



Armed Forces Act 2001

2001 CHAPTER 19

PART 4

MISCELLANEOUS AND GENERAL

Provision equivalent to criminal justice enactments

^{F1}31 Power to make provision in consequence of enactments relating to criminal justice

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Textual Amendments

F1 Ss. 31-33 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

Testing for alcohol or drugs

^{F1}32 Powers to test for alcohol or drugs after serious incident

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Textual Amendments

F1 Ss. 31-33 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2001, Part 4. (See end of Document for details)

Commencement Information

I1 S. 32(9) in force at 28.2.2002 for specified purposes by [S.I. 2002/345](#), [art. 2](#)

^{F1}33 Interpretation of s. 32

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Textual Amendments

F1 [Ss. 31-33](#) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Miscellaneous amendments

34 Miscellaneous amendments

Schedule 6 (which contains miscellaneous amendments relating to the armed forces) shall have effect.

Commencement Information

I2 S. 34 partly in force; s. 34 in force for certain purposes at 11.5.2001 see s. 39; s. 34 in force for certain purposes at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#)); s. 34 in force for certain further purposes at 28.2.2002 by [S.I. 2002/345](#), [art. 2](#)

I3 S. 34 in force at 30.9.2003 for specified purposes by [S.I. 2003/2268](#), [art. 2](#)

General

35 Orders and regulations

(1) Any power of the Secretary of State to make an order or regulations under this Act is exercisable by statutory instrument.

(2) A statutory instrument containing (whether alone or with other provisions)—

^{F2}(a)

^{F3}(b)

^{F4}(c) an order under section 30 ^{F4}... which by virtue of section 30(4)(e) ^{F4}... makes any provision adding to, replacing or omitting any part of the text of an Act, shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(3) A statutory instrument which contains—

(a) an order made by the Secretary of State under—

^{F5}(i)

^{F5}(ii)

(iii) section 30,

^{F6}(iv)

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2001, Part 4. (See end of Document for details)

- ^{F7}(v) ^{F7}... or
- (b) regulations made by the Secretary of State under—
- ^{F8}(i)
- (ii) section 26, or
- (iii) section 27,

and which is not subject to the requirement in subsection (2) that a draft of the instrument be laid before and approved by a resolution of each House of Parliament, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (4) Any power of the Secretary of State to make an order or regulations under this Act includes power to make such incidental, consequential or transitional provision as the Secretary of State thinks fit.

Textual Amendments

- F2** S. 35(2)(a) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F3** S. 35(2)(b) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F4** Words in s. 35(2)(c) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F5** S. 35(3)(a)(i)(ii) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F6** S. 35(3)(a)(iv) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F7** Words in s. 35(3)(a)(v) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F8** S. 35(3)(b)(i) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

36 Application to Channel Islands and Isle of Man

^{F9}(1)

- (2) Her Majesty may by Order in Council direct that any of the provisions of this Act specified in subsection (3) shall extend, with such exceptions and modifications as appear to Her Majesty to be appropriate, to the Channel Islands and the Isle of Man.

- (3) The provisions referred to in subsection (2) are—

- ^{F10}(a)
- (b) sections 26 to 28,
- (c) section 30,
- ^{F11}(d)

*Changes to legislation: There are currently no known outstanding effects
for the Armed Forces Act 2001, Part 4. (See end of Document for details)*

^{F12}(e)

Textual Amendments

- F9** S. 36(1) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F10** S. 36(3)(a) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F11** S. 36(3)(d) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F12** S. 36(3)(e) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

^{F13}37 **Interpretation**

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Textual Amendments

- F13** S. 37 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

38 **Repeals**

The enactments specified in Schedule 7 (which includes enactments that are spent in consequence of section 21(5) of the Human Rights Act 1998 (c. 42) or section 60 of the Youth Justice and Criminal Evidence Act 1999 (c.23)) are repealed to the extent specified in that Schedule.

Commencement Information

- I4** S. 38 partly in force: s. 38 in force for certain purposes at 11.5.2001 see s. 39; s. 38 in force for certain purposes at 1.10.2001 by S.I. 2001/3234, [art. 2](#) (subject to [art. 3](#))); s. 38 in force for certain further purposes at 28.2.2002 by S.I. 2002/345, [art. 2](#)

39 **Short title and commencement**

- (1) This Act may be cited as the Armed Forces Act 2001.
- (2) Subject to subsections (3) and (4), this Act shall come into force on such day as the Secretary of State may by order appoint.
- (3) The following provisions shall come into force on the day on which this Act is passed—
 - (a) section 1,

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- (b) section 35,
 - (c) section 36,
 - (d) section 37,
 - (e) this section,
 - (f) Parts 4 and 5 of Schedule 6, and section 34 so far as relating to those Parts, and
 - (g) Parts 4 to 6 of Schedule 7, and section 38 so far as relating to those Parts.
- (4) The repeal by this Act of section 1 of the Armed Forces Act 1996 (c. 46) shall come into force on 1st September 2001.
- (5) An order under subsection (2) may appoint different days for different purposes.
- (6) An order under subsection (2) may contain such transitional provisions and savings as appear to the Secretary of State to be necessary or expedient in connection with the provisions brought into force by the order.

Subordinate Legislation Made

- P1** S. 39(2)(6) power exercised: 1.10.2001 appointed for specified provisions by [S.I. 2001/3234](#), [art. 2](#)
(subject to [art. 3](#))
- P2** S. 39(2)(6) power exercised: 28.2.2002 appointed for specified provisions by [S.I. 2002/345](#), [art. 2](#)
(subject to [art. 3](#))

Changes to legislation:

There are currently no known outstanding effects for the Armed Forces Act 2001, Part 4.