

ARMED FORCES ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 4: Inspection of service police investigations

21. Her Majesty's Inspectors of Constabulary ("HMIC") are appointed under section 54 of the Police Act. Under that section HMIC have statutory functions of inspecting, and reporting to the Secretary of State on, Home Office police forces. They have similar functions in relation to the Ministry of Defence Police (who are referred to further in the note on section 6). The purpose of section 4 is to provide a similar requirement in relation to the service police forces, but focussed on the independence and effectiveness of investigations by those forces. This section inserts new sections 321A and 321B into AFA 2006.
22. The new section 321A provides that HMIC are to inspect, and report to the Secretary of State on, the independence and effectiveness of investigations carried out by each service police force. In this context "investigations" means investigations of matters where service offences have, or may have been committed, and includes investigations outside the United Kingdom.
23. Under the new section 321A, it will be for HMIC to decide how many inspections they carry out, and when. They will also be able to decide what matters relating to investigations they will cover in a particular inspection. However, the Secretary of State will be able to require HMIC to inspect and report to him on additional matters relating to service police force investigations.
24. Under the new section 321B the Secretary of State must lay before Parliament the reports made under the new section 321A but may exclude any material whose publication the Secretary of State believes would be against the interests of national security or might jeopardise the safety of any person.