

2001 No. 3234 (C. 104)

DEFENCE

**The Armed Forces Act 2001 (Commencement No.1)
Order 2001**

Made - - - - - 19th September 2001

The Secretary of State, in exercise of the powers conferred on him by section 39(2) and (6) of the Armed Forces Act 2001(a), hereby makes the following Order:—

1. This Order may be cited as the Armed Forces Act 2001 (Commencement No.1) Order 2001.

2. Subject to article 3 of this Order, the following provisions of the Armed Forces Act 2001 (“the Act”) shall come into force on 1st October 2001—

section 34 so far as is necessary to bring into force Schedule 6 to the extent specified below;
section 38 so far as is necessary to bring into force Schedule 7 to the extent specified below;
Parts 1, 2 and 3 of Schedule 6;

Part 6 of Schedule 6, except paragraphs 41, 42, 50(1) (in so far as it relates to paragraph 50(2)), 50(2), 55, 56 and 59;

Part 3 of Schedule 7;

(so far as not already in force) Part 7 of Schedule 7, except the repeal in section 12A(1) of the Naval Discipline Act 1957(b) and the repeals in section 42 of the Courts-Martial (Appeals) Act 1968(c).

3.—(1) Nothing in article 2 of this Order, in so far as it relates to Part 1 of Schedule 6 to the Act or to the repeal made by Part 7 of Schedule 7 to the Act in section 7(2) of the Sexual Offences (Amendment) Act 1992(d) (“the 1992 Act”) shall have effect where before 1st October 2001:

- (a) an allegation has been made which would (apart from this paragraph) be within section 1(1) of the 1992 Act, or
- (b) a person is accused of an offence which would (apart from this paragraph) be an offence to which that Act applies.

(2) Nothing in article 2 of this Order, in so far as it relates to paragraphs 37 and 38 of Schedule 6 to the Act, shall have effect in relation to any proceedings which are referred to in a subsection amended by either of those paragraphs and which commenced before 1st October 2001.

19th September 2001

Geoffrey Hoon
Secretary of State for Defence

(a) 2001 c. 19.
(b) 1957 c. 53.
(c) 1968 c. 20.
(d) 1992 c. 34.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order brings into force on 1st October 2001 the provisions of the Armed Forces Act 2001 referred to in article 2.

Among those provisions, Part 1 of Schedule 6 clarifies the application of protective provisions of the Sexual Offences (Amendment) Act 1992 (anonymity for victims where there is an allegation or accusation of certain offences) to certain offences under the legislation governing the armed forces. Part 1 also extends those provisions to certain offences under armed forces legislation committed outside England and Wales. Under article 3(1) of this Order Part 1 does not apply where the allegation or accusation is made before 1st October 2001.

Paragraphs 37 and 38 of Schedule 6 restrict the circumstances in which evidence given to Boards of Inquiry of the armed forces is admissible in certain armed forces disciplinary proceedings. Under article 3(2) of this Order paragraphs 37 and 38 do not apply in relation to proceedings which have begun before 1st October 2001.

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