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STATUTORY INSTRUMENTS

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**1991 No. 2719 (C.82)**

**DEFENCE**

**The Armed Forces Act 1991 (Commencement No.1)**

*Made - - - - 3rd December 1991*

The Secretary of State, in exercise of the powers conferred upon him by section 27(2) and (3) of the Armed Forces Act 1991(1) hereby makes the following Order:—

1. This Order may be cited as the Armed Forces Act 1991 (Commencement No.1) Order 1991.
2. Subject to article 3 of this Order, the following provisions of the Armed Forces Act 1991 (the Act) shall come into force on 1st January 1992—
  - sections 2 to 16;
  - section 24(1), (2), (4) and (5);
  - section 26(1);
  - section 26(2) insofar as it relates to the provisions specified in the Schedule to this Order.
- 3.—(1) Nothing in article 2 of this Order insofar as it relates to section 6 of the Act shall affect any reception order made on or before 31st December 1991.
  - (2) Paragraph 7 of Schedule 2 of the Act shall not have effect in relation to an offence committed on or before 31st December 1991.
  - (3) Paragraph 8 of Schedule 2 to the Act shall not have effect where an application for leave to appeal is lodged on or before 31st December 1991.

3rd December 1991

*Archie Hamilton*  
Minister of State, Ministry of Defence

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## SCHEDULE

Article 2

## REPEALS TAKING EFFECT ON 1st JANUARY 1992

Chapter	Short title	Extent of repeal
28 & 29 Vict. c. 73.	The Naval and Marine Pay and Pensions Act 1865.	Sections 4 and 5.
10 & 11 Geo. 6 c. 24.	The Naval Forces (Enforcement of Maintenance Liabilities) Act 1947.	In section 1 subsections (3) and (5). Section 2.
3 & 4 Eliz. 2 c.18.	The Army Act 1955.	Section 71A(1B)(a). In section 71AA, in subsection (1) the words “subject to subsection (1A) below”, subsection (1A) and in subsection (2) the words from “after” to “completed”. In section 93, in the proviso to subsection (2) the words from “so however” onwards. In section 122(1) the words “this Part of”. In section 127(2) the words from “after” to “completed”. In section 131(1) the word “reconsideration”. In section 145(1)(b) the words “corrective training, preventive detention”. In section 150, in subsection (1) (a) the words “or child” and in subsection (5) the words “or child”, in both places where they occur, and the paragraph beginning “references to a child”. In section 225(1), in the definition of “stoppages” the words from “for any expense” onwards. In Schedule 5A, in paragraph 2 the definition of “reception order”, paragraphs 6 to 9, in paragraph 10(1A) the words from the beginning to “appropriate and”, in paragraph 11(4) the words from “and no such order” onwards and, in paragraph 15(3), in the third column of the Table paragraph 2.
3 & 4 Eliz. 2 c.19.	The Air Force Act 1955.	Section 71A(1B)(a). In section 71AA, in subsection (1) the words

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Chapter	Short title	Extent of repeal
5 & 6 Eliz. 2 c. 53.	The Naval Discipline Act 1957.	<p>“subject to subsection (1A) below”, subsection (1A) and in subsection (2) the words from “after” to “completed”. In section 93, in the proviso to subsection (2) the words from “so however” onwards. In section 122(1) the words “this Part of”. In section 127(2) the words from “after” to “completed”. In section 131(1) the word “reconsideration”. In section 145(1)(b) the words “corrective training, preventive detention”. In section 150, in subsection (1) (a) the words “or child” and in subsection (5) the words “or child”, in both places where they occur, and the paragraph beginning “references to a child”. In section 223(1), in the definition of “stoppages” the words from “for any expense” onwards. In Schedule 5A, in paragraph 2 the definition of “reception order”, paragraphs 6 to 9, in paragraph 10(1A) the words from the beginning to “appropriate and”, in paragraph 11(4) the words from “and no such order” onwards and, in paragraph 15(3), in the third column of the Table paragraph 2.</p> <p>Section 43A(1B)(a). In section 43AA, in subsection (1) the words “subject to subsection (1A) below” and subsection (1A). In section 60 the proviso to subsection (3). In section 129(2) the words “corrective training, preventive detention”. In Schedule 4A, in paragraph 2 the definition of “reception order”, paragraphs 6 to 9, in paragraph 10(1A) the words from the beginning to “appropriate and”, in paragraph 11(4) the words</p>

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Chapter	Short title	Extent of repeal
		from “and no such order” onwards and, in paragraph 15(3), in the third column of the Table paragraph 2.
1968 c. 20.	The Courts-Martial (Appeals) Act 1968.	In section 8(1A)(a), “6” and the words “reception orders”. In section 19(1) the words from “the appeal against conviction” to “and”.
1974 c. 53.	The Rehabilitation of Offenders Act 1974.	Section 5(5)(h).
S.I.1978/1908 (N.I. 27)	The Rehabilitation of Offenders (Northern Ireland) Order 1978.	Article 6(5)(d).
1980 c. 9.	The Reserve Forces Act 1980.	In Schedule 6 paragraph 1(7A).
1982 c. 14.	The Reserve Forces Act 1982.	In section 2 subsections (4) and (5).
1986 c. 21.	The Armed Forces Act 1986.	In Schedule 1, in paragraph 12 sub-paragraphs (3) and (5).
1989 c. 41.	The Children Act 1989.	In Schedule 12 paragraphs 8, 10 and 18. In Schedule 14 paragraph 15(1)(b) and, in paragraph 16, in sub-paragraph (1) the words “or (b)”, sub-paragraph 2(b) and the word “or” immediately preceding it and sub-paragraph (3).

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 1st January 1992 all the provisions of the Armed Forces Act 1991 (the Act) excepting Part III, section 24(3) and associated repeals, and sections 1, 25 and 27 which came into force on enactment.

The provisions of Part II of the Act make amendments relating to the Armed Forces and other persons subject to the Army Act 1955 (c. 18), the Air Force Act 1955 (c. 19) or the Naval Discipline Act 1957 (c. 53) (the Services Acts). They make changes to the sentencing powers of courts-martial and Standing Civilian Courts in respect of young offenders; remove provisions relating to reception orders made by those courts in respect of persons under 17; introduce a power for those courts

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to award compensation for personal injury; introduce a right to compensation for miscarriage of justice arising out of a conviction by a court-martial, make new provisions as to assignments, charges and court orders in respect of naval and marine pay and pensions etc. and make miscellaneous amendments with respect to procedure and the enforcement of maintenance orders.

The provisions of Part IV apply the Services Acts to the Channel Islands and the Isle of Man and make minor and consequential amendments and repeals.