



# Armed Forces Act 1996

## 1996 CHAPTER 46

### *Miscellaneous*

#### **28 Exemptions from Firearms Act 1968**

(1) In section 54 of the Firearms Act 1968 (application of Parts I and II to Crown servants), after subsection (3) there shall be added the following subsections—

“(4) For the purposes of this section and any rule of law whereby any provision of this Act does not bind the Crown, the persons specified in subsection (5) of this section shall be deemed to be in the naval, military or air service of Her Majesty, insofar as they are not otherwise in, or treated as being in, any such service.

- (5) The persons referred to in subsection (4) of this section are the following—
- (a) members of any foreign force when they are serving with any of the naval, military or air forces of Her Majesty;
  - (b) members of any cadet corps approved by the Secretary of State when—
    - (i) they are engaged as members of the corps in, or in connection with, drill or target practice; and
    - (ii) in the case of possession of prohibited weapons or prohibited ammunition when engaged in target practice, they are on service premises; and
  - (c) persons providing instruction to any members of a cadet corps who fall within paragraph (b).

(6) In subsection (5) of this section—

“foreign force” means any of the naval, military or air forces of a country other than the United Kingdom; and

“service premises” means premises, including any ship or aircraft, used for any purpose of any of the naval, military or air forces of Her Majesty.”

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*Status: This is the original version (as it was originally enacted).*

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- (2) After section 16 of the Firearms (Amendment) Act 1988 there shall be inserted the following section—

**“16A Possession of firearms on service premises**

- (1) A person under the supervision of a member of the armed forces may, without holding a certificate or obtaining the authority of the Secretary of State under section 5 of the principal Act, have in his possession a firearm and ammunition on service premises.
- (2) Subsection (1) above does not apply to a person while engaged in providing security protection on service premises.
- (3) In this section—

“armed forces” means any of the naval, military or air forces of Her Majesty; and

“service premises” means premises, including any ship or aircraft, used for any purpose of the armed forces.”

**29 Exemptions from Firearms (Northern Ireland) Order 1981**

- (1) In Article 57 of the Firearms (Northern Ireland) Order 1981 (application of Parts II and III to Crown servants), after paragraph (2) there shall be added the following paragraphs—

“(3) For the purposes of this Article, the persons specified in paragraph (4) shall be deemed to be in the naval, military or air service of the Crown, in so far as they are not otherwise in, or treated as being in, any such service.

(4) The persons referred to in paragraph (3) are the following—

- (a) members of any foreign force when they are serving with any of the naval, military or air forces of the Crown;
- (b) members of any cadet corps approved by the Secretary of State when—
- (i) they are engaged as members of the corps in, or in connection with, drill or target practice; and
- (ii) in the case of possession of prohibited weapons or prohibited ammunition when engaged in target practice, they are on service premises; and
- (c) persons providing instruction to any members of a cadet corps who fall within sub-paragraph (b).

(5) In paragraph (4)—

“foreign force” means any of the naval, military or air forces of a country other than the United Kingdom; and

“service premises” means premises, including any ship or aircraft, used for any purpose of any of the naval, military or air forces of the Crown.”

- (2) After Article 12 of that Order there shall be inserted the following Article—

#### **“12A Possession of firearms on service premises**

- (1) A person under the supervision of a member of the armed forces may, without holding a firearm certificate or obtaining the authority of the Secretary of State under Article 6, have in his possession a firearm and ammunition on service premises.
- (2) Paragraph (1) does not apply to a person while engaged in providing security protection on service premises.
- (3) In this Article—
  - “armed forces” means any of the naval, military or air forces of the Crown; and
  - “service premises” means premises, including any ship or aircraft, used for any purpose of the armed forces.”.

### **30 Greenwich Hospital**

- (1) This section applies to the following land vested in the Secretary of State and held by him in trust for Her Majesty for the exclusive benefit of Greenwich Hospital, that is to say—
  - (a) the site known as the Royal Naval College, including the premises known as the Trident Hall and the Trafalgar Quarters;
  - (b) the premises known as the Dreadnought Seamen’s Hospital;
  - (c) the premises known as the Devonport Nurses' Home.
- (2) In the exercise of his functions under the Greenwich Hospital Acts 1865 to 1996 in relation to the land to which this section applies, the Secretary of State shall have regard to—
  - (a) the importance of preserving for the benefit of the nation the historic buildings and monuments on the land and of maintaining the architectural integrity of the Royal Naval College site;
  - (b) the desirability of securing reasonable public access to the land (and in particular to the historic buildings and monuments on the land); and
  - (c) the desirability of preventing any use of the land appearing to him to be out of keeping with its unique character and history.
- (3) It shall be lawful for the Secretary of State to grant a lease of any of the land to which this section applies, with its appurtenances, to any person appearing to him to be suitable for a term not exceeding 150 years.
- (4) Where any land to which this section applies is the subject of a lease granted under subsection (3), no sub-lease of any of the land may be granted, and no interest in the land may be assigned, except in accordance with subsection (5).
- (5) Where any land to which this section applies is the subject of a lease granted under subsection (3), the Secretary of State may, for the purpose of enabling all or any of the land (with its appurtenances) to be occupied by a person appearing to him to be suitable—
  - (a) authorise the lessee to grant a sub-lease, or to assign the lease, to that person;  
or

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- (b) authorise a person to whom the lease has been assigned under this subsection to grant a sub-lease, or to assign the lease, to that person.
- (6) Any lease or sub-lease under this section shall be granted, at a rent or rent-free, on such terms (including terms as to the granting of licences to occupy or otherwise use all or any of the land) as the Secretary of State thinks fit.
- (7) Part II of the Landlord and Tenant Act 1954 (security of tenure for business tenants) shall not apply to any lease or sub-lease granted under this section.
- (8) It shall be lawful for the Secretary of State to permit any of the land to which this section applies which is not the subject of a lease under subsection (3), with its appurtenances, to be occupied and used for the purposes of any government department or for any other purpose, at a rent or rent-free, and on such terms as the Secretary of State thinks fit.
- (9) Any proceeds of, or income arising from, a lease granted by the Secretary of State under this section shall be held and applied for the benefit of Greenwich Hospital in accordance with the Greenwich Hospital Acts 1865 to 1996.
- (10) Section 7 of the Greenwich Hospital Act 1869 shall cease to have effect.
- (11) Nothing in this section shall be construed as preventing any of the land to which this section applies being used for any of the purposes of Greenwich Hospital.
- (12) This section and the Greenwich Hospital Acts 1865 to 1990 may be cited together as the Greenwich Hospital Acts 1865 to 1996.

### **31 Grants for preservation of Royal Naval College site**

After section 31 of the National Heritage Act 1983 there shall be inserted the following section—

*“The Royal Naval College*

#### **31A Grants for preservation of Royal Naval College site**

- (1) The Secretary of State may out of money provided by Parliament make grants towards expenditure in connection with the repair or maintenance of—
  - (a) the land and buildings on the site known as the Royal Naval College; or
  - (b) any object of historical interest situated on that land or in those buildings.
- (2) Grants under this section may be paid to such persons and on such conditions as the Secretary of State considers appropriate.”.

### **32 Offences connected with services drug testing programmes**

- (1) After section 34 of the Army Act 1955 there shall be inserted the following section—

#### **“34A Failure to provide a sample for drug testing**

- (1) Any person subject to military law who, when requested to do so by a drug testing officer, fails to provide a sample of his urine for testing for the presence

of drugs shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding six months or any less punishment provided by this Act.

(2) For the purposes of this section—

“drug” means any drug which is a controlled drug for the purposes of the Misuse of Drugs Act 1971; and

“drug testing officer” means an officer, warrant officer or non-commissioned officer who is authorised by or in accordance with Queen’s Regulations for the purpose of supervising the conduct of tests for the presence of drugs.”

(2) After section 34 of the Air Force Act 1955 there shall be inserted the following section—

**“34A Failure to provide a sample for drug testing**

(1) Any person subject to air-force law who, when requested to do so by a drug testing officer, fails to provide a sample of his urine for testing for the presence of drugs shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding six months or any less punishment provided by this Act.

(2) For the purposes of this section—

“drug” means any drug which is a controlled drug for the purposes of the Misuse of Drugs Act 1971; and

“drug testing officer” means an officer, warrant officer or non-commissioned officer who is authorised by or in accordance with Queen’s Regulations for the purpose of supervising the conduct of tests for the presence of drugs.”

(3) After section 12 of the Naval Discipline Act 1957 there shall be inserted the following section—

**“12A Failure to provide a sample for drug testing**

(1) Any person subject to this Act who, when requested to do so by a drug testing officer, fails to provide a sample of his urine for testing for the presence of drugs shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding six months or any less punishment provided by this Act.

(2) For the purposes of this section—

“drug” means any drug which is a controlled drug for the purposes of the Misuse of Drugs Act 1971; and

“drug testing officer” means an officer, warrant officer or non-commissioned officer who is authorised by or in accordance with Queen’s Regulations for the purpose of supervising the conduct of tests for the presence of drugs.”

**33 Application of Visiting Forces Act 1952**

In section 1(2) of the Visiting Forces Act 1952 (countries which may be designated as countries to which the Act applies)—

(a) after the word “to” in the second place it appears there shall be inserted “(a)”; and

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- (b) for the word “to” in the third place it appears there shall be substituted the words “; or
  - (b) any other arrangements for defence co-operation,  
to”.