



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART XI

MISCELLANEOUS AND SUPPLEMENTARY

113 Application of Act to Armed Forces.

- [^{F1}(1) The Secretary of State may by order make provision in relation to—
- (a) investigations of service offences,
 - (b) persons arrested under a power conferred by or under the Armed Forces Act 2006,
 - (c) persons charged under that Act with service offences,
 - (d) persons in service custody, or
 - (e) persons convicted of service offences,
- which is equivalent to that made by any provision of Part 5 of this Act (or this Part of this Act so far as relating to that Part), subject to such modifications as the Secretary of State considers appropriate.]
- (2) Section 67(9) above shall not have effect in relation to investigations of [^{F2}service offences] .
- (3) The Secretary of State shall issue a code of practice, or a number of such codes, for persons other than police officers who are [^{F3}concerned with—
- (a) the exercise of powers conferred by or under Part 3 of the Armed Forces Act 2006; or
 - (b) investigations of service offences.]
- [^{F4}(3A) In subsections (4) to (10), “code” means a code of practice under subsection (3).]
- (4) Without prejudice to the generality of subsection (3) above, a code ^{F5}. . . may contain provisions, in connection with [^{F6}the powers mentioned in subsection (3)(a) above or the [^{F7}investigations] mentioned in subsection (3)(b) above], as to the following matters—
- (a) the tape-recording of interviews;

Status: Point in time view as at 15/08/2010. This version of this provision has been superseded.

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- (b) searches of persons and premises; and
- (c) the seizure of things found on searches.

[^{F8}(5) The Secretary of State may at any time revise the whole or any part of a code.

- (6) A code may be made, or revised, so as to—
 - (a) apply only in relation to one or more specified areas,
 - (b) have effect only for a specified period,
 - (c) apply only in relation to specified offences or descriptions of offender.

(7) The Secretary of State must lay a code, or any revision of a code, before Parliament.]

(8) A failure on the part of any person to comply with any provision of a code ^{F9} . . . shall not of itself render him liable to any criminal or civil proceedings except those to which this subsection applies.

[^{F10}(9) Subsection (8) above applies to proceedings in respect of an offence under a provision of Part 1 of the Armed Forces Act 2006 other than section 42 (criminal conduct).]

(10) In all criminal and civil proceedings any ^{F11} . . . code shall be admissible in evidence and if any provision of ^{F11} . . . a code appears to the court or tribunal conducting the proceedings to be relevant to any question arising in the proceedings it shall be taken into account in determining that question.

(11) ^{F12}

(12) Parts VII and VIII of this Act have effect for the purposes of [^{F13} service proceedings] subject to any modifications which the Secretary of State may by order specify.

[^{F14}(12A) In this section—

“service offence” has the meaning given by section 50 of the Armed Forces Act 2006;

“criminal proceedings” includes service proceedings;

“service proceedings” means proceedings before a court (other than a civilian court) in respect of a service offence; and

“civilian court” has the meaning given by section 374 of the Armed Forces Act 2006;

and section 376(1) and (2) of that Act (meaning of “convicted” in relation to summary hearings and the SAC) apply for the purposes of subsection (1)(e) above as they apply for the purposes of that Act.]

(13) An order under this section shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[^{F15}(14) Section 373(5) and (6) of the Armed Forces Act 2006 (supplementary provisions) apply in relation to an order under this section as they apply in relation to an order under that Act.]

Textual Amendments

F1 S. 113(1) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 105\(2\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

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- F2** Words in s. 113(2) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) by **Armed Forces Act 2006** (c. 52), ss. 378(1), 383, **Sch. 16 para. 105(3)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- F3** Words in s. 113(3) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) by **Armed Forces Act 2006** (c. 52), ss. 378(1), 383, **Sch. 16 para. 105(4)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- F4** S. 113(3A) inserted (20.1.2004) by **Criminal Justice Act 2003** (c. 44), ss. 11(3), 336; S.I. 2004/81, **art. 2(1)(2)(a)**
- F5** Words in s. 113(4) repealed (20.1.2004) by **Criminal Justice Act 2003** (c. 44), ss. 332, 336, **Sch. 37 Pt. 1**; S.I. 2004/81, **art. 2(1)(2)(g)(i)**
- F6** Words in s. 113(4) substituted (30.9.2003) by 2001 c. 19, ss. 13(1)(4), 39(2) (with s. 16(7)); S.I. 2003/2268, **art. 2**
- F7** Word in s. 113(4) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) by **Armed Forces Act 2006** (c. 52), ss. 378(1), 383, **Sch. 16 para. 105(5)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- F8** S. 113(5)-(7) substituted (20.1.2004) by **Criminal Justice Act 2003** (c. 44), ss. 11(4), 336; S.I. 2004/81, **art. 2(1)(2)(a)**
- F9** Words in s. 113(8) repealed (20.1.2004) by **Criminal Justice Act 2003** (c. 44), ss. 332, 336, **Sch. 37 Pt. 1**; S.I. 2004/81, **art. 2(1)(2)(g)(i)**
- F10** S. 113(9) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) by **Armed Forces Act 2006** (c. 52), ss. 378(1), 383, **Sch. 16 para. 105(6)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- F11** Word in s. 113(10) repealed (20.1.2004) by **Criminal Justice Act 2003** (c. 44), ss. 332, 336, **Sch. 37 Pt. 1**; S.I. 2004/81, **art. 2(1)(2)(g)(i)**
- F12** S. 113(11) repealed (28.3.2009 for certain purposes and otherwise prosp.) by **Armed Forces Act 2006** (c. 52), ss. 378, 383, **Sch. 16 para. 105(7)**, **Sch. 17**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059)
- F13** Words in s. 113(12) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) by **Armed Forces Act 2006** (c. 52), ss. 378(1), 383, **Sch. 16 para. 105(8)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- F14** S. 113(12A) inserted (28.3.2009 for certain purposes and otherwise 31.10.2009) by **Armed Forces Act 2006** (c. 52), ss. 378(1), 383, **Sch. 16 para. 105(9)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- F15** S. 113(14) added (28.3.2009 for certain purposes and otherwise 31.10.2009) by **Armed Forces Act 2006** (c. 52), ss. 378(1), 383, **Sch. 16 para. 105(10)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

Modifications etc. (not altering text)

- C1** S. 113(1) modified (24.4.2009 for certain purposes and 31.10.2009 otherwise) by **The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009** (S.I. 2009/1059), arts. 1(3), 205, **Sch. 1 para. 28(2)**
- C2** S. 113(2)(3)(b) modified (24.4.2009 for certain purposes and 31.10.2009 otherwise) by **The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009** (S.I. 2009/1059), arts. 1(3), 205, **Sch. 1 para. 28(3)**
- C3** S. 113(12) applied (with modifications) (2.10.2000) by S.I. 2000/2370, **rule 27(1)(e)(2)**
S. 113(12) applied (with modifications) (2.10.2000) by S.I. 2000/2371, **rule 27(1)(d)(2)**
S. 113(12) applied (with modifications) (2.10.2000) by S.I. 2000/2372, **rule 27(1)(d)(2)**

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