

## SCHEDULE 2

Article 3

### TRANSITIONAL PROVISIONS

1. In articles 3 and 4 of the Visiting Forces (Canadian Military and Air Forces) Order 1960, as amended by paragraph 3 of Schedule 1, any reference to “the Court Martial” includes a reference to a court-martial constituted under either of the 1955 Acts.

2. In section 10(6) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, as amended by paragraph 6 of Schedule 1, “the Court Martial” includes a court-martial constituted under either of the 1955 Acts or the 1957 Act.

3. In regulation 3(1) of the Social Security (Benefit) (Members of the Armed Forces) Regulations 1975, as amended by paragraph 7 of Schedule 1, the reference to proceedings under the Armed Forces Act 2006 includes proceedings under either of the 1955 Acts or the 1957 Act.

4. In regulation 47(4) of the Magistrates’ Courts Rules 1981, as amended by paragraph 8 of Schedule 1, the reference to a financial penalty enforcement order made under section 322 of the Armed Forces Act 2006 includes a financial penalty enforcement order made under section 133A(1) of either of the 1955 Acts or section 128F(1) of the 1957 Act.

5. In regulation 2(8)(a) of the Social Security (General Benefit) Regulations 1982, as amended by paragraph 9 of Schedule 1—

- (a) a reference to the Court Martial includes a court-martial constituted under either of the 1955 Acts or the 1957 Act, and
- (b) a reference to the Court Martial Appeal Court includes the Courts-Martial Appeal Court.

6. In the definition of “serious service offence” in regulation 3(1) of the Legal Advice and Assistance Regulations 1989, as amended by paragraph 10 of Schedule 1, the reference to the Armed Forces Act 2006 includes any of the 1955 Acts and the 1957 Act.

7. In article 2 of the Council Tax (Discount Disregards) Order 1992, as amended by paragraph 13 of Schedule 1, the reference to being imprisoned under, or in service custody for the purposes of, the Armed Forces Act 2006 includes a reference to being imprisoned or serving a sentence of detention under either of the 1955 Acts or the 1957 Act.

8. In article 2(1) of the United Nations (International Tribunal) (Rwanda) Order 1996, as amended by paragraph 14 of Schedule 1, “service court” includes a court-martial constituted under either of the 1955 Acts or the 1957 Act.

9. In article 237(6) of the Employment Rights (Northern Ireland) Order 1996, as amended by paragraph 15 of Schedule 1, the definition of “the service complaint procedures” includes the service redress procedures, other than those which relate to the making of a report to Her Majesty, referred to in section 180 of each of the 1955 Acts and in section 130 of the 1957 Act.

10. In regulation 4 of the Jobseeker’s Allowance (Members of the Forces) (Northern Ireland) Regulations 1997, as amended by paragraph 16 of Schedule 1, “the Armed Forces Act 2006” includes the 1955 Acts and the 1957 Act.

11. In regulation 2 of the Race Relations (Complaints to Industrial Tribunals) (Armed Forces) Regulations 1997, as amended by paragraph 17 of Schedule 1—

- (a) the references in regulation 2(1) and (2) to the service complaint procedures includes a reference to the service redress procedures, and
- (b) the reference to the complainant failing to apply for a reference to the Defence Council to be made includes a reference to the complainant failing to submit the complaint to the Defence Council under the service redress procedures,

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and for the purposes of this paragraph the “service redress procedures” means the procedures, other than those which relate to the making of a report to Her Majesty, referred to in section 180 of each of the 1955 Acts and in section 130 of the 1957 Act.

**12.** In regulation 2 of the Equal Pay (Complaints to Industrial Tribunals) (Armed Forces) Regulations 1997, as amended by paragraph 18 of Schedule 1—

- (a) the references in regulation 2(2) and (3) to the service complaint procedures includes a reference to the service redress procedures, and
- (b) the reference to the complainant failing to apply for a reference to the Defence Council to be made includes a reference to the complainant failing to submit the complaint to the Defence Council under the service redress procedures,

and for the purposes of this paragraph the “service redress procedures” means the procedures, other than those which relate to the making of a report to Her Majesty, referred to in section 180 of each of the 1955 Acts and in section 130 of the 1957 Act.

**13.** In regulation 2 of the Sex Discrimination (Complaints to Industrial Tribunals) (Armed Forces) Regulations 1997, as amended by paragraph 19 of Schedule 1—

- (a) the references in regulation 2(1) and (2) to the service complaint procedures includes a reference to the service redress procedures, and
- (b) a reference to the complainant failing to apply for a reference to the Defence Council to be made includes a reference to the complainant failing to submit the complaint to the Defence Council under the service redress procedures,

and for the purposes of this paragraph the “service redress procedures” means the procedures, other than those which relate to the making of a report to Her Majesty, referred to in section 180 of each of the 1955 Acts and in section 130 of the 1957 Act.

**14.** In the Visiting Forces and International Headquarters (Application of Law) Order 1999, in respect of conduct before the coming into force of this Order, article 18 shall continue to have effect as if section 192 of the Army Act 1955 continued in force and the amendment made by paragraph 21(3) of Schedule 1 had not been made.

**15.** In the Criminal Defence Service (General) (No. 2) Regulations 2001, as amended by paragraph 22 of Schedule 1, the reference to the Armed Forces Act 2006 shall include a reference to the 1955 Acts and the 1957 Act.

**16.** In article 3 of the Council Tax (Discounts) (Scotland) Consolidation and Amendment Order 2003, as amended by paragraph 23 of Schedule 1, the reference to being imprisoned under, or in service custody for the purposes of, the Armed Forces Act 2006 includes a reference to being imprisoned or serving a sentence of detention under either of the 1955 Acts or the 1957 Act.

**17.** In Schedule 4, Part 2, paragraph 4(2)(c) of the European Parliamentary Election Regulations 2004, as amended by paragraph 26 of Schedule 1, the reference to a hospital order made under section 169(2)(a) of the Armed Forces Act 2006 includes a reference to a hospital order made under section 116A of the Army Act 1955.

**18.** In Schedule 2, paragraph 4(1) of the Railway (Licensing of Railway Undertakings) Regulations 2005, as amended by paragraph 27 of Schedule 1, the reference to an offence under section 42 of the Armed Forces Act 2006 includes a reference to a civil offence within the meaning of either of the 1955 Acts or the 1957 Act.

**19.** In the Prisons and Young Offenders Institutions (Scotland) Rules 2006, as amended by paragraph 31 of Schedule 1—

- (a) in rule 2(5)(j) the reference to the Armed Forces Act 2006 includes a reference to the 1955 Acts or the 1957 Act;

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- (b) in rule 2(5)(j) the reference to the Court Martial Appeals Act 1968 includes a reference to the Courts-Martial (Appeals) Acts 1968;
- (c) in rule 11(6)(e)(ii) the reference to the Court Martial includes a reference to a court-martial under either of the 1955 Acts or the 1957 Act.

**20.** In this Schedule—

“the 1955 Acts” means the Army Act 1955 and the Air Force Act 1955<sup>(1)</sup>;

“the 1957 Act” means the Naval Discipline Act 1957<sup>(2)</sup>.

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(1) 1955 c. 19.  
(2) 1957 c. 53.