



# Armed Forces Act 2006

## 2006 CHAPTER 52

### PART 19

#### SUPPLEMENTARY

### CHAPTER 4

#### FINAL PROVISIONS

#### **378 Minor and consequential amendments and repeals**

- (1) Schedule 16 (minor and consequential amendments) has effect.
- (2) The provisions specified in Schedule 17 are hereby repealed or revoked to the extent specified there.

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

- C1** S. 378(1) extended (Guernsey) (with modifications) (10.12.2009) by [The Police Act 1997 \(Criminal Records\) \(Guernsey\) Order 2009 \(S.I. 2009/3215\)](#), arts. 1(2), 5,
- C2** S. 378(1) extended (Isle of Man) (with modifications) (18.3.2010) by [The Police Act 1997 \(Criminal Records\) \(Isle of Man\) Order 2010 \(S.I. 2010/764\)](#), arts. 1(2), 5
- C3** S. 378(1) extended (Jersey) (with modifications) (18.3.2010) by [The Police Act 1997 \(Criminal Records\) \(Jersey\) Order 2010 \(S.I. 2010/765\)](#), arts. 1(2), 5

#### **Commencement Information**

- I1** S. 378 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](#))
- I2** S. 378 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)
- I3** S. 378(1) in force at 4.6.2007 for specified purposes by [S.I. 2007/1442](#), [art. 2\(1\)](#)
- I4** S. 378(1) in force at 15.10.2007 for specified purposes by [S.I. 2007/2913](#), [art. 2](#)
- I5** S. 378(1) in force at 1.1.2008 for specified purposes by [S.I. 2007/2913](#), [art. 3](#)
- I6** S. 378(2) in force at 1.1.2008 for specified purposes by [S.I. 2007/2913](#), [art. 3](#)

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| <b>17</b> | S. 378(2) in force at 24.6.2008 for specified purposes by <a href="#">S.I. 2008/1650, art. 4(c)</a> |
| <b>18</b> | S. 378(2) in force at 1.10.2008 for specified purposes by <a href="#">S.I. 2008/1650, art. 2(e)</a> |

### 379 Power to make further amendments and repeals

- (1) The Secretary of State may by order—
  - (a) amend or repeal any enactment passed before or in the same session as this Act;
  - (b) amend or revoke subordinate legislation made before the passing of this Act.
- (2) In subsection (1)—
  - (a) “enactment” includes an Act of the Scottish Parliament and Northern Ireland legislation;
  - (b) the reference to subordinate legislation includes an instrument made under such an Act or under Northern Ireland legislation.
- (3) An order under subsection (1) may be made only for the purposes of—
  - (a) supplementing or giving full effect to this Act; or
  - (b) making provision consequential on the passing of this Act.

#### Commencement Information

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| <b>19</b> | S. 379 in force at 4.6.2007 by <a href="#">S.I. 2007/1442, art. 2(2)</a> |
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### 380 Power to make transitional and transitory provision

- (1) The Secretary of State may by order make transitional provision in connection with the coming into force of any provision made by or under this Act, including savings from the effect of any repeal or revocation so made.
- (2) An order under subsection (1) may in particular make provision—
  - (a) about the effect of liabilities incurred and other things done before commencement, including provision for and about the investigation, trial and punishment of offences committed before commencement;
  - (b) for and about the continuation of any proceedings begun before commencement;
  - (c) about the punishments and orders available to courts or other persons before whom proceedings take place in respect of offences committed before commencement;
  - (d) about the effect of punishments awarded and orders made in respect of offences committed before commencement.
- (3) An order under subsection (1) may—
  - (a) confer jurisdiction on any court;
  - (b) confer functions on a person's commanding officer, the Director of Service Prosecutions, the prosecuting authority within the meaning of any of the Army Act 1955 (3 & 4 Eliz. 2 c. 18), the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or the Naval Discipline Act 1957 (c. 53), or on service policemen;
  - (c) confer powers of arrest, search and entry;

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- (d) authorise the keeping of persons in service custody, and the imposition of requirements on release from service custody (including provision applying section 107(5) and (6) with or without modifications).
- (4) The Secretary of State may by order provide that—
- (a) until the coming into force of any enactment specified in the order, or
  - (b) in relation to any offence committed or other thing done before the coming into force of such an enactment,
- any provision of this Act or amended by or under this Act has effect with such modifications as may be specified by the order.
- (5) In subsection (4)(a) and (b) “enactment” includes any provision of this Act.
- (6) If any provision made by or under this Act is to come into force before the day on which section 61 of the Criminal Justice and Court Services Act 2000 (c. 43) (abolition of certain custodial sentences for young offenders) comes into force (or fully into force), an order under subsection (4) may provide for custodial punishments specified in the order to be available in respect of offenders who are convicted aged 18 or over but under 21.
- (7) The powers conferred by this section may not be exercised so as to allow the imposition in respect of an offence of a punishment more severe than that which was applicable when the offence was committed.
- (8) An order under this section may modify, exclude or apply (with or without modifications) any enactment or subordinate legislation, including—
- (a) any provision of or made under this Act;
  - (b) any provision of or made under an enactment repealed by this Act.
- [<sup>F1</sup>(8A) The power under subsection (1) to make transitional provision in connection with the coming into force of any provision made by or under this Act includes power, where this Act or any provision made under it is amended, to amend any earlier order under this section.]
- <sup>F2</sup>(9) .....
- (10) In this section “commencement” means the commencement of such provisions of this Act as may be specified by the order.

#### Textual Amendments

- F1** S. 380(8A) inserted (8.3.2012) by [Armed Forces Act 2011 \(c. 18\)](#), s. 32(3), [Sch. 3 para. 23](#); [S.I. 2012/669](#), art. 3(e)
- F2** S. 380(9) repealed (2.4.2012) by [Armed Forces Act 2011 \(c. 18\)](#), s. 32(3), [Sch. 4 para. 15](#), [Sch. 5](#); [S.I. 2012/669](#), art. 4(f)(i)

#### Commencement Information

- I10** S. 380 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](#))
- I11** S. 380 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)

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### 381 Alignment of SDAs etc with this Act

- (1) The Secretary of State may by order amend or repeal any provision of an enactment within subsection (3) for the purpose of reducing or eliminating any difference between the effect of the enactments within that subsection and the effect of this Act.
- (2) An order under subsection (1) may amend an enactment within subsection (3) in such a way as to confer on any person a power to make subordinate legislation.
- (3) The enactments are—
  - (a) the Army Act 1955;
  - (b) the Air Force Act 1955;
  - (c) the Naval Discipline Act 1957;
  - (d) the Army and Air Force Act 1961 (c. 52);
  - (e) the Armed Forces Act 1966 (c. 45);
  - (f) such provisions of the following Acts as are repealed by this Act—
    - (i) the Armed Forces Act 1976 (c. 52);
    - (ii) the Reserve Forces Act 1980 (c. 9);
    - (iii) the Armed Forces Act 1981 (c. 55);
    - (iv) the Armed Forces Act 1991 (c. 62);
    - (v) the Reserve Forces Act 1996 (c. 14);
    - (vi) the Armed Forces Act 2001 (c. 19).

#### Commencement Information

**I12** S. 381 in force at 4.6.2007 by [S.I. 2007/1442](#), **art. 2(2)**

### [<sup>F3</sup>382 Duration of this Act

- (1) This Act expires at the end of one year beginning with the day on which the Armed Forces Act 2011 is passed (but this is subject to subsection (2)).
- (2) Her Majesty may by Order in Council provide that, instead of expiring at the time it would otherwise expire, this Act shall expire at the end of a period of not more than one year from that time.
- (3) Such an Order may not provide for the continuation of this Act beyond the end of the year 2016.
- (4) No recommendation may be made to Her Majesty in Council to make an Order under subsection (2) unless a draft of the Order has been laid before, and approved by resolution of, each House of Parliament.]

#### Textual Amendments

**F3** S. 382 substituted (3.11.2011) by [Armed Forces Act 2011 \(c. 18\)](#), **ss. 1, 32(1)**

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### 383 Commencement

- (1) This section and sections 359, 373, 382, 384 and 386, and the repeal by this Act of section 1 of the Armed Forces Act 2001 (c. 19), come into force on the day on which this Act is passed.
- (2) The other provisions of this Act come into force on such day as the Secretary of State may by order appoint (and different days may be appointed for different purposes).

### 384 Extent to Channel Islands, Isle of Man and British overseas territories

- (1) Her Majesty may by Order in Council provide for all or any of the provisions of this Act to extend to any of the Channel Islands with such modifications as may be specified in the Order.
- (2) This Act extends to—
  - (a) the Isle of Man, and
  - (b) the British overseas territories,subject to such modifications as Her Majesty may by Order in Council specify.
- [<sup>F4</sup>(3) Paragraph 5(ba) of Schedule 9 does not extend to the Isle of Man or the British overseas territories.]

#### Textual Amendments

- F4** S. 384(3) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 59(2)** (with art. 5)

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

- C4** S. 384 modified (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 152(9)**, 153(1)(g)
- C5** S. 384 applied by 2003 c. 44, s. 337(12A) (as inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 233(3)** (with s. 385); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4)
- C6** S. 384 applied by 1991 c. 62, s. 24(4) (as substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 122** (with s. 385); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4)
- C7** S. 384 applied by 1995 c. 35, s. 33(6) (as added (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 11 para. 11** (with s. 385); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4)
- C8** S. 384 modified (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), **ss. 181(8)**, 182(1)(f) (with s. 180)
- C9** S. 384 modified (1.5.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 151(2)(c)**, **153(4)**
- C10** S. 384(1) modified (28.1.2016) by [Psychoactive Substances Act 2016 \(c. 2\)](#), **ss. 62(3)**, 63(1)(a)
- C11** S. 384(2) modified (28.1.2016) by [Psychoactive Substances Act 2016 \(c. 2\)](#), **ss. 62(4)**, 63(1)(a)

### 385 Extent of applied enactments

- (1) Where a provision of or made under an Act is applied by or under this Act (by whatever words), the extent of the provision as so applied is not affected by anything that limits the extent of the provision as it applies apart from this Act.

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- (2) The provision as so applied is to be treated for the purposes of section 384 as if it were contained in this Act.

**Commencement Information**

- I13** S. 385 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](#))
- I14** S. 385 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

**386 Short title**

This Act may be cited as the Armed Forces Act 2006.

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