
Status: Point in time view as at 11/05/2001.

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2001, Part 4. (See end of Document for details)

SCHEDULES

SCHEDULE 6

MISCELLANEOUS AMENDMENTS

PART 4

AMENDMENTS CONSEQUENTIAL ON SECTION 21(5) OF HUMAN RIGHTS ACT 1998

Army Act 1955 (c. 18) and Air Force Act 1955 (c. 19)

- 14 In section 24(3) of each of the 1955 Acts (penalty for offence of misconduct in action) for the words from “liable” to the end there is substituted “ liable to imprisonment or any less punishment provided by this Act ”.
- 15 In section 25(2) of each of those Acts (penalty for offence of assisting the enemy) for the words from “liable” to the end there is substituted “ liable to imprisonment or any less punishment provided by this Act ”.
- 16 In section 26(3) of each of those Acts (penalty for offence of obstructing operations) for the words from “liable” to the end there is substituted “ liable to imprisonment or any less punishment provided by this Act ”.
- 17 In section 32 of each of those Acts (failure to suppress mutiny) for the words from “court-martial” onwards there is substituted “ court-martial be liable to imprisonment or any less punishment provided by this Act ”.
- 18 (1) Section 126 of each of those Acts (special provisions as to carrying out of sentences outside the United Kingdom otherwise than in military establishments) is amended as follows.
- (2) In subsection (1)—
- (a) the words from “sentences of death” to “authorities and” are omitted, and
- (b) for “such establishments” there is substituted “ establishments under the control of those authorities ”.
- (3) In subsection (2), for “sections one hundred and twenty-one and one hundred and twenty-two of this Act” there is substituted “ section one hundred and twenty-two of this Act. ”
- (4) In subsection (3), the words “no sentence of death passed by a court-martial shall be executed, and” are omitted.

Naval Discipline Act 1957 (c. 53)

- 19 In section 2(3) of the 1957 Act (penalty for misconduct in action) for the words from “liable” to the end there is substituted “ liable to imprisonment or any less punishment authorised by this Act ”.

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- 20 In section 3(2) of that Act (penalty for assisting the enemy) for the words from “liable” to the end there is substituted “ liable to imprisonment or any less punishment authorised by this Act ”.
- 21 In section 4(3) of that Act (penalty for obstructing operations) for the words from “liable” to the end there is substituted “ liable to imprisonment or any less punishment authorised by this Act ”.
- 22 For subsection (7) of section 52B of that Act (investigation of charges by commanding officer) there is substituted—
- “(7) For the purposes of this Act, a charge is capable of being tried summarily if it is for an offence triable by court-martial under this Act, other than—
- (a) an offence listed in subsection (8) below (offences which, before the passing of the Human Rights Act 1998, were punishable by sentence of death), or
 - (b) an offence under section 42 of this Act where the civil offence is one for which the sentence is fixed by law as life imprisonment.
- (8) The offences are—
- (a) an offence under section 2 of this Act, if it consists in an act or omission falling within subsection (1) or (2)(a) of that section and it is charged that it was committed with intent to assist the enemy;
 - (b) an offence under section 3 of this Act, if it consists in an act or omission falling within subsection (1)(a), (b), (c), (d) or (f) of that section and it is charged that it was committed with intent to assist the enemy;
 - (c) an offence under section 4 of this Act, if it is charged that it was committed with intent to assist the enemy;
 - (d) an offence under section 9 of this Act, if it is charged that the mutiny had as its object or one of its objects the refusal or avoidance of any duty or service against or in connection with operations against the enemy, or the impeding of the performance of any such duty or service;
 - (e) an offence under section 10 of this Act, if it is charged that it was committed with intent to assist the enemy;
 - (f) an offence under section 42 of this Act, where the civil offence is treason.”

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