
STATUTORY INSTRUMENTS

2018 No. 149

DEFENCE

The Armed Forces Act 2006
(Amendment of Schedule 2) Order 2018

Made - - - - 5th February 2018

Coming into force - - 1st March 2018

The Secretary of State makes the following Order in exercise of the power conferred by section 113(5) of the Armed Forces Act 2006⁽¹⁾.

A draft of this instrument was laid before Parliament in accordance with section 373(3) of that Act and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Armed Forces Act 2006 (Amendment of Schedule 2) Order 2018 and comes into force on 1st March 2018.

Amendment of Schedule 2 to the Armed Forces Act 2006

2.—(1) Schedule 2 to the Armed Forces Act 2006 (Schedule 2 offences) is amended as follows.

(2) In paragraph 12(at), omit “3, 66, 67 or”.

5th February 2018

Tobias Ellwood
Parliamentary Under Secretary of State
Ministry of Defence

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedule 2 to the Armed Forces Act 2006 (c. 52) (“the 2006 Act”).

Schedule 2 lists those serious service offences (“Schedule 2 offences”) to which sections 113 and 116 of the 2006 Act apply. Section 113 of the 2006 Act requires a commanding officer to notify a service police force if he or she becomes aware that a Schedule 2 offence has or may have been committed by a person under his or her command. Section 116 of the 2006 Act requires a service policeman who considers that there is sufficient evidence to charge a person with a Schedule 2 offence to refer the case to the Director of Service Prosecutions.

Schedule 2 offences include serious disciplinary offences, such as mutiny and desertion, and serious criminal offences under section 42 of the 2006 Act, such as murder, manslaughter and certain sexual offences.

The effect of article 2 is to make the following criminal offences Schedule 2 offences: an offence under section 3 of the Sexual Offences Act 2003 (c. 42) (sexual assault), an offence under section 66 of that Act (exposure) and an offence under section 67 of that Act (voyeurism).