



# Armed Forces Act 2006

## 2006 CHAPTER 52

### PART 19

#### SUPPLEMENTARY

### CHAPTER 2

#### OTHER SUPPLEMENTARY PROVISIONS

### 373 Orders, regulations and rules

- (1) Any power to make orders, regulations or rules conferred by this Act on the Secretary of State is exercisable by statutory instrument.
- (2) The powers conferred by sections [F120A,] 36, [F293F,] 132, 135, 164, 173, 174, 328 to 331 and 340 on the Defence Council to make regulations are exercisable by statutory instrument; and the Statutory Instruments Act 1946 (c. 36) applies in relation to those powers as if the Defence Council were a Minister of the Crown.
- (3) A statutory instrument containing—
  - (a) an order under section 53, 89, 113, [F3276A(7),] 324(2)(h), 379 or 381,
  - (b) an order under section 323 which by virtue of section 323(4)(c) makes any provision adding to, replacing or omitting any part of the text of an Act,
  - (c) regulations under section 128 which make provision of a kind mentioned in section 128(2)(c) or (e) or prescribe documents for the purposes of section 118(2)(b),
  - (d) regulations under section [F420A,] 271, 334(2), 336(5)(a)[F5, 336A ] or 338,
  - (e) regulations under section 328 which make provision of a kind mentioned in section 328(2)(c),
  - (f) rules under section 163 which—
    - (i) by virtue of section 155 make provision about the constitution of the Court Martial, or

*Status: Point in time view as at 08/03/2012. This version of this provision has been superseded.*

*Changes to legislation: Armed Forces Act 2006, Section 373 is up to date with all changes known to be in force on or before 27 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)*

- (ii) make provision authorised by section 165, or
- (g) rules under section [F<sup>6</sup>232F or] 246,
- may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- (4) Any other statutory instrument under this Act, except one containing only an order under any of sections 382 to 384, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Any order, regulations or rules made under this Act may—
- (a) contain incidental, supplemental, consequential, transitional, transitory and saving provision;
  - (b) make different provision for different cases.
- (6) Where a provision of this Act confers a power to make an order containing provision equivalent to a provision of PACE, the order may apply that provision of PACE with modifications.

#### Textual Amendments

- F1** Word in s. 373(2) inserted (8.3.2012) by Armed Forces Act 2011 (c. 18), s. 32(3), **Sch. 4 para. 14(2)(a)**; S.I. 2012/669, art. 3(f)
- F2** Word in s. 373(2) inserted (8.3.2012) by Armed Forces Act 2011 (c. 18), s. 32(3), **Sch. 4 para. 14(2)(b)**; S.I. 2012/669, art. 3(f)
- F3** Word in s. 373(3)(a) inserted (31.10.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 25 para. 31**; S.I. 2009/1028, art. 2(b)
- F4** Word in s. 373(3)(d) inserted (8.3.2012) by Armed Forces Act 2011 (c. 18), s. 32(3), **Sch. 4 para. 14(3)(a)**; S.I. 2012/669, art. 3(f)
- F5** Words in s. 373(3)(d) inserted (8.3.2012) by Armed Forces Act 2011 (c. 18), s. 32(3), **Sch. 4 para. 14(3)(b)**; S.I. 2012/669, art. 3(f)
- F6** Words in s. 373(3)(g) inserted (8.3.2012) by Armed Forces Act 2011 (c. 18), s. 32(3), **Sch. 4 para. 14(4)**; S.I. 2012/669, art. 3(f)

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

- C1** S. 373(5) applied by 1984 c. 60, s. 113(14) (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. 16 para. 105(10)** (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)
- C2** S. 373(6) applied by 1984 c. 60, s. 113(14) (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. 16 para. 105(10)** (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)

**Status:**

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**Changes to legislation:**

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