

Status: Point in time view as at 01/04/1997.

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SCHEDULES

SCHEDULE 1 U.K.

Section 10.

ASSESSORS OF COMPENSATION FOR MISCARRIAGES OF JUSTICE

- 1 A person may only be appointed to be an assessor for the purposes of section 10 of this Act if he is—
- (a) a person who has a 7 year general qualification, within the meaning of section 71 of the ^{M1}Courts and Legal Services Act 1990;
 - (b) an advocate or solicitor in Scotland;
 - (c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing;
 - (d) a person who holds or has held judicial office in any part of the United Kingdom; or
 - (e) a member (whether the chairman or not) of the Criminal Injuries Compensation Board.

Marginal Citations

M1 1990 c. 41.

- 2 A person shall hold and vacate office as an assessor in accordance with the terms of his appointment.
- 3 A person shall vacate office as an assessor—
- (a) if he ceases to be qualified for appointment as an assessor, or
 - (b) on attaining the age of 72,
- unless the Secretary of State considers that it is in the interests of the efficient operation of section 10 of this Act that he should continue to hold office.
- 4 A person may at any time resign his office as an assessor by giving the Secretary of State notice in writing to that effect.
- 5 Subject to paragraph 6 below, the Secretary of State may at any time remove a person from office as an assessor if satisfied that—
- (a) he has been convicted of a criminal offence;
 - (b) he has become bankrupt, has made an arrangement with his creditors, has had his estate sequestrated or has granted a trust deed for his creditors or a composition contract;
 - (c) he is incapacitated by physical or mental illness; or
 - (d) he is otherwise unable or unfit to perform his duties.
- 6 The power conferred by paragraph 5 above shall only be exercisable,—
- (a) in the case of a person who qualifies for appointment under paragraph 1(a) or paragraph 1(c) above, with the consent of the Lord Chancellor;

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- (b) in the case of a person who qualifies for appointment under paragraph 1(b) above, with the consent of the Lord President of the Court of Session;
 - (c) in the case of a person who qualifies for appointment under paragraph 1(d) above by virtue of holding or having held judicial office in England and Wales or Northern Ireland, with the consent of the Lord Chancellor; and
 - (d) in the case of a person who qualifies for appointment under paragraph 1(d) above by virtue of holding or having held judicial office in Scotland, with the consent of the Lord President of the Court of Session.
- 7 An assessor shall be paid such remuneration and allowances as the Secretary of State may, with the approval of the Treasury, determine.

SCHEDULE 2 U.K.

Section 26.

MINOR AND CONSEQUENTIAL AMENDMENTS

Commencement Information

I1 Sch. 2 wholly in force at 01.01.1992 see s. 27(2) and [S.I. 1991/2719, art. 2](#)

Removal of offender to United Kingdom before confirmation of sentence

- 1 In section 71AA(2) of each of the 1955 Acts (young service offenders: custodial orders) and in section 127(2) of each of those Acts (country in which sentence of imprisonment or detention to be served) the words “after the confirmation of the sentence is completed” shall be omitted.

Commencement Information

I2 Sch. 2 wholly in force at 01.01.1992 see s. 27(2) and [S.I. 1991/2719, art. 2](#)

Power to impose imprisonment for default in payment of fines

- 2 In section 71B of each of the 1955 Acts and in section 43B of the 1957 Act (power to impose imprisonment for default in payment of fines), in subsection (2) (which refers to the Table in section 31(3A) of the Powers of Criminal Courts Act 1973) for the words from “from time to time” to “the Magistrates’ Courts Act 1980” there shall be substituted “for the time being in force”.

Commencement Information

I3 Sch. 2 wholly in force at 01.01.1992 see s. 27(2) and [S.I. 1991/2719, art. 2](#)

Evidence of child of tender years

- ^{F13} (1) In section 93 of each of the 1955 Acts (administration of oaths)—

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- (a) in the proviso to subsection (2) (which relates to the evidence of a child of tender years and the corroboration thereof) the words from “so however” to the end of the proviso shall be omitted; and
 - (b) after subsection (2) there shall be inserted the following subsection—
 - “(2A) Unsworn evidence admitted by virtue of the proviso to subsection (2) above may corroborate evidence (sworn or unsworn) given by any other person.”
- (2) In section 60 of the 1957 Act (administration of oaths)—
- (a) the proviso to subsection (3) (which relates to the corroboration of evidence given by a child of tender years) shall be omitted; and
 - (b) after that subsection there shall be inserted the following subsection—
 - “(3A) Unsworn evidence admitted by virtue of subsection (3) above may corroborate evidence (sworn or unsworn) given by any other person.”

Textual Amendments

- F1** Sch. 2 para. 3 repealed (E.W.) (1.10.1992) by [Criminal Justice Act 1991 \(c. 53\)](#), s. 101(2), [Sch.13](#); [S.I. 1992/333](#), art. 2(2), [Sch.2](#)

Rules of evidence

- 4 (1) In section 99 of each of the 1955 Acts (rules of evidence), in subsection (1) after the words “subject to section 99A below” there shall be inserted “to Schedule 13 to the Criminal Justice Act 1988 (evidence before courts-martial etc.)”.
- (2) In the ^{M2}Armed Forces Act 1976, in Schedule 3 (Standing Civilian Courts), in paragraph 11 (rules of evidence) after the words “paragraph 12 below” there shall be inserted “and to Schedule 13 to the Criminal Justice Act 1988 (evidence before courts-martial etc.)”.

Commencement Information

- I4** Sch. 2 wholly in force at 01.01.1992 see s. 27(2) and [S.I. 1991/2719](#), art. 2

Marginal Citations

- M2** 1976 c. 52.

Finality of trials

- 5 (1) Each of the 1955 Acts shall be amended in accordance with the following provisions of this paragraph.
- (2) In section 133 (jurisdiction of civil courts), in subsection (1) for the words “an offence substantially the same as that offence” there shall be substituted “the same, or substantially the same offence”.

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- (3) In section 134 (persons not to be tried under those Acts for offences already disposed of), in subsection (1) for the words “that offence ” there shall be substituted “the same, or substantially the same offence ”.

Commencement Information

I5 Sch. 2 wholly in force at 01.01.1992 see s. 27(2) and [S.I. 1991/2719, art. 2](#)

Enactments requiring fiat of Attorney General etc. in connection with proceedings

- 6 (1) In section 204A of each of the 1955 Acts (fiat of Attorney General etc. not required in connection with proceedings under the Act, other than subsections (1) and (3) of section 132) for the words “subsections (1) and (3) ” there shall be substituted “subsection (3A) ”.
- (2) In section 129A of the 1957 Act (fiat of Attorney General etc. not required in connection with proceedings under the Act, other than section 52(3)(b)) for the words “section 52(3)(b) ” there shall be substituted “section 52(3) ”.

Commencement Information

I6 Sch. 2 wholly in force at 01.01.1992 see s. 27(2) and [S.I. 1991/2719, art. 2](#)

Recognizance by parent or guardian on conviction of civilian under 17

- 7 In Schedule 4A to the 1957 Act (powers of court on trial of civilian) in paragraph 14(1) (order requiring parent or guardian to enter into a recognizance in respect of person under 17 found guilty of an offence) for the amount specified as the maximum amount of the recognizance there shall be substituted “£1,000 ”.

Modifications etc. (not altering text)

C1 Sch. 2 para. 7 restricted (*in relation to an offence committed on or before 31.12.1991*) by [S.I. 1991/2719, art. 3\(2\)](#)

Commencement Information

I7 Sch. 2 wholly in force at 01.01.1992 see s. 27(2) and [S.I. 1991/2719, art. 2](#)

Power of Courts-Martial Appeal Court to order retrial

- 8 In section 19 of the ^{M3}Courts-Martial (Appeals) Act 1968 (power to authorise retrial in certain cases), in subsection (1) the words from “the appeal against conviction ” to “and ” shall be omitted.

Modifications etc. (not altering text)

C2 Sch. 2 para. 8 restricted (*where an application for leave to appeal is lodged on or before 31.12.1991*) by [S.I. 1991/2719, art. 3\(3\)](#)

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Commencement Information

I8 Sch. 2 wholly in force at 01.01.1992 see s. 27(2) and S.I. 1991/2719, [art. 2](#)

Marginal Citations

M3 1968 c. 20.

Compensation orders

- 9 (1) In section 38 of the ^{M4}Powers of Criminal Courts Act 1973 (effect of compensation order on subsequent award of damages in civil proceedings)—
- (a) in subsection (1) after the words “compensation order ” there shall be inserted “or a service compensation order or award ”;
 - (b) in subsection (2) after the word “order ” there shall be inserted “or award ”; and
 - (c) at the end of the section there shall be added the following subsection—
 - “(3) In this section a “service compensation order or award ” means—
 - (a) an order requiring the payment of compensation under paragraph 11 of Schedule 5A to the Army Act 1955, of Schedule 5A to the Air Force Act 1955 or of Schedule 4A to the Naval Discipline Act 1957; or
 - (b) an award of stoppages payable by way of compensation under any of those Acts.”
- ^{F2}(2)
- ^{F3}(3)
- (4) In Schedule 7 to the Criminal Justice Act 1988 (compensation payable by Criminal Injuries Compensation Board), in paragraph 13 (reduction of compensation by reference to damages etc.) at the end of sub-paragraph (b) there shall be inserted—
- “ or
- (c) any order under paragraph 11 (compensation orders) of Schedule 5A to the Army Act 1955, of Schedule 5A to the Air Force Act 1955 or of Schedule 4A to the Naval Discipline Act 1957; or
 - (d) any award of stoppages under any of the Acts referred to in sub-paragraph (c) above”.

Textual Amendments

F2 Sdch. 2 para. 9(2) repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), [Sch. 5](#) (with [Sch. 3](#) paras. 1, 3, 6)

F3 [Sch. 2 para. 9\(3\)](#) repealed (9.1.1995) by S.I. 1994/2795 (N.I. 15), [art. 26\(2\)](#), SCh. 3 Pt. I (with art. 25); S.R. 1994/446, [art. 2](#)

Commencement Information

I9 [Sch. 2](#) wholly in force at 1.1.1992 see s. 27(2) and S.I. 1991/2719, [art. 2](#)

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Marginal Citations

M4 1973 c. 62.

Powers of Standing Civilian Courts

- 10 In section 8 of the ^{M5}Armed Forces Act 1976 (powers of Standing Civilian Courts in relation to civilians), in subsection (1) for the words “and to section 71A ” there shall be substituted “and to the restrictions imposed by section 71A ”.

Commencement Information

I10 Sch. 2 wholly in force at 01.01.1992 see s. 27(2) and [S.I. 1991/2719, art. 2](#)

Marginal Citations

M5 1976 c. 52.

Removal or amendment of spent or obsolete expressions

- 11 (1) In section 131 of each of the 1955 Acts (trial and punishment of service offences notwithstanding offender ceasing to be subject to military or air-force law), in subsection (1) the word “reconsideration ” shall be omitted.
- (2) In section 145 of each of the 1955 Acts (forfeiture of pay for absence from duty), in subsection (1), in paragraph (b)—
- (a) the words “corrective training, preventive detention ” shall be omitted; and
 - (b) for the words from “an order or sentence ” to the end of the paragraph there shall be substituted—
 - “(i) an order or sentence of a civil court;
 - (ii) a revocation of a licence under section 62 of the Criminal Justice Act 1967; or
 - (iii) an order of recall under section 23 of the Prison Act (Northern Ireland) 1953.”
- (3) In the 1957 Act, in section 129 (jurisdiction of civil courts), in subsection (2) the words “corrective training, preventive detention ” shall be omitted.

^{F4}(4)

Textual Amendments

F4 Sch. 2 para. 11(4) repealed (1.4.1997) by [1996 c. 14, s. 131\(2\)](#), [Sch. 11](#) (with [s. 72\(5\)](#)); [S.I. 1997/305, art. 2](#)

Commencement Information

I11 Sch. 2 wholly in force at 01.01.1992 see s. 27(2) and [S.I. 1991/2719, art. 2](#)

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SCHEDULE 3 U.K.

Section 26.

ENACTMENTS REPEALED

Commencement Information

I12 Sch. 3 wholly in force; the repeal of s. 1 of the [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#) came into force at 01.01.1992, see [s. 27\(4\)](#); further provisions in force at 1.1.1992 by [S.I. 1991/2719, art. 2, Sch.](#); the remaining provisions in force at 1.6.1996 by [S.I. 1996/1173, art. 2](#) (with savings in [art. 3](#))

Chapter	Short title	Extent of repeal
28 & 29 Vict. c. 73.	The Naval and Marine Pay and Pensions Act 1865.	Sections 4 and 5.
10 & 11 Geo. 6 c. 24.	The Naval Forces (Enforcement of Maintenance Liabilities) Act 1947.	In section 1 subsections (3) and (5).Section 2.
3 & 4 Eliz. 2 c. 18.	The Army Act 1955.	Section 71A(1B) (a).In section 71AA, in subsection (1) the words “subject to subsection (1A) below”, subsection (1A) and in subsection (2) the words from “after” to “completed”.In section 93, in the proviso to subsection (2) the words from “so however” onwards.In section 122(1) the words “this Part of”.In section 127(2) the words from “after” to “completed”.In section 131(1) the word “reconsideration”.In section 145(1)(b) the words “corrective training, preventive detention”.In section 150, in subsection (1) (a) the words “or child” and in subsection (5) the words “or child”, in both places where they occur, and the paragraph beginning “references to a child”.Section 216(4).In section 225(1), in the definition of “stoppages” the words from “for any expense” onwards.In Schedule 5A, in paragraph 2 the definition of “reception order”, paragraphs 6 to 9,

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3 & 4 Eliz. 2 c. 19.

The Air Force Act 1955.

in paragraph 10(1A) the words from the beginning to “appropriate and ”, in paragraph 11(4) the words from “and no such order ” onwards and, in paragraph 15(3), in the third column of the Table paragraph 2.

Section 71A(1B)

(a).In section 71AA, in subsection (1) the words “subject to subsection (1A) below ”, subsection (1A) and in subsection (2) the words from “after ” to “completed ”.In section 93, in the proviso to subsection (2) the words from “so however ” onwards.In section 122(1) the words “this Part of”.In section 127(2) the words from “after ” to “completed ”.In section 131(1) the word “reconsideration ”.In section 145(1)(b) the words “corrective training, preventive detention ”.In section 150, in subsection (1) (a) the words “or child ” and in subsection (5) the words “or child ”, in both places where they occur, and the paragraph beginning “references to a child ”.Section 214(4).In section 223(1), in the definition of “stoppages ” the words from “for any expense ” onwards.In Schedule 5A, in paragraph 2 the definition of “reception order ”, paragraphs 6 to 9, in paragraph 10(1A) the words from the beginning to “appropriate and ”, in paragraph 11(4) the words from “and no such order ” onwards and, in paragraph 15(3), in the third column of the Table paragraph 2.

5 & 6 Eliz. 2 c. 53.

The Naval Discipline Act 1957.

Section 43A(1B)

(a).In section 43AA,

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		in subsection (1) the words “subject to subsection (1A) below ” and subsection (1A).In section 60 the proviso to subsection (3).Section 125(3).In section 129(2) the words “corrective training, preventive detention ”.In Schedule 4A, in paragraph 2 the definition of “reception order ”, paragraphs 6 to 9, in paragraph 10(1A) the words from the beginning to “appropriate and ”, in paragraph 11(4) the words from “and no such order ” onwards and, in paragraph 15(3), in the third column of the Table paragraph 2.
1968 c. 20.	The Courts-Martial (Appeals) Act 1968.	In section 8(1A)(a), “6 ” and the words “reception orders ”.In section 19(1) the words from “the appeal against conviction ” to “and ”.
1974 c. 53.	The Rehabilitation of Offenders Act 1974.	Section 5(5)(h).
S.I. 1978/1908 (N.I. 27).	The Rehabilitation of Offenders (Northern Ireland) Order 1978.	Article 6(5)(d).
1980 c. 9.	The Reserve Forces Act 1980.	In Schedule 6 paragraph 1(7A).
1981 c. 55.	The Armed Forces Act 1981.	Section 14.
1982 c. 14.	The Reserve Forces Act 1982.	In section 2 subsections (4) and (5).
1986 c. 21.	The Armed Forces Act 1986.	Section 1. Section 13.In Schedule 1, in paragraph 12 sub-paragraphs (3) and (5).
1989 c. 41.	The Children Act 1989.	In Schedule 12 paragraphs 8, 10 and 18.In Schedule 14 paragraph 15(1)(b) and, in paragraph 16, in sub-paragraph (1) the words “or (b) ”, sub-paragraph (2) (b) and the word “or ” immediately preceding it and sub-paragraph (3).

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