



# Armed Forces Act 2001

## 2001 CHAPTER 19

### PART 4

#### MISCELLANEOUS AND GENERAL

##### *General*

### 35 Orders and regulations

- (1) Any power of the Secretary of State to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) A statutory instrument containing (whether alone or with other provisions)—
  - (a) an order under section 8(2),
  - (b) an order under section 31(2)(h), or
  - (c) an order under section 30 or 31(3) which by virtue of section 30(4)(e) or 31(6) makes any provision adding to, replacing or omitting any part of the text of an Act,shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (3) A statutory instrument which contains—
  - (a) an order made by the Secretary of State under—
    - (i) any provision of Part 2,
    - (ii) section 20,
    - (iii) section 30,
    - (iv) section 31(3), or
    - (v) section 33(2)(b) or (3)(c), or
  - (b) regulations made by the Secretary of State under—
    - (i) any provision of Part 2,
    - (ii) section 26, or
    - (iii) section 27,

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and which is not subject to the requirement in subsection (2) that a draft of the instrument be laid before and approved by a resolution of each House of Parliament, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (4) Any power of the Secretary of State to make an order or regulations under this Act includes power to make such incidental, consequential or transitional provision as the Secretary of State thinks fit.

### **36 Application to Channel Islands and Isle of Man**

- (1) Section 216 of the Army Act 1955 (c. 18), section 214 of the Air Force Act 1955 (c. 19) 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 section 20 of this Act as if those provisions were contained in the Army Act 1955, the Air Force Act 1955 or the 1957 Act, as the case may require.
- (2) Her Majesty may by Order in Council direct that any of the provisions of this Act specified in subsection (3) shall extend, with such exceptions and modifications as appear to Her Majesty to be appropriate, to the Channel Islands and the Isle of Man.
- (3) The provisions referred to in subsection (2) are—
- (a) Part 2,
  - (b) sections 26 to 28,
  - (c) section 30,
  - (d) section 31, and
  - (e) sections 32 and 33.

### **37 Interpretation**

In this Act—

“the 1955 Acts” means the Army Act 1955 (c. 18) and the Air Force Act 1955 (c. 19);

“the 1957 Act” means the Naval Discipline Act 1957 (c. 53).

### **38 Repeals**

The enactments specified in Schedule 7 (which includes enactments that are spent in consequence of section 21(5) of the Human Rights Act 1998 (c. 42) or section 60 of the Youth Justice and Criminal Evidence Act 1999 (c.23)) are repealed to the extent specified in that Schedule.

#### **Commencement Information**

- II** S. 38 partly in force: s. 38 in force for certain purposes at 11.5.2001 see s. 39; s. 38 in force for certain purposes at 1.10.2001 by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))); s. 38 in force for certain further purposes at 28.2.2002 by [S.I. 2002/345](#), [art. 2](#)

### **39 Short title and commencement**

- (1) This Act may be cited as the Armed Forces Act 2001.

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- (2) Subject to subsections (3) and (4), this Act shall come into force on such day as the Secretary of State may by order appoint.
- (3) The following provisions shall come into force on the day on which this Act is passed—
- (a) section 1,
  - (b) section 35,
  - (c) section 36,
  - (d) section 37,
  - (e) this section,
  - (f) Parts 4 and 5 of Schedule 6, and section 34 so far as relating to those Parts, and
  - (g) Parts 4 to 6 of Schedule 7, and section 38 so far as relating to those Parts.
- (4) The repeal by this Act of section 1 of the Armed Forces Act 1996 (c. 46) shall come into force on 1st September 2001.
- (5) An order under subsection (2) may appoint different days for different purposes.
- (6) An order under subsection (2) 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.

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**Subordinate Legislation Made**

- P1** S. 39(2)(6) power exercised: 1.10.2001 appointed for specified provisions by [S.I. 2001/3234](#), [art. 2](#) (subject to [art. 3](#))
- P2** S. 39(2)(6) power exercised: 28.2.2002 appointed for specified provisions by [S.I. 2002/345](#), [art. 2](#) (subject to [art. 3](#))

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