



Armed Forces Act 2001

2001 CHAPTER 19

PART 4

MISCELLANEOUS AND GENERAL

Provision equivalent to criminal justice enactments

- 31 Power to make provision in consequence of enactments relating to criminal justice**
- (1) In this section a “criminal justice enactment” means any enactment which—
- (a) is contained in an Act passed after or in the same Session as this Act, and
 - (b) amends the law of England and Wales relating to any of the matters specified in subsection (2).
- (2) Those matters are—
- (a) the powers of the police in connection with the investigation of offences or the detection of offenders,
 - (b) powers of arrest and detention in connection with crime or criminal proceedings,
 - (c) the functions of any authority in relation to criminal prosecutions,
 - (d) remand in custody or on bail,
 - (e) the rights and duties of an accused person in relation to proceedings in criminal courts,
 - (f) evidence or procedure in criminal courts,
 - (g) the powers of criminal courts, including powers in relation to sentence, and
 - (h) such other matters relating to criminal justice as the Secretary of State may by order prescribe for the purposes of this paragraph.
- (3) The Secretary of State may, if he thinks fit to do so in consequence of a criminal justice enactment, by order make provision, in relation to service policemen, service courts, persons subject to service law or proceedings for offences under the services Acts, which is equivalent to that made by—

Status: This is the original version (as it was originally enacted).

- (a) the criminal justice enactment,
 - (b) any enactment relating to any of the matters mentioned in subsection (2) which is amended by the criminal justice enactment, or
 - (c) any subordinate legislation made under the criminal justice enactment or under any Act which is amended by the criminal justice enactment,
- subject to such modifications as he thinks fit.
- (4) In the following provisions of this section “the relevant provision” means the criminal justice enactment, the enactment falling within subsection (3)(b) or the subordinate legislation falling within subsection (3)(c).
- (5) An order under subsection (3) may make provision in such way as the Secretary of State thinks fit and may, in particular, apply the relevant provision subject to such modifications as he thinks fit and specifies in the order.
- (6) An order under subsection (3) may—
- (a) in relation to any relevant provision, be made in relation to all cases to which the order-making power extends or only in relation to specified cases,
 - (b) make different provision for different cases, including different provision in relation to different service courts, and
 - (c) amend, repeal or revoke any enactment (including the relevant provision and any enactment contained in this Act).
- (7) For the purposes of this section, Chapter 2 of Part 5 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (detention and custody of young offenders) is to be taken to be contained in an Act falling within subsection (1)(a).
- (8) In this section any reference to a person subject to service law is a reference to—
- (a) a person subject to military law, air-force law or the 1957 Act, or
 - (b) any other person to whom provisions of Part 2 of the Army Act 1955 (c. 18), Part 2 of the Air Force Act 1955 (c. 19) or Parts 1 and 2 of the 1957 Act apply (whether with or without any modifications).
- (9) In this section—
- “criminal court” means any court of criminal jurisdiction other than a service court;
 - “the services Acts” means the 1955 Acts and the 1957 Act;
 - “service court” means a court-martial, a summary appeal court, a Standing Civilian Court or the Courts-Martial Appeal Court;
 - “service policeman” has the same meaning as in Part 2;
 - “subordinate legislation” has the meaning given by section 21(1) of the Interpretation Act 1978 (c. 30);
 - “summary appeal court” means either of the courts established by section 83ZA of the 1955 Acts or the court established by section 52FF of the 1957 Act.