

*These notes refer to the Armed Forces Act 2011 (c.18)  
which received Royal Assent on 3 November 2011*

# **ARMED FORCES ACT 2011**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 1: Duration of AFA 2006***

15. The Bill of Rights 1688 declared that the keeping of a standing army in peacetime requires the consent of Parliament. Since then the legislation making the provision necessary for the army to exist as a disciplined force (and more recently the legislation for the Royal Navy and the Royal Air Force) has required regular renewal by Act of Parliament. Section 382 of AFA 2006 provides for that Act to expire a year after that Act was passed, unless renewed by an Order in Council approved by each House of Parliament; but it may not be renewed by such an Order for more than a year, and not beyond the end of 2011. The Armed Forces Act (Continuation) Order 2010 ([SI 2010/2475](#)) renews the Act until 8 November 2011. The section substitutes a new section 382, providing for AFA 2006 to expire a year after the Armed Forces Act 2011 (this Act) is passed, unless renewed by Order in Council approved by each House of Parliament. AFA 2006 may be renewed by such an Order for up to a year at a time, but not beyond the end of 2016.
16. As enacted, section 382 of AFA 2006 also provided for the expiry and renewal of the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957.<sup>1</sup> This was necessary because, although repealed by AFA 2006, those Acts remained in force until AFA 2006 was brought into force on 31 October 2009. They are not renewed by the 2010 Continuation Order, and the substituted section 382 does not apply to them.

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<sup>1</sup> These Acts provided for the single-Service discipline regimes which applied before AFA 2006.