

2003 No. 2268 (C. 89)

DEFENCE

**The Armed Forces Act 2001 (Commencement No. 3) Order
2003**

Made - - -

4th September 2003

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

1. This Order may be cited as the Armed Forces Act 2001 (Commencement No. 3) Order 2003.
2. The following provisions of the Armed Forces Act 2001 (“the Act”) shall come into force on 30th September 2003—
 - sections 2 to 11;
 - sections 13 to 16;
 - section 31;
 - section 34 so far as is necessary to bring into force Schedule 6 to the extent specified below;
 - in Schedule 6, paragraphs 41 and 42.
3. Nothing in article 2 of this Order, in so far as it relates to paragraph 41 of Schedule 6 to the Act, shall have effect in relation to—
 - (a) any decision of a judicial officer or judge advocate under section 75C, 75F, 75G, 75H, 75J or 75K of the Army Act 1955^(b) or of the Air Force Act 1955^(c), or
 - (b) any matter against which a person aggrieved may bring an appeal, or has brought an appeal, under section 83ZE of the Army Act 1955 or of the Air Force Act 1955,if the decision was made or the matter occurred before 30th September 2003.
4. Nothing in article 2 of this Order, in so far as it relates to paragraph 42 of Schedule 6 to the Act, shall have effect in relation to—
 - (a) any decision of a judicial officer or judge advocate under section 47D, 47G, 47H, 47J, 47K and 47L of the Naval Discipline Act 1957^(d), or
 - (b) any matter against which a person aggrieved may bring an appeal, or has brought an appeal, under section 52FK of the Naval Discipline Act 1957,if the decision was made or the matter occurred before 30th September 2003.

(a) 2001 c. 19.
(b) 1955 c. 18.
(c) 1955 c. 19.
(d) 1957 c. 53.

4th September 2003

Ivor Caplin
Parliamentary Under Secretary of State
Ministry of Defence

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings into force on 30th September 2003 sections 2 to 11 and 13 to 16 of the Armed Forces Act 2001 ("the Act"). Those sections include powers of entry, search and seizure in the investigation of offences under the Army Act 1955, the Air Force Act 1955, and the Naval Discipline Act 1957.

Article 2 of this Order also brings into force on the same date section 31 of the Act. Section 31 provides a general order-making power for the Secretary of State to make for the armed forces provisions equivalent to those made by any civilian criminal justice Act (or any subordinate legislation under such Act) made in the same session as, or after the session in which, the Act was enacted.

Article 2 of this Order also brings into force on the same date paragraphs 41 and 42 of Schedule 6 to the Act. Those paragraphs relate to redress of complaints, a procedure whereby a person subject to service law may make a complaint about any matter relating to his service. They extend the existing restrictions to exclude complaints in respect of decisions of judicial officers and judge advocates when exercising their powers to authorise continuing custody or hear cases before the Summary Appeal Court; complaints in respect of decisions of a judicial officer under Part 2 of the Act; and complaints in any matter where the person aggrieved may appeal under section 83ZE of the Army Act 1955 or the Air Force Act 1955, or under section 52FK of the Naval Discipline Act 1957.

Articles 3 and 4 make transitional provisions so that the new restrictions on the right of redress do not apply to any matter which occurred before 30 September 2003.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</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)
ss 17 and Sch 1, 18, 19 and Sch 2, 23, 24, 32(9) and Sch 5 (partially), 34 and Sch 6 (partially), 38 and Sch 7 (partially)	28th February 2002	S.I. 2002/345 (C.8)

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