

**Changes to legislation:** Armed Forces Act 2001 is up to date with all changes known to be in force on or before 12 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### <sup>F1</sup>SCHEDULE 1

Section 17

#### SUMMARY DEALING OR TRIAL AND FUNCTIONS OF PROSECUTING AUTHORITY

##### Textual Amendments

- F1** Schs. 1-5 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 17**; S.I. 2009/812, art.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

##### *Army Act 1955 (c. 18)*

- <sup>F1</sup>1 .....
- <sup>F1</sup>2 .....
- <sup>F1</sup>3 .....
- <sup>F1</sup>4 .....

##### *Air Force Act 1955 (c. 19)*

- <sup>F1</sup>5 .....
- <sup>F1</sup>6 .....
- <sup>F1</sup>7 .....
- <sup>F1</sup>8 .....

##### *Naval Discipline Act 1957 (c. 53)*

- <sup>F1</sup>9 .....
- <sup>F1</sup>10 .....
- <sup>F1</sup>11 .....
- <sup>F1</sup>12 .....
- <sup>F1</sup>13 .....
- <sup>F1</sup>14 .....
- <sup>F1</sup>15 .....
- <sup>F1</sup>16 .....
- <sup>F1</sup>17 .....

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<sup>F1</sup>SCHEDULE 2

Section 19

MEMBERSHIP OF COURTS-MARTIAL

*Army Act 1955 (c. 18)*

- <sup>F1</sup>1 .....
- <sup>F1</sup>2 .....
- <sup>F1</sup>3 .....
- <sup>F1</sup>4 .....
- <sup>F1</sup>5 .....
- <sup>F1</sup>6 .....
- <sup>F1</sup>7 .....

*Air Force Act 1955 (c. 19)*

- <sup>F1</sup>8 .....
- <sup>F1</sup>9 .....
- <sup>F1</sup>10 .....
- <sup>F1</sup>11 .....
- <sup>F1</sup>12 .....
- <sup>F1</sup>13 .....
- <sup>F1</sup>14 .....

*Naval Discipline Act 1957*

- <sup>F1</sup>15 .....
- <sup>F1</sup>16 .....
- <sup>F1</sup>17 .....
- <sup>F1</sup>18 .....

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PROSPECTIVE

<sup>F1</sup>SCHEDULE 3

Section 22

REQUIRED CUSTODIAL SENTENCES

*Army Act 1955 (c. 18) and Air Force Act 1955 (c. 19)*

- <sup>F1</sup>1 .....
- <sup>F1</sup>2 .....
- <sup>F1</sup>3 .....
- <sup>F1</sup>4 .....

*Naval Discipline Act 1957 (c. 53)*

- <sup>F1</sup>5 .....
- <sup>F1</sup>6 .....
- <sup>F1</sup>7 .....

PROSPECTIVE

<sup>F1</sup>SCHEDULE 4

Section 29

AMENDMENTS RELATING TO CUSTODY

*Army Act 1955 (c. 18) and Air Force Act 1955 (c. 19)*

- <sup>F1</sup>1 .....
- <sup>F1</sup>2 .....
- <sup>F1</sup>3 .....
- <sup>F1</sup>4 .....
- <sup>F1</sup>5 .....
- <sup>F1</sup>6 .....
- <sup>F1</sup>7 .....

*Naval Discipline Act 1957 (c. 53)*

- <sup>F1</sup>8 .....

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F19	.....
F110	.....
F111	.....

F1SCHEDULE 5

Section 32(9)

TESTING FOR ALCOHOL OR DRUGS

*Army Act 1955 (c. 18) and Air Force Act 1955 (c. 19)*

F11	.....
F12	.....
F13	.....
F14	.....

*Naval Discipline Act 1957 (c. 53)*

F15	.....
F16	.....
F17	.....

SCHEDULE 6

Section 34

MISCELLANEOUS AMENDMENTS

PART 1

AMENDMENTS OF SEXUAL OFFENCES (AMENDMENT) ACT 1992

1 At the end of section 2 of the Sexual Offences (Amendment) Act 1992 (c. 34) (offences to which that Act applies) there is inserted—

“(4) This Act applies to a service offence (wherever committed) if the corresponding civil offence is mentioned in subsection (1).”

**Commencement Information**

**II** Sch. 6 Pt. 1 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

F22	.....
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#### Textual Amendments

**F2** Sch. 6 para. 2 repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, [Sch. 7](#); [S.I. 2004/874](#), [art. 2](#)

#### Commencement Information

**I2** Sch. 6 Pt. 1 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

- 3 (1) Section 6 of that Act (interpretation etc.) is amended as follows.
- (2) In subsection (1)—
- (a) after the definition of “complainant” there is inserted—
- ““corresponding civil offence”, in relation to a service offence, means the civil offence (within the meaning of the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957) the commission of which constitutes the service offence;”
- and
- (b) after the definition of “relevant programme” there is inserted—
- ““service offence” means an offence against section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957;”.
- (3) In subsection (3) after “accused of an offence” there is inserted “, other than a service offence, ”.
- (4) After subsection (3) there is inserted—
- “(3A) For the purposes of this Act, a person is accused of a service offence if he is treated by section 75(4) of the Army Act 1955, section 75(4) of the Air Force Act 1955 or section 47A(4) of the Naval Discipline Act 1957 as charged with the offence, and references in section 3 to an accusation alleging an offence shall be construed accordingly.”

#### Commencement Information

**I3** Sch. 6 Pt. 1 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

- 4 (1) Section 7 of that Act (application of Act in relation to courts-martial) is amended as follows.
- (2) In subsection (1), for “section 2(1)” there is substituted “ section 2(4) ”.
- (3) In subsection (2), paragraph (f) and the word “and” preceding it are omitted.

#### Commencement Information

**I4** Sch. 6 Pt. 1 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

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## PART 2

### ABOLITION OF OFFICE OF DEPUTY JUDGE ADVOCATE

#### *Courts-Martial (Appeals) Act 1951 (c. 46)*

- 5 In section 30(1)(b) of the Courts-Martial (Appeals) Act 1951 (assistants to Judge Advocate General), there are omitted—
- (a) the words “, and such number of officers to be known as Deputy Judge Advocates,”, and
  - (b) the words “in each case”.

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**Commencement Information**

**I5** Sch. 6 Pt. 2 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

- 6 In section 31 of that Act (qualifications of Judge Advocate General and assistants)
- (a) in subsection (2)—
    - (i) at the end of paragraph (b) there is inserted “ or ”, and
    - (ii) paragraph (d) and the word “or” preceding it are omitted,
  - (b) subsection (3) is omitted, and
  - (c) in subsection (4), for “, an Assistant Judge Advocate General or a Deputy Judge Advocate” there is substituted “ or an Assistant Judge Advocate General ”.

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**Commencement Information**

**I6** Sch. 6 Pt. 2 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

- 7 In section 32(1) of that Act (tenure of Judge Advocate General and assistants) for “, an Assistant Judge Advocate General or a Deputy Judge Advocate” there is substituted “ or an Assistant Judge Advocate General ”.

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**Commencement Information**

**I7** Sch. 6 Pt. 2 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

#### *House of Commons Disqualification Act 1975 (c. 24) and Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 8 In Part 3 of Schedule 1 to each of the House of Commons Disqualification Act 1975 and the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices), in the entry beginning “Judge Advocate General”, for “, Assistant Judge Advocate General or Deputy Judge Advocate” there is substituted “ or Assistant Judge Advocate General ”.

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**Commencement Information**

**I8** Sch. 6 Pt. 2 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

*Courts and Legal Services Act 1990 (c. 41)*

- 9 In Schedule 11 to the Courts and Legal Services Act 1990 (judges etc. barred from legal practice) in the entry relating to an Assistant or Deputy Judge Advocate General, the words “or Deputy” are omitted.

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**Commencement Information**

**I9** Sch. 6 Pt. 2 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

*Judicial Pensions and Retirement Act 1993 (c. 8)*

- 10 In section 27(3) of the Judicial Pensions and Retirement Act 1993 (completion of proceedings after retirement), paragraph (f) is omitted.

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**Commencement Information**

**I10** Sch. 6 Pt. 2 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

### PART 3

#### AMENDMENTS OF RESERVE FORCES ACT 1996

*Delegation by Secretary of State of certain functions*

- 11 In section 35(1) of the Reserve Forces Act 1996 (c. 14) (exercise of certain functions under section 32 or 33 of that Act) after “section” there is inserted “ 31, ”.

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**Commencement Information**

**I11** Sch. 6 Pt. 3 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

*Notice given by special member*

- 12 In section 41 of that Act (cessation of liabilities), in subsection (4) the word “been” is omitted.

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**Commencement Information**

**I12** Sch. 6 Pt. 3 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

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*Absence for voting*

- 13 In section 125 of that Act (absence for voting), in paragraph (a), after “Member of the Scottish Parliament” there is inserted “, a Member of the National Assembly for Wales, a Member of the Northern Ireland Assembly ”.

**Commencement Information**  
**I13** Sch. 6 Pt. 3 in force at 1.10.2001 by [S.I. 2001/3234](#), **art. 2** (subject to **art. 3**)

**PART 4**

AMENDMENTS CONSEQUENTIAL ON SECTION 21(5) OF HUMAN RIGHTS ACT 1998

*Army Act 1955 (c. 18) and Air Force Act 1955 (c. 19)*

<sup>F3</sup>14 . . . . .

**Textual Amendments**  
**F3** [Sch. 6 paras. 14-27](#) 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**

<sup>F3</sup>15 . . . . .

**Textual Amendments**  
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<sup>F3</sup>16 . . . . .

**Textual Amendments**  
**F3** [Sch. 6 paras. 14-27](#) 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**

<sup>F3</sup>17 . . . . .

**Textual Amendments**  
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<sup>F3</sup>18 . . . . .



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*Naval Discipline Act 1957 (c. 53)*

**F3**19 .....

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**Textual Amendments**

**F3** Sch. 6 paras. 14-27 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**20 .....

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**Textual Amendments**

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**F3**21 .....

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**Textual Amendments**

**F3** Sch. 6 paras. 14-27 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**22 .....

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**Textual Amendments**

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**PART 5**

QUEEN ALEXANDRA'S ROYAL NAVAL NURSING SERVICE  
AND FORMER WOMEN'S ROYAL NAVAL SERVICE

*Naval Discipline Act 1957 (c. 53)*

**F3**23 .....

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**Textual Amendments**

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<sup>F3</sup>24 .....

**Textual Amendments**

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*Armed Forces Act 1976 (c. 52)*

<sup>F3</sup>25 .....

**Textual Amendments**

**F3** Sch. 6 paras. 14-27 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

*House of Commons Disqualification Act 1975 (c. 24)*

<sup>F3</sup>26 .....

**Textual Amendments**

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*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

<sup>F3</sup>27 .....

**Textual Amendments**

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*Armed Forces Act 1981 (c. 55)*

- 28 Section 20(2) of, and Part 3 of Schedule 3 to, the Armed Forces Act 1981 (which apply to members of Queen Alexandra’s Royal Naval Nursing Service provisions of the Armed Forces Act 1966 relating to discharge etc.) shall cease to have effect.

*Housing Act 1985 (c. 68)*

- 29 In section 622 of the Housing Act 1985, in the definition of “regular armed forces of the Crown”, for the words from “, the regular air force” to the end there is substituted “ or the regular air force as defined by section 223 of the Air Force Act 1955 ”.

*Housing Act 1996 (c. 52)*

F<sup>4</sup>30 .....

**Textual Amendments**

- F4** Sch. 6 para. 30 repealed (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 16](#); [S.I. 2008/3068](#), art. 5, Sch. (with arts. 6-13)

**PART 6**

OTHER AMENDMENTS

*Marriages in service chapels*

- 31 In section 68 of the Marriage Act 1949 (c. 76) (solemnization of marriages in naval, military and air force chapels)—
- (a) in subsection (2)(e), after “daughter” there is inserted “, son, step-daughter or step-son”, and
  - (b) in subsection (3), the words from “and the expression” to the end are omitted.

**Commencement Information**

- I14** Sch. 6 para. 31 wholly in force; Sch. 6 para. 31 not in force at Royal Assent see s. 39; Sch. 6 para. 31 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

*Retirement age for assistants to Judge Advocate General*

- 32 (1) In section 32(2) of the Courts-Martial (Appeals) Act 1951 (c. 46) (tenure of office of Judge Advocate General and assistants), for “sixty-five” there is substituted “seventy”.
- (2) The amendment made by sub-paragraph (1) applies in relation to any such officer as is mentioned in section 30(1) of that Act (assistants to Judge Advocate General) whether appointed before or after the commencement of sub-paragraph (1).

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**Commencement Information**

**I15** Sch. 6 para. 32 wholly in force; Sch. 6 para. 32 not in force at Royal Assent see s. 39; Sch. 6 para. 32 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

*Sentence where penalty for civil offence fixed by law as life imprisonment*

<sup>F5</sup>33 .....

**Textual Amendments**

**F5** [Sch. 6 paras. 33-56](#) 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](#)

<sup>F5</sup>34 .....

**Textual Amendments**

**F5** [Sch. 6 paras. 33-56](#) 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](#)

*Qualification for appointment as judicial officer*

<sup>F5</sup>35 .....

**Textual Amendments**

**F5** [Sch. 6 paras. 33-56](#) 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](#)

<sup>F5</sup>36 .....

**Textual Amendments**

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*Evidence given before boards of inquiry*

<sup>F5</sup>37 .....

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**F538** .....

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**Textual Amendments**

**F5** Sch. 6 paras. 33-56 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

*Compensation for loss*

**F539** .....

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**Textual Amendments**

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**F540** .....

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**Textual Amendments**

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*Redress of complaints*

**F541** .....

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**Textual Amendments**

**F5** Sch. 6 paras. 33-56 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

**F542** .....

*Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 12 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F5** Sch. 6 paras. 33-56 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

<sup>F5</sup>43 .....

**Textual Amendments**

**F5** Sch. 6 paras. 33-56 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

*Civilian contractors attached to or accompanying armed forces*

<sup>F5</sup>44 .....

**Textual Amendments**

**F5** Sch. 6 paras. 33-56 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

<sup>F5</sup>45 .....

**Textual Amendments**

**F5** Sch. 6 paras. 33-56 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

*Interpretation of references to “Royal Air Force Police”*

<sup>F5</sup>46 .....

**Textual Amendments**

**F5** Sch. 6 paras. 33-56 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

<sup>F5</sup>47 .....

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**Textual Amendments**

**F5** Sch. 6 paras. 33-56 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**48 .....

.....

**Textual Amendments**

**F5** Sch. 6 paras. 33-56 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

*Interpretation of references to a “constable”*

**F5**49 .....

.....

**Textual Amendments**

**F5** Sch. 6 paras. 33-56 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

*Application to civilians*

**F5**50 .....

.....

**Textual Amendments**

**F5** Sch. 6 paras. 33-56 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**51 .....

.....

**Textual Amendments**

**F5** Sch. 6 paras. 33-56 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**52 .....

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**Textual Amendments**

**F5** Sch. 6 paras. 33-56 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

<sup>F5</sup>53 .....

**Textual Amendments**

**F5** Sch. 6 paras. 33-56 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

*Arrest of civilian whose sentence is deferred*

<sup>F5</sup>54 .....

**Textual Amendments**

**F5** Sch. 6 paras. 33-56 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

*Right of appeal to Courts-Martial Appeal Court*

<sup>F5</sup>55 .....

**Textual Amendments**

**F5** Sch. 6 paras. 33-56 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

<sup>F5</sup>56 .....

**Textual Amendments**

**F5** Sch. 6 paras. 33-56 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

*Children in respect of whom protective orders may be made*

57 In section 17 of the Armed Forces Act 1991 (c. 62) (power to make service family child assessment orders), for subsections (1) and (2) there is substituted—



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- “(1) The power to make an order under this section (in this Part of this Act referred to as an “assessment order”) is exercisable only with respect to a child who—
- (a) resides outside the British Islands with the family of a person subject to service law serving in a country or territory outside the British Islands or of a civilian in a corresponding position, or
  - (b) is staying (for however short a time) outside the British Islands with such a family.
- (2) In the following provisions of this section and in section 18 of this Act, any reference to a person with whom a child was at any time residing includes a reference to a person with whom a child was staying.”

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**Commencement Information**

**I16** Sch. 6 para. 57 wholly in force; Sch. 6 para. 57 not in force at Royal Assent see s. 39; Sch. 6 para. 57 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

58 In section 19 of that Act (power to make orders for the emergency protection of children of service families) for subsections (1) and (2) there is substituted—

- “(1) The power to make an order under this section (in this Part of this Act referred to as a “protection order”) is exercisable only with respect to a child who—
- (a) resides outside the British Islands with the family of a person subject to service law serving in a country or territory outside the British Islands or of a civilian in a corresponding position, or
  - (b) is staying (for however short a time) outside the British Islands with such a family.
- (2) In the following provisions of this Part, any reference to a person with whom a child was at any time residing includes a reference to a person with whom a child was staying.”

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**Commencement Information**

**I17** Sch. 6 para. 58 wholly in force; Sch. 6 para. 58 not in force at Royal Assent see s. 39; Sch. 6 para. 58 in force at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))

*Amendment relating to abolition of naval disciplinary courts*

<sup>F659</sup> .....

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**Textual Amendments**

**F6** Sch. 6 para. 59 repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, [Sch. 7](#); [S.I. 2004/874](#), [art. 2](#)

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## SCHEDULE 7

Section 38

## REPEALS

## PART 1

## REPEALS RELATING TO ABOLITION OF NAVAL DISCIPLINARY COURTS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Criminal Evidence Act 1898 (c. 36)	In section 6(1), the words “and disciplinary courts”.
The Army Act 1955 (c. 18)	In section 57(3), the words “or disciplinary court”.
The Air Force Act 1955 (c. 19)	In section 57(3), the words “or disciplinary court”.
The Naval Discipline Act 1957 (c. 53)	In section 38(2), the words “and to a disciplinary court”. Section 52C(5). Section 52G. Section 65(4). Section 70(7). In section 73, the words “and disciplinary courts”. In section 76(6)(a), the words “or disciplinary court”. In section 77(1), the words “or disciplinary court”. In section 95(2), the words “and to disciplinary courts”. In section 129(1), the words “or disciplinary court”, in both places where they occur. In Schedule 5, in the entries relating to section 57 of the Army Act 1955 and section 57 of the Air Force Act 1955, the words from “after the word” to “court”, and”.
The Courts-Martial (Appeals) Act 1968 (c. 20)	In section 57(1), in the definition of “naval court-martial”, the words “, and includes a disciplinary court”.
The Civil Evidence Act 1968 (c. 64)	In section 11(6), the words from “or a disciplinary” to “Act of 1957”.
The Civil Evidence Act (Northern Ireland) 1971 (c. 36 (N.I.))	In section 7(6), the words from “or a disciplinary” to “Act of 1957” and the words “disciplinary court”.
The Police and Criminal Evidence Act 1984 (c. 60)	In section 67(12)(a), the words from “or a disciplinary” to “1957”. In section 82(1), in the definition of “court-martial”, the words from “or a disciplinary” to “Act of 1957”.

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	In section 113(11)(a), the words from “or a disciplinary” to “Act of 1957”.
The Criminal Justice Act 1988 (c. 33)	In section 146, the words from “disciplinary” to “1957,”. In Schedule 13, in paragraph 1, in paragraph (b) of the definition of “Service courts”, the words from “and disciplinary” to “that Act” and in paragraph 7(b) the words from “or disciplinary” to “that Act”.
The Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))	In Article 66(11)(a), the words from “or a disciplinary” to “1957”. In Article 70(2)(b), head (ii) and the word “or” immediately preceding it.
The Criminal Justice and Public Order Act 1994 (c. 33)	Section 39(2)(g).
The Northern Ireland (Emergency Provisions) Act 1996 (c. 22)	In section 54(9), in the definition of “criminal proceedings”, the words from “or a disciplinary” to “1957 Act”.
The Armed Forces Act 1996 (c. 46)	In section 11(4), paragraph (b) of the definition of “service disciplinary proceedings”. In Schedule 1, paragraphs 100, 105, 108, 109(2)(c) and (4)(a) and 111.
The Police Act 1997 (c. 50)	In section 108(1), in paragraph (a) of the definition of “criminal proceedings” the words from “or a disciplinary” to “Act of 1957”.
The Youth Justice and Criminal Evidence Act 1999 (c. 23)	In section 63(1), in paragraph (a) of the definition of “service court”, the words from “or a disciplinary” to the end.
The Terrorism Act 2000 (c. 11)	In section 101(9), in the definition of “criminal proceedings”, the words from “or a disciplinary” to “1957 Act”.
The Regulation of Investigatory Powers Act 2000 (c. 23)	In section 81(4)(a), sub-paragraph (ii) and the word “or” immediately preceding it.
The Freedom of Information Act 2000 (c. 36)	In section 29(5), in paragraph (a) of the definition of “criminal proceedings”, the words from “or a disciplinary” to “of 1957”.

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## PROSPECTIVE

## PART 2

## REPEALS RELATING TO REQUIRED CUSTODIAL SENTENCES

<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Crime (Sentences) Act 1997 (c. 43)	Section 55(2). In Schedule 4, paragraphs 1(1) and (4), 2(1) and (4) and 3(1) and (4).
The Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In Schedule 9, paragraphs 8, 13 and 18.

## PART 3

## REPEALS RELATING TO ABOLITION OF OFFICE OF DEPUTY JUDGE ADVOCATE

**Commencement Information**

**I18** Sch. 7 Pt. 3 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Courts-Martial (Appeals) Act 1951 (c. 46)	In section 30(1)(b), the words “, and such number of officers to be known as Deputy Judge Advocates,” and the words “in each case”. In section 31— (a) in subsection (2), paragraph (d) and the word “or” which precedes it, and (b) subsection (3).
The Courts and Legal Services Act 1990 (c. 41)	In Schedule 11, in the entry relating to an Assistant or Deputy Judge Advocate General, the words “or Deputy”.
The Judicial Pensions and Retirement Act 1993 (c. 8)	In section 27(3), paragraph (f).

## PART 4

## REPEALS CONSEQUENTIAL ON HUMAN RIGHTS ACT 1998

<i>Short title and chapter</i>	<i>Extent of repeal</i>
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The Army Act 1955 (c. 18)

In section 31, subsection (1) and, in subsection (2), the words “, in a case not falling within the last foregoing subsection”.

In section 68, the proviso.

In section 70(3), paragraph (a).

In section 71(1), paragraph (a).

In section 71A(3), the words from “, nor shall sentence of death” to “when the offence was committed”.

In section 85(2), the words “of death or”.

In section 96, subsections (3) and (4).

Section 112.

Section 113(6).

Section 121.

In section 123—

In section 85(2), the words “of death or”.

—*cont.*

(a) in subsection (1), the words “Regulations under section one hundred and twenty-one of this Act or” and the words “regulations or”, and

(b) in subsection (2), the words “regulations or”.

In section 125—

(a) in subsection (1), the words “death or” and the words “regulations under section one hundred and twenty-one of this Act or of”, and

(b) subsection (2).

In section 126—

(a) in subsection (1), the words from “sentences of death” to “authorities and”, and

(b) in subsection (3), the words “no sentence of death passed by a court-martial shall be executed, and”.

Section 128(1).

In section 129 (1) the words—

(a) “regulations under section one hundred and twenty-one of this Act or”,

(b) “regulations or”, and

(c) “execution of the sentence is completed or”.

In section 209(3)(a)(i), after the word “paragraphs”, the letter “(a)”,.

Section 214(3).

Section 215(4).

In Schedule 5A—

(a) in the Table at paragraph 15, the first entry in each of the first and second columns, and

(b) in the Note to the Table, the words from the “or” at the end of paragraph (a) to “first and second columns, and”.

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The Air Force Act 1955 (c. 19)

In section 31, subsection (1) and, in subsection (2), the words “, in a case not falling within the last foregoing subsection”.

In section 68, the proviso.

In section 70(3), paragraph (a).

In section 71(1), paragraph (a).

In section 71A(3), the words from “, nor shall sentence of death” to “when the offence was committed”.

In section 85(2), the words “of death or”.

In section 96, subsections (3) and (4).

Section 112.

Section 113(6).

Section 121.

In section 123—

(a) in subsection (1), the words “Regulations under section one hundred and twenty-one of this Act or” and the words “regulations or”, and

(b) in subsection (2), the words “regulations or”.

In section 125—

(a) in subsection (1), the words “death or” and the words “regulations under section one hundred and twenty-one of this Act or of”, and

(b) subsection (2).

In section 126—

(a) in subsection (1), the words from “sentences of death” to “those authorities and”, and

(b) in subsection (3), the words “no sentence of death passed by a court-martial shall be executed, and”.

Section 128(1).

In section 129 (1) the words—

(a) “regulations under section one hundred and twenty-one of this Act or”,

(b) “regulations or”, and

(c) “execution of the sentence is completed or”.

In section 209(3)(a)(i), after the word “paragraphs”, the letter “(a),”.

Section 212(3).

Section 213(4).

In Schedule 5A—

(a) in the Table at paragraph 15, the first entry in each of the first and second columns, and

(b) in the Note to the Table, the words from the “or” at the end of paragraph (a) to “first and second columns, and”.

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The Naval Discipline Act 1957 (c. 53)	<p>In section 9, subsection (1) and, in subsection (2), the words “not described in the foregoing subsection”.</p> <p>In section 10, the words from “, if the offence is committed” to “in any other case,”.</p> <p>In section 40, the proviso to the section.</p> <p>In section 42(1), paragraph (a).</p> <p>In section 43(1), paragraph (a).</p> <p>In section 43A(3), the words from “nor shall sentence of death” to “when the offence was committed”.</p> <p>In section 62, subsections (4) and (5).</p> <p>Section 70(6).</p> <p>Sections 78 to 80.</p> <p>Section 123(4).</p> <p>Section 124(2).</p> <p>In section 125(2), the words “80 and”.</p> <p>In Schedule 4A—</p> <p>(a) in the Table at paragraph 15, the first entry in each of the first and second columns, and</p> <p>(b) in the Note to the Table, the words from the “or” at the end of paragraph (a) to “first and second columns, and”.</p>
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## PART 5

### REPEALS CONSEQUENTIAL ON YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999

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<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Army Act 1955 (c. 18)	Section 200A.
The Air Force Act 1955 (c. 19)	Section 200A.
The Courts-Martial (Appeals) Act 1968 (c. 20)	Section 37A.
The Armed Forces Act 1976 (c. 52)	In Schedule 3, paragraph 17A.
The Police and Criminal Evidence Act 1984 (c. 60)	In Schedule 6, paragraphs 28(4), 29(4), 34 and 36.

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## PART 6

### REPEALS RELATING TO QUEEN ALEXANDRA’S ROYAL NAVAL NURSING SERVICE

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<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Naval Discipline Act 1957 (c. 53)	In section 111, in subsection (1), the words “and Queen Alexandra’s Royal Naval Nursing Service” and, in subsection (2), the

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	words “or of Queen Alexandra’s Royal Naval Nursing Service”.
	In section 132(5), the words “Queen Alexandra’s Royal Naval Nursing Service”.
The Armed Forces Act 1976 (c. 52)	In section 6(9)(b), the words “or Queen Alexandra’s Royal Naval Nursing Service”.
The Armed Forces Act 1981 (c. 55)	Section 20(2). Part 3 of Schedule 3.

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## PART 7

### OTHER REPEALS

#### Commencement Information

**I19** Sch. 7 Pt. 7 partly in force at 1.9.2001 see s. 39(4); Sch. 7 Pt. 7 in force insofar as not already in force with the exception of certain repeals at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Marriage Act 1949 (c. 76)	In section 68(3), the words from “and the expression” to the end.
The Army Act 1955 (c. 18)	In section 75L(2), the word “or” at the end of paragraph (a). Section 209(3C). Paragraph 2A(13) of Schedule 5A. In paragraph 9 of Schedule 6, the words “and one hundred and eighty”.
The Air Force Act 1955 (c. 19)	In section 75L(2), the word “or” at the end of paragraph (a). Section 209(3C). Paragraph 2A(13) of Schedule 5A. In paragraph 9 of Schedule 6, the words “and one hundred and eighty”.
The Naval Discipline Act 1957 (c. 53)	In section 12A(1), the words “on conviction by court-martial”. In section 42(1), the words “subject to section 43A below be liable”. In section 47M(2), the word “or” at the end of paragraph (a). Paragraph 4B of Schedule 4.
The Courts-Martial (Appeals) Act 1968 (c. 20)	In section 42, in subsection (1) the words “to whom this section applies”, and subsection (2).
The Sexual Offences (Amendment) Act 1992 (c. 34)	In section 7(2), paragraph (f) and the word “and” preceding it.
The Reserve Forces Act 1996 (c. 14)	In section 41(4), the word “been”.



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The Armed Forces Act 1996 (c. 46)

Section 1.

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**Changes and effects yet to be applied to :**

- s. 6(2)(a) words substituted by [2003 c. 39 Sch. 4 para. 15](#)
- s. 30(6)(a) words substituted by [2003 c. 44 Sch. 32 para. 140](#)