

*Status: Point in time view as at 01/10/2001.*

**Changes to legislation:** Armed Forces Act 2001 is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULES

VALID FROM 28/02/2002

### SCHEDULE 1

Section 17

SUMMARY DEALING OR TRIAL AND FUNCTIONS OF PROSECUTING AUTHORITY  
.....

VALID FROM 28/02/2002

### SCHEDULE 2

Section 19

MEMBERSHIP OF COURTS-MARTIAL  
.....

PROSPECTIVE

### <sup>F1</sup>SCHEDULE 3

Section 22

REQUIRED CUSTODIAL SENTENCES

#### Textual Amendments

**F1** Schs. 1-5 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 17](#); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))

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

<sup>F1</sup>1 .....  
<sup>F1</sup>2 .....  
<sup>F1</sup>3 .....  
<sup>F1</sup>4 .....

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*Naval Discipline Act 1957 (c. 53)*

- F15 .....
- F16 .....
- F17 .....

PROSPECTIVE

<sup>F1</sup>SCHEDULE 4

Section 29

AMENDMENTS RELATING TO CUSTODY

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

- F11 .....
- F12 .....
- F13 .....
- F14 .....
- F15 .....
- F16 .....
- F17 .....

*Naval Discipline Act 1957 (c. 53)*

- F18 .....
- F19 .....
- F110 .....
- F111 .....

VALID FROM 04/03/2006

SCHEDULE 5

Section 32(9)

TESTING FOR ALCOHOL OR DRUGS

.....

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## SCHEDULE 6

Section 34

### MISCELLANEOUS AMENDMENTS

#### PART 1

##### AMENDMENTS OF SEXUAL OFFENCES (AMENDMENT) ACT 1992

- 1 At the end of section 2 of the Sexual Offences (Amendment) Act 1992 (c. 34) (offences to which that Act applies) there is inserted—

“(4) This Act applies to a service offence (wherever committed) if the corresponding civil offence is mentioned in subsection (1).”

#### Commencement Information

**I1** Sch. 6 Pt. 1 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

- 2 At the end of section 4 of that Act (special rules for cases of incest or buggery) there is inserted—

“(9) For the purposes of this section, a service offence is a section 10 offence, a section 11 offence or a section 12 offence if the corresponding civil offence is a section 10 offence, a section 11 offence or a section 12 offence, as the case may be.”

#### Commencement Information

**I2** Sch. 6 Pt. 1 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

- 3 (1) Section 6 of that Act (interpretation etc.) is amended as follows.

- (2) In subsection (1)—

- (a) after the definition of “complainant” there is inserted—

““corresponding civil offence”, in relation to a service offence, means the civil offence (within the meaning of the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957) the commission of which constitutes the service offence;”

and

- (b) after the definition of “relevant programme” there is inserted—

““service offence” means an offence against section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957;”

- (3) In subsection (3) after “accused of an offence” there is inserted “, other than a service offence, ”.

- (4) After subsection (3) there is inserted—

“(3A) For the purposes of this Act, a person is accused of a service offence if he is treated by section 75(4) of the Army Act 1955, section 75(4) of the Air Force

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Act 1955 or section 47A(4) of the Naval Discipline Act 1957 as charged with the offence, and references in section 3 to an accusation alleging an offence shall be construed accordingly.”

**Commencement Information**

**I3** Sch. 6 Pt. 1 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

- 4 (1) Section 7 of that Act (application of Act in relation to courts-martial) is amended as follows.
- (2) In subsection (1), for “section 2(1)” there is substituted “ section 2(4) ”.
- (3) In subsection (2), paragraph (f) and the word “and” preceding it are omitted.

**Commencement Information**

**I4** Sch. 6 Pt. 1 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

## PART 2

### ABOLITION OF OFFICE OF DEPUTY JUDGE ADVOCATE

*Courts-Martial (Appeals) Act 1951 (c. 46)*

- 5 In section 30(1)(b) of the Courts-Martial (Appeals) Act 1951 (assistants to Judge Advocate General), there are omitted—
- (a) the words “, and such number of officers to be known as Deputy Judge Advocates,”, and
- (b) the words “in each case”.

**Commencement Information**

**I5** Sch. 6 Pt. 2 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

- 6 In section 31 of that Act (qualifications of Judge Advocate General and assistants)
- 
- (a) in subsection (2)—
- (i) at the end of paragraph (b) there is inserted “ or ”, and
- (ii) paragraph (d) and the word “or” preceding it are omitted,
- (b) subsection (3) is omitted, and
- (c) in subsection (4), for “, an Assistant Judge Advocate General or a Deputy Judge Advocate” there is substituted “ or an Assistant Judge Advocate General ”.

**Commencement Information**

**I6** Sch. 6 Pt. 2 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

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- 7 In section 32(1) of that Act (tenure of Judge Advocate General and assistants) for “, an Assistant Judge Advocate General or a Deputy Judge Advocate” there is substituted “ or an Assistant Judge Advocate General ”.

**Commencement Information**

**I7** Sch. 6 Pt. 2 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

*House of Commons Disqualification Act 1975 (c. 24) and Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 8 In Part 3 of Schedule 1 to each of the House of Commons Disqualification Act 1975 and the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices), in the entry beginning “Judge Advocate General”, for “, Assistant Judge Advocate General or Deputy Judge Advocate” there is substituted “ or Assistant Judge Advocate General ”.

**Commencement Information**

**I8** Sch. 6 Pt. 2 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

*Courts and Legal Services Act 1990 (c. 41)*

- 9 In Schedule 11 to the Courts and Legal Services Act 1990 (judges etc. barred from legal practice) in the entry relating to an Assistant or Deputy Judge Advocate General, the words “or Deputy” are omitted.

**Commencement Information**

**I9** Sch. 6 Pt. 2 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

*Judicial Pensions and Retirement Act 1993 (c. 8)*

- 10 In section 27(3) of the Judicial Pensions and Retirement Act 1993 (completion of proceedings after retirement), paragraph (f) is omitted.

**Commencement Information**

**I10** Sch. 6 Pt. 2 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

### PART 3

#### AMENDMENTS OF RESERVE FORCES ACT 1996

*Delegation by Secretary of State of certain functions*

- 11 In section 35(1) of the Reserve Forces Act 1996 (c. 14) (exercise of certain functions under section 32 or 33 of that Act) after “section” there is inserted “ 31, ”.

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**Commencement Information**

**II1** Sch. 6 Pt. 3 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

*Notice given by special member*

12 In section 41 of that Act (cessation of liabilities), in subsection (4) the word “been” is omitted.

**Commencement Information**

**II2** Sch. 6 Pt. 3 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

*Absence for voting*

13 In section 125 of that Act (absence for voting), in paragraph (a), after “Member of the Scottish Parliament” there is inserted “, a Member of the National Assembly for Wales, a Member of the Northern Ireland Assembly”.

**Commencement Information**

**II3** Sch. 6 Pt. 3 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

## 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

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- (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 ”.
- 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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## PART 5

### QUEEN ALEXANDRA’S ROYAL NAVAL NURSING SERVICE AND FORMER WOMEN’S ROYAL NAVAL SERVICE

#### *Naval Discipline Act 1957 (c. 53)*

- 23 In section 111 of the 1957 Act there are omitted—
- (a) in subsection (1), the words “and Queen Alexandra’s Royal Naval Nursing Service”, and
  - (b) in subsection (2), the words “or of Queen Alexandra’s Royal Naval Nursing Service”.
- 24 In section 132(5) of that Act, the words “Queen Alexandra’s Royal Naval Nursing Service” are omitted.

#### *Armed Forces Act 1976 (c. 52)*

- 25 In section 6(9)(b) of the Armed Forces Act 1976, the words “or Queen Alexandra’s Royal Naval Nursing Service” are omitted.

#### *House of Commons Disqualification Act 1975 (c. 24)*

- 26 In section 1(3) of the House of Commons Disqualification Act 1975, in the definition of “regular armed forces of the Crown”, for the words from “, the regular air force” to the end there is substituted “ or the regular air force as defined by section 223 of the Air Force Act 1955 ”.

#### *Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 27 In section 1(2) of the Northern Ireland Assembly Disqualification Act 1975, in the definition of “regular armed forces of the Crown”, for the words from “, the regular air force” to the end there is substituted “ or the regular air force as defined by section 223 of the Air Force Act 1955 ”.

#### *Armed Forces Act 1981 (c. 55)*

- 28 Section 20(2) of, and Part 3 of Schedule 3 to, the Armed Forces Act 1981 (which apply to members of Queen Alexandra’s Royal Naval Nursing Service provisions of the Armed Forces Act 1966 relating to discharge etc.) shall cease to have effect.

#### *Housing Act 1985 (c. 68)*

- 29 In section 622 of the Housing Act 1985, in the definition of “regular armed forces of the Crown”, for the words from “, the regular air force” to the end there is substituted “ or the regular air force as defined by section 223 of the Air Force Act 1955 ”.

#### *Housing Act 1996 (c. 52)*

- 30 In section 199(4) of the Housing Act 1996, for the words from “, the regular air force” to the end there is substituted “ or the regular air force as defined by section 223 of the Air Force Act 1955 ”.

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## PART 6

### OTHER AMENDMENTS

#### *Marriages in service chapels*

- 31 In section 68 of the Marriage Act 1949 (c. 76) (solemnization of marriages in naval, military and air force chapels)—
- (a) in subsection (2)(e), after “daughter” there is inserted “, son, step-daughter or step-son ”, and
  - (b) in subsection (3), the words from “and the expression” to the end are omitted.

#### **Commencement Information**

**I14** Sch. 6 para. 31 wholly in force; Sch. 6 para. 31 not in force at Royal Assent see s. 39; Sch. 6 para. 31 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

#### *Retirement age for assistants to Judge Advocate General*

- 32 (1) In section 32(2) of the Courts-Martial (Appeals) Act 1951 (c. 46) (tenure of office of Judge Advocate General and assistants), for “sixty-five” there is substituted “seventy”.
- (2) The amendment made by sub-paragraph (1) applies in relation to any such officer as is mentioned in section 30(1) of that Act (assistants to Judge Advocate General) whether appointed before or after the commencement of sub-paragraph (1).

#### **Commencement Information**

**I15** Sch. 6 para. 32 wholly in force; Sch. 6 para. 32 not in force at Royal Assent see s. 39; Sch. 6 para. 32 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

#### *Sentence where penalty for civil offence fixed by law as life imprisonment*

- 33 (1) Section 70(3) of each of the 1955 Acts (punishment of civil offences) is amended as follows.
- (2) For paragraphs (aa) and (ab) there is substituted—
- “(aa) if the corresponding civil offence is one for which the sentence is fixed by law as life imprisonment, be sentenced to imprisonment for life;”.

#### **Commencement Information**

**I16** Sch. 6 para. 33 wholly in force; Sch. 6 para. 33 not in force at Royal Assent see s. 39; Sch. 6 para. 33 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

- 34 (1) Section 42(1) of the 1957 Act (punishment of civil offences) is amended as follows.

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- (2) The words “Subject to section 43A below” are inserted at the beginning and the words “subject to section 43A below be liable” are omitted.
- (3) For paragraph (b) there is substituted—  
 “(b) in the case of an offence constituted by a civil offence the sentence for which is fixed by law as life imprisonment, be sentenced to imprisonment for life;”.
- (4) In paragraph (c), after “any other offence,” there is inserted “be liable”.

**Commencement Information**

**I17** Sch. 6 para. 34 wholly in force; Sch. 6 para. 34 not in force at Royal Assent see s. 39; Sch. 6 para. 34 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

*Qualification for appointment as judicial officer*

- 35 (1) Section 75L of each of the 1955 Acts (judicial officers) is amended as follows.
- (2) In subsection (2) the word “or” at the end of paragraph (a) is omitted and at the end of paragraph (b) there is inserted—  
 “or  
 (c) immediately before his appointment, he holds a relevant judicial appointment in any Commonwealth country or colony and has professional or educational qualifications in law which appear to the Judge Advocate General to be appropriate.”
- (3) After that subsection there is inserted—  
 “(3) In subsection (2)(c), “relevant judicial appointment”, in relation to a Commonwealth country or colony, means an appointment by virtue of which he is capable of exercising, in criminal proceedings in that country or colony, functions similar to the functions exercisable, in criminal proceedings in England and Wales, by a judge of the Supreme Court, a Circuit judge or a District Judge (Magistrates’ Courts).”

**Commencement Information**

**I18** Sch. 6 para. 35 wholly in force; Sch. 6 para. 35 not in force at Royal Assent see s. 39; Sch. 6 para. 35 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

- 36 (1) Section 47M of the 1957 Act (judicial officers) is amended as follows.
- (2) In subsection (2) the word “or” at the end of paragraph (a) is omitted and at the end of paragraph (b) there is inserted—  
 “or  
 (c) immediately before his appointment, he holds a relevant judicial appointment in any Commonwealth country or colony and has professional or educational qualifications in law which appear to the Chief Naval Judge Advocate to be appropriate.”

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(3) After that subsection there is inserted—

“(3) In subsection (2)(c), “relevant judicial appointment”, in relation to a Commonwealth country or colony, means an appointment by virtue of which he is capable of exercising, in criminal proceedings in that country or colony, functions similar to the functions exercisable, in criminal proceedings in England and Wales, by a judge of the Supreme Court, a Circuit judge or a District Judge (Magistrates’ Courts).”

#### Commencement Information

**I19** Sch. 6 para. 36 wholly in force; Sch. 6 para. 36 not in force at Royal Assent see s. 39; Sch. 6 para. 36 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

#### *Evidence given before boards of inquiry*

37 In section 135 of the Army Act 1955 (c. 18) (boards of inquiry), for subsection (5) there is substituted—

“(5) Evidence given before a board of inquiry convened—

- (a) under this section,
- (b) under section 135 of the Air Force Act 1955, or
- (c) under the Queen’s Regulations for the Royal Navy,

shall not be admissible against any person in proceedings before a court-martial, commanding officer or appropriate superior authority, other than proceedings for an offence against section 70 of this Act where the corresponding civil offence is perjury.”

#### Commencement Information

**I20** Sch. 6 para. 37 wholly in force; Sch. 6 para. 37 not in force at Royal Assent see s. 39; Sch. 6 para. 37 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

38 In section 135 of the Air Force Act 1955 (c. 19) (boards of inquiry), for subsection (5) there is substituted—

“(5) Evidence given before a board of inquiry convened—

- (a) under this section,
- (b) under section 135 of the Army Act 1955, or
- (c) under the Queen’s Regulations for the Royal Navy,

shall not be admissible against any person in proceedings before a court-martial, commanding officer or appropriate superior authority, other than proceedings for an offence against section 70 of this Act where the corresponding civil offence is perjury.”

#### Commencement Information

**I21** Sch. 6 para. 38 wholly in force; Sch. 6 para. 38 not in force at Royal Assent see s. 39; Sch. 6 para. 38 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

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### Compensation for loss

- 39 In subsection (2) of section 147 of each of the 1955 Acts (compensation for loss occasioned by wrongful act or negligence), for the words from “may order” to “made)” there is substituted “ may, at a time when the person responsible is a member of the regular forces, order him ”.

#### Commencement Information

- I22** Sch. 6 para. 39 wholly in force; Sch. 6 para. 39 not in force at Royal Assent see s. 39; Sch. 6 para. 39 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

- 40 In subsection (2) of section 128C of the 1957 Act (compensation for loss occasioned by wrongful act or negligence), for the words from “may order” to “made)” there is substituted “ may, at a time when the person responsible is subject to this Act, order him ”.

#### Commencement Information

- I23** Sch. 6 para. 40 wholly in force; Sch. 6 para. 40 not in force at Royal Assent see s. 39; Sch. 6 para. 40 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

VALID FROM 30/09/2003

### Redress of complaints

- 41 In section 180 of each of the 1955 Acts (redress of complaints) for subsection (2) there is substituted—

“(2) A person (“the person aggrieved”) may not make a complaint under this section with respect to—

- (a) any decision of a judicial officer or judge advocate under section 75C, 75F, 75G, 75H, 75J or 75K of this Act,
- (b) any decision of a judicial officer under Part 2 of the Armed Forces Act 2001,
- (c) any matter against which the person aggrieved may present a petition under section 113 of this Act, or
- (d) any matter against which the person aggrieved may bring an appeal under section 83ZE of this Act or under the Courts-Martial (Appeals) Act 1968.”

VALID FROM 30/09/2003

- 42 In section 130 of the 1957 Act (redress of complaints) for subsection (2) there is substituted—

“(2) A person (“the person aggrieved”) may not make a complaint under this section with respect to—

- (a) any decision of a judicial officer or judge advocate under section 47D, 47G, 47H, 47J, 47K and 47L of this Act,

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- (b) any decision of a judicial officer under Part 2 of the Armed Forces Act 2001,
- (c) any matter against which the person aggrieved may present a petition under section 70 of this Act, or
- (d) any matter against which he may bring an appeal under section 52FK of this Act or under the Courts-Martial (Appeals) Act 1968.”

- 43 In paragraph 9 of Schedule 6 to each of the 1955 Acts (provisions not applying to attached members of other services), the words “and one hundred and eighty” are omitted.

#### Commencement Information

**I24** Sch. 6 para. 43 wholly in force; Sch. 6 para. 43 not in force at Royal Assent see s. 39; Sch. 6 para. 43 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

#### *Civilian contractors attached to or accompanying armed forces*

- 44 In Schedule 5 to each of the 1955 Acts (which lists civilians who are subject to Part 2 of the Act when outside the United Kingdom), in paragraph 4—
- (a) after “profession” there is inserted “ , business ”, and
  - (b) at the end there is inserted “ or by an officer authorised by the Defence Council ”.

#### Commencement Information

**I25** Sch. 6 para. 44 wholly in force; Sch. 6 para. 44 not in force at Royal Assent see s. 39; Sch. 6 para. 44 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

- 45 In Schedule 3 to the 1957 Act (which lists civilians who are subject to certain provisions of the Act when outside the United Kingdom), in paragraph 4—
- (a) after “profession” there is inserted “ , business ”, and
  - (b) at the end there is inserted “ or by an officer authorised by the Defence Council ”.

#### Commencement Information

**I26** Sch. 6 para. 45 wholly in force; Sch. 6 para. 45 not in force at Royal Assent see s. 39; Sch. 6 para. 45 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

#### *Interpretation of references to “Royal Air Force Police”*

- 46 In section 225(1) of the Army Act 1955 (c. 18) and section 135(1) of the 1957 Act (interpretation), after the definition of “the relevant time” there is inserted—
- ““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;”.

*Status: Point in time view as at 01/10/2001.*

*Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Commencement Information**

**I27** Sch. 6 para. 46 wholly in force; Sch. 6 para. 46 not in force at Royal Assent see s. 39; Sch. 6 para. 46 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

47 In section 223(1) of the Air Force Act 1955 (c. 19) (interpretation) after the definition of “the relevant time” there is inserted—

““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 this Act on provost officers;”.

**Commencement Information**

**I28** Sch. 6 para. 47 wholly in force; Sch. 6 para. 47 not in force at Royal Assent see s. 39; Sch. 6 para. 47 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

48 In subsection (4) of section 11 of the Armed Forces Act 1996 (c. 46) (which relates to the interpretation of that section)—

(a) after the definition of “fingerprints” there is inserted—

““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;”.

and

(b) in the definition of “service policeman”, for “, the Royal Air Force Police or the staff of the Royal Air Force Provost Marshal” there is substituted “ or the Royal Air Force Police ”.

**Commencement Information**

**I29** Sch. 6 para. 48 wholly in force; Sch. 6 para. 48 not in force at Royal Assent see s. 39; Sch. 6 para. 48 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

*Interpretation of references to a “constable”*

49 At the end of the definition of “constable” in each of the following provisions—

- (a) section 225(1) of the Army Act 1955 (c. 18) ,
- (b) section 223(1) of the Air Force Act 1955 (c. 19), and
- (c) section 135(1) of the 1957 Act,

there is inserted “ but does not include a provost officer or a person exercising authority under or on behalf of a provost officer ”.

**Commencement Information**

**I30** Sch. 6 para. 49 wholly in force; Sch. 6 para. 49 not in force at Royal Assent see s. 39; Sch. 6 para. 49 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

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### *Application to civilians*

- 50 (1) Section 209 of each of the 1955 Acts (application of Act to civilians) is amended as follows.
- (2) In paragraphs (a) and (b) of the proviso to subsection (2), for “section 68 so far as it relates” there is substituted “sections 68 and 68A so far as they relate”.
- (3) In subsection (3)(f), for “the provisions of this Act relating to custody and the investigation of offences” there is substituted “Part 2 of this Act”.
- (4) Subsection (3C) is omitted.

#### **Commencement Information**

**I31** Sch. 6 para. 50 partly in force; Sch. 6 para. not in force at Royal Assent see s. 39; Sch. 6 para. 50(1) in force for specified purposes at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

- 51 In Schedule 4 to the 1957 Act (application of Act to civilians), paragraph 4B is omitted.

#### **Commencement Information**

**I32** Sch. 6 para. 51 wholly in force; Sch. 6 para. 51 not in force at Royal Assent see s. 39; Sch. 6 para. 51 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

- 52 In paragraph 4 of Schedule 5A to each of the 1955 Acts (community supervision orders) after sub-paragraph (7D) there is inserted—
- “(7E) Section 132(3) of this Act (as applied to civilians by section 209 of this Act) does not apply in relation to an offence under sub-paragraph (6) above.”

#### **Commencement Information**

**I33** Sch. 6 para. 52 wholly in force; Sch. 6 para. 52 not in force at Royal Assent see s. 39; Sch. 6 para. 52 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

- 53 In paragraph 4 of Schedule 4A to the 1957 Act (community supervision orders) after sub-paragraph (7D) there is inserted—
- “(7E) Section 52(2) of this Act (as applied to civilians by section 118 of this Act) does not apply in relation to an offence under sub-paragraph (6) above.”

#### **Commencement Information**

**I34** Sch. 6 para. 53 wholly in force; Sch. 6 para. 53 not in force at Royal Assent see s. 39; Sch. 6 para. 53 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

### *Arrest of civilian whose sentence is deferred*

- 54 In paragraph 2A of Schedule 5A to each of the 1955 Acts (deferment of award of sentence)—

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- (a) in sub-paragraph (8) for “the Court or the directing officer” there is substituted “a magistrate appointed under section 6(4) of the Armed Forces Act 1976 ”,
- (b) in sub-paragraph (9)—
  - (i) for “subject to service law” there is substituted “a person to whom Part 2 of this Act is applied by section 209 above ”, and
  - (ii) in paragraph (b), for “the directing officer or by any superior officer or authority” there is substituted “a magistrate appointed under section 6(4) of the Armed Forces Act 1976 ”,
- (c) in sub-paragraph (10) for the words “the Standing Civilian Court or directing officer” there is substituted “the magistrate ”, and
- (d) sub-paragraph (13) is omitted.

#### **Commencement Information**

**I35** Sch. 6 para. 55 wholly in force; Sch. 6 para. 55 not in force at Royal Assent see s. 39; Sch. 6 para. 55 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

VALID FROM 28/03/2009

#### *Right of appeal to Courts-Martial Appeal Court*

- 55 (1) Section 8 of the Courts-Martial (Appeals) Act 1968 (c. 20) (right of appeal) is amended as follows.
- (2) In subsection (1A), for “any of those Schedules” there is substituted “ Schedule 5A to the Army Act, Schedule 5A to the Air Force Act or Schedule 4A to the Naval Discipline Act ”.
- (3) For subsections (2) and (3) there is substituted—
- “(2) Subject to subsection (3) below, the person’s right of appeal is not exercisable—
- (a) unless he has presented a petition to the Defence Council under section 113 of the Army Act or the Air Force Act or section 70 of the Naval Discipline Act within the period prescribed for the purposes of the section in question, and
  - (b) until either the prescribed period (beginning with the day on which the petition is presented) expires or he is notified by the reviewing authority of the result of its review under the section in question, whichever first occurs.
- (3) The Appeal Court may direct that a person who—
- (a) has not presented a petition as mentioned in subsection (2)(a) above,
  - (b) has been notified by the reviewing authority of the result of its review under section 113 of the Army Act or the Air Force Act or section 70 of the Naval Discipline Act, and
  - (c) has applied for leave to appeal,

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may appeal if they think that there is a reasonable explanation for his not having exercised his right to present a petition and that it is in the interests of justice that he should appeal.”

(4) In subsection (4) for “subsection (1)” there is substituted “ subsection (2) ”.

VALID FROM 28/03/2009

56 In section 36(1)(a) of that Act (functions of Courts-Martial Appeal Court which are exercisable by any judge of that court) for “be treated as not having lost his right of” there is substituted “ may ”.

*Children in respect of whom protective orders may be made*

57 In section 17 of the Armed Forces Act 1991 (c. 62) (power to make service family child assessment orders), for subsections (1) and (2) there is substituted—

“(1) The power to make an order under this section (in this Part of this Act referred to as an “assessment order”) is exercisable only with respect to a child who—

- (a) resides outside the British Islands with the family of a person subject to service law serving in a country or territory outside the British Islands or of a civilian in a corresponding position, or
- (b) is staying (for however short a time) outside the British Islands with such a family.

(2) In the following provisions of this section and in section 18 of this Act, any reference to a person with whom a child was at any time residing includes a reference to a person with whom a child was staying.”

**Commencement Information**

**I36** Sch. 6 para. 57 wholly in force; Sch. 6 para. 57 not in force at Royal Assent see s. 39; Sch. 6 para. 57 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

58 In section 19 of that Act (power to make orders for the emergency protection of children of service families) for subsections (1) and (2) there is substituted—

“(1) The power to make an order under this section (in this Part of this Act referred to as a “protection order”) is exercisable only with respect to a child who—

- (a) resides outside the British Islands with the family of a person subject to service law serving in a country or territory outside the British Islands or of a civilian in a corresponding position, or
- (b) is staying (for however short a time) outside the British Islands with such a family.

(2) In the following provisions of this Part, any reference to a person with whom a child was at any time residing includes a reference to a person with whom a child was staying.”

*Status: Point in time view as at 01/10/2001.*

**Changes to legislation:** Armed Forces Act 2001 is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### Commencement Information

**I37** Sch. 6 para. 58 wholly in force; Sch. 6 para. 58 not in force at Royal Assent see s. 39; Sch. 6 para. 58 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

VALID FROM 28/02/2002

### *Amendment relating to abolition of naval disciplinary courts*

59 In section 5 of the Sex Offenders Act 1997 (c. 51) (certificates for purposes of Part 1 of that Act) for subsection (6) there is substituted—

“(6) In this section “court” includes a court-martial and a Standing Civilian Court.”

## SCHEDULE 7

Section 38

### REPEALS

VALID FROM 28/02/2002

### PART 1

#### REPEALS RELATING TO ABOLITION OF NAVAL DISCIPLINARY COURTS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Criminal Evidence Act 1898 (c. 36)	In section 6(1), the words “and disciplinary courts”.
The Army Act 1955 (c. 18)	In section 57(3), the words “or disciplinary court”.
The Air Force Act 1955 (c. 19)	In section 57(3), the words “or disciplinary court”.
The Naval Discipline Act 1957 (c. 53)	In section 38(2), the words “and to a disciplinary court”. Section 52C(5). Section 52G. Section 65(4). Section 70(7). In section 73, the words “and disciplinary courts”. In section 76(6)(a), the words “or disciplinary court”. In section 77(1), the words “or disciplinary court”.

*Status: Point in time view as at 01/10/2001.*

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	<p>In section 95(2), the words “and to disciplinary courts”.</p> <p>In section 129(1), the words “or disciplinary court”, in both places where they occur.</p> <p>In Schedule 5, in the entries relating to section 57 of the Army Act 1955 and section 57 of the Air Force Act 1955, the words from “after the word” to “court”, and”.</p>
The Courts-Martial (Appeals) Act 1968 (c. 20)	<p>In section 57(1), in the definition of “naval court-martial”, the words “, and includes a disciplinary court”.</p>
The Civil Evidence Act 1968 (c. 64)	<p>In section 11(6), the words from “or a disciplinary” to “Act of 1957”.</p>
The Civil Evidence Act (Northern Ireland) 1971 (c. 36 (N.I.))	<p>In section 7(6), the words from “or a disciplinary” to “Act of 1957” and the words “disciplinary court”.</p>
The Police and Criminal Evidence Act 1984 (c. 60)	<p>In section 67(12)(a), the words from “or a disciplinary” to “1957”.</p> <p>In section 82(1), in the definition of “court-martial”, the words from “or a disciplinary” to “Act of 1957”.</p> <p>In section 113(11)(a), the words from “or a disciplinary” to “Act of 1957”.</p>
The Criminal Justice Act 1988 (c. 33)	<p>In section 146, the words from “disciplinary” to “1957,”.</p> <p>In Schedule 13, in paragraph 1, in paragraph (b) of the definition of “Service courts”, the words from “and disciplinary” to “that Act” and in paragraph 7(b) the words from “or disciplinary” to “that Act”.</p>
The Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))	<p>In Article 66(11)(a), the words from “or a disciplinary” to “1957”.</p> <p>In Article 70(2)(b), head (ii) and the word “or” immediately preceding it.</p>
The Criminal Justice and Public Order Act 1994 (c. 33)	<p>Section 39(2)(g).</p>
The Northern Ireland (Emergency Provisions) Act 1996 (c. 22)	<p>In section 54(9), in the definition of “criminal proceedings”, the words from “or a disciplinary” to “1957 Act”.</p>
The Armed Forces Act 1996 (c. 46)	<p>In section 11(4), paragraph (b) of the definition of “service disciplinary proceedings”.</p> <p>In Schedule 1, paragraphs 100, 105, 108, 109(2)(c) and (4)(a) and 111.</p>
The Police Act 1997 (c. 50)	<p>In section 108(1), in paragraph (a) of the definition of “criminal proceedings” the</p>

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	words from “or a disciplinary” to “Act of 1957”.
The Youth Justice and Criminal Evidence Act 1999 (c. 23)	In section 63(1), in paragraph (a) of the definition of “service court”, the words from “or a disciplinary” to the end.
The Terrorism Act 2000 (c. 11)	In section 101(9), in the definition of “criminal proceedings”, the words from “or a disciplinary” to “1957 Act”.
The Regulation of Investigatory Powers Act 2000 (c. 23)	In section 81(4)(a), sub-paragraph (ii) and the word “or” immediately preceding it.
The Freedom of Information Act 2000 (c. 36)	In section 29(5), in paragraph (a) of the definition of “criminal proceedings”, the words from “or a disciplinary” to “of 1957”.

PROSPECTIVE

## PART 2

### REPEALS RELATING TO REQUIRED CUSTODIAL SENTENCES

<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Crime (Sentences) Act 1997 (c. 43)	Section 55(2). In Schedule 4, paragraphs 1(1) and (4), 2(1) and (4) and 3(1) and (4).
The Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In Schedule 9, paragraphs 8, 13 and 18.

## PART 3

### REPEALS RELATING TO ABOLITION OF OFFICE OF DEPUTY JUDGE ADVOCATE

#### Commencement Information

**I38** Sch. 7 Pt. 3 in force at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Courts-Martial (Appeals) Act 1951 (c. 46)	In section 30(1)(b), the words “, and such number of officers to be known as Deputy Judge Advocates,” and the words “in each case”.

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*Status: Point in time view as at 01/10/2001.*

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	In section 31— (a) in subsection (2), paragraph (d) and the word “or” which precedes it, and (b) subsection (3).
The Courts and Legal Services Act 1990 (c. 41)	In Schedule 11, in the entry relating to an Assistant or Deputy Judge Advocate General, the words “or Deputy”.
The Judicial Pensions and Retirement Act 1993 (c. 8)	In section 27(3), paragraph (f).

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#### PART 4

#### REPEALS CONSEQUENTIAL ON HUMAN RIGHTS ACT 1998

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<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Army Act 1955 (c. 18)	In section 31, subsection (1) and, in subsection (2), the words “, in a case not falling within the last foregoing subsection”. In section 68, the proviso. In section 70(3), paragraph (a). In section 71(1), paragraph (a). In section 71A(3), the words from “, nor shall sentence of death” to “when the offence was committed”. In section 85(2), the words “of death or”. In section 96, subsections (3) and (4). Section 112. Section 113(6). Section 121. In section 123— In section 85(2), the words “of death or”. — <i>cont.</i> (a) in subsection (1), the words “Regulations under section one hundred and twenty-one of this Act or” and the words “regulations or”, and (b) in subsection (2), the words “regulations or”. In section 125— (a) in subsection (1), the words “death or” and the words “regulations under section one hundred and twenty-one of this Act or of”, and (b) subsection (2). In section 126— (a) in subsection (1), the words from “sentences of death” to “authorities and”, and (b) in subsection (3), the words “no sentence of death passed by a court-martial shall be executed, and”. Section 128(1).

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*Status: Point in time view as at 01/10/2001.*

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The Air Force Act 1955 (c. 19)

In section 129 (1) the words—  
(a) “regulations under section one hundred and twenty-one of this Act or”,  
(b) “regulations or”, and  
(c) “execution of the sentence is completed or”.

In section 209(3)(a)(i), after the word “paragraphs”, the letter “(a),”.

Section 214(3).

Section 215(4).

In Schedule 5A—

(a) in the Table at paragraph 15, the first entry in each of the first and second columns, and  
(b) in the Note to the Table, the words from the “or” at the end of paragraph (a) to “first and second columns, and”.

In section 31, subsection (1) and, in subsection (2), the words “, in a case not falling within the last foregoing subsection”.

In section 68, the proviso.

In section 70(3), paragraph (a).

In section 71(1), paragraph (a).

In section 71A(3), the words from “, nor shall sentence of death” to “when the offence was committed”.

In section 85(2), the words “of death or”.

In section 96, subsections (3) and (4).

Section 112.

Section 113(6).

Section 121.

In section 123—

(a) in subsection (1), the words “Regulations under section one hundred and twenty-one of this Act or” and the words “regulations or”, and  
(b) in subsection (2), the words “regulations or”.

In section 125—

(a) in subsection (1), the words “death or” and the words “regulations under section one hundred and twenty-one of this Act or of”, and  
(b) subsection (2).

In section 126—

(a) in subsection (1), the words from “sentences of death” to “those authorities and”, and  
(b) in subsection (3), the words “no sentence of death passed by a court-martial shall be executed, and”.

Section 128(1).

In section 129 (1) the words—

*Status: Point in time view as at 01/10/2001.*

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	<p>(a) “regulations under section one hundred and twenty-one of this Act or”,</p> <p>(b) “regulations or”, and</p> <p>(c) “execution of the sentence is completed or”.</p> <p>In section 209(3)(a)(i), after the word “paragraphs”, the letter “(a),”.</p> <p>Section 212(3).</p> <p>Section 213(4).</p> <p>In Schedule 5A—</p> <p>(a) in the Table at paragraph 15, the first entry in each of the first and second columns, and</p> <p>(b) in the Note to the Table, the words from the “or” at the end of paragraph (a) to “first and second columns, and”.</p>
The Naval Discipline Act 1957 (c. 53)	<p>In section 9, subsection (1) and, in subsection (2), the words “not described in the foregoing subsection”.</p> <p>In section 10, the words from “, if the offence is committed” to “in any other case,”.</p> <p>In section 40, the proviso to the section.</p> <p>In section 42(1), paragraph (a).</p> <p>In section 43(1), paragraph (a).</p> <p>In section 43A(3), the words from “nor shall sentence of death” to “when the offence was committed”.</p> <p>In section 62, subsections (4) and (5).</p> <p>Section 70(6).</p> <p>Sections 78 to 80.</p> <p>Section 123(4).</p> <p>Section 124(2).</p> <p>In section 125(2), the words “80 and”.</p> <p>In Schedule 4A—</p> <p>(a) in the Table at paragraph 15, the first entry in each of the first and second columns, and</p> <p>(b) in the Note to the Table, the words from the “or” at the end of paragraph (a) to “first and second columns, and”.</p>

## PART 5

### REPEALS CONSEQUENTIAL ON YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999

<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Army Act 1955 (c. 18)	Section 200A.
The Air Force Act 1955 (c. 19)	Section 200A.
The Courts-Martial (Appeals) Act 1968 (c. 20)	Section 37A.
The Armed Forces Act 1976 (c. 52)	In Schedule 3, paragraph 17A.

*Status: Point in time view as at 01/10/2001.*

*Changes to legislation: Armed Forces Act 2001 is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

The Police and Criminal Evidence Act 1984 (c. 60)	In Schedule 6, paragraphs 28(4), 29(4), 34 and 36.
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## PART 6

### REPEALS RELATING TO QUEEN ALEXANDRA'S ROYAL NAVAL NURSING SERVICE

<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Naval Discipline Act 1957 (c. 53)	In section 111, in subsection (1), the words “and Queen Alexandra’s Royal Naval Nursing Service” and, in subsection (2), the words “or of Queen Alexandra’s Royal Naval Nursing Service”. In section 132(5), the words “Queen Alexandra’s Royal Naval Nursing Service”.
The Armed Forces Act 1976 (c. 52)	In section 6(9)(b), the words “or Queen Alexandra’s Royal Naval Nursing Service”.
The Armed Forces Act 1981 (c. 55)	Section 20(2). Part 3 of Schedule 3.

## PART 7

### OTHER REPEALS

#### Commencement Information

**I39** Sch. 7 Pt. 7 partly in force at 1.9.2001 see s. 39(4); Sch. 7 Pt. 7 in force insofar as not already in force with the exception of certain repeals at 1.10.2001 by S.I. 2001/3234, art. 2 (subject to art. 3)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Marriage Act 1949 (c. 76)	In section 68(3), the words from “and the expression” to the end.
The Army Act 1955 (c. 18)	In section 75L(2), the word “or” at the end of paragraph (a). Section 209(3C). Paragraph 2A(13) of Schedule 5A. In paragraph 9 of Schedule 6, the words “and one hundred and eighty”.
The Air Force Act 1955 (c. 19)	In section 75L(2), the word “or” at the end of paragraph (a). Section 209(3C). Paragraph 2A(13) of Schedule 5A. In paragraph 9 of Schedule 6, the words “and one hundred and eighty”.

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*Status: Point in time view as at 01/10/2001.*

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The Naval Discipline Act 1957 (c. 53)	In section 12A(1), the words “on conviction by court-martial”. In section 42(1), the words “subject to section 43A below be liable”. In section 47M(2), the word “or” at the end of paragraph (a). Paragraph 4B of Schedule 4.
The Courts-Martial (Appeals) Act 1968 (c. 20)	In section 42, in subsection (1) the words “to whom this section applies”, and subsection (2).
The Sexual Offences (Amendment) Act 1992 (c. 34)	In section 7(2), paragraph (f) and the word “and” preceding it.
The Reserve Forces Act 1996 (c. 14)	In section 41(4), the word “been”.
The Armed Forces Act 1996 (c. 46)	Section 1.

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**Status:**

Point in time view as at 01/10/2001.

**Changes to legislation:**

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