



Armed Forces Act 2011

2011 CHAPTER 18

Service Police and Ministry of Defence Police

3 Provost Marshal's duty in relation to independence of investigations

After section 115 of AFA 2006 insert—

“Provost Marshal's duty in relation to independence of investigations

115A Provost Marshal's duty in relation to independence of investigations

- (1) This section applies in relation to each service police force.
- (2) The Provost Marshal of the force has a duty, owed to the Defence Council, to seek to ensure that all investigations carried out by the force are free from improper interference.
- (3) “Improper interference” includes, in particular, any attempt by a person who is not a service policeman to direct an investigation which is being carried out by the force.”

4 Inspection of service police investigations

After section 321 of AFA 2006 insert—

“CHAPTER 4A

INSPECTION OF SERVICE POLICE INVESTIGATIONS

321A Inspection of service police investigations

- (1) Her Majesty’s Inspectors of Constabulary (“the inspectors”) are to inspect, and report to the Secretary of State on, the independence and effectiveness of investigations carried out by each service police force.
- (2) In this section “investigations” means investigations of matters where service offences have or may have been committed, and includes investigations outside the United Kingdom.
- (3) For the purposes of subsection (1) the inspectors may—
 - (a) undertake such number of inspections as they think appropriate;
 - (b) undertake inspections when they think it appropriate; and
 - (c) decide which aspects of, or matters related to, investigations by a service police force are to be the subject of a particular inspection;
 but this is subject to subsection (4).
- (4) The Secretary of State may at any time require the inspectors to inspect, and report to the Secretary of State on, any or all of the following—
 - (a) the independence of investigations carried out by a particular service police force;
 - (b) the effectiveness of such investigations;
 - (c) a particular aspect of, or matter related to, such investigations.

321B Inspectors’ reports to be laid before Parliament

- (1) The Secretary of State must lay before Parliament each report made under section 321A.
- (2) The Secretary of State may exclude from a report laid before Parliament under this section any material whose publication, in the Secretary of State’s opinion—
 - (a) would be against the interests of national security; or
 - (b) might jeopardise the safety of any person.”

5 Provost Marshals: appointment

After section 365 of AFA 2006 insert—

“Provost Marshals

365A Provost Marshals: appointment

- (1) No appointment of a person to be Provost Marshal of a service police force may be made except by Her Majesty.

(2) To be eligible for appointment as a Provost Marshal, a person must be a provost officer.”

6 Ministry of Defence Police: performance regulations

In section 3A of the Ministry of Defence Police Act 1987 (regulations relating to disciplinary matters), in each of subsections (1)(a) and (1A) after “conduct” insert “, efficiency and effectiveness”.