



# Armed Forces Act 2006

## 2006 CHAPTER 52

### PART 19

#### SUPPLEMENTARY

### CHAPTER 1

#### APPLICATION OF ACT

#### *Persons subject to service law*

#### **367 Persons subject to service law: regular and reserve forces**

- (1) Every member of the regular forces is subject to service law at all times.
- (2) Every member of the reserve forces is subject to service law while—
  - (a) in permanent service on call-out under any provision of the Reserve Forces Act 1980 (c. 9) or the Reserve Forces Act 1996 (c. 14) or under any other call-out obligation of an officer;
  - (b) in home defence service on call-out under section 22 of the Reserve Forces Act 1980;
  - (c) in full-time service under a commitment entered into under section 24 of the Reserve Forces Act 1996;
  - (d) undertaking any training or duty (whether or not in pursuance of an obligation); or
  - (e) serving on the permanent staff of a reserve force.

#### **Commencement Information**

- 11** S. 367 in force at 1.10.2008 for specified purposes by [S.I. 2008/1650, art. 2\(c\)](#)
- 12** S. 367 in force at 28.3.2009 for specified purposes by [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))

*Status: Point in time view as at 30/06/2021.*

*Changes to legislation: Armed Forces Act 2006, Chapter 1 is up to date with all changes known to be in force on or before 19 June 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)*

**I3** S. 367 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167, art. 4](#)

### **368 References to members of the regular forces**

- (1) Subsections (2) and (3) apply for the purposes of this Act.
- (2) A person recalled to service under—
  - (a) any provision of the Reserve Forces Act 1980 or the Reserve Forces Act 1996, or
  - (b) any other recall obligation of an officer,
 is to be regarded as being a member of the regular forces from acceptance into service to release or discharge.
- (3) Subject to subsection (2), an officer who is not on the active list is not to be regarded as being a member of the regular forces.
- (4) For the purposes of subsection (3), an officer is on the active list if (and only if) any of the following provides that an officer of his description is on such a list—
  - (a) Queen's Regulations;
  - (b) Royal Warrant;
  - (c) an order under section 2 of the Air Force (Constitution) Act 1917 (c. 51).

#### **Modifications etc. (not altering text)**

**C1** S. 368(2)(3) applied (30.6.2021) by [Overseas Operations \(Service Personnel and Veterans\) Act 2021 \(c. 23\), ss. 7\(5\), 14\(2\); S.I. 2021/678, reg. 2](#)

### **369 Members of British overseas territories' forces serving with UK forces**

- (1) While a member of a British overseas territory force is undertaking any duty with or training with a regular or reserve force (“the relevant force”)—
  - (a) subsection (2) applies to him; and
  - (b) nothing in section 357 (power of British overseas territory to apply this Act, etc) applies in relation to him.
- (2) A person to whom this subsection applies—
  - (a) is subject to service law; and
  - (b) shall (subject to subsection (3)) be treated as if he were a member of the relevant force of relative rank or rate.
- (3) The Secretary of State may by order modify any provision of this Act in its application to a member of a British overseas territory force who is or has been within subsection (1).
- (4) In this section—
 

“British overseas territory force” means any of Her Majesty's forces that is raised under the law of a British overseas territory;

“relative rank or rate”, in relation to a person to whom subsection (2) applies, means such rank or rate of the relevant force as may be prescribed by Queen's Regulations for a person of his description.

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### *Civilians subject to service discipline*

#### **370 Civilians subject to service discipline**

- (1) In this Act “civilian subject to service discipline” means a person who—
- (a) is not subject to service law; and
  - (b) is within any paragraph of Part 1 of Schedule 15.
- (2) Part 2 of Schedule 15 (exclusion and definitions relating to Part 1) has effect.

#### **Commencement Information**

- I4** S. 370 in force at 28.3.2009 for specified purposes by [S.I. 2009/812, art. 3](#) (with transitional provisions in [S.I. 2009/1059](#))
- I5** S. 370 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167, art. 4](#)

### *Naval chaplains*

#### **371 Naval chaplains**

- (1) The Secretary of State may by regulations provide that such references in this Act—
- (a) to an officer, or
  - (b) to an officer of a particular description,
- as may be prescribed by the regulations include references to a naval chaplain or to a naval chaplain of a description prescribed by the regulations.
- (2) The regulations may make such modifications of this Act as appear appropriate in consequence of the fact that naval chaplains do not have a rank.
- (3) In this section “naval chaplain” means a chaplain in the Royal Navy, the Royal Fleet Reserve or the Royal Naval Reserve.

#### **Commencement Information**

- I6** S. 371 in force at 28.3.2009 for specified purposes by [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))
- I7** S. 371 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167, art. 4](#)

### *[<sup>F1</sup>Protected prisoners of war*

#### **Textual Amendments**

- F1** S. 371A and cross-heading inserted (8.3.2012) by [Armed Forces Act 2011 \(c. 18\), ss. 23\(1\), 32\(3\)](#); [S.I. 2012/669, art. 3\(a\)](#)

#### **371A Power to make provision in relation to protected prisoners of war**

- (1) Her Majesty may by warrant make provision with respect to protected prisoners of war.

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- (2) A Royal Warrant made under this section may in particular make provision in relation to protected prisoners of war which—
  - (a) applies any relevant provision, or
  - (b) is equivalent to that made by any relevant provision,subject to such modifications as may be contained in the Royal Warrant.
- (3) In subsection (2) “relevant provision” means any provision of or made under this Act (including any provision creating a service offence), other than any provision of or made under Part 14, 15 or 16.
- (4) The Secretary of State must publish a Royal Warrant made under this section in such a way as appears to the Secretary of State to be appropriate.
- (5) Section 373(5) (power to make supplementary provision etc) applies in relation to Royal Warrants under this section.
- (6) In this section “protected prisoner of war” means a person—
  - (a) who is a protected prisoner of war within the meaning given by section 7 of the Geneva Conventions Act 1957; and
  - (b) as respects whom the United Kingdom is the detaining power for the purposes of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 (set out in the Third Schedule to that Act).]

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