

2022 No. 1051

DEFENCE

**The Armed Forces (Tri-Service Serious Crime Unit)
(Consequential Amendments) Regulations 2022**

<i>Made</i>	- - - -	<i>12th October 2022</i>
<i>Laid before Parliament</i>		<i>17th October 2022</i>
<i>Coming into force</i>		<i>5th December 2022</i>

The Secretary of State, in exercise of the power conferred by section 12(6) of the Armed Forces Act 2021(a), makes the following Regulations.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Armed Forces (Tri-Service Serious Crime Unit) (Consequential Amendments) Regulations 2022.

(2) These Regulations come into force on 5th December 2022.

(3) An amendment made by these Regulations has the same extent as the provision being amended.

Amendment of the Crime and Disorder Strategies (Prescribed Descriptions) (England) Order 2004

2.—(1) The Crime and Disorder Strategies (Prescribed Descriptions) (England) Order 2004(b) is amended as follows.

(2) In article 3—

(a) in paragraph (4), after “Royal Air Force Police” insert “, the tri-service serious crime unit”;

(b) after paragraph (4), insert—

“(5) In paragraph (4) above, “tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006(c).”.

Amendment of the Criminal Procedure and Investigations Act 1996 (Code of Practice) (Armed Forces) Order 2009

3.—(1) The Criminal Procedure and Investigations Act 1996 (Code of Practice) (Armed Forces) Order 2009(d) is amended as follows.

(a) 2021 (c. 35).

(b) S.I. 2004/118; amended by S.I. 2007/1861. There are other amending instruments but none is relevant.

(c) 2006 (c. 52); section 375(1A) was inserted by section 12(4)(b) of the Armed Forces Act 2021.

(d) S.I. 2009/989; to which there are amendments not relevant to these Regulations.

- (2) In article 1, in paragraph (2), after the definition of “service police force”, insert—
““tri-service serious crime unit” means the unit described in section 375(1A) of the 2006 Act.”;
- (3) In the Schedule—
- (a) in paragraph 2(1)—
- (i) in the definition of “disclosure officer”, in sub-paragraph (a), after “service police force”, insert “or the tri-service serious crime unit”;
- (ii) at the end insert—
““tri-service serious crime unit” means the unit described in section 375(1A) of the 2006 Act”;
- (b) in paragraph 3—
- (i) in sub-paragraph (1), after “service police force”, insert “or the tri-service serious crime unit”;
- (ii) in sub-paragraph (3), for “is”, in the first place it appears, substitute “and the Provost Marshal for serious crime are”;
- (iii) in sub-paragraph (7), after “service police force concerned”, insert “, or, as the case may be, the tri-service serious crime unit,”.

Amendment of the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009

4.—(1) The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009(a) is amended as follows.

(2) In article 49(2), in sub-paragraph (a), after “service police force” insert “or the tri-service serious crime unit”.

Amendment of the Armed Forces (Custody Without Charge) Regulations 2009

5.—(1) The Armed Forces (Custody Without Charge) Regulations 2009(b) are amended as follows.

(2) In regulation 10(5), for “or by a service police force” substitute “, by a service police force or the tri-service serious crime unit”.

Amendment of the Police and Criminal Evidence Act 1984 (Armed Forces) Order 2009

6.—(1) The Police and Criminal Evidence Act 1984 (Armed Forces) Order 2009(c) is amended as follows.

- (2) In article 2(1), at the end, insert—
““tri-service serious crime unit” means the unit described in section 375(1A) of the Act.”.
- (3) In article 14(3), after sub-paragraph (j) insert—
“(ja)“the tri-service serious crime unit;”.
- (4) In article 15A—
- (a) in paragraph (2), after “service police force”, insert “or the Provost Marshal for serious crime”;
- (b) in paragraph (5), after “service police force”, insert “or the Provost Marshal for serious crime”.

(a) S.I. 2009/1059; to which there are amendments not relevant to these Regulations.

(b) S.I. 2009/1097.

(c) S.I. 2009/1922; amended by S.I. 2013/2554. There are other amendments not relevant to these Regulations.

(5) In article 15J(1) and (2), after “service police force”, insert “or the tri-service serious crime unit”.

(6) In article 15K—

- (a) in paragraph (2), after “service police force”, insert “or the Provost Marshal for serious crime”;
- (b) in paragraph (6), after “service police force”, insert “or the Provost Marshal for serious crime”.

Amendment of the Armed Forces (Disposal of Property) Regulations 2009

7.—(1) The Armed Forces (Disposal of Property) Regulations 2009(a) are amended as follows.

(2) In regulation 2—

- (a) in the definition of “service police” after “police force” insert “or the tri service serious crime unit”;
- (b) in the definition of “service policeman” for “such a” substitute “a service police”.

Amendment of the Armed Forces (Part 5 of the Armed Forces Act 2006) Regulations 2009

8.—(1) The Armed Forces (Part 5 of the Armed Forces Act 2006) Regulations 2009(b) are amended as follows.

(2) In regulation 2(1), in the definition of “case papers”, in paragraphs (a), (b) and (c), after “service police force” insert “or the tri-service serious crime unit”.

The Crime and Disorder Strategies (Prescribed Descriptions) (Wales) Order 2009

9.—(1) The Crime and Disorder Strategies (Prescribed Descriptions) (Wales) Order 2009(c) is amended as follows.

(2) In article 3—

- (a) in paragraph (3), after “Royal Air Force Police”, insert “, the tri-service serious crime unit”;
- (b) after paragraph (3), insert—

“(4) In paragraph (3), “tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006.”.

Amendment of the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010

10.—(1) The Police Act 1997 (Criminal Records) (Scotland) Regulations 2010(d) are amended as follows.

(2) In regulation 2—

- (a) renumber the existing paragraph as (1);
- (b) after paragraph (1) (as renumbered by sub-paragraph (a)) insert—

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

(3) In regulation 8(1)(c), for “or the Royal Air Force Police” substitute “, the Royal Air Force Police or the tri-service serious crime unit”.

(4) In regulation 16(2), after sub-paragraph (c), insert—

(a) S.I. 2009/1923; articles 15A, 15J and 15K were added by S.I. 2013/2554.

(b) S.I. 2009/2055; to which there are amendments not relevant to these Regulations.

(c) S.I. 2009/3050 (W. 267); to which there are amendments not relevant to these Regulations.

(d) S.S.I. 2010/168; to which there are amendments not relevant to these Regulations.

“(ca) the Provost Marshal for Serious Crime;”.

Amendment of the Regulation of Investigatory Powers (Prescription of Offices, etc. and Specification of Public Authorities) (Scotland) Order 2010

11.—(1) The Regulation of Investigatory Powers (Prescription of Offices, etc. and Specification of Public Authorities) (Scotland) Order 2010(a) is amended as follows.

(2) In article 1(2)—

(a) in the definition of “relevant source”—

(i) at the end of paragraph (i), omit “or”;

(ii) at the end of paragraph (j), for “and” substitute “or”;

(iii) after paragraph (j), insert—

“(k) the tri-service serious crime unit;”;

(b) after the definition of “source” insert—

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

Amendment of the Police Act 1997 (Criminal Records) (Registration) (Scotland) Regulations 2010

12.—(1) The Police Act 1997 (Criminal Records) (Registration) (Scotland) Regulations 2010(b) are amended as follows.

(2) In regulation 7, after paragraph (c) insert—

“(ca) the Provost Marshal for Serious Crime;”.

Amendment of the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010

13.—(1) The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010(c) is amended as follows.

(2) In article 1(3), after the definition for “source”, insert—

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

(3) In Part 1A of the Schedule, in the table, after the row for the Royal Air Force Police, insert—

“The tri-service serious crime unit	Relevant Source Authorisation: Squadron Leader, Major, or Lieutenant Commander	Squadron Leader, Major, or Lieutenant Commander	Paragraphs (a), (b) and (c)	Paragraphs (a), (b) and (c)”
	Long Term Authorisation: Provost Marshal for serious crime			

(a) S.S.I. 2010/350; amended by S.S.I. 2014/339. There are other amending instruments but none is relevant.

(b) S.S.I. 2010/383; to which there are amendments not relevant to these Regulations.

(c) S.I. 2010/521.

Amendment of the Protection of Vulnerable Groups (Scotland) Act 2007 (Consequential Provisions) Order 2010

14.—(1) The Protection of Vulnerable Groups (Scotland) Act 2007 (Consequential Provisions) Order 2010(a) is amended as follows.

(2) In article 2—

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

“(fa) the tri-service serious crime unit;”;

(b) at the end, insert—

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

(3) In article 3—

(a) in paragraph (2B), after sub-paragraph (f) insert—

“(fa) the tri-service serious crime unit;”;

(b) in paragraph (4), at the end insert “but is also to include the tri-service serious crime unit”;

(c) in paragraph (6), after paragraph (c), insert—

“(ca) the Provost Marshal for Serious Crime;”.

Amendment of the Protection of Freedoms Act 2012 (Relevant Official Records) Order 2012

15.—(1) The Protection of Freedoms Act 2012 (Relevant Official Records) Order 2012(b) is amended as follows.

(2) In article 1(2), at the end, insert—

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

(3) In article 2, after paragraph (f), insert—

“(fa) records kept by the tri-service serious crime unit for the use of members of a service police force;”.

(4) In article 3, after paragraph (f) insert—

“(fa) the Provost Marshal for serious crime in relation to the records kept by the tri-service serious crime unit for the use of members of a service police force;”.

Amendment of the Armed Forces (Retrial for Serious Offences) Order 2013

16.—(1) The Armed Forces (Retrial for Serious Offences) Order 2013(c) is amended as follows.

(2) In article 7(11), in the definition of “case papers”, in paragraphs (a), (b) and (c), after “service police force”, insert “or the tri-service serious crime unit”.

Amendment of the Regulation of Investigatory Powers (Covert Human Intelligence Sources: Relevant Sources) Order 2013

17.—(1) The Regulation of Investigatory Powers (Covert Human Intelligence Sources: Relevant Sources) Order 2013(d) is amended as follows.

(2) In article 2—

(a) in the definition of “relevant source”, after paragraph (i), insert—

(a) S.I. 2010/2660; to which there are amendments not relevant to these Regulations.

(b) S.I. 2012/2279.

(c) S.I. 2013/1852.

(d) S.I. 2013/2788; to which there are amendments not relevant to these Regulations.

- “(ia)the tri-service serious crime unit.”;
- (b) at the end, insert—
- ““tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006.”.

Amendment of the Regulation of Investigatory Powers (Authorisation of Covert Human Intelligence Sources) (Scotland) Order 2014

18.—(1) The Regulation of Investigatory Powers (Authorisation of Covert Human Intelligence Sources) (Scotland) Order 2014(a) is amended as follows.

(2) In Article 2—

- (a) in the definition of “relevant source”, after paragraph (g), insert—

“(ga) the tri-service serious crime unit.”;

- (b) after the definition of “the Act”, insert—

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

Amendment of the Criminal Justice (Armed Forces Code of Practice for Victims of Crime) Regulations 2015

19.—(1) The Criminal Justice (Armed Forces Code of Practice for Victims of Crime) Regulations 2015(b) are amended as follows.

(2) In paragraph 319 of the Schedule—

- (a) in the definition of “Service police”, for “or the Royal Air Force Police” substitute “the Royal Air Force Police, or the tri-service serious crime unit”;

- (b) after the definition of “Trial” insert—

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

Amendment of the Charities (Disclosure of Information to Designated Bodies) (Scotland) Order 2020

20.—(1) The Charities (Disclosure of Information to Designated Bodies) (Scotland) Order 2020(c) is amended as follows.

(2) In the Schedule, within the section of the list headed “Police forces”, after the entry for “The Provost Marshal of the Royal Air Force Police”, insert “The Provost Marshal for serious crime”.

Amendment of the Age of Criminal Responsibility (Scotland) Act 2019 (Consequential Provisions and Modifications) Order 2021

21.—(1) The Age of Criminal Responsibility (Scotland) Act 2019 (Consequential Provisions and Modifications) Order 2021(d) is amended as follows.

(2) In article 3, in the definition of “chief officer”, at the end, insert—

“(d) the Provost Marshal for serious crime.”.

(a) S.S.I.2014/339; to which there are amendments not relevant to these Regulations.
(b) S.I. 2015/1811.
(c) S.S.I. 2020/435.
(d) S.I. 2021/1458.

12th October 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the following instruments that are consequential upon the enactment of section 12 of the Armed Forces Act 2021 (c. 35) (framework for establishment of the tri-service serious crime unit) and the establishment of the tri-service serious crime unit—

- The Crime and Disorder Strategies (Prescribed Descriptions) (England) Order 2004 (S.I. 2004/118)
- The Criminal Procedure and Investigations Act 1996 (Code of Practice) (Armed Forces) Order 2009 (S.I. 2009/989)
- The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059)
- The Armed Forces (Custody Without Charge) Regulations 2009 (S.I. 2009/1097)
- The Police and Criminal Evidence Act 1984 (Armed Forces) Order 2009 (S.I. 2009/1922)
- The Armed Forces (Disposal of Property) Regulations 2009 (S.I. 2009/1923)
- The Armed Forces (Part 5 of the Armed Forces Act 2006) Regulations 2009 (S.I. 2009/2055)
- The Crime and Disorder Strategies (Prescribed Descriptions) (Wales) Order 2009 (S.I. 2009/3050 (W. 267))
- The Police Act 1997 (Criminal Records) (Scotland) Regulations 2010 (S.S.I. 2010/168)
- The Regulation of Investigatory Powers (Prescription of Offices, etc. and Specification of Public Authorities) (Scotland) Order 2010 (S.S.I. 2010/350)
- The Police Act 1997 (Criminal Records) (Registration) (Scotland) Regulations 2010 (S.S.I. 2010/383)
- The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (S.I. 2010/521)
- The Protection of Vulnerable Groups (Scotland) Act 2007 (Consequential Provisions) Order 2010 (S.I. 2010/2660)
- The Protection of Freedoms Act 2012 (Relevant Official Records) Order 2012 (S.I. 2012/2279)
- The Armed Forces (retrial for Serious Offences) Order 2013 (S.I. 2013/1852)
- The Regulation of Investigatory Powers (Covert Human Intelligence Sources: Relevant Sources) Order 2013 (S.I. 2013/2788)
- The Regulation of Investigatory Powers (Authorisation of Covert Human Intelligence Sources) (Scotland) Order 2014
- The Criminal Justice (Armed Forces Code of Practice for Victims of Crime) Regulations 2015 (S.I. 2015/1811)
- The Charities (Disclosure of Information to Designated Bodies) (Scotland) Order 2020 (S.S.I. 2020/435)
- The Age of Criminal Responsibility (Scotland) Act 2019 (Consequential Provisions and Modifications) Order 2021 (S.I. 2021/1458)

A full impact assessment has not been prepared for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

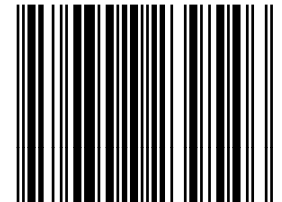
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