



Armed Forces Act 1996

1996 CHAPTER 46

Continuance of Services Acts

^{F1} **U.K.**

Textual Amendments

F1 S. 1 repealed (1.9.2001) by 2001 c. 19, ss. 38, 39(4), Sch. 7 Pt. 7

Terms and conditions of service

2 **Enlistment or entry for local service.** **U.K.**

(1) In section 2(1) of the ^{M1}Armed Forces Act 1966 (regulations as to engagement of persons in the regular services), after paragraph (i) there shall be inserted the following paragraphs—

- “(j) enabling a person to restrict his service to service in a particular area;
- (k) requiring a person who has restricted his service to service in a particular area to serve outside that area for a number of days in any year not exceeding the maximum number provided for by the regulations.”

(2) In section 2(1A) of that Act, after the words “Northern Ireland” there shall be inserted the words “by virtue of regulations made under subsection (1)(i) above”.

Marginal Citations

M1 1966 c. 45.

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Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1996. (See end of Document for details)

3 Discharge certificates. **U.K.**

- (1) In section 11(4) of the 1955 Acts and paragraph 5(7) of Schedule 7 to the ^{M2}Army Act 1955 (certificates of discharge), for the words from “such particulars” to the end there shall be substituted the words “the following particulars, namely—
- (a) his name, rank and service number;
 - (b) his reserve liability (if applicable); and
 - (c) the reason for his discharge and the date of discharge,

together with any other particulars which are required to be included in the certificate by directions of the Defence Council or an officer authorised by them. ”

- (2) In section 6(3) of the Armed Forces Act 1966 (certificates of discharge) for the words from “such particulars” to the end there shall be substituted the words “the following particulars, namely—
- (a) his name, rating and service number;
 - (b) his reserve liability (if applicable); and
 - (c) the reason for his discharge and the date of discharge,

together with any other particulars which are required to be included in the certificate by directions of the Defence Council or an officer authorised by them. ”

Marginal Citations

M2 1955 c. 18.

4 Mode of making regulations relating to enlistment etc. **U.K.**

- (1) In section 22 of the 1955 Acts (regulations as to enlistment), the existing provision shall be numbered subsection (1) and after that subsection there shall be inserted the following subsection—

“(2) Any power conferred by this Part of this Act to make regulations (including the power under paragraph 5 of Schedule 1 to this Act) shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

- (2) In Part I of Schedule 7 to the Army Act 1955 (application of Part I to marines), after paragraph 10 there shall be inserted the following paragraph—

“10A Subsection (2) of section 22 applies to the powers to make regulations conferred by this Part of this Schedule as it applies to other powers under Part I of this Act.”

- (3) In section 14 of the ^{M3}Armed Forces Act 1966 (interpretation of Part II), after subsection (2) there shall be added the following subsection—

“(3) Any power to make regulations conferred on the Defence Council by any provision of this Part of this Act shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

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- (4) This section does not affect the validity of any regulations made under the 1955 Acts or the Armed Forces Act 1966 which are in force immediately before the commencement of this section.

Marginal Citations

M3 1966 c. 45.

Trial and punishment of offences under Services Acts

5 Procedure for dealing with offences under Services Acts. U.K.

Schedule 1 (amendment of provisions relating to the procedure for dealing with offences under the 1955 Acts and the 1957 Act) shall have effect.

6 Abrogation of common law corroboration rules. U.K.

- (1) For the avoidance of doubt section 32 of the ^{M4}Criminal Justice and Public Order Act 1994 (abolition of corroboration rules) and section 34(2) of the ^{M5}Criminal Justice Act 1988 (abrogation of requirements for corroboration warning) apply to any service disciplinary proceedings in which the rules abrogated by those sections would have been applied.
- (2) Nothing in this section shall be taken as affecting the determination of any question as to the law applicable to service disciplinary proceedings before the commencement of this section.
- (3) In this section “service disciplinary proceedings” means proceedings for any offence taking place under the 1955 Acts or the 1957 Act and proceedings on appeal to the Courts-Martial Appeal Court.

Extent Information

E1 For the application of this section to Channel Islands and Isle of Man, see s. 36(6)

Marginal Citations

M4 1994 c. 33.

M5 1988 c. 33.

7 Evidence from children. U.K.

In Schedule 13 to the Criminal Justice Act 1988 (application of provisions of that Act to courts-martial etc.), after paragraph 8 there shall be added the following paragraphs—

Video recordings of evidence

- “9 (1) The Secretary of State may by order direct that section 32A above shall have effect in relation—
- (a) to proceedings before Service courts; or

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- (b) to proceedings, or proceedings of specified descriptions, before Service courts in specified places,
subject to such modifications as may be specified in the order.
- (2) The power to make an order conferred by this paragraph shall be exercisable by statutory instrument and a statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Without prejudice to the generality of any enactment conferring power to make procedural instruments, procedural instruments may make such provision as appears to the authority making them to be necessary or expedient for the purposes of section 32A above in their application to proceedings such as are mentioned in sub-paragraph (1) above by virtue of an order under that sub-paragraph.
- (4) In this paragraph “modifications” includes additions, omissions and amendments.

Cross-examination of children

- 10 (1) The Secretary of State may by order direct that section 34A above shall have effect in relation—
 - (a) to proceedings before Service courts; or
 - (b) to proceedings or proceedings of specified descriptions before Service courts in specified places,
subject to such modifications as may be specified in the order.
- (2) The power to make an order conferred by this paragraph shall be exercisable by statutory instrument and a statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) In this paragraph “modifications” includes additions, omissions and amendments.”

PROSPECTIVE

VALID FROM 28/03/2009

F28 Findings of unfitness to stand trial and insanity. U.K.

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Textual Amendments

F2 S. 8 repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), s. 60, Sch. 11](#); [S.I. 2005/579, art. 3\(i\)](#)

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9 Postponement of sentences of courts-martial. **U.K.**

- (1) After section 120 of the ^{M6}Army Act 1955 there shall be inserted the following section—

“120A Postponement of sentences.

- (1) On passing any sentence a court-martial may order that the sentence shall not have effect until the end of the period specified in the order.
 - (2) On reviewing a sentence under section 113 of this Act, the reviewing authority may—
 - (a) if the sentence has not had effect, order that the sentence shall not have effect until the end of the period specified in the order;
 - (b) if the sentence has had effect, order that the sentence shall cease to have effect on the making of the order until the end of the period specified in the order.
 - (3) On exercising any power under section 113AA of this Act to pass or substitute a sentence, the reviewing authority may order that the sentence shall not have effect until the end of the period specified in the order.
 - (4) The Defence Council or any officer authorised by them may terminate the period specified in an order under this section or extend such a period for a further period specified by them.
 - (5) On the termination of such a period the sentence in respect of which the order in question was made shall have effect or (in the case of an order under subsection (2)(b) above) resume effect.
 - (6) Nothing in this section shall be taken to prevent section 118(1) of this Act from applying in relation to a military sentence of imprisonment or detention.”
- (2) After section 120 of the ^{M7}Air Force Act 1955 there shall be inserted the following section—

“120A Postponement of sentences.

- (1) On passing any sentence a court-martial may order that the sentence shall not have effect until the end of the period specified in the order.
- (2) On reviewing a sentence under section 113 of this Act, the reviewing authority may—
 - (a) if the sentence has not had effect, order that the sentence shall not have effect until the end of the period specified in the order;
 - (b) if the sentence has had effect, order that the sentence shall cease to have effect on the making of the order until the end of the period specified in the order.
- (3) On exercising any power under section 113AA of this Act to pass or substitute a sentence, the reviewing authority may order that the sentence shall not have effect until the end of the period specified in the order.

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- (4) The Defence Council or any officer authorised by them may terminate the period specified in an order under this section or extend such a period for a further period specified by them.
 - (5) On the termination of such a period the sentence in respect of which the order in question was made shall have effect or (in the case of an order under subsection (2)(b) above) resume effect.
 - (6) Nothing in this section shall be taken to prevent section 118(1) of this Act from applying in relation to an air-force sentence of imprisonment or detention.”
- (3) After section 89 of the 1957 Act there shall be inserted the following section—

“ Postponement of sentences

89A Postponement of sentences.

- (1) On passing any sentence a court-martial may order that the sentence shall not have effect until the end of the period specified in the order.
- (2) On reviewing a sentence under section 70 of this Act, the reviewing authority may—
 - (a) if the sentence has not had effect, order that the sentence shall not have effect until the end of the period specified in the order;
 - (b) if the sentence has had effect, order that the sentence shall cease to have effect on the making of the order until the end of the period specified in the order.
- (3) On exercising any power under section 71 of this Act to pass or substitute a sentence, the reviewing authority may order that the sentence shall not have effect until the end of the period specified in the order.
- (4) The Defence Council or any officer authorised by them may terminate the period specified in an order under this section or extend such a period for a further period specified by them.
- (5) On the termination of such a period the sentence in respect of which the order in question was made shall have effect or (in the case of an order under subsection (2)(b) above) resume effect.
- (6) Nothing in this section shall be taken to prevent section 85(1) of this Act from applying in relation to a sentence of imprisonment or detention awarded under this Act.”.

Marginal Citations

- M6 1955 c. 18.
M7 1955 c. 19.

10 Community supervision orders. U.K.

Schedule 3 (amendment of provisions of the 1955 Acts and the 1957 Act relating to community supervision orders) shall have effect.

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Fingerprints and samples

11 Fingerprinting of certain offenders. **U.K.**

- (1) A service policeman may take the fingerprints of a person for the record without his consent if that person has been convicted of an offence in service disciplinary proceedings.
- (2) The power under subsection (1) above may not be exercised in relation to a person convicted of an offence—
 - (a) where the person concerned has had his fingerprints taken by a service policeman in the course of the investigation of the offence or since his conviction; or
 - (b) after the end of the period of three months beginning with the date of the conviction.
- (3) A service policeman may use reasonable force, if necessary, in exercising the power under subsection (1) above.
- (4) In this section—
 - “fingerprints” includes palm prints;
 - [^{F3}“the Royal Air Force Police” includes the Provost Marshal of the Royal Air Force and any officer appointed to exercise the functions conferred by or under the Air Force Act 1955 on provost officers;]
 - “service disciplinary proceedings” means—
 - (a) any proceedings before a court-martial or a standing civilian court under the 1955 Acts or the 1957 Act;
 - (b) ^{F4}.....
 - (c) any proceedings by way of summary trial under section 52D of that Act; and
 - “service policeman” means a member of the Royal Navy Regulating Branch, the Royal Marines Police, the Royal Military Police [^{F5}or the Royal Air Force Police].
- (5) This section is without prejudice to any power to take fingerprints under any other enactment or under any rule of law.

Extent Information

E2 For the application of this section to Channel Islands and Isle of Man, see s. 36(6)

Textual Amendments

- F3** Definition of “the Royal Air Force Police”
in s. 11(4) inserted (1.10.2001) by 2001 c. 19, s. 34, **Sch. 6 Pt. 6 para. 48**; S.I. 2001/3234, **art. 2** (subject to **art. 3**)
- F4** Para. (b) in the definition of “service disciplinary proceedings”
in s. 11(4) repealed (28.2.2002) by 2001 c. 19, s. 38, **Sch. 7 Pt. 1**; S.I. 2002/345, **art. 2** (subject to **art. 3**)
- F5** Words in the definition of “service policeman” in s. 11(4) substituted (1.10.2001) by 2001 c. 19, s. 34, **Sch. 6 Pt. 6 para. 48**; S.I. 2001/3234, **art. 2** (subject to **art. 3**)

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12 Taking of samples from certain offenders. **U.K.**

- (1) A service policeman may, for the purpose of recording information, take a sample to which this section applies from a person without his consent if that person has been convicted of an offence in service disciplinary proceedings.
- (2) This section applies to a sample of hair (other than pubic hair) or to a swab taken from a person's mouth.
- (3) The power under subsection (1) above may be exercised in relation to a person convicted of an offence only if—
 - (a) he has not had a sample to which this section applies taken from him since his conviction; or
 - (b) where he has had such a sample taken from him, the sample has proved insufficient.
- (4) The power under subsection (1) above may not be exercised after the end of the period of three months beginning—
 - (a) in a case falling within subsection (3)(a) above, with the date of the conviction;
 - (b) in a case falling within subsection (3)(b) above, with the date on which a service policeman is informed of the fact that the sample has proved insufficient.
- (5) A service policeman may use reasonable force, if necessary, in exercising the power under subsection (1) above.
- (6) A sample of hair may be taken either by cutting hairs or by plucking hairs with their roots so long as no more are plucked than are reasonably considered to be necessary for a sufficient sample.
- (7) In this section—

“service disciplinary proceedings” and “service policeman” have the same meanings as in section 11 above; and

“sufficient” and “insufficient”, in relation to a sample, means sufficient or insufficient (in point of quantity or quality) for the purpose of enabling information to be produced by the means of analysis used or to be used in relation to the sample.
- (8) This section is without prejudice to any power to take samples under any other enactment or under any rule of law.

Rehabilitation of service offenders

13 Application of Rehabilitation of Offenders Act 1974. **U.K.**

- (1) The ^{M8}Rehabilitation of Offenders Act 1974 shall be amended as follows.
- (2) In section 2 (rehabilitation of persons dealt with in service disciplinary proceedings), subsections (2) to (4) shall cease to have effect.
- (3) In section 6 (the rehabilitation period)—
 - (a) in subsection (6) the words “Subject to subsection (7) below” shall cease to have effect; and
 - (b) after subsection (6)(b) there shall be inserted the following paragraph—

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- “(bb) any conviction in service disciplinary proceedings for an offence listed in the Schedule to this Act;” and
- (c) in subsection (7) for the words “Notwithstanding subsection (6) above” there shall be substituted the words “ Except as provided by subsection (6)(bb) above ”.
- (4) The provisions set out in Schedule 4 to this Act shall be inserted as the Schedule to the ^{M9}Rehabilitation of Offenders Act 1974.
- (5) The Rehabilitation of Offenders Act 1974 shall apply to convictions before the commencement date as if the amendments made by this section had always had effect; but this subsection does not apply to convictions to which section 2(1) of that Act applied before that date.
- (6) Where by virtue of subsection (5) above a rehabilitation period applicable to a conviction would have ended before the commencement date, the individual concerned shall (subject to section 1(2) of the Rehabilitation of Offenders Act 1974) be treated as a rehabilitated person in respect of the conviction, and the conviction shall be regarded as spent, on and after that date.
- (7) In this section “the commencement date” means the date on which this section comes into force.

Marginal Citations

M8 1974 c. 53.

M9 1974 c. 53.

14 Application of Rehabilitation of Offenders (Northern Ireland) Order 1978. **U.K.**

- (1) The ^{M10}Rehabilitation of Offenders (Northern Ireland) Order 1978 shall be amended as follows.
- (2) In Article 4 (rehabilitation of persons dealt with in service disciplinary proceedings), paragraphs (2) to (4) shall cease to have effect.
- (3) In Article 7 (the rehabilitation period)—
- (a) in paragraph (6) the words “Subject to paragraph (7)” shall cease to have effect; and
- (b) after paragraph (6)(b) there shall be inserted the following sub-paragraph—
- “(bb) any conviction in service disciplinary proceedings for an offence listed in the Schedule;” and
- (c) in paragraph (7) for the words “Notwithstanding paragraph (6)” there shall be substituted the words “ Except as provided by paragraph (6)(bb) ”.
- (4) A Schedule corresponding to the Schedule to be inserted into the Rehabilitation of Offenders Act 1974 by section 13(4) above shall be inserted as the Schedule to the Rehabilitation of Offenders (Northern Ireland) Order 1978, with the substitution—
- (a) in the Schedule heading, for the words “Section 6(4)” of the words “ Article 7 ”; and
- (b) in paragraph 1, for the words “section 6(6)(bb) of this Act” of the words “ Article 7(6)(bb) ”.

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- (5) The ^{M11}Rehabilitation of Offenders (Northern Ireland) Order 1978 shall apply to convictions before the commencement date as if the amendments made by this section had always had effect; but this subsection does not apply to convictions to which Article 4(1) of that Order applied before that date.
- (6) Where by virtue of subsection (5) above a rehabilitation period applicable to a conviction would have ended before the commencement date, the individual concerned shall (subject to Article 3(2) of the Rehabilitation of Offenders (Northern Ireland) Order 1978) be treated as a rehabilitated person in respect of the conviction, and the conviction shall be regarded as spent, on and after that date.
- (7) In this section “the commencement date” means the date on which this section comes into force.

Marginal Citations

M10 S.I. 1978/1908 (N.I.27).

M11 S.I. 1978/1908 (N.I. 27).

Review and appeal

15 Abolition of confirmation. U.K.

The provisions of the 1955 Acts providing for findings of courts-martial to be subject to confirmation and to revision at the direction of the confirming officer shall cease to have effect.

16 Review of findings and sentences. U.K.

Schedule 5 (amendment of provisions relating to the review of findings and sentences) shall have effect.

17 Appeals against sentence. U.K.

- (1) The ^{M12}Courts-Martial (Appeals) Act 1968 shall be amended as follows.
- (2) In section 8 (right of appeal)—
- (a) in subsection (1), for the words from “against” (in the first place it appears) to the end there shall be substituted the words “—
 - (a) against his conviction; and
 - (b) against any sentence (not being a sentence fixed by law) passed on him for the offence for which he was convicted.”;
 - (b) in subsection (1A), paragraph (a) shall cease to have effect;
 - (c) subsection (5) shall cease to have effect.
- (3) For section 17A (appeals by civilians) there shall be substituted the following section—

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“17A Appeals by civilians: application of Service Act provisions.

For the avoidance of doubt, the exercise of the power conferred by sections 13, 14, 15 and 16A above, in relation to an order under Schedule 5A to the ^{M13}Army Act 1955, Schedule 5A to the ^{M14}Air Force Act 1955 or Schedule 4A to the ^{M15}Naval Discipline Act 1957 (powers of court on trial of civilians) shall be subject to the restrictions contained in paragraph 15 of each of those Schedules.”

- (4) In section 34 (reference of cases by Service authorities), for subsection (4) there shall be inserted the following subsections—

“(4) The Secretary of State may, if consideration by the Appeal Court appears to him for any reason desirable, refer the sentence passed on any person convicted by a court-martial to the Appeal Court.

(5) Any reference under subsection (4) above shall be treated as an appeal by the person convicted against sentence for all purposes except those of section 32 of this Act.”

- (5) In section 46 (restitution orders), in subsection (2) and subsection (3)(a), after the word “conviction” there shall be inserted the words “ or, in the case of an appeal against sentence, the order ”.

- (6) In section 53(1) (exclusion of certain appeals) in subsection (1), for the word “against” there shall be substituted the words “ in relation to ”.

- (7) In section 57 (interpretation), after the definition of “the registrar” there shall be inserted the words “; and

“sentence”, in relation to an offence, includes any order made by a court when dealing with an offender.”

Marginal Citations

- M12** 1968 c. 20.
M13 1955 c. 18.
M14 1955 c. 19.
M15 1957 c. 53.

18 Powers exercisable by registrar. U.K.

After section 36 of the ^{M16}Courts-Martial (Appeals) Act 1968 there shall be inserted the following section—

“36A Powers under Part II which are exercisable by registrar.

- (1) The following powers of the Appeal Court under this Part of this Act, namely the power—
- (a) to extend the time within which notice of appeal or of application for leave to appeal may be given; and
 - (b) to order a witness to attend for examination,

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may be exercised by the registrar in the same manner as they may be exercised by the Court and subject to the same restrictions.

- (2) If the registrar refuses an application on the part of an appellant to exercise in his favour any power specified in subsection (1) above, the appellant shall be entitled to have the application determined by any judge of the Appeal Court.”

Marginal Citations

M16 1968 c. 20.

19 Appeals on behalf of deceased persons. **U.K.**

Immediately before section 49 of the Courts-Martial (Appeals) Act 1968 there shall be inserted the following section—

“48A Appeals on behalf of deceased persons.

- (1) Where a person has died—
- (a) any relevant appeal which might have been begun by him had he remained alive may be begun by a person approved by the Appeal Court; and
 - (b) where any relevant appeal was begun by him while he was alive or is begun in relation to his case by virtue of paragraph (a) above, any further step which might have been taken by him in connection with the appeal if he were alive may be taken by a person so approved.
- (2) In this section “relevant appeal” means—
- (a) an appeal under section 8, 21 or 24 of this Act; or
 - (b) an appeal under section 39 of this Act from any decision of the Appeal Court on an appeal under any of those sections.
- (3) Approval for the purposes of this section may only be given to—
- (a) the widow or widower of the dead person;
 - (b) a personal representative of the dead person; or
 - (c) any other person appearing to the Court of Appeal to have, by reason of a family or similar relationship with the dead person, a substantial financial or other interest in the determination of a relevant appeal relating to him.
- (4) An application for such approval may not be made after the end of the period of one year beginning with the date of death.
- (5) Where this section applies, any reference in this Act to the appellant shall, where appropriate, be construed as being or including a reference to the person approved under this section.
- (6) The power of the Appeal Court to approve a person under this section may be exercised by any judge of the Appeal Court in the same manner as by the Court and subject to the same provisions; but if the judge refuses the application, the applicant shall be entitled to have the application determined by the Appeal Court.

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- (7) In subsection (3)(b) above “personal representative” means—
- (a) for England and Wales, a person who is a personal representative within the meaning of section 55(1)(xi) of the ^{M17}Administration of Estates Act 1925;
 - (b) for Scotland, an executor confirmed to the estate of the dead person; or
 - (c) for Northern Ireland, a person who is one of the personal representatives within the meaning of the ^{M18}Administration of Estates Act (Northern Ireland) 1955.”

Marginal Citations

M17 1925 c. 23.

M18 1955 c. 24 (N.I.).

Redress of complaints

20 Services redress of complaints procedures. U.K.

- (1) For section 180 of the ^{M19}Army Act 1955 there shall be substituted the following section—

“180 Redress of complaints.

- (1) If a person subject to military law thinks himself wronged in any matter relating to his service he may make a complaint with respect to that matter to such officer as may be prescribed.
- (2) A person may not make a complaint under this section with respect to a matter against which he may present a petition under section 113 of this Act, ask for a review under section 115 of this Act or bring an appeal under the ^{M20}Courts-Martial (Appeals) Act 1968.
- (3) The procedure for making and dealing with a complaint under this section shall be laid down in Queen’s Regulations, which may, in particular, provide—
 - (a) for a complaint not to be made after the end of such period as may be prescribed;
 - (b) for any such period to be extended, in the case of a complaint made after the end of the period, in such circumstances as may be prescribed;
 - (c) for a complaint to be referred, for its first consideration, by the officer to whom it was made to a superior officer; and
 - (d) if the complainant does not obtain the redress to which he thinks he is entitled (whether from the officer who first considered the complaint or from a superior officer by virtue of provision made as mentioned in this paragraph), for the complaint to be referred to, and considered by, a superior officer.

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- (4) Any period prescribed for the purposes mentioned in subsection (3)(a) above shall not be less than three months beginning with the day on which the matter complained of occurred.
 - (5) An officer to whom a complaint is made or referred under provision made by virtue of subsection (3) above shall grant any redress which appears to him necessary.
 - (6) If the complainant does not obtain the redress to which he thinks he is entitled by the procedure referred to in subsection (3) above, he may submit his complaint to the Defence Council in accordance with the procedure laid down in Queen's Regulations.
 - (7) The Defence Council shall have any complaint submitted to them investigated and shall grant any redress which appears to them necessary.
 - (8) Where a complaint by an officer has been submitted to the Defence Council and he does not obtain the redress to which he thinks he is entitled, the Defence Council shall, at his request, make a report on the complaint through the Secretary of State to Her Majesty in order to receive the directions of Her Majesty thereon.
 - (9) This section applies to a person who is not subject to military law, in relation to any matter which took place while he was so subject, as it applies to a person who is subject to military law.
 - (10) In this section "prescribed" means prescribed by Queen's Regulations."
- (2) For section 180 of the ^{M21}Air Force Act 1955 there shall be substituted the following section—

"180 Redress of complaints.

- (1) If a person subject to air-force law thinks himself wronged in any matter relating to his service he may make a complaint with respect to that matter to such officer as may be prescribed.
- (2) A person may not make a complaint under this section with respect to a matter against which he may present a petition under section 113 of this Act, ask for a review under section 115 of this Act or bring an appeal under the ^{M22}Courts-Martial (Appeals) Act 1968.
- (3) The procedure for making and dealing with a complaint under this section shall be laid down in Queen's Regulations, which may, in particular, provide—
 - (a) for a complaint not to be made after the end of such period as may be prescribed;
 - (b) for any such period to be extended, in the case of a complaint made after the end of the period, in such circumstances as may be prescribed;
 - (c) for a complaint to be referred, for its first consideration, by the officer to whom it was made to a superior officer; and
 - (d) if the complainant does not obtain the redress to which he thinks he is entitled (whether from the officer who first considered the complaint

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or from a superior officer by virtue of provision made as mentioned in this paragraph), for the complaint to be referred to, and considered by, a superior officer.

- (4) Any period prescribed for the purposes mentioned in subsection (3)(a) above shall not be less than three months beginning with the day on which the matter complained of occurred.
 - (5) An officer to whom a complaint is made or referred under provision made by virtue of subsection (3) above shall grant any redress which appears to him necessary.
 - (6) If the complainant does not obtain the redress to which he thinks he is entitled by the procedure referred to in subsection (3) above, he may submit his complaint to the Defence Council in accordance with the procedure laid down in Queen's Regulations.
 - (7) The Defence Council shall have any complaint submitted to them investigated and shall grant any redress which appears to them necessary.
 - (8) Where a complaint by an officer has been submitted to the Defence Council and he does not obtain the redress to which he thinks he is entitled, the Defence Council shall, at his request, make a report on the complaint through the Secretary of State to Her Majesty in order to receive the directions of Her Majesty thereon.
 - (9) This section applies to a person who is not subject to air-force law, in relation to any matter which took place while he was so subject, as it applies to a person who is subject to air-force law.
 - (10) In this section "prescribed" means prescribed by Queen's Regulations."
- (3) For section 130 of the 1957 Act there shall be substituted the following section—

"130 Redress of complaints.

- (1) If a person subject to this Act thinks himself wronged in any matter relating to his service he may make a complaint with respect to that matter to such officer as may be prescribed.
- (2) A person may not make a complaint under this section with respect to a matter against which he may present a petition under section 70 of this Act, ask for a review under section 71B of this Act or bring an appeal under the ^{M23}Courts-Martial (Appeals) Act 1968.
- (3) The procedure for making and dealing with a complaint under this section shall be laid down in Queen's Regulations, which may, in particular, provide—
 - (a) for a complaint not to be made after the end of such period as may be prescribed;
 - (b) for any such period to be extended, in the case of a complaint made after the end of the period, in such circumstances as may be prescribed;
 - (c) for a complaint to be referred, for its first consideration, by the officer to whom it was made to a superior officer; and

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- (d) if the complainant does not obtain the redress to which he thinks he is entitled (whether from the officer who first considered the complaint or from a superior officer by virtue of provision made as mentioned in this paragraph), for the complaint to be referred to, and considered by, a superior officer.
- (4) Any period prescribed for the purposes mentioned in subsection (3)(a) above shall not be less than three months beginning with the day on which the matter complained of occurred.
- (5) An officer to whom a complaint is made or referred under provision made by virtue of subsection (3) above shall grant any redress which appears to him necessary.
- (6) If the complainant does not obtain the redress to which he thinks he is entitled by the procedure referred to in subsection (3) above, he may submit his complaint to the Defence Council in accordance with the procedure laid down in Queen's Regulations.
- (7) The Defence Council shall have any complaint submitted to them investigated and shall grant any redress which appears to them necessary.
- (8) Where a complaint by an officer has been submitted to the Defence Council and he does not obtain the redress to which he thinks he is entitled, the Defence Council shall, at his request, make a report on the complaint through the Secretary of State to Her Majesty in order to receive the directions of Her Majesty thereon.
- (9) This section applies to a person who is not subject to this Act, in relation to any matter which took place while he was so subject, as it applies to a person who is subject to this Act.
- (10) In this section "prescribed" means prescribed by Queen's Regulations."

Marginal Citations

- M19** 1955 c. 18.
M20 1968 c. 20.
M21 1955 c. 19.
M22 1968 c. 20.
M23 1968 c. 20.

Complaints to [F6 employment tribunals^{F6}]

Textual Amendments

- F6** Words in cross-heading preceding s. 21 substituted (E.W.S.) (1.8.1998) by 1998 c. 8, s. 1(2)(b) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1

21 Sex discrimination: Great Britain. **U.K.**

- (1) Section 85 of the ^{M24}Sex Discrimination Act 1975 (application of that Act to the Crown) shall be amended as set out in subsections (2) to (5) below.

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- (2) In subsection (2), after paragraph (b) there shall be inserted—
- “or
- (c) service in the armed forces,”.
- (3) In subsection (4), for the words from “naval” to the end there shall be substituted the words “armed forces.”.
- (4) After subsection (9) there shall be inserted the following subsections—
- “(9A) This subsection applies to any complaint by a person (“the complainant”) that another person—
- (a) has committed an act of discrimination against the complainant which is unlawful by virtue of section 6; or
- (b) is by virtue of section 41 or 42 to be treated as having committed such an act of discrimination against the complainant,
- if at the time when the act complained of was done the complainant was serving in the armed forces and the discrimination in question relates to his service in those forces.
- (9B) No complaint to which subsection (9A) applies shall be presented to an [F7employment tribunal] under section 63 unless—
- (a) the complainant has made a complaint to an officer under the service redress procedures applicable to him and has submitted that complaint to the Defence Council under those procedures; and
- (b) the Defence Council have made a determination with respect to the complaint.
- (9C) Regulations may make provision enabling a complaint to which subsection (9A) applies to be presented to an [F7employment tribunal] under section 63 in such circumstances as may be specified by the regulations, notwithstanding that subsection (9B) would otherwise preclude the presentation of the complaint to an [F7employment tribunal].
- (9D) Where a complaint is presented to an [F7employment tribunal] under section 63 by virtue of regulations under subsection (9C), the service redress procedures may continue after the complaint is so presented.
- (9E) Regulations under subsection (9C) shall be made by the Secretary of State by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (5) For subsection (10) there shall be substituted the following subsection—
- “(10) In this section—
- “armed forces” means any of the naval, military or air forces of the Crown;
- “service for purposes of a Minister of the Crown or government department” does not include service in any office for the time being mentioned in Schedule 2 (Ministerial offices) to the ^{M25}House of Commons Disqualification Act 1975;
- “the service redress procedures” means the procedures, excluding those which relate to the making of a report on a complaint to Her Majesty, referred to in section 180 of the ^{M26}Army Act 1955,

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section 180 of the ^{M27}Air Force Act 1955 and section 130 of the ^{M28}Naval Discipline Act 1957; and

“statutory body” means a body set up by or in pursuance of an enactment and “statutory office” means an office so set up.”

- (6) In section 76(1) of the ^{M29}Sex Discrimination Act 1975 (period within which complaint under section 63 of that Act to be presented to an [^{F7}employment tribunal]), for the words from “the period” to the end there shall be substituted the following words “—
- (a) the period of three months beginning when the act complained of was done; or
 - (b) in a case to which section 85(9A) applies, the period of six months so beginning.”

Textual Amendments

- F7** Words in s. 21(4)(6) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2); S.I. 1998/1658, art. 2(1), Sch. 1

Marginal Citations

- M24** 1975 c. 65.
M25 1975 c. 24.
M26 1955 c. 18.
M27 1955 c. 19.
M28 1957 c. 53.
M29 1975 c. 65.

22 Sex discrimination: Northern Ireland. **U.K.**

- (1) Article 82 of the ^{M30}Sex Discrimination (Northern Ireland) Order 1976 (application of that Order to the Crown) shall be amended as set out in subsections (2) to (5) below.
- (2) In paragraph (2), after sub-paragraph (b) there shall be inserted—
 - “or
 - (c) service in the armed forces”.
- (3) In paragraph (5), for the words from “naval” to the end there shall be substituted the words “armed forces”.
- (4) After paragraph (9) there shall be inserted the following paragraphs—

“(9A) This paragraph applies to any complaint by a person (“the complainant”) that another person—

 - (a) has committed an act of discrimination against the complainant which is unlawful by virtue of Article 8; or
 - (b) is by virtue of Article 42 or 43 to be treated as having committed such an act of discrimination against the complainant,

if at the time when the act complained of was done the complainant was serving in the armed forces and the discrimination in question relates to his service in those forces.

“(9B) No complaint to which paragraph (9A) applies shall be presented to an industrial tribunal under Article 63 unless—

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- (a) the complainant has made a complaint to an officer under the service redress procedures applicable to him and has submitted that complaint to the Defence Council under those procedures; and
 - (b) the Defence Council have made a determination with respect to the complaint.
 - (9C) Regulations made by the Secretary of State may make provision enabling a complaint to which paragraph (9A) applies to be presented to an industrial tribunal under Article 63 in such circumstances as may be specified by the regulations, notwithstanding that paragraph (9B) would otherwise preclude the presentation of the complaint to an industrial tribunal.
 - (9D) Where a complaint is presented to an industrial tribunal under Article 63 by virtue of regulations under paragraph (9C), the service redress procedures may continue after the complaint is so presented.
 - (9E) Regulations under paragraph (9C) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the ^{M31}Statutory Instruments Act 1946 shall apply accordingly.”
- (5) For paragraph (10) there shall be substituted the following paragraph—
- “(10) In this Article—
- “armed forces” means any of the naval, military or air forces of the Crown;
 - “service for purposes of a Minister of the Crown or government department” does not include service in any office for the time being mentioned in Schedule 2 (Ministerial offices) to the ^{M32}House of Commons Disqualification Act 1975;
 - “the service redress procedures” means the procedures, excluding those which relate to the making of a report on a complaint to Her Majesty, referred to in section 180 of the ^{M33}Army Act 1955, section 180 of the ^{M34}Air Force Act 1955 and section 130 of the ^{M35}Naval Discipline Act 1957; and
 - “statutory body” means a body set up by or in pursuance of a statutory provision and “statutory office” means an office so set up.”
- (6) In Article 76(1) of the ^{M36}Sex Discrimination (Northern Ireland) Order 1976 (period within which complaint under Article 63 of that Order to be presented to an industrial tribunal), for the words from “the period” to the end there shall be substituted the following words “—
- (a) the period of three months beginning when the act complained of was done; or
 - (b) in a case to which Article 82(9A) applies, the period of six months so beginning.”.
- (7) In Article 80(1) of the Sex Discrimination (Northern Ireland) Order 1976 (orders and regulations subject to negative resolution of the Northern Ireland Assembly), after the words “regulations made under this Order” there shall be inserted the words “ (except Article 82(9C)) ”.

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Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1996. (See end of Document for details)

Marginal Citations

M30 S.I. 1976/1042 (N.I. 15).

M31 1946 c. 36.

M32 1975 c. 24.

M33 1955 c. 18.

M34 1955 c. 19.

M35 1957 c. 53.

M36 S.I. 1976/1042 (N.I. 15).

23 Racial discrimination. **E+W+S**

- (1) Section 75 of the ^{M37}Race Relations Act 1976 (application of that Act to the Crown) shall be amended as set out in subsections (2) and (3) below.
- (2) For subsection (9) there shall be substituted the following subsections—
- “(9) No complaint to which subsection (8) applies shall be presented to an [^{F8}employment tribunal] under section 54 unless—
- (a) the complainant has made a complaint to an officer under the service redress procedures applicable to him and has submitted that complaint to the Defence Council under those procedures; and
 - (b) the Defence Council have made a determination with respect to the complaint.
- (9A) Regulations may make provision enabling a complaint to which subsection (8) applies to be presented to an [^{F8}employment tribunal] under section 54 in such circumstances as may be specified by the regulations, notwithstanding that subsection (9) would otherwise preclude the presentation of the complaint to an [^{F8}employment tribunal].
- (9B) Where a complaint is presented to an [^{F8}employment tribunal] under section 54 by virtue of regulations under subsection (9A), the service redress procedures may continue after the complaint is so presented.”
- (3) In subsection (10), after paragraph (a) there shall be inserted the following paragraphs—
- “(aa) “regulations” means regulations made by the Secretary of State;
 - (ab) “the service redress procedures” means the procedures, excluding those which relate to the making of a report on a complaint to Her Majesty, referred to in section 180 of the ^{M38}Army Act 1955, section 180 of the ^{M39}Air Force Act 1955 and section 130 of the ^{M40}Naval Discipline Act 1957;”.
- (4) In section 68(1) of the ^{M41}Race Relations Act 1976 (period within which complaint under section 54 of that Act to be presented to an [^{F8}employment tribunal]), for the words from “the period” to the end there shall be substituted the following words “—
- (a) the period of three months beginning when the act complained of was done; or
 - (b) in a case to which section 75(8) applies, the period of six months so beginning.”

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- (5) In section 74(2) of the Race Relations Act 1976 (parliamentary control of orders and regulations), after the words “section 75(5)(a)” there shall be inserted the words “ or (9A) ”.

Extent Information

- E3** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F8** Words in s. 23(2)(4) substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1

Marginal Citations

- M37** 1976 c. 74.
M38 1955 c. 18.
M39 1955 c. 19.
M40 1957 c. 53.
M41 1976 c. 74.

23 Racial discrimination. **N.I.**

- (1) Section 75 of the ^{M69}Race Relations Act 1976 (application of that Act to the Crown) shall be amended as set out in subsections (2) and (3) below.
- (2) For subsection (9) there shall be substituted the following subsections—
- “(9) No complaint to which subsection (8) applies shall be presented to an industrial tribunal under section 54 unless—
- (a) the complainant has made a complaint to an officer under the service redress procedures applicable to him and has submitted that complaint to the Defence Council under those procedures; and
- (b) the Defence Council have made a determination with respect to the complaint.
- (9A) Regulations may make provision enabling a complaint to which subsection (8) applies to be presented to an industrial tribunal under section 54 in such circumstances as may be specified by the regulations, notwithstanding that subsection (9) would otherwise preclude the presentation of the complaint to an industrial tribunal.
- (9B) Where a complaint is presented to an industrial tribunal under section 54 by virtue of regulations under subsection (9A), the service redress procedures may continue after the complaint is so presented.”
- (3) In subsection (10), after paragraph (a) there shall be inserted the following paragraphs—
- “(aa) “regulations” means regulations made by the Secretary of State;
- (ab) “the service redress procedures” means the procedures, excluding those which relate to the making of a report on a complaint to Her Majesty, referred to in section 180 of the ^{M70}Army Act 1955,

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section 180 of the ^{M71}Air Force Act 1955 and section 130 of the ^{M72}Naval Discipline Act 1957;”.

- (4) In section 68(1) of the ^{M73}Race Relations Act 1976 (period within which complaint under section 54 of that Act to be presented to an industrial tribunal), for the words from “the period” to the end there shall be substituted the following words “—
- (a) the period of three months beginning when the act complained of was done; or
 - (b) in a case to which section 75(8) applies, the period of six months so beginning.”
- (5) In section 74(2) of the Race Relations Act 1976 (parliamentary control of orders and regulations), after the words “section 75(5)(a)” there shall be inserted the words “ or (9A) ”.

Extent Information

E4 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Marginal Citations

M69 1976 c. 74.
M70 1955 c. 18.
M71 1955 c. 19.
M72 1957 c. 53.
M73 1976 c. 74.

24 Equal treatment: Great Britain. **U.K.**

- (1) Section 1(9) of the ^{M42}Equal Pay Act 1970 (exclusion of armed forces from requirement of equal treatment for women and men in same employment) shall cease to have effect.
- (2) For section 7 of that Act (service pay) there shall be substituted the following section—

“7A Service pay and conditions.

- (1) Sections 1 and 6 above shall apply, with the modifications mentioned in subsection (2) below and any other necessary modifications, to service by a woman in any of the armed forces as they apply to employment by a private person.
- (2) In the application of those sections to service by a woman in any of the armed forces—
 - (a) references to a contract of employment shall be regarded as references to the terms of service;
 - (b) in section 1, in subsection (6), paragraph (c) and the words “or any associated employer” and subsections (8) to (11) (which have no application) shall be omitted; and
 - (c) references to an equality clause shall be regarded as referring to a corresponding term of service capable of requiring the terms of

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service applicable in her case to be treated as modified or as including other terms.

- (3) Any claim in respect of the contravention of a term of service modified or included, in relation to a woman's service in any of the armed forces, by a term corresponding to an equality clause in a contract of employment (including a claim for arrears of pay or damages in respect of the contravention) may be presented by way of complaint to an [F⁹employment tribunal].

Any such contravention shall be regarded for the purposes of a claim under this subsection as if it were a breach of contract.

- (4) Subsections (5) to (10) below apply in relation to any claim by a woman ("the claimant") arising from a contravention of a term of service referred to in subsection (3) above.

- (5) No complaint in respect of the claim shall be presented to an [F⁹employment tribunal] unless—

- (a) the claimant has made a complaint to an officer under the service redress procedures applicable to her and has submitted that complaint to the Defence Council under those procedures; and
- (b) the Defence Council have made a determination with respect to the complaint.

- (6) Regulations may make provision enabling a complaint in respect of the claim to be presented to an [F⁹employment tribunal] in such circumstances as may be specified by the regulations, notwithstanding that subsection (5) above would otherwise preclude its presentation.

- (7) Where a complaint is presented to an [F⁹employment tribunal] by virtue of regulations under subsection (6) above, the service redress procedures may continue after the complaint is presented.

- (8) No complaint in respect of the claim shall be presented to an [F⁹employment tribunal] if the period of service during which the claim arose ended more than nine months before the date of the presentation of the complaint to the tribunal.

- (9) A woman shall not be entitled, in proceedings on a complaint in respect of the claim, to be awarded any payment by way of arrears of pay or damages in respect of a time earlier than two years before the date on which her complaint under the service redress procedures was made.

- (10) Section 2A above shall apply in relation to a complaint in respect of the claim as it applies to a complaint presented to an [F⁹employment tribunal] under section 2(1) above.

- (11) Regulations under subsection (6) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (12) In this section—

“armed forces” means the naval, military or air forces of the Crown; and

“the service redress procedures” means the procedures, excluding those which relate to the making of a report on a complaint to

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Her Majesty, referred to in section 180 of the ^{M43}Army Act 1955, section 180 of the ^{M44}Air Force Act 1955 and section 130 of the ^{M45}Naval Discipline Act 1957.”

Textual Amendments

F9 Words in s. 24(3)(5)(6)(7)(8)(10) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1

Marginal Citations

M42 1970 c. 41.
M43 1955 c. 18.
M44 1955 c. 19.
M45 1957 c. 53.

25 Equal treatment: Northern Ireland. **U.K.**

- (1) Section 1(10) of the ^{M46}Equal Pay Act (Northern Ireland) 1970 (exclusion of armed forces from requirement of equal treatment for women and men in same employment) shall cease to have effect.
- (2) After section 6 of that Act there shall be inserted the following section—

“6A Service pay and conditions.

- (1) Sections 1 and 6 shall apply, with the modifications mentioned in subsection (2) and any other necessary modifications, to service by a woman in any of the armed forces as they apply to employment by a private person.
- (2) In the application of those sections to service by a woman in any of the armed forces—
 - (a) references to a contract of employment shall be regarded as references to the terms of service;
 - (b) in section 1, in subsection (7), paragraph (c) and the words “or any associated employer” and subsections (9) to (12) (which have no application) shall be omitted; and
 - (c) references to an equality clause shall be regarded as referring to a corresponding term of service capable of requiring the terms of service applicable in her case to be treated as modified or as including other terms.
- (3) Any claim in respect of the contravention of a term of service modified or included, in relation to a woman’s service in any of the armed forces, by a term corresponding to an equality clause in a contract of employment (including a claim for arrears of pay or damages in respect of the contravention) may be presented by way of complaint to an industrial tribunal.

Any such contravention shall be regarded for the purposes of a claim under this subsection as if it were a breach of contract.

- (4) Subsections (5) to (10) apply in relation to any claim by a woman (“the claimant”) arising from a contravention of a term of service referred to in subsection (3).

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- (5) No complaint in respect of the claim shall be presented to an industrial tribunal unless—
- (a) the claimant has made a complaint to an officer under the service redress procedures applicable to her and has submitted that complaint to the Defence Council under those procedures; and
 - (b) the Defence Council have made a determination with respect to the complaint.
- (6) Regulations made by the Secretary of State may make provision enabling a complaint in respect of the claim to be presented to an industrial tribunal in such circumstances as may be specified by the regulations, notwithstanding that subsection (5) would otherwise preclude its presentation.
- (7) Where a complaint is presented to an industrial tribunal by virtue of regulations under subsection (6), the service redress procedures may continue after the complaint is presented.
- (8) No complaint in respect of the claim shall be presented to an industrial tribunal if the period of service during which the claim arose ended more than nine months before the date of the presentation of the complaint to the tribunal.
- (9) A woman shall not be entitled, in proceedings on a complaint in respect of the claim, to be awarded any payment by way of arrears of pay or damages in respect of a time earlier than two years before the date on which her complaint under the service redress procedures was made.
- (10) Section 2A shall apply in relation to a complaint in respect of the claim as it applies to a complaint presented to an industrial tribunal under section 2(1).
- (11) Regulations under subsection (6) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the ^{M47}Statutory Instruments Act 1946 shall apply accordingly.
- (12) In this section—
- “armed forces” means the naval, military or air forces of the Crown; and
 - “the service redress procedures” means the procedures, excluding those which relate to the making of a report on a complaint to Her Majesty, referred to in section 180 of the ^{M48}Army Act 1955, section 180 of the ^{M49}Air Force Act 1955 and section 130 of the ^{M50}Naval Discipline Act 1957.”

Marginal Citations

M46 1970 c. 32 (N.I.).

M47 1946 c. 36.

M48 1955 c. 18.

M49 1955 c. 19.

M50 1957 c. 53.

Status: Point in time view as at 01/02/2005. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1996. (See end of Document for details)

26 Other complaints: Great Britain. **U.K.**

- (1) Section 192 of the ^{M51}Employment Rights Act 1996 (application of Act to armed forces) shall be amended as follows.
- (2) In subsection (4), for the words from “the person” to the end there shall be substituted the following words “—
 - (a) the person aggrieved has made a complaint to an officer under the service procedures for the redress of complaints applicable to him and has submitted that complaint to the Defence Council under those procedures; and
 - (b) the Defence Council have made a determination with respect to the complaint.”
- (3) For subsection (5) there shall be substituted the following subsection—

“(5) Where modifications made by an Order in Council under subsection (3) include provision such as is mentioned in subsection (4), the Order in Council shall also include provision—

 - (a) enabling a complaint or reference to be made to an [^{F10}employment tribunal] in such circumstances as may be specified in the Order, notwithstanding that provision such as is mentioned in subsection (4) would otherwise preclude the making of the complaint or reference; and
 - (b) where a complaint or reference is made to an [^{F10}employment tribunal] by virtue of provision such as is mentioned in paragraph (a), enabling the service procedures for the redress of complaints to continue after the complaint or reference is made.”
- (4) In subsection (6), for the words “sections 180 and 181” in both places where those words occur there shall be substituted the words “ section 180 ”.

Textual Amendments

F10 Words in s. 26(3) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1

Marginal Citations

M51 1996 c. 18.

27 Other complaints: Northern Ireland. **U.K.**

- (1) Article 10 of the ^{M52}Industrial Relations (Northern Ireland) Order 1993 (application of Industrial Relations Orders to armed forces) shall be amended as follows.
- (2) In paragraph (3), for the words from “the person” to the end there shall be substituted the following words “—
 - (a) the person aggrieved has made a complaint to an officer under the service procedures for the redress of complaints applicable to him and has submitted that complaint to the Defence Council under those procedures; and
 - (b) the Defence Council have made a determination with respect to the complaint.”

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(3) For paragraph (4) there shall be substituted the following paragraph—

“(4) Where modifications made by an order under paragraph (2) include provision such as is mentioned in paragraph (3), the order shall also include provision—

- (a) enabling a complaint or reference to be made to an industrial tribunal in such circumstances as may be specified in the order, notwithstanding that provision such as is mentioned in paragraph (3) would otherwise preclude the making of the complaint or reference; and
- (b) where a complaint or reference is made to an industrial tribunal by virtue of provision such as is mentioned in paragraph (a), enabling the service procedures for the redress of complaints to continue after the complaint or reference is made.”

(4) In paragraph (7), for the words “sections 180 and 181” in both places where those words occur there shall be substituted the words “ section 180 ”.

Marginal Citations

M52 S.I. 1993/2668 (N.I. 11).

Miscellaneous

28 Exemptions from Firearms Act 1968. U.K.

(1) In section 54 of the ^{M53}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

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“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.”

- (2) After section 16 of the ^{M54}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.”

Marginal Citations

M53 1968 c. 27.

M54 1988 c. 45.

29 Exemptions from Firearms (Northern Ireland) Order 1981. U.K.

- [^{F11}(1) In Article 57 of the ^{M55} 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)—

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“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.”.]

Textual Amendments

F11 S. 29 repealed (N.I.) (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702\)](#), art. 1(3), [Sch. 8](#) (with art. 81); [S.R. 2005/4](#), art. 3 (with arts. 4-7)

Marginal Citations

M55 [S.I. 1981/155 \(N.I. 2\)](#).

30 Greenwich Hospital. U.K.

(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

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- (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
 - (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 ^{M56}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 ^{M57}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.

Marginal Citations

M56 1954 c. 56.

M57 1869 c. 44.

31 Grants for preservation of Royal Naval College site. **U.K.**

After section 31 of the ^{M58}National Heritage Act 1983 there shall be inserted the following section—

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“ 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.”.

Marginal Citations

M58 1983 c. 47.

32 Offences connected with services drug testing programmes. U.K.

- (1) After section 34 of the ^{M59}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 ^{M60}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 ^{M61}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 ^{M62}Misuse of Drugs Act 1971; and

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“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 ^{M63}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.”

Marginal Citations

- M59** 1955 c. 18.
M60 1971 c. 38.
M61 1955 c. 19.
M62 1971 c. 38.
M63 1957 c. 53.

33 Application of Visiting Forces Act 1952. U.K.

In section 1(2) of the ^{M64}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
(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 ”.

Marginal Citations

- M64** 1952. c. 67.

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Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1996. (See end of Document for details)

Supplemental

34 The 1955 Acts and the 1957 Act. **U.K.**

In this Act—

“the 1955 Acts” means the ^{M65}Army Act 1955 and the Air Force Act 1955;
and

“the 1957 Act” means the Naval Discipline Act 1957.

Marginal Citations

M65 1955 c. 18.

35 Minor and consequential amendments and repeals. **U.K.**

- (1) The enactments mentioned in Schedule 6 to this Act shall have effect subject to the amendments there specified (being minor amendments and amendments consequential on the provisions of this Act).
- (2) The enactments mentioned in Schedule 7 to this Act (which include some that are spent) are repealed to the extent specified in the third column of that Schedule.

Commencement Information

- II** S. 35 in force at 1.10.1996 (subject to savings) in relation to Sch. 6 paras. 1-3, 5, 6 and 10-13 and specified provisions of Sch. 7 Pt. III by [S.I. 1996/2474, art.2](#) (with [art. 3](#)); in force at 1.4.1997 (subject to savings) so far as it relates to Sch. 6 paras. 4, 7-9, 14 and 15, Sch. 7 Pts. I and II, and Pt. III (to the extent as specified in Sch. 1 to the Order 1997/304, Sch. 1) by [S.I. 1997/304, art. 2](#) (with [art. 4, Sch. 2](#)); in force at 1.5.2001 insofar as not already in force by [S.I. 2001/1519, art. 2\(1\)\(b\)](#) (except for the purposes of the repeals by Sch. 7 mentioned in [art. 2\(2\)](#))

36 Short title, commencement and application to Channel Islands and Isle of Man. **U.K.**

- (1) This Act may be cited as the Armed Forces Act 1996.
- (2) Subject to subsections (3) and (4) below, this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed for different purposes.
- (3) Sections 1 and 34 shall come into force on the passing of this Act.
- (4) The repeal by this Act of section 1 of the ^{M66}Armed Forces Act 1991 shall come into force on 1st September 1996.
- (5) An order under subsection (2) above may contain such transitional provisions and savings as appear to the Secretary of State to be necessary or expedient in connection with the provisions brought into force by the order.
- (6) Section 216 of the ^{M67}Army Act 1955, section 214 of the ^{M68}Air Force Act 1955 and section 125 of the 1957 Act (application of those Acts to Channel Islands and Isle of Man) shall each apply in relation to the provisions of sections 6 and 11 of this Act as

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if those provisions were contained in the Army Act 1955, the Air Force Act 1955 or the 1957 Act, as the case may require.

Modifications etc. (not altering text)

- C1** S. 36(2)(5): power partly exercised (25.9.1996): 1.10.1996 appointed day for specified provisions by S.I. 1996/2474, **art. 2, Sch.** (subject to saving in **art. 3**)
- S. 36(2)(5): power partly exercised (2.12.1997): 1.4.1997 appointed day for specified provisions by S.I. 1997/304, **art. 2, Sch.** (subject to transitional provisions in **art. 3, Sch. 2**)
- S. 36(2)(5): power partly exercised (29.8.1997): 1.10.1997 appointed day for specified provisions by S.I. 1997/2164, **art. 2** (subject to transitional provisions in **art. 3, Sch**)
- S. 36(2): power partly exercised: 1.5.2001 appointed for specified provisions by S.I. 2001/1519, **art. 2(1)** (subject to savings in **art. 2(2)**)
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Marginal Citations

- M66** 1991 c. 62.
M67 1955 c. 18.
M68 1955 c. 19.

Status:

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Changes to legislation:

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