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STATUTORY INSTRUMENTS

2002 No. 345 (C. 8)

DEFENCE

**The Armed Forces Act 2001
(Commencement No. 2) Order 2002**

Made - - - - 18th February 2002

The Secretary of State, in exercise of the powers conferred on him by sections 39(2) and (6) of the Armed Forces Act 2001⁽¹⁾, hereby makes the following Order:—

1. This Order may be cited as the Armed Forces Act 2001 (Commencement No. 2) Order 2002.
2. Subject to article 3 of this Order, the following provisions of the Armed Forces Act 2001 (“the Act”) shall come into force on 28th February 2002—
 - section 17 and Schedule 1;
 - section 18;
 - section 19 and Schedule 2;
 - section 23;
 - section 24;
 - section 32(9) so far as is necessary to bring into force Schedule 5 to the extent specified below;
 - section 34 so far as is necessary to bring into force Schedule 6 to the extent specified below;
 - section 38 so far as is necessary to bring into force Schedule 7 to the extent specified below;
 - in Schedule 5, paragraph 5(2)(b) and (4);
 - in Schedule 6, paragraph 59;
 - Part 1 of Schedule 7.
3. Nothing in article 2 of this Order, in so far as it relates to section 23 of the Act, shall have effect in relation to—
 - (a) any case in respect of which the prosecuting authority has notified the commanding officer of the accused of any charge preferred, or

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(b) any appeal to a court-martial from a Standing Civilian Court in respect of which the prosecuting authority has notified the commanding officer of the accused of any charge which is the subject of the appeal,
before 28th February 2002.

18th February 2002

Adam Ingram
Minister of State, Ministry of Defence

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 28th February 2002 the provisions of the Armed Forces Act 2001 (“the Act”) referred to in article 2. The provisions brought into force relate to the summary trial of officers, the powers of the prosecuting authority, the abolition of naval disciplinary courts, the eligibility of warrant officers for membership of courts-martial, the restriction of judicial review of courts-martial, offences in relation to courts-martial and permitting summary trial in the Royal Navy of offences of failure to provide a sample for compulsory drug testing. The transitional provision in article 3 provides that section 23 of the Act, which restricts judicial review of courts-martial, does not apply to cases in which the prosecuting authority has given notification of any charge preferred for court-martial trial, or in respect of an appeal from a Standing Civilian Court of any charge which is to be the subject of the appeal, before 28th February.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>Authority</i>
ss 1, 34 and Sch 6 (partially), 35, 36, 37, 38 and Sch 7 (partially), and 39	11th May 2001	Royal Assent
ss 34 and Sch 6 (partially), and 38 and Sch 7 (partially)	1st October 2001	S.I.2001/3234 (C. 104)