

Status: Point in time view as at 01/10/1996.

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

SCHEDULES

VALID FROM 01/04/1997

SCHEDULE 1

Section 5.

PROCEDURE FOR DEALING WITH OFFENCES UNDER SERVICES ACTS.

Commencement Information

I1 Sch. 1 in force at 1.4.1997 (subject to savings) by [S.I. 1997/304](#), **art. 2** (with **art. 3**)

PROSPECTIVE

^{F1}SCHEDULE 2

Section 8.

FINDINGS OF UNFITNESS TO STAND TRIAL AND INSANITY

Textual Amendments

F1 [Sch. 2](#) repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, **Sch. 11**; [S.I. 2005/579](#), art. 3(i)

^{F1} *The 1955 Acts*

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^{F1} *The 1957 Act*

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^{F1} *The Courts-Martial (Appeals) Act 1968 (c. 20)*

^{F1}₆

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F17
F18
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F110
F111
F112

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SCHEDULE 3

Section 10.

COMMUNITY SUPERVISION ORDERS

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SCHEDULE 4

Section 13.

SCHEDULE TO BE INSERTED IN THE REHABILITATION OF OFFENDERS ACT 1974

“SCHEDULE

SECTION 6(4): SERVICE DISCIPLINARY CONVICTIONS

1 Any conviction for an offence mentioned in this Schedule is a conviction referred to in section 6(6)(bb) of this Act (convictions to be disregarded for the purposes of extending a period of rehabilitation following subsequent conviction).

Provisions of the Army Act 1955 and the Air Force Act 1955

2 Any offence under any of the provisions of the ^{M32}Army Act 1955 or the ^{M33}Air Force Act 1955 listed in the first column of the following table:—

3 Any offence under section 68 (attempt to commit military offence) or 68A (aiding and abetting etc., and inciting, military offence) of the ^{M34}Army Act 1955 in relation to an offence under any of the provisions of that Act listed in paragraph 2.

4 Any offence under section 68 (attempt to commit air-force offence) or 68A (aiding and abetting etc., and inciting, air-force offence) of the ^{M35}Air Force Act 1955 in relation to an offence under any of the provisions of that Act listed in paragraph 2.

Provisions of the Naval Discipline Act 1957

5 Any offence under any of the provisions of the ^{M36}Naval Discipline Act 1957 listed in the first column of the following table:—

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- 6 Any offence under section 40 (attempt to commit naval offence) or 41 (aiding and abetting etc., and inciting, naval offence) of the ^{M37}Naval Discipline Act 1957 in relation to an offence under any of the provisions of that Act listed in paragraph 5.”

Marginal Citations

- M32** 1955 c. 18.
M33 1955 c. 19.
M34 1955 c. 18.
M35 1955 c. 19.
M36 1957 c. 53.
M37 1957 c. 53.

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SCHEDULE 5

Section 16.

REVIEW OF FINDINGS AND SENTENCE

Commencement Information

- I2** Sch. 5 in force at 1.4.1997 (subject to savings as mentioned in S.I. 1997/304, art. 3(2)) by S.I. 1997/304, arts. 2, 3

SCHEDULE 6

Section 35(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

Commencement Information

- I3** Sch. 6 partly in force: Sch. 6 not in force at royal assent; Sch. 6 partly in force at 1.10.1996 by S.I. 1997/2474, art. 2 (with Sch.); Sch. 6 partly in force at 1.4.1997 by S.I. 1997/304, art. 2 (with art. 3)

Naval Medical Compassionate Fund

- 1 In section 1 of the ^{M40}Naval Medical Compassionate Fund Act 1915 (power by Order in Council to regulate fund), in subsection (1)(f) (eligibility for benefits), after the word “widows” there shall be inserted the word “, widowers”.

Marginal Citations

- M40** 1915 c. 28.

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Affidavits and declarations outside the United Kingdom

- 2 In section 204(1) of the ^{M41}Army Act 1955 (officers entitled to take affidavits and declarations outside the United Kingdom) after the words “the legal” there shall be inserted the words “ services branch of any ”.

Marginal Citations

M41 1955 c. 18.

Enlistment in the Royal Air Force

- 3 For section 3 of the ^{M42}Air Force Act 1955 (enlistment for general or corps service) there shall be substituted the following section—

“3 Enlistment for general service.

Recruits shall be enlisted for general service.”

Marginal Citations

M42 1955 c. 19.

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Suspension of sentences

- 4 (1) In section 120 of each of the 1955 Acts (suspension of sentences of imprisonment and detention)—
- (a) in subsection (2), for the words from the beginning to “officer” there shall be substituted the “ On passing such a sentence, the court ”;
 - (b) for subsection (3) there shall be substituted the following subsection—

“(3) On the review of a sentence which is not for the time being suspended, the reviewing authority may order that the balance of the sentence be suspended.”; and
 - (c) in subsection (5)(c), for the words from “neither” to “said powers” there shall be substituted the words “ the court does not exercise the powers conferred by paragraph (a) above ”.
- (2) In section 118 (commencement of sentences of imprisonment and detention), in the proviso to subsection (2), for the words “the confirming officer” there shall be substituted the words “ a court-martial ”.

Remission of sentences

- 5 In section 122 of each of the 1955 Acts (Imprisonment and Detention Rules), in subsection (1)(e) (rules about remission of part of sentences), the words “for good conduct and industry” shall cease to have effect.

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- 6 In section 82 of the 1957 Act (Naval Detention Quarters Rules), in subsection (1) (d) (rules about remission of part of sentences), the words “for good conduct and industry” shall cease to have effect.

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Reviews

- 7 In Schedule 5A to each of the 1955 Acts (powers of court on trial of civilians), in paragraph 13(3), for the words “section 108” in both places they appear there shall be substituted the words “section 113”.
- 8 In Schedule 4A to the 1957 Act (powers of court on trial of civilians), in paragraph 13(3), for the words “section 70(2)” there shall be substituted the words “section 70(1)”.
- 9 In Schedule 3 to the ^{M43}Armed Forces Act 1976 (Standing Civilian Courts)—
- (a) in paragraph 19 (petitions for reviews), the words from “but” to “period” shall cease to have effect; and
 - (b) in paragraph 20 (reviews of findings and sentences), in subparagraph (2)(c), for the words from “a confirming” to “section 110” there shall be substituted the words “an authority carrying out a review under section 115”.

Marginal Citations

M43 1976 c. 52.

Removal or amendment of spent expressions

- 10 In section 111(1) of the 1957 Act (persons subject to Act) for the words from “Queen Alexandra’s” to “Women’s Royal Naval Service” there shall be substituted the words “and Queen Alexandra’s Royal Naval Nursing Service”.
- 11 In section 6(9)(b) of the Armed Forces Act 1976 (membership of Standing Civilian Courts) for the words from “Queen Alexandra’s” to “Women’s Royal Naval Service” there shall be substituted the words “or Queen Alexandra’s Royal Naval Nursing Service”.

Queen’s Regulations for the Royal Navy

- 12 In section 135(1) of the 1957 Act (general interpretation), after the definition of “public or service property” there shall be inserted the following definition—
- ““Queen’s Regulations” means the Queen’s Regulations for the Royal Navy;”.

Meaning of “protected prisoner of war”

- 13 In paragraph 1 of Schedule 3 to the ^{M44}Courts-Martial (Appeals) Act 1968 (meaning of “protected prisoner of war”) for the words from “means” (in the first place it

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appears) to “Schedule 3 to” there shall be substituted the words “ has the same meaning as in section 7(1) of ”.

Marginal Citations

M44 1968 c. 20.

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Abolition of confirmation

- 14 In section 82(2) of the ^{M45}Police and Criminal Evidence Act 1984 (meaning of references to conviction before a Service court in Part VIII), for the words from “references” (in the second place it appears) to “and” there shall be substituted the words “ references to a finding of guilty which is, or falls to be treated as, the finding of the court; and ”.

Marginal Citations

M45 1984 c. 60.

- 15 In Article 70(2) of the ^{M46}Police and Criminal Evidence (Northern Ireland) Order 1989 (meaning of references to conviction before a Service court in Part IX), for the words from “references” (in the second place it appears) to the end there shall be substituted the words “ references to a finding of guilty which is, or falls to be treated as, the finding of the court. ”

Marginal Citations

M46 S.I. 1989/1341 (N.I. 12).

SCHEDULE 7

Section 35(2).

REPEALS

Commencement Information

- I4** Sch. 7 partly in force: Sch. 7 not in force at Royal Assent, Sch. 7 in force for specified purposes at 1.9.1996, see s. 36(2)(4); Sch. 7 in force for specified purposes at 1.10.1996 by S.I. 1996/2474, art. 2 (with art. 3); Sch. 7 in force for specified purposes at 1.4.1997 by S.I. 1997/304, art. 2 (with Sch. 2); Sch. 7 in force at 1.5.2001 insofar as not already in force (subject to certain exceptions) by S.I. 2001/1519, art. 2(1)(2))

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PART I

REPEALS RELATING TO CHANGES TO PROCEDURE FOR DEALING WITH OFFENCES UNDER SERVICES ACTS

Chapter	Short title	Extent of repeal
1933 c. 6.	Visiting Forces (British Commonwealth) Act 1933.	In section 4(4)(b) the words from “and may” to “courts martial”.
1955 c. 18.	Army Act 1955.	Sections 77 to 80. Section 82(3). Section 84. Section 85(3). Sections 86 to 90. In section 91(1), the words from “and the convening officer” to the end. In section 93, in subsection (1), the words “other than an exempted person” and “judge advocate”, and subsection (1A). Section 95(4). In section 96(5), the words from “or on” to “finding”. Sections 104 to 106. Section 139. In section 143(1), the definition of “convening officer”. In section 209(3), paragraph (d) and, in paragraph (fa), the words “constituted under section 87 above” and “constituted under section 88 above”. In section 225(1), the definition of “Rules of Procedure”.

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1955 c. 19.	Air Force Act 1955.	<p>Sections 77 to 80.</p> <p>Section 82(3).</p> <p>Section 84.</p> <p>Section 85(3).</p> <p>Sections 86 to 90.</p> <p>In section 91(1), the words from “and the convening officer” to the end.</p> <p>In section 93, in subsection (1), the words “other than an exempted person” and “judge advocate”, and subsection (1A).</p> <p>Section 95(4).</p> <p>In section 96(5), the words from “or on” to “finding”.</p> <p>Sections 104 to 106.</p> <p>Section 139.</p> <p>In section 143(1), the definition of “convening officer”.</p> <p>In section 209(3), paragraph (d) and, in paragraph (fa), the words “constituted under section 87 above” and “constituted under section 88 above”.</p> <p>In section 223(1), the definition of “Rules of Procedure”.</p>
1957 c. 53.	Naval Discipline Act 1957.	<p>Sections 49, 50, 52A, 53 and 55.</p> <p>In section 56(2), the words from “and shall” to the end.</p> <p>In section 57, subsections (1) and (3).</p> <p>Section 59(5).</p> <p>In section 76(6)(a), the words from “by the officer” to the end.</p>

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		In Schedule 4, in paragraph 4, the words from “and subsections” to “not apply”.
1966 c. 45.	Armed Forces Act 1966.	Sections 24, 30 and 31.
1967 c. 80.	Criminal Justice Act 1967.	In section 12, the words “or orders”.
1976 c. 52.	Armed Forces Act 1976.	Section 5.
		In Schedule 3, in paragraph 1, the definition of “directing officer”, in paragraph 2(2), the words from “if so” to “direction”, paragraph 4(5), paragraph 7, in paragraph 12(4)(h), the words “and the directing officer”, paragraph 12(4)(m) and, in paragraph 18(10), the words “or as judge advocate”.
1984 c. 60.	Police and Criminal Evidence Act 1984.	In section 72(1), in paragraph (b)(i) of the definition of “proceedings”, the words from “or from” to “1957”. In section 82(1), in paragraph (b)(i) of the definition of “proceedings”, the words from “or from” to “1957”.

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PART II

REPEALS RELATING TO ABOLITION OF CONFIRMATION

Chapter	Short title	Extent of repeal
1955 c. 18.	Army Act 1955.	In section 97, subsection (2) and, in subsection (3), the words from “and” (in the first place it appears) to the end. Section 107. Sections 109 to 111.

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In section 120, in subsection (5), paragraph (b) and, in paragraph (d), the words “the confirming officer” and, in subsection (6), the words “not being confirmed or by its”.

In section 127, in subsection (4), the words “confirming officer or” (in both places) and subsection (5).

In section 131, in subsection (1), the word “confirmation” and, in subsection (3), the words “and the sentence has been confirmed”.

In section 133(2), paragraph (a) and, in paragraph (b), the words “confirmation of the sentence is withheld or” and “confirming officer or”.

In section 134, in subsection (2), paragraph (a) and, in paragraph (b), the words “confirmation of the sentence is withheld or” and “confirming officer or” and subsection (3).

In section 138, in subsection (7), the words “by the confirming officer” and “officer”, in subsection (8), the words from the beginning to “officer; and” and the words “confirmation and”, in subsection (10), the word “officer” (in both places).

In section 140, the words “confirming officer or” and “as the case may be”.

In section 141, in subsection (5), the words from “or” (in the second place it appears) to

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1955 c. 19.	Air Force Act 1955.	<p>“confirmation” (in the first place it appears) and the words from “or of” to the end and subsection (6).</p> <p>In Schedule 5A, in paragraph 4(12), the words “confirming officer or”, in paragraph 5(2)(b), the words “confirmation, revision or” and, in paragraph 15, in subparagraph (4), the words “confirmation” and “or revision”, and, in subparagraphs (5), (6) and (7), the words “confirmation” and “revision”.</p> <p>In section 97, subsection (2) and, in subsection (3), the words from “and” (in the first place it appears) to the end.</p> <p>Section 107.</p> <p>Sections 109 to 111.</p> <p>In section 120, in subsection (5), paragraph (b) and, in paragraph (d), the words “the confirming officer” and, in subsection (6), the words “not being confirmed or by its”.</p> <p>In section 127, in subsection (4), the words “confirming officer or”(in both places) and subsection (5).</p> <p>In section 131, in subsection (1), the word “confirmation”and, in subsection (3), the words “and the sentence has been confirmed”.</p> <p>In section 133(2), paragraph (a) and, in paragraph (b), the words “confirmation of the sentence is withheld or”and “confirming officer or”.</p>
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		<p>In section 134, in subsection (2), paragraph (a) and, in paragraph (b), the words “confirmation of the sentence is withheld or” and “confirming officer or” and subsection (3).</p> <p>In section 138, in subsection (7), the words “by the confirming officer” and “officer”, in subsection (8), the words from the beginning to “officer; and” and the words “confirmation and”, in subsection (10), the word “officer” (in both places).</p> <p>In section 140, the words “confirming officer or” and “as the case may be”.</p> <p>In section 141, in subsection (5), the words from “or” (in the second place it appears) to “confirmation” (in the first place it appears) and the words from “or of” to the end and subsection (6).</p> <p>In Schedule 5A, in paragraph 4(12), the words “confirming officer or”, in paragraph 5(2)(b), the words “confirmation, revision or” and, in paragraph 15, in subparagraph (4), the words “confirmation” and “or revision”, and, in subparagraphs (5), (6) and (7), the words “confirmation” and “revision”.</p>
1957 c. 53.	Naval Discipline Act 1957.	<p>In Schedule 4A, in paragraph 4(12), the words “confirming officer or”, in paragraph 5(2)(b), the words “confirmation, revision or” and, in paragraph 15, in subparagraph (4), the words “confirmation” and “or revision”, and,</p>

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1968 c. 20.	Courts-Martial (Appeals) Act 1968.	in subparagraphs (5), (6) and (7), the words "confirmation" and "revision". In section 17(2)(b), the words from "being" to the end. In section 37(2), the words from "(including" to "court-martial" (in the last place it appears). In Schedule 2, paragraph 3.
1968 c. 64.	Civil Evidence Act 1968.	In section 11(6), the words from "as regards" (in the first place they appear) to "Act of 1957" (in the second place they appear).
1968 c. 70.	Law Reform (Miscellaneous Provisions) (Scotland) Act 1968.	In section 10(6), the words from "as regards" (in the first place they appear) to "Act of 1957" (in the second place they appear).
1971 c. 36 (N.I.).	Civil Evidence Act (Northern Ireland) 1971.	In section 7(6), the words from "as regards" (in the first place they appear) to "Act of 1957" (in the second place they appear).
1986 c. 21.	Armed Forces Act 1986.	In Schedule 1, paragraph 1(1)(d).

PART III

OTHER REPEALS

Chapter	Short title	Extent of repeal
1869 c. 44.	Greenwich Hospital Act 1869.	Section 7.
1955 c. 18.	Army Act 1955.	Section 108. In section 122(1)(e), the words "for good conduct and industry". Section 181. In Schedule 7, paragraph 8.

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1955 c. 19.	Air Force Act 1955.	<p>Section 108.</p> <p>In section 122(1)(e), the words “for good conduct and industry”.</p> <p>Section 181.</p>
1957 c. 53.	Naval Discipline Act 1957.	<p>Section 72.</p> <p>In section 82(1)(d), the words “for good conduct and industry”.</p> <p>In section 111(2) the words “or the Women’s Royal Naval Service”.</p> <p>In section 132, in subsection (5), the words “the Women’s Royal Naval Service,”.</p>
1966 c. 45.	Armed Forces Act 1966.	<p>Section 2(4).</p>
1968 c. 20.	Courts-Martial (Appeals) Act 1968.	<p>In section 8, subsection (1A) (a), in subsection (2) (a) the words from “or (if” to “annulled” and subsection (5).</p> <p>In section 32(2)(a), the words from “under” to “1968”.</p> <p>Section 53.</p> <p>In section 57(1), the word “and” after the definition of “prescribed”.</p>
1968 c. 27.	Firearms Act 1968.	<p>Section 11(3).</p>
1970 c. 41.	Equal Pay Act 1970.	<p>Section 1(9).</p>
1970 c. 32 (N.I.).	Equal Pay Act (Northern Ireland) 1970.	<p>Section 1(10).</p>
1974 c. 53.	Rehabilitation of Offenders Act 1974.	<p>In section 2, in subsection (1) the words “Subject to the following provisions of this section” and subsections (2) to (4).</p> <p>In section 6, in subsection (6) the words “Subject to subsection (7) below” and subsection (7).</p>
1976. c. 52.	Armed Forces Act 1976.	<p>Section 17.</p>

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		In Schedule 3, in paragraph 19, the words from "but" to "period".
		In Schedule 9, paragraph 20(2).
1976 c. 74.	Race Relations Act 1976.	In section 54(2), the words "or to a complaint to which section 75(8) applies".
S.I. 1978/1908 (N.I. 27).	Rehabilitation of Offenders (Northern Ireland) Order 1978.	In Article 4, in paragraph (1), the words "Subject to the following provisions of this Article," and paragraphs (2) to (4).
		In Article 7, in paragraph (6) the words "Subject to paragraph (7)" and paragraph (7).
1981 c. 55.	Armed Forces Act 1981.	In section 20(2) the words "and the Women's Royal Naval Service".
		In Schedule 3, in paragraph 11(1) the words "and the Women's Royal Naval Service" and in paragraphs 11(2) and 12 to 14 the words "or the Women's Royal Naval Service".
		In Schedule 4, paragraphs 2(1) and 3(1).
1983 c. 20.	Mental Health Act 1983.	Section 46.
1984 c. 36.	Mental Health (Scotland) Act 1984.	Section 69.
S.I. 1986/595 (N.I.4).	Mental Health (Northern Ireland) Order 1986.	Article 52.
1991 c. 62.	Armed Forces Act 1991.	Section 1.
1995 c. 35.	Criminal Appeal Act 1995.	In Schedule 2, paragraphs 1 and 2.

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