

Status: Point in time view as at 30/06/2018.

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SCHEDULES

SCHEDULE 15

Section 370

CIVILIANS SUBJECT TO SERVICE DISCIPLINE

PART 1

CIVILIANS SUBJECT TO SERVICE DISCIPLINE

Persons in one of Her Majesty's aircraft in flight

- 1 (1) A person is within this paragraph if he is in one of Her Majesty's aircraft in flight.
- (2) For the purposes of sub-paragraph (1) the period during which an aircraft is in flight includes—
- (a) any period from the moment when power is applied for the purpose of the aircraft taking off on a flight until the moment when the landing run (if any) at the termination of that flight ends;
 - (b) any period when the aircraft is on the surface of the sea or navigable waters.
- (3) In sub-paragraph (2)(a) a “flight” means a journey by air beginning when the aircraft takes off and ending when it next lands.
- (4) In this paragraph “Her Majesty's aircraft” means all aircraft belonging to or used for the purposes of any of Her Majesty's forces.

Commencement Information

- I1** Sch. 15 para. 1 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#))
- I2** Sch. 15 para. 1 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)

Persons in one of Her Majesty's ships afloat

- 2 (1) A person is within this paragraph if he is in one of Her Majesty's ships afloat.
- (2) In this paragraph “Her Majesty's ships” means all ships belonging to or used for the purposes of any of Her Majesty's forces.
- (3) For the purposes of this paragraph “afloat” means not on shore.

Commencement Information

- I3** Sch. 15 para. 2 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#))

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- I4** Sch. 15 para. 2 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

Persons in service custody etc

- 3 (1) A person is within this paragraph if—
- (a) he is in service custody; and
 - (b) his being in service custody is lawful by virtue of any provision of or made under this Act.
- (2) A person is also within this paragraph if he is in the course of being arrested, or of having an attempted arrest made of him, by a person who has a duty under service law to apprehend him.

Commencement Information

- I5** Sch. 15 para. 3 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3** (with transitional provisions in [S.I. 2009/1059](#))
- I6** Sch. 15 para. 3 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

Crown servants in designated area working in support of Her Majesty's forces

- 4 (1) A person is within this paragraph (subject to paragraph 11) if—
- (a) he is a Crown servant;
 - (b) his sole or main role is to work in support of any of Her Majesty's forces; and
 - [^{F1}(c) either—
 - (i) he is in a designated area, and his normal place of work in that role is in that designated area; or
 - (ii) sub-paragraph (i) does not apply, but he is in a designated area and he came there wholly or partly for the purposes of his work in that role.]
- (2) In this paragraph “Crown servant” means a person employed by or in the service of the Government of the United Kingdom.

Textual Amendments

- F1** Sch. 15 para. 4(1)(c) substituted (14.12.2012) by [Armed Forces Act 2011 \(c. 18\)](#), **ss. 22(2)**, 32(3); [S.I. 2012/2921](#), **art. 3(a)**

Commencement Information

- I7** Sch. 15 para. 4 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3** (with transitional provisions in [S.I. 2009/1059](#))
- I8** Sch. 15 para. 4 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

Persons working for specified military organisations

- 5 (1) A person is within this paragraph (subject to paragraph 11) if—
- (a) he is employed by or in the service of a specified naval, military or air-force organisation of which the United Kingdom is a member;

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- (b) he is so employed by reason of the United Kingdom's membership of that organisation; and
- [^{F2}(c) either—
- (i) he is in a country outside the British Islands, and his normal place of work under that employment is in that country; or
 - (ii) sub-paragraph (i) does not apply, but he is in a country outside the British Islands and he came there wholly or partly for the purposes of his work under that employment.]
- (2) In this paragraph “specified” means specified by order of the Secretary of State under this paragraph.

Textual Amendments

F2 Sch. 15 para. 5(1)(c) substituted (14.12.2012) by [Armed Forces Act 2011 \(c. 18\)](#), **ss. 22(3), 32(3)**; [S.I. 2012/2921](#), **art. 3(a)**

Commencement Information

I9 Sch. 15 para. 5 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3** (with transitional provisions in [S.I. 2009/1059](#))

I10 Sch. 15 para. 5 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

Persons in designated area who are members or employees of other specified organisations

- 6 (1) A person is within this paragraph (subject to paragraph 11) if—
- (a) he belongs to or is employed by a specified organisation; and
 - [^{F3}(b) either—
 - (i) he is in a designated area, and his normal place of work for that organisation is in that designated area; or
 - (ii) sub-paragraph (i) does not apply, but he is in a designated area and he came there wholly or partly for the purposes of work for that organisation.]
- (2) In this paragraph “specified organisation” means an organisation which—
- (a) does not fall within paragraph 5; and
 - (b) is specified by order of the Secretary of State under this paragraph.

Textual Amendments

F3 Sch. 15 para. 6(1)(b) substituted (14.12.2012) by [Armed Forces Act 2011 \(c. 18\)](#), **ss. 22(4), 32(3)**; [S.I. 2012/2921](#), **art. 3(a)**

Commencement Information

I11 Sch. 15 para. 6 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3** (with transitional provisions in [S.I. 2009/1059](#))

I12 Sch. 15 para. 6 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

Persons designated by or on behalf of Defence Council

- 7 (1) A person is within this paragraph (subject to paragraph 11) if—

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- (a) he is designated for the purposes of this paragraph by or on behalf of the Defence Council or by an officer authorised by the Defence Council; and
 - (b) he is outside the British Islands.
- (2) A person may be designated for the purposes of this paragraph only if it appears to the Defence Council or the authorised officer that it is desirable to do so—
- (a) in the interests of the person;
 - (b) for the protection of other persons (whether or not members of any of Her Majesty's forces); or
 - (c) for the purpose of maintaining good order and discipline.
- (3) In deciding whether to designate a person for the purposes of this paragraph, the Defence Council or the authorised officer must have regard in particular to—
- (a) the characteristics of the justice system (if any) in any country or territory where the person is or is likely to be;
 - (b) the terms of any treaty, agreement or arrangement relating to the legal status, or the treatment, of visiting forces to which the United Kingdom and any such country or territory are parties;
 - (c) the likelihood of the person's being subject to the law applicable to the armed forces of any country or territory outside the British Islands.
- (4) A designation under this paragraph—
- (a) may designate persons by name or by description;
 - (b) may provide, in relation to any person designated by it, that it applies to him only for a specified period or in specified circumstances;
 - (c) may be withdrawn by any person entitled to make designations under this paragraph.
- (5) In sub-paragraph (4) “specified” means specified by the designation.

Commencement Information

I13 Sch. 15 para. 7 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#))

I14 Sch. 15 para. 7 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)

Persons residing or staying with person subject to service law in designated area

- 8 A person is within this paragraph (subject to paragraph 11) if—
- (a) he resides or is staying with a person subject to service law in a designated area; and
 - (b) he is in that designated area.

Commencement Information

I15 Sch. 15 para. 8 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#))

I16 Sch. 15 para. 8 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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Persons residing or staying with person falling within paragraph 4 or 6 in designated area

- 9 (1) A person is within this paragraph (subject to paragraph 11) if—
- (a) he resides or is staying with a relevant person in a designated area; and
 - (b) he is in that designated area.
- (2) In this paragraph a “relevant person” means a person who—
- (a) falls within paragraph 4 or 6; or
 - (b) would fall within paragraph 4 or 6, but for paragraph 11 or his not being in a designated area.

Commencement Information

- I17** Sch. 15 para. 9 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#))
- I18** Sch. 15 para. 9 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), [art. 4](#)

Persons residing or staying with person falling within paragraph 5

- 10 (1) A person is within this paragraph (subject to paragraph 11) if—
- (a) he resides or is staying with [^{F4}a qualifying person in a relevant country]; and
 - (b) he is [^{F5}in that country].
- (2) In this paragraph a [^{F6}qualifying person] means a person who—
- (a) falls within paragraph 5; or
 - (b) would fall within paragraph 5, but for paragraph 11 or his [^{F7}not being in a relevant country].
- [^{F8}(3) For the purposes of this paragraph, a country is “relevant” in relation to a person employed as mentioned in paragraph 5 if it is outside the British Islands and—
- (a) is where that person's normal place of work under that employment is situated; or
 - (b) is a country to which that person came wholly or partly for the purposes of his work under that employment.]

Textual Amendments

- F4** Words in Sch. 15 para. 10(1)(a) substituted (14.12.2012) by [Armed Forces Act 2011 \(c. 18\)](#), [ss. 22\(5\)\(a\)\(i\)](#), [32\(3\)](#); [S.I. 2012/2921](#), [art. 3\(a\)](#)
- F5** Words in Sch. 15 para. 10(1)(b) substituted (14.12.2012) by [Armed Forces Act 2011 \(c. 18\)](#), [ss. 22\(5\)\(a\)\(ii\)](#), [32\(3\)](#); [S.I. 2012/2921](#), [art. 3\(a\)](#)
- F6** Words in Sch. 15 para. 10(2) substituted (14.12.2012) by [Armed Forces Act 2011 \(c. 18\)](#), [ss. 22\(5\)\(b\)\(i\)](#), [32\(3\)](#); [S.I. 2012/2921](#), [art. 3\(a\)](#)
- F7** Words in Sch. 15 para. 10(2)(b) substituted (14.12.2012) by [Armed Forces Act 2011 \(c. 18\)](#), [ss. 22\(5\)\(b\)\(ii\)](#), [32\(3\)](#); [S.I. 2012/2921](#), [art. 3\(a\)](#)
- F8** Sch. 15 para. 10(3) inserted (14.12.2012) by [Armed Forces Act 2011 \(c. 18\)](#), [ss. 22\(5\)\(c\)](#), [32\(3\)](#); [S.I. 2012/2921](#), [art. 3\(a\)](#)

Commencement Information

- I19** Sch. 15 para. 10 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#))

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I20 Sch. 15 para. 10 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

PART 2

EXCLUSION AND DEFINITIONS

Exclusion

- 11 (1) A person who is not a United Kingdom national is not within any of paragraphs 4 to 10 at any time when he is in a country—
- (a) of which he is a national; or
 - (b) in which he is ordinarily resident.
- (2) In this paragraph a “United Kingdom national” means an individual who is—
- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen;
 - (b) a person who under the British Nationality Act 1981 (c. 61) is a British subject; or
 - (c) a British protected person within the meaning of that Act.
- (3) In determining for the purposes of this paragraph whether a person is ordinarily resident in a country, no account shall be taken of any period during which he has been or intends to be present there while falling (apart from this paragraph) within any of paragraphs 4 to 10.

Commencement Information

- I21** Sch. 15 para. 11 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3** (with transitional provisions in [S.I. 2009/1059](#))
- I22** Sch. 15 para. 11 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

Definitions

- 12 (1) In this Schedule “designated area” means an area which—
- (a) is outside the British Islands; and
 - (b) is designated for the purposes of this Schedule by an order made by the Secretary of State.
- (2) An area designated for the purposes of this Schedule may consist of two or more areas (whether or not contiguous).

Commencement Information

- I23** Sch. 15 para. 12 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3** (with transitional provisions in [S.I. 2009/1059](#))
- I24** Sch. 15 para. 12 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

- 13 In this Schedule references to a person residing or staying with another person include references to the person—
- (a) being about to reside or stay with the other person; and

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(b) departing after residing or staying with him.

Commencement Information

I25 Sch. 15 para. 13 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3** (with transitional provisions in [S.I. 2009/1059](#))

I26 Sch. 15 para. 13 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

[^{F9}14 For the purposes of paragraphs 5(1)(c), 10 and 11, a territory that is not within a country is to be treated as a country.]

Textual Amendments

F9 Sch. 15 para. 14 inserted (14.12.2012) by [Armed Forces Act 2011 \(c. 18\)](#), **ss. 22(6)**, 32(3); [S.I. 2012/2921](#), **art. 3(a)**

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