

## SCHEDULES

### SCHEDULE 1

Section 2

#### CONSTITUTION OF THE COURT MARTIAL

##### *Number and rank of the lay members*

- 1 (1) Section 155 of AFA 2006 (constitution of the Court Martial) is amended as follows.
  - (2) In subsection (1)(b), for “at least three but not more than five” substitute “three or, in the case of proceedings of a prescribed description, six”.
  - (3) In subsection (2), omit paragraph (a) (together with the final “or”).
  - (4) After subsection (2) insert—
    - “(2A) In the case of proceedings where the number of lay members would (but for this subsection) be three, a judge advocate may, in accordance with Court Martial rules, direct that the number of lay members is to be four.”
  - (5) In subsection (3)(a), for “or warrant officers” substitute “, warrant officers or OR-7 ranks”.
  - (6) After subsection (6) insert—
    - “(6A) Court Martial rules may provide that in prescribed circumstances the Court Martial is to remain validly constituted despite the reduction of the number of lay members—
      - (a) from six to five, or
      - (b) where a direction has been made under subsection (2A), from four to three,if a judge advocate gives a direction to that effect.”
  - (7) Omit subsections (7) and (8).
  - (8) For subsection (9) substitute—
    - “(9) In this section—
      - “OR-7 rank” means any of the following—
        - (a) chief petty officer;
        - (b) staff corporal;
        - (c) staff sergeant;
        - (d) colour sergeant, Royal Marines;
        - (e) flight sergeant;
        - (f) chief technician;
      - “prescribed” means prescribed by Court Martial rules.”
- 2 (1) Section 156 of AFA 2006 (officers and warrant officers qualified for membership of the Court Martial) is amended as follows.

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- (2) In the heading, for “and warrant officers” substitute “etc”.
  - (3) In subsection (1), for “or warrant officer” substitute “, warrant officer or OR-7 rank”.
  - (4) After subsection (3) insert—
    - “(3A) An OR-7 rank is not qualified for membership of the court if that person is an acting—
      - (a) chief petty officer,
      - (b) staff corporal,
      - (c) staff sergeant,
      - (d) colour sergeant, Royal Marines,
      - (e) flight sergeant, or
      - (f) chief technician.”
  - (5) In subsection (4), in the words before paragraph (a), for “or warrant officer” substitute “, warrant officer or OR-7 rank”.
  - (6) At the end insert—
    - “(6) In this section “OR-7 rank” has the meaning given by section 155(9).”
- 3
- (1) Section 157 of AFA 2006 (officers and warrant officers ineligible for membership in particular circumstances) is amended as follows.
    - (2) In the heading, for “and warrant officers” substitute “etc”.
    - (3) In subsection (2), after “warrant officer” insert “or OR-7 rank”.
    - (4) In subsection (4), for “or warrant officer” substitute “, warrant officer or OR-7 rank”.
    - (5) At the end insert—
      - “(5) In this section “OR-7 rank” has the meaning given by section 155(9).”

#### *Findings and sentence*

- 4 (1) Section 160 of AFA 2006 (decisions of Court Martial: finding and sentence) is amended as follows.
  - (2) Before subsection (1) insert—
    - “(A1) The finding of the Court Martial on a charge must be determined by votes of the members of the Court Martial other than the judge advocate (the “lay members”) and—
      - (a) where there are three lay members, must be a finding with which no fewer than two of them agree;
      - (b) where there are four lay members, must be a finding with which no fewer than three of them agree;
      - (c) where there are five lay members, must be a finding with which no fewer than four of them agree;
      - (d) where there are six lay members, must be a finding with which no fewer than five of them agree.”
  - (3) In subsection (1), for the words from “the following” to “passed by it,” substitute “subsection (4), any sentence passed by the Court Martial”.

(4) Omit subsections (2) and (3).

## SCHEDULE 2

Section 9

### RESERVE FORCES: FLEXIBILITY OF COMMITMENTS

#### PART 1

##### CONSEQUENTIAL AMENDMENTS

###### *Reserve Forces Act 1996*

- 1 The Reserve Forces Act 1996 is amended as follows.
- 2 (1) Section 17 (postponement of discharge) is amended as follows.
  - (2) In subsection (1), for “full-time service under a full-time service commitment” substitute “service under a section 24 commitment”.
  - (3) In subsection (2), for “full-time service under a full-time service commitment” substitute “service under a section 24 commitment”.
  - (4) In subsection (4), for “full-time service under a full-time service commitment” substitute “service under a section 24 commitment”.
- 3 (1) Section 26 (parliamentary control of commitments) is amended as follows.
  - (2) For subsection (1)(a) substitute—
    - “(a) in service under section 24 commitments; or”.
  - (3) In subsection (2), for “full-time service” substitute “service under section 24 commitments”.
  - (4) In subsection (3), for “full-time service” substitute “service under section 24 commitments”.
- 4 (1) Section 97 (failure to attend for duty or training) is amended as follows.
  - (2) In subsection (1)—
    - (a) in the words before paragraph (a), for “full-time service” substitute “section 24”;
    - (b) in paragraph (a), for “full-time service”, in the first place it occurs, substitute “section 24”, and omit “full-time” in the second place it occurs.
- 5 In subsection (1) of section 127 (interpretation)—
  - (a) omit the definition of “full-time service commitment”, and
  - (b) at the appropriate place, insert—
    - ““section 24 commitment” means a commitment under section 24;”.
- 6 In Schedule 9 (application of Act to members of transitional classes), in paragraph 11, in the words before sub-paragraph (a), for “full-time service commitment” substitute “commitment under that section”.

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*Armed Forces Act 2006*

- 7 AFA 2006 is amended as follows.
- 8 In section 62 (time limit for charging Reserve Forces Act offences)—
- (a) in subsection (3)(c)(ii), for “full-time service” substitute “service under a commitment entered into under section 24 of the Reserve Forces Act 1996”;
  - (b) omit subsection (3)(d).
- 9 In section 367 (persons subject to service law: regular and reserve forces), in subsection (2)(c), omit “full-time”.

**PART 2**

TRANSITIONAL PROVISION

- 10 Regulations under section 24(4) may provide that any provision of section 9 or Part 1 of this Schedule is to have effect in relation to commitments under section 24 or 25 of the Reserve Forces Act 1996 entered into before section 9 comes into force.

SCHEDULE 3

Section 10

SERVICE COMPLAINTS APPEALS

*Equal Pay Act (Northern Ireland) 1970*

- 1 In section 6A of the [Equal Pay Act \(Northern Ireland\) 1970 \(c. 32 \(N.I.\)\)](#) (service pay and conditions), in subsection (5A)—
- (a) omit “and” at the end of paragraph (a);
  - (b) after paragraph (a) insert—
    - “(aa) there are grounds (of which the claimant is aware) on which the claimant is entitled to bring such an appeal, and”;
  - (c) in paragraph (b)(i) for “340D(6)” substitute “340D(6)(a)”.

*Sex Discrimination (Northern Ireland) Order 1976*

- 2 In Article 82 of the [Sex Discrimination \(Northern Ireland\) Order 1976 \(S.I. 1976/1042 \(N.I. 15\)\)](#) (application to Crown), in paragraph (9BA)—
- (a) omit “and” at the end of sub-paragraph (a);
  - (b) after sub-paragraph (a) insert—
    - “(aa) there are grounds (of which the complainant is aware) on which the complainant is entitled to bring such an appeal, and”;
  - (c) in paragraph (b)(i) for “340D(6)” substitute “340D(6)(a)”.

### *Race Relations (Northern Ireland) Order 1997*

- 3 In Article 71 of the [Race Relations \(Northern Ireland\) Order 1997 \(S.I. 1997/869 \(N.I. 6\)\)](#) (application to Crown etc), in paragraph (8A)—
- (a) omit “and” at the end of sub-paragraph (a);
  - (b) after sub-paragraph (a) insert—
    - “(aa) there are grounds (of which the complainant is aware) on which the complainant is entitled to bring such an appeal, and”;
  - (c) in paragraph (b)(i) for “340D(6)” substitute “340D(6)(a)”.

### *Working Time Regulations 1998*

- 4 In regulation 38 of the [Working Time Regulations 1998 \(S.I. 1998/1833\)](#) (armed forces)—
- (a) in paragraph (2), for sub-paragraph (a) substitute—
    - “(a) that person (“the complainant”) has made a service complaint in respect of the same matter, and”;
  - (b) for paragraph (3) substitute—
    - “(3) Where the service complaint is dealt with by a person or panel appointed by the Defence Council by virtue of section 340C(1)(a) of the Armed Forces Act 2006, it is to be treated for the purposes of paragraph (2)(b) as withdrawn if—
      - (a) the period allowed in accordance with service complaints regulations for bringing an appeal against the person’s or panel’s decision expires,
      - (b) there are grounds (of which the complainant is aware) on which the complainant is entitled to bring such an appeal, and
      - (c) either—
        - (i) the complainant does not apply to the Service Complaints Ombudsman for a review by virtue of section 340D(6)(a) of the Armed Forces Act 2006 (review of decision that appeal brought out of time cannot proceed), or
        - (ii) the complainant does apply for such a review and the Ombudsman decides that an appeal against the person’s or panel’s decision cannot be proceeded with.”;
  - (c) in paragraph (4), for “service redress procedures” substitute “procedures set out in service complaints regulations”;
  - (d) for paragraph (5) substitute—
    - “(5) In this regulation—
      - “service complaint” means a complaint under section 340A of the Armed Forces Act 2006;
      - “service complaints regulations” means regulations made under section 340B(1) of that Act.”

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*Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000*

5 In regulation 13 of the [Part-time Workers \(Prevention of Less Favourable Treatment\) Regulations 2000 \(S.I. 2000/1551\)](#) (armed forces)—

- (a) in paragraph (3), for sub-paragraph (a) substitute—
  - “(a) that person (“the complainant”) has made a service complaint in respect of the same matter, and”;
- (b) for paragraph (4) substitute—

“(4) Where the service complaint is dealt with by a person or panel appointed by the Defence Council by virtue of section 340C(1)(a) of the Armed Forces Act 2006, it is to be treated for the purposes of paragraph (3)(b) as withdrawn if—

- (a) the period allowed in accordance with service complaints regulations for bringing an appeal against the person’s or panel’s decision expires,
- (b) there are grounds (of which the complainant is aware) on which the complainant is entitled to bring such an appeal, and
- (c) either—
  - (i) the complainant does not apply to the Service Complaints Ombudsman for a review by virtue of section 340D(6)(a) of the Armed Forces Act 2006 (review of decision that appeal brought out of time cannot proceed), or
  - (ii) the complainant does apply for such a review and the Ombudsman decides that an appeal against the person’s or panel’s decision cannot be proceeded with.”;
- (c) in paragraph (5), for “service redress procedures” substitute “procedures set out in service complaints regulations”;
- (d) for paragraph (6) substitute—

“(6) In this regulation—

“service complaint” means a complaint under section 340A of the Armed Forces Act 2006;

“service complaints regulations” means regulations made under section 340B(1) of that Act.”

*Part-time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2000*

6 In regulation 13 of the [Part-time Workers \(Prevention of Less Favourable Treatment\) Regulations \(Northern Ireland\) 2000 \(S.R. \(N.I.\) 2000 No. 219\)](#) (armed forces)—

- (a) in paragraph (3), for sub-paragraph (a) substitute—
  - “(a) that person (“the complainant”) has made a service complaint in respect of the same matter, and”;
- (b) for paragraph (4) substitute—

“(4) Where the service complaint is dealt with by a person or panel appointed by the Defence Council by virtue of section 340C(1)(a)

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of the Armed Forces Act 2006, it is to be treated for the purposes of paragraph (3)(b) as withdrawn if—

- (a) the period allowed in accordance with service complaints regulations for bringing an appeal against the person’s or panel’s decision expires,
  - (b) there are grounds (of which the complainant is aware) on which the complainant is entitled to bring such an appeal, and
  - (c) either—
    - (i) the complainant does not apply to the Service Complaints Ombudsman for a review by virtue of section 340D(6)(a) of the Armed Forces Act 2006 (review of decision that appeal brought out of time cannot proceed), or
    - (ii) the complainant does apply for such a review and the Ombudsman decides that an appeal against the person’s or panel’s decision cannot be proceeded with.”;
- (c) in paragraph (5), for “service redress procedures” substitute “procedures set out in service complaints regulations”;
- (d) for paragraph (6) substitute—

“(6) In this regulation—

“service complaint” means a complaint under section 340A of the Armed Forces Act 2006;

“service complaints regulations” means regulations made under section 340B(1) of that Act.”

*Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003*

7 In regulation 43 of the [Employment Equality \(Sexual Orientation\) Regulations \(Northern Ireland\) 2003 \(S.R. \(N.I.\) 2003 No. 497\)](#)—

- (a) in paragraph (7), for sub-paragraph (a) substitute—

“(a) the complainant has made a service complaint about the matter; and”;
- (b) for paragraph (8) substitute—

“(8) Where the service complaint is dealt with by a person or panel appointed by the Defence Council by virtue of section 340C(1) (a) of the Armed Forces Act 2006, it is to be treated for the purposes of paragraph (7)(b) as withdrawn if—

- (a) the period allowed in accordance with service complaints regulations for bringing an appeal against the person’s or panel’s decision expires;
- (b) there are grounds (of which the complainant is aware) on which the complainant is entitled to bring such an appeal; and
- (c) either—
  - (i) the complainant does not apply to the Service Complaints Ombudsman for a review by virtue of section 340D(6) of the Armed Forces Act 2006

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- (review of decision that appeal brought out of time cannot proceed); or
- (ii) the complainant does apply for such a review and the Ombudsman decides that an appeal against the person's or panel's decision cannot be proceeded with.”;
- (c) in paragraph (9), for “service redress procedures” substitute “procedures set out in service complaints regulations”;
- (d) in paragraph (10)—
  - (i) for the definition of “the service redress procedures” substitute—
    - ““service complaint” means a complaint under section 340A of the Armed Forces Act 2006;”;
  - (ii) after the definition of “service complaint” (as substituted by sub-paragraph (i)) insert—
    - ““service complaints regulations” means regulations made under section 340B(1) of the Armed Forces Act 2006; and”.

#### *Equality Act 2010*

- 8 In section 121 of the Equality Act 2010 (armed forces cases), in subsection (2)—
- (a) omit “and” at the end of paragraph (a);
  - (b) after paragraph (a) insert—
    - “(aa) there are grounds (of which the complainant is aware) on which the complainant is entitled to bring such an appeal, and”;
  - (c) in paragraph (b)(i) for “340D(6)” substitute “340D(6)(a)”.

#### *Working Time Regulations (Northern Ireland) 2016*

- 9 In regulation 49 of the [Working Time Regulations \(Northern Ireland\) 2016 \(S.R. \(N.I.\) 2016 No. 49\)](#) (armed forces)—
- (a) in paragraph (2), for sub-paragraph (a) substitute—
    - “(a) that person (“the complainant”) has made a service complaint in respect of the same matter, and”;
  - (b) for paragraph (3) substitute—
    - “(3) Where the service complaint is dealt with by a person or panel appointed by the Defence Council by virtue of section 340C(1)(a) of the Armed Forces Act 2006, it is to be treated for the purposes of paragraph (2)(b) as withdrawn if—
      - (a) the period allowed in accordance with service complaints regulations for bringing an appeal against the person’s or panel’s decision expires,
      - (b) there are grounds (of which the complainant is aware) on which the complainant is entitled to bring such an appeal, and
      - (c) either—
        - (i) the complainant does not apply to the Service Complaints Ombudsman for a review by virtue of section 340D(6)(a) of the Armed Forces Act 2006



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- (review of decision that appeal brought out of time cannot proceed), or
- (ii) the complainant does apply for such a review and the Ombudsman decides that an appeal against the person’s or panel’s decision cannot be proceeded with.”;
- (c) in paragraph (4), for “service redress procedures” substitute “procedures set out in service complaints regulations”;
- (d) for paragraph (5) substitute—
- “(5) In this regulation—
- “service complaint” means a complaint under section 340A of the Armed Forces Act 2006;
- “service complaints regulations” means regulations made under section 340B(1) of that Act.”

## SCHEDULE 4

Section 11

### SERVICE POLICE: COMPLAINTS, MISCONDUCT ETC

#### *Service Police Complaints Commissioner*

- 1 After Schedule 14 to AFA 2006 insert—

#### “SCHEDULE 14A

Section 365BA

#### THE SERVICE POLICE COMPLAINTS COMMISSIONER

##### **Status**

- 1 The Service Police Complaints Commissioner is a corporation sole.
- 2 The Commissioner is not to be regarded—
- (a) as the servant or agent of the Crown, or
- (b) as enjoying any status, immunity or privilege of the Crown.

##### **Appointment**

- 3 The Commissioner is to be appointed by Her Majesty on the recommendation of the Secretary of State.

##### **Disqualification**

- 4 A person is disqualified from being the Commissioner if any of the following applies—
- (a) the person is a member of the regular or reserve forces (whether or not as a member of a service police force);
- (b) the person has been a member of a service police force;
- (c) the person is employed in the civil service of the State.

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### **Vacancy or incapacity**

- 5 (1) Sub-paragraph (2) applies if—
- (a) the office of the Commissioner becomes vacant, or
  - (b) it appears to the Secretary of State that the ability of the Commissioner to carry out the Commissioner’s functions is seriously impaired because of ill health (whether mental or physical).
- (2) The Secretary of State may appoint a person to act as the Commissioner during the vacancy or period of ill health.
- (3) An acting Commissioner holds and vacates office in accordance with the terms of the acting Commissioner’s appointment.
- (4) While an acting Commissioner holds office, the acting Commissioner is to be regarded (except for the purposes of paragraphs 3, 4 and 6 and this paragraph) as the Commissioner.

### **Term of office**

- 6 The Commissioner holds and vacates office in accordance with the terms of the Commissioner’s appointment.

### **Delegation of functions**

- 7 The Commissioner may authorise a member of staff working for the Commissioner to exercise any power or duty of the Commissioner on the Commissioner’s behalf.

### **Liability**

- 8 (1) This paragraph applies where a person has been seconded to serve as a member of the Commissioner’s staff.
- (2) The Commissioner is liable in respect of unlawful conduct of the person in the carrying out, or purported carrying out, of their functions as a member of the Commissioner’s staff, in the same manner as an employer is liable in respect of unlawful conduct of an employee in the course of their employment.
- (3) In sub-paragraph (1) the reference to secondment to serve as a member of the Commissioner’s staff is to serving as a member of the Commissioner’s staff without being employed by the Commissioner.”

### *Investigatory Powers*

- 2 (1) The Investigatory Powers Act 2016 is amended as follows.
- (2) In section 58 (section 57: meaning of “excepted disclosure”), in subsection (4), after paragraph (c) insert—

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“(ca) a disclosure made to the Service Police Complaints Commissioner for the purposes of facilitating the carrying out of any of the Commissioner’s functions;”.

(3) In section 106 (power to issue warrants to law enforcement officers), after subsection (11) insert—

“(11A) A law enforcement chief who is the Service Police Complaints Commissioner may consider that the condition in subsection (1)(a) is satisfied only if the offence, or all of the offences, to which the serious crime relates are offences that are being investigated as part of an investigation carried out under regulations under section 340P of the Armed Forces Act 2006 (power to make further provision).”

(4) In section 107 (restriction on issue of warrants to certain law enforcement officers), in subsection (2), after paragraph (h) insert—

“(ha) the Service Police Complaints Commissioner;”.

(5) In section 133 (section 132: meaning of “excepted disclosure”), in subsection (3), after paragraph (b) insert—

“(ba) a disclosure made to the Service Police Complaints Commissioner for the purposes of facilitating the carrying out of any of the Commissioner’s functions;”.

(6) In Part 1 of Schedule 4 (relevant public authorities and designated senior officers etc), after the entry relating to the Independent Office for Police Conduct, insert—

“Service Police Complaints Commissioner	60A(7)(b) and (g)	Senior investigating officer	All	61A(7)(a) and (e)”.
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(7) In Part 2 of Schedule 6 (issue of warrants under section 106 etc), after the entry relating to the Director General of the Independent Office for Police Conduct, insert—

“The Service Police Complaints Commissioner.	A member of the Service Police Complaints Commissioner’s staff who is designated by the Commissioner for the purpose.	An investigating officer appointed under section 365BB”.
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#### *Other amendments*

3 In Part 2 of the Table in paragraph 3 of Schedule 1 to the Public Records Act 1958 (definition of public records), at the appropriate place insert—

“Service Police Complaints Commissioner.”

4 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices), at the appropriate place insert—

“Service Police Complaints Commissioner.”

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- 5 In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices), at the appropriate place insert—  
“Service Police Complaints Commissioner.”
- 6 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities), at the appropriate place insert—  
“Service Police Complaints Commissioner.”
- 7 In section 47 of the Coroners and Justice Act 2009 (interested person)—  
(a) in subsection (2), after paragraph (k) insert—  
“(ka) where subsection (5A) applies, the Service Police Complaints Commissioner;”;  
(b) after subsection (5) insert—  
“(5A) This subsection applies where the death of the deceased is or has been the subject of an investigation directed or carried out by the Service Police Complaints Commissioner in accordance with provision made under section 340P of the Armed Forces Act 2006.”
- 8 In Part 1 of Schedule 19 to the Equality Act 2010 (public authorities, general), under the heading “Armed forces”, at the appropriate place insert—  
“Service Police Complaints Commissioner.”
- 9 In Schedule 7 to the Data Protection Act 2018 (competent authorities), after paragraph 18 insert—  
“18A The Service Police Complaints Commissioner.”

## SCHEDULE 5

Section 12

### TRI-SERVICE SERIOUS CRIME UNIT

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

- 1 (1) Section 63A of the Police and Criminal Evidence Act 1984 (fingerprints and samples: supplementary provision) is amended as follows.
- (2) In subsection (1A)—  
(a) after paragraph (b) insert—  
“(ba) the tri-service serious crime unit;”;  
(b) in paragraph (d), for “(c)” substitute “(ba)”.
- (3) After subsection (1B) insert—  
“(1BA) In subsection (1A) “tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006.”

#### *Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))*

- 2 (1) Article 63A of the Police and Criminal Evidence (Northern Ireland) Order 1989 (fingerprints and samples: supplementary provision) is amended as follows.

- (2) In paragraph (1A)—
- (a) after sub-paragraph (b) insert—
    - “(ba) the tri-service serious crime unit;”;
  - (b) in sub-paragraph (c), for “or (b)” substitute “to (ba)”.
- (3) After paragraph (1B) insert—
- “(1BA) In paragraph (1A) “tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006.”

*Criminal Appeal Act 1995 (c. 35)*

- 3 The Criminal Appeal Act 1995 is amended as follows.
- 4 (1) Section 19 (power to require appointment of investigating officers) is amended as follows.
- (2) After subsection (2) insert—
- “(2A) Where the Commission has power to impose a requirement under paragraph (a) of subsection (2) and the public body referred to in that paragraph is mentioned in section 22(4A), that power includes power to impose the requirement on the Provost Marshal for serious crime (instead of the person who is the appropriate person in relation to the public body).”
- (3) In subsection (4)(b), for the words from “either” to the end substitute “in a body selected by the chief officer which is—
- (i) another police force,
  - (ii) a service police force, or
  - (iii) the tri-service serious crime unit.”
- (4) In subsection (4A)—
- (a) in the words before paragraph (a), for “a Provost Marshal” substitute “the Provost Marshal of a service police force”;
  - (b) in paragraph (a), for the words from “the” to “Marshal” substitute “that service police force”;
  - (c) for paragraph (b) substitute—
    - “(b) a requirement to appoint a person serving in a body selected by the Provost Marshal which is—
      - (i) a police force,
      - (ii) another service police force, or
      - (iii) the tri-service serious crime unit.”
- (5) After subsection (4A) insert—
- “(4B) A requirement under this section imposed on the Provost Marshal for serious crime may be—
- (a) a requirement to appoint a person serving in the tri-service serious crime unit, or
  - (b) a requirement to appoint a person serving either in a police force selected by the Provost Marshal or in a service police force selected by the Provost Marshal.”

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- (6) In subsection (5), for paragraph (b) substitute—
- “(b) a requirement to appoint a person serving in a body selected by the appropriate person which is—
    - (i) a police force, a service police force or the tri-service serious crime unit, or
    - (ii) a public body (not falling within sub-paragraph (i)) having functions which consist of or include the investigation of offences.”
- (7) In subsection (6)—
- (a) in paragraph (b), for the words from “a police” to “body” substitute “a body mentioned in subsection (4)(b), (4A)(b), (4B)(b) or (5)(b)”;
  - (b) in the words after paragraph (b), after “(4A)” insert “, (4B)”.
- (8) In subsection (7)—
- (a) in the words before paragraph (a), after “body” insert “or by the Provost Marshal for serious crime”;
  - (b) in paragraph (a), after “body” insert “or (as the case requires) the Provost Marshal for serious crime”.
- (9) After subsection (7) insert—
- “(8) In this section “tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006.”
- 5 In section 20 (inquiries by investigating officers), after subsection (2) insert—
- “(2A) In the application of subsection (2) in relation to an investigating officer who is serving in a public body mentioned in section 22(4A), the reference in subsection (2) to the person who is the appropriate person in relation to that public body is to be read as including (so far as necessary) a reference to the Provost Marshal for serious crime.”

*Police Act 1997 (c. 50)*

- 6 The Police Act 1997 is amended as follows.
- 7 (1) Section 93 (authorisation to interfere with property etc) is amended as follows.
- (2) In subsection (3), after paragraph (aa) insert—
- “(aaa) if the authorising officer is within subsection (5)(eda), by a member of the tri-service serious crime unit;”.
- (3) In subsection (5), after paragraph (ed) insert—
- “(eda) the Provost Marshal for serious crime;”.
- (4) In subsection (6A), in the words before paragraph (a), for “or (ed)” substitute “, (ed) or (eda)”.
- 8 In section 94 (authorisations given in absence of authorising officer), in subsection (2), after paragraph (dc) insert—
- “(dca) where the authorising officer is within paragraph (eda) of that subsection, by a person holding the position of deputy Provost Marshal in the tri-service serious crime unit;”.

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- 9 In section 108 (interpretation of Part 3), in subsection (1), at the appropriate place insert—  
““tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006;”.
- 10 In section 113B (enhanced criminal record certificates), in subsection (11), after paragraph (b) insert—  
“(ba) the tri-service serious crime unit (and for this purpose a reference to the chief officer of a police force must be taken to be a reference to the Provost Marshal for serious crime);”.
- 11 In section 126 (interpretation of Part 5), in subsection (1), at the appropriate place insert—  
““tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006.”

#### *Terrorism Act 2000 (c. 11)*

- 12 In Schedule 8 to the Terrorism Act 2000 (detention), in paragraph 20J, in the definition of “police force”, after paragraph (I) insert—  
“and references to a police force are to be read as including the tri-service serious crime unit (as described in section 375(1A) of the Armed Forces Act 2006);”.

#### *Regulation of Investigatory Powers Act 2000 (c. 23)*

- 13 The Regulation of Investigatory Powers Act 2000 is amended as follows.
- 14 In section 32 (authorisation of intrusive surveillance), in subsection (6), after paragraph (i) insert—  
“(ia) the Provost Marshal for serious crime;”.
- 15 (1) Section 33 (rules for grant of authorisations) is amended as follows.  
(2) After subsection (1) insert—  
“(1ZZA) A person who is a designated person for the purposes of section 28, 29 or 29B by reference to the person’s office, rank or position with the tri-service serious crime unit must not grant an authorisation under that section except on an application made by a member of that unit.”
- (3) After subsection (3) insert—  
“(3ZZA) The Provost Marshal for serious crime must not grant an authorisation for the carrying out of intrusive surveillance except—  
(a) on an application made by a member of the tri-service serious crime unit; and  
(b) in the case of an authorisation for the carrying out of intrusive surveillance in relation to any residential premises, where those premises are in the area of operation of a police force mentioned in subsection (6)(d).”
- 16 (1) Section 34 (grant of authorisations in the senior officer’s absence) is amended as follows.

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- (2) In subsection (1)(a), for “force,” substitute “force (other than a member of the tri-service serious crime unit), a member of the tri-service serious crime unit,”.
- (3) In subsection (2)(a), after “as the case may be, as” insert “Provost Marshal for serious crime or”.
- (4) In subsection (4), after paragraph (h) insert—
- “(ha) a person is entitled to act for the Provost Marshal for serious crime if the person holds the position of deputy Provost Marshal in the tri-service serious crime unit;”.
- 17 (1) Section 35 (notification of authorisations for intrusive surveillance) is amended as follows.
- (2) In subsection (1), after “police,” insert “tri-service serious crime unit,”.
- (3) In subsection (10)—
- (a) in the words before paragraph (a), after “police,” insert “tri-service serious crime unit;”;
- (b) after paragraph (a) insert—
- “(aa) the Provost Marshal for serious crime;”;
- (c) in paragraph (c), after “(a)” insert “or for a person falling within paragraph (aa)”.
- 18 (1) Section 36 (approval required for authorisations to take effect) is amended as follows.
- (2) In subsection (1), after paragraph (a) insert—
- “(aa) a member of the tri-service serious crime unit;”.
- (3) In subsection (6)—
- (a) after paragraph (a) insert—
- “(aa) where the authorisation was granted by the Provost Marshal for serious crime or a person entitled to act for the Provost Marshal for serious crime by virtue of section 34(4)(ha), that Provost Marshal;”;
- (b) in paragraph (f), for “(a) to (i)” substitute “(a) to (h) or (i)”.
- 19 In section 41 (Secretary of State authorisations), in subsection (7), at the end insert “or is a member of the tri-service serious crime unit”.
- 20 In section 56(1)(interpretation of Part 3), in the definition of “chief officer of police”, after paragraph (h) insert—
- “(ha) the Provost Marshal for serious crime;”.
- 21 (1) Section 81 (general interpretation) is amended as follows.
- (2) In subsection (1), at the appropriate place insert—
- ““tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006;”.
- (3) In subsection (6)(b), for the words from “serving” to the end substitute “serving—
- (i) with that force,
- (ii) with another of those police forces, or
- (iii) with the tri-service serious crime unit.”



- 22 In Schedule 1 (regulation of relevant public authorities), after paragraph A1 insert—  
“A1A The tri-service serious crime unit.”

#### *Sexual Offences Act 2003 (c. 42)*

- 23 In section 137 of the Sexual Offences Act 2003 (service courts), in subsection (4), at the appropriate place insert—  
““Provost Marshal” means the Provost Marshal of a service police force or the Provost Marshal for serious crime;”.

#### *Armed Forces Act 2006 (c. 52)*

- 24 AFA 2006 is amended as follows.
- 25 (1) Section 93C (preliminary impairment test) is amended as follows.
- (2) In subsection (4), for the words from “means” to the end substitute “means—  
(a) the Provost Marshals of each of the service police forces, and  
(b) the Provost Marshal for serious crime.”
- (3) In subsection (6), at the end insert “or the Provost Marshal for serious crime”.
- 26 In section 113 (CO to ensure service police aware of possibility serious offence committed), in subsection (1), after “police force” insert “or the tri-service serious crime unit”.
- 27 In section 114 (CO to ensure service police aware of certain circumstances), in subsection (1), after “police force” insert “or the tri-service serious crime unit”.
- 28 In section 115 (duty of CO with respect to investigation of service offences), in subsections (1)(b) and (4)(b), after “police force” insert “or the tri-service serious crime unit”.
- 29 In section 116 (referral of case following investigation by service or civilian police), in subsection (1), after “service police force” (in each place it occurs) insert “or the tri-service serious crime unit”.
- 30 In section 119 (circumstances in which CO has power to charge etc), in subsection (3)(b), after “force” insert “or the tri-service serious crime unit”.
- 31 In section 321A (inspection of service police investigations), at the end insert—  
“(5) For the purposes of this section the tri-service serious crime unit is to be regarded as a service police force.”
- 32 In section 374 (definitions applying for purposes of whole Act), at the appropriate place insert—  
““tri-service serious crime unit” means the unit described in section 375(1A);”.

#### *Counter-Terrorism Act 2008 (c. 28)*

- 33 In section 18E of the Counter-Terrorism Act 2008 (sections 18 to 18E: supplementary provisions) subsection (1) is amended as follows.
- 34 In the definition of “law enforcement authority”, after paragraph (a) insert—  
“(aa) the tri-service serious crime unit;”.

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*Status: This is the original version (as it was originally enacted).*

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- 35 In the definition of “the responsible officer”, after paragraph (d) insert—  
 “(da) in relation to material obtained or acquired by the tri-service serious crime unit,  
 the Provost Marshal for serious crime;”.
- 36 At the appropriate place insert—  
 ““tri-service serious crime unit” means the unit described in  
 section 375(1A) of the Armed Forces Act 2006.”

#### *Coroners and Justice Act 2009 (c. 25)*

- 37 The Coroners and Justice Act 2009 is amended as follows.
- 38 In section 47 (interested person), in subsection (2)(j), at the end insert “of a service  
 police force or of the tri-service serious crime unit”.
- 39 In section 48 (interpretation: general), in subsection (1), at the appropriate place  
 insert—  
 ““tri-service serious crime unit” means the unit described in  
 section 375(1A) of the Armed Forces Act 2006.”
- 40 In Schedule 1 (duty or power to suspend investigations), in paragraph 1(3), after  
 “Provost Marshal” insert “of a service police force, the Provost Marshal for serious  
 crime”.
- 41 In Schedule 7 (allowances, fees and expenses), in paragraph 5(2)(a), for “or a member  
 of a police force,” substitute “member of a police force or member of the tri-service  
 serious crime unit,”.

#### *Terrorism Prevention and Investigation Measures Act 2011 (c. 23)*

- 42 In Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011  
 (fingerprints and samples), in paragraph 14—  
 (a) in the definition of “police force”, after paragraph (l) insert—  
 “and references to a police force are to be read as including the tri-service  
 serious crime unit;”;
- (b) at the appropriate place insert—  
 ““tri-service serious crime unit” means the unit described in  
 section 375(1A) of the Armed Forces Act 2006.”

#### *Investigatory Powers Act 2016 (c. 25)*

- 43 The Investigatory Powers Act 2016 is amended as follows.
- 44 In section 56 (exclusion of matters from legal proceedings etc), in subsection (3)(d),  
 at the end insert “or the tri-service serious crime unit”.
- 45 In section 57 (duty not to make unauthorised disclosures), in subsection (3)(c), at the  
 end insert “or the tri-service serious crime unit”.
- 46 In section 263 (general definitions), in subsection (1), at the appropriate place  
 insert—  
 ““tri-service serious crime unit” means the unit described in  
 section 375(1A) of the Armed Forces Act 2006,”.

*Status: This is the original version (as it was originally enacted).*

47 In Schedule 4 (relevant public authorities and designated senior officers etc.), in the table in Part 1, after the entry relating to the Royal Air Force Police insert—

“Tri-service serious crime unit	60A(7)(a), (b), (c) and (e)	Lieutenant Commander	Entity data	61(7)(a) and (c)	61A(7)(a) and (c)
		Major	Entity data	61(7)(a) and (c)	61A(7)(a) and (c)
		Squadron leader	Entity data	61(7)(a) and (c)	61A(7)(a) and (c)
		Commander	All	61(7)(a) and (c)	61A(7)(a) and (c)
		Lieutenant colonel	All	61(7)(a) and (c)	61A(7)(a) and (c)
		Wing commander	All	61(7)(a) and (c)	61A(7)(a) and (c)”.

48 In Part 1 of the table in Schedule 6 (issue of warrants under section 106 etc), after the entry relating to the Provost Marshal of the Royal Air Force Police insert—

“The Provost Marshal for serious crime.	A person holding the position of deputy Provost Marshal in the tri-service serious crime unit.	A member of the tri-service serious crime unit.”
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*Data Protection Act 2018 (c. 12)*

49 In Schedule 7 to the Data Protection Act 2018 (competent authorities), after paragraph 15 insert—

“15A The Provost Marshal for serious crime.”

*Counter-Terrorism and Border Security Act 2019 (c. 3)*

50 In Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (border security), in paragraph 51—

(a) in the definition of “police force”, after paragraph (l) insert—

“and references to a police force are to be read as including the tri-service serious crime unit;”;

(b) at the appropriate place insert—

““tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006.”

*Crime (Overseas Production Orders) Act 2019 (c. 5)*

51 (1) Section 15 of the Crime (Overseas Production Orders) Act 2019 (application of Act to service police) is amended as follows.

(2) For subsection (3)(c) substitute—

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*Status: This is the original version (as it was originally enacted).*

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“(c) references to an equivalent appropriate officer are to be read as follows—

- (i) where the person who applied for the order or, as the case may be, made the application (“the applicant”) was a member of the tri-service serious crime unit, as references to a member of that unit;
- (ii) in any other case, as references to a member of the same service police force as the applicant who is not a member of that unit.”

(3) In subsection (7), at the appropriate place insert—

““tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006.”

*Overseas Operations (Service Personnel and Veterans) Act 2021 (c. 23)*

52 In section 7 of the Overseas Operations (Service Personnel and Veterans) Act 2021 (general interpretation etc), in subsection (4)—

- (a) in the definition of “investigating authority”, after paragraph (a) insert—  
 “(aa) the tri-service serious crime unit,”;
- (b) at the appropriate place insert—  
 ““tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006;”.

SCHEDULE 6

Section 16

DEPRIVATION AND DRIVING DISQUALIFICATION  
 ORDERS: MINOR AND CONSEQUENTIAL AMENDMENTS

*Armed Forces Act 1991*

1 The Armed Forces Act 1991 is amended as follows.

2 In section 18 (intentional obstruction)—

- (a) in subsection (8A) for “12” substitute “14”;
- (b) in subsection (8B)—
  - (i) for “12” substitute “14”;
  - (ii) for “7” substitute “9”;
- (c) in subsection (8C)—
  - (i) for “12” substitute “14”;
  - (ii) for “10” substitute “12”.

3 In section 20 (intentional obstruction or failure to comply with exclusion requirement)—

- (a) in subsection (9A) for “12” substitute “14”;
- (b) in subsection (9B)—
  - (i) for “12” substitute “14”;
  - (ii) for “7” substitute “9”;
- (c) in subsection (9C)—

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*Status: This is the original version (as it was originally enacted).*

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- (i) for “12” substitute “14”;
- (ii) for “10” substitute “12”.

*Reserve Forces Act 1996*

- 4 The Reserve Forces Act 1996 is amended as follows.
- 5 In section 95 (offences against orders and regulations under section 4)—
- (a) in subsection (2)(a)(i) for “12” substitute “14”;
  - (b) in subsection (2A)—
    - (i) for “12” substitute “14”;
    - (ii) for “10” substitute “12”.
- 6 In paragraph 5 of Schedule 1 (false answer to question in attestation paper)—
- (a) in sub-paragraph (3) for “12” substitute “14”;
  - (b) in sub-paragraph (4)—
    - (i) for “12” substitute “14”;
    - (ii) for “10” substitute “12”.

*Armed Forces Act 2006*

- 7 AFA 2006 is amended as follows.
- 8 In the following provisions, for “12” substitute “14”—
- (a) section 25(2) (penalty for misapplying public property etc);
  - (b) section 35(3) (penalty for annoyance by flying);
  - (c) section 42(3)(b) (penalties for criminal conduct offences);
  - (d) section 328(4)(a) (enlistment, terms of service etc);
  - (e) section 343(5)(a) (service inquiries).
- 9 In section 185(4) (conditional or absolute discharge (civilians only)), at the end insert “, deprivation order or driving disqualification order”.
- 10 In Schedule 3 (civilians etc: modifications of Court Martial sentencing powers)—
- (a) in paragraph 2—
    - (i) for “12” substitute “14”;
    - (ii) for “7” substitute “9”;
  - (b) in paragraph 4—
    - (i) for “12”, in each place it occurs, substitute “14”;
    - (ii) for “10”, in each place it occurs, substitute “12”.