
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring section 2 of the Armed Forces Act 2016 (“the 2016 Act”) into force on the day after the day on which the Regulations are made for the purpose of enabling regulations to be made under section 93AA(2) to (4) of the Armed Forces Act 2006 (which are inserted by section 2 of the 2016 Act). These Regulations bring section 2 of the 2016 Act into force for all other purposes on 1st January 2019.

Section 2 of the 2016 Act amends Chapter 3A of the Armed Forces Act 2006 (“the 2006 Act”) and connected provisions elsewhere in the 2006 Act. Chapter 3A deals with the powers of commanding officers to require persons under their command to cooperate with testing for alcohol and drugs. The regime for testing under Chapter 3A currently only applies to those suspected of committing offences of performing certain safety critical duties or aviation or marine functions whilst impaired, unfit, or over the permitted limit for alcohol. The amendments made by section 2 extend the existing powers in Chapter 3A so commanding officers can also require persons under their command to cooperate with such tests following an accident. The new powers apply to those carrying out specific marine or aviation functions (where an accident involves an aircraft or ship) or safety critical duties.