



Armed Forces Act 2021

2021 CHAPTER 35

Posthumous pardons

19 Posthumous pardons in relation to certain abolished service offences

(1) Section 164 of the Policing and Crime Act 2017 (posthumous pardons for convictions etc of certain abolished offences: England and Wales) is amended as follows.

(2) In subsection (5)—

(a) after paragraph (a) insert—

“(aa) section 41 of the Army Discipline and Regulation Act 1879;”;

(b) after paragraph (f) insert—

“(g) Article 2 of Section 20 of the Articles of War of 1749 (offences triable by courts martial outside Great Britain);

(h) Article 93 of Section 2 of the Articles of War of 1876 (offences not specified in Marine Mutiny Act or Articles of War);

(i) any provision corresponding to the provision mentioned in paragraph (g) or (h), contained in other relevant Articles of War.”

(3) In subsection (8)—

(a) at the end of paragraph (b) omit “or”;

(b) after paragraph (b) insert—

“(ba) any enactment mentioned in subsection (5)(g) to (i);”;

(c) at the end of paragraph (c) insert “, or”;

(d) after paragraph (c) insert—

“(d) the Army Discipline and Regulation Act 1879.”

(4) After subsection (9) insert—

“(10) In this section—

“the Articles of War of 1749” means the Rules and Articles for the better government of His Majesty’s horse and foot guards (etc.),

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Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2021, Cross Heading: Posthumous pardons. (See end of Document for details)

made under [23 Geo. 2 c. 4 \(1749\)](#) (an Act for punishing mutiny and desertion; and for the better payment of the army and their quarters);

“the Articles of War of 1876” means the Rules and Articles (etc.) for the better government of Her Majesty’s royal marine forces, made under the Marine Mutiny Act 1876;

“enactment” includes an enactment contained in subordinate legislation (within the meaning of the Interpretation Act 1978);

“relevant Articles of War” means Articles of War made under—

- (a) the Mutiny Act 1878,
- (b) the Marine Mutiny Act 1878, or
- (c) any Act previously in force corresponding to either of those Acts.”

Commencement Information

II [S. 19](#) in force at 15.2.2022, see [s. 24\(3\)](#)

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