
STATUTORY INSTRUMENTS

2009 No. 990

**The Criminal Justice and Public Order Act 1994
(Application to the Armed Forces) Order 2009**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Criminal Justice and Public Order Act 1994 (Application to the Armed Forces) Order 2009, and shall come into force on 31st October 2009.

(2) In this Order—

“the Act” means the Criminal Justice and Public Order Act 1994;

“the 1997 Order” means the Criminal Justice and Public Order Act 1994 (Application to the Armed Forces) Order 1997⁽¹⁾; and

“the 2006 Order” means the Criminal Justice and Public Order Act 1994 (Application to the Armed Forces) Order 2006⁽²⁾.

(3) For the purposes of this Order any reference to a person being charged with an offence in the provisions of the Act specified in column 1 of Schedule 1 has the same meaning as in Part 5 of the Armed Forces Act 2006⁽³⁾.

Application of the Act

2.—(1) The provisions of the Act which are specified in column 1 of Schedule 1 shall apply to the proceedings to which this Order applies, subject to the modifications specified in column 2 of that Schedule.

(2) This Order applies to proceedings before the—

(a) Service Civilian Court;

(b) Summary Appeal Court;

(c) Court Martial; and

(d) Court Martial Appeal Court.

(3) Schedule 2 sets out sections 34 to 38 of the Act as modified by the provisions of this Order, as they apply to the proceedings specified at paragraph (2).

Revocation

3. The 1997 Order and the 2006 Order are revoked.

Transitional and transitory provisions

4.—(1) In relation to any time before commencement references in the Act as applied by this Order to an accused’s being charged with a service offence are to be read as references to an allegation

(1) [S.I. 1997/16](#), as amended by the 2006 Order.

(2) [S.I. 2006/2326](#)

(3) [2006 c. 52](#)

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of an offence being reported to the accused's commanding officer in the form of a charge under section 76(1) of the Army Act 1955(4), section 76(1) of the Air Force Act 1955(5) or section 52B(1) of the Naval Discipline Act 1957(6).

(2) In this article "commencement" means the date on which this Order comes into force.

5. Until paragraph 5 of Schedule 11 to the Constitutional Reform Act 2005(7) comes into force the modification to section 38(1) of the Act in column 2 of Schedule 1 that refers to the Court of Judicature of Northern Ireland is to be read as a reference to the Supreme Court of Northern Ireland.

14th April 2009

Kevan Jones
Parliamentary Under Secretary of State
Ministry of Defence

(4) 1955 c. 18
(5) 1955 c. 19
(6) 1957 c. 53
(7) 2005 c. 4