5) of AFA...  
11 After section 135 of AFA 2006 insert— Extended powers: time...  
12 In section 136 of AFA 2006 (maximum amount of fine),...  
13 In section 153(2) of AFA 2006 (powers to make rules...

*Activation of suspended sentence of service detention*

- 14 In each of sections 190(1)(a), 191(2)(b) and 193(2)(b) of AFA...  
15 (1) Section 194 of AFA 2006 (limits on commanding officer's...  
16 After section 194 of AFA 2006 insert— Extended powers of...

*Suspended sentences of imprisonment*

- 17 In section 200(5) of AFA 2006 (suspended sentences of imprisonment),...

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*Detention and training orders*

- 18 In section 213 of AFA 2006 (application to service detention...  
19 In section 214(2)(b) of AFA 2006 (offences during currency of...

*Restrictions on community punishments*

- 20 (1) In section 270 of AFA 2006 (general restrictions on...

*Definition of “period when unlawfully at large”*

- 21 In section 301(5) of AFA 2006 (duration of sentences: persons...

*Persons treated as members of service police force*

- 22 Omit section 375(5) of AFA 2006 (Provost Marshal and other...

*Power to make transitional provision under AFA 2006*

- 23 In section 380 of AFA 2006 (power to make transitional...

*Activation of suspended sentence of imprisonment*

- 24 (1) Schedule 7 to AFA 2006 (suspended prison sentence: further...

SCHEDULE 4 — Consequential amendments

*Road Traffic Act 1988 (c. 52)*

- 1 In section 184(3) of the Road Traffic Act 1988 (definitions...

*Extradition Act 2003 (c. 41)*

- 2 In section 216(13) of the Extradition Act 2003 (definition of...

*Armed Forces Act 2006 (c. 52)*

- 3 (1) Section 50(2) of AFA 2006 (definition of “service offence”)...  
4 (1) Section 53(1) of AFA 2006 (offences that may be...  
5 In section 58 of AFA 2006 (time limit for charging...  
6 In section 87(1) of AFA 2006 (power of CO to...  
7 In section 88(1) of AFA 2006 (power of CO to...  
8 (1) Section 97 of AFA 2006 (power to use reasonable...  
9 In section 164(3) of AFA 2006 (provisions to which section...  
10 In Part 13 of AFA 2006, for the heading to...  
11 In section 305 of AFA 2006 (testing for drugs)—  
12 (1) Section 308 of AFA 2006 (provisions supplementary to sections...  
13 In section 325(1) of AFA 2006 (evidential burden as respects...  
14 (1) Section 373 of AFA 2006 (orders, regulations and rules)...  
15 Omit section 380(9) of AFA 2006.

SCHEDULE 5 — Repeals and revocations

**Changes to legislation:**

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