



Armed Forces Act 2021

CHAPTER 35

ARMED FORCES ACT 2021

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- 1 Duration of Armed Forces Act 2006

Service courts, summary hearings and jurisdiction

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- 3 Nomination of Circuit judge to sit as judge advocate
- 4 Summary hearings: power to rectify mistakes etc
- 5 The Summary Appeal Court: power to rectify mistakes
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- 11 Service police: complaints, misconduct etc
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- 13 Power of commanding officer to award service detention: Royal Marines
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Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2021. (See end of Document for details)

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- 19 Posthumous pardons in relation to certain abolished service offences

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- 20 Power of British overseas territories to apply AFA 2006 etc
- 21 Time limit for appeals in respect of war pensions: Scotland and Northern Ireland
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- 23 Meaning of “AFA 2006”
- 24 Commencement and transitional provision
- 25 Extent in the United Kingdom
- 26 Extent in the Channel Islands, Isle of Man and British overseas territories
- 27 Short title

Schedules

Schedule 1 — Constitution of the Court Martial

- 1 Number and rank of the lay members
- 2 (1) Section 156 of AFA 2006 (officers and warrant officers...
- 3 (1) Section 157 of AFA 2006 (officers and warrant officers...
- 4 Findings and sentence

Schedule 2 — Reserve forces: flexibility of commitments

Part 1 — CONSEQUENTIAL AMENDMENTS

- 1 Reserve Forces Act 1996
- 2 (1) Section 17 (postponement of discharge) is amended as follows....
- 3 (1) Section 26 (parliamentary control of commitments) is amended as...
- 4 (1) Section 97 (failure to attend for duty or training)...
- 5 In subsection (1) of section 127 (interpretation)—
- 6 In Schedule 9 (application of Act to members of transitional...
- 7 Armed Forces Act 2006
- 8 In section 62 (time limit for charging Reserve Forces Act...
- 9 In section 367 (persons subject to service law: regular and...

Part 2 — TRANSITIONAL PROVISION

- 10 Regulations under section 24(4) may provide that any provision of...

Schedule 3 — Service complaints appeals

- 1 Equal Pay Act (Northern Ireland) 1970
- 2 Sex Discrimination (Northern Ireland) Order 1976
- 3 Race Relations (Northern Ireland) Order 1997
- 4 Working Time Regulations 1998

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- 5 Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- 6 Part-time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2000
- 7 Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003
- 8 Equality Act 2010
- 9 Working Time Regulations (Northern Ireland) 2016

Schedule 4 — Service police: complaints, misconduct etc

- 1 Service Police Complaints Commissioner
- 2 Investigatory Powers
- 3 Other amendments
- 4 In Part 3 of Schedule 1 to the House of...
- 5 In Part 3 of Schedule 1 to the Northern Ireland...
- 6 In Part 6 of Schedule 1 to the Freedom of Information Act 2000...
- 7 In section 47 of the Coroners and Justice Act 2009...
- 8 In Part 1 of Schedule 19 to the Equality Act...
- 9 In Schedule 7 to the Data Protection Act 2018 (competent...

Schedule 5 — Tri-service serious crime unit

- 1 Police and Criminal Evidence Act 1984 (c.60)
- 2 Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))
- 3 Criminal Appeal Act 1995 (c. 35)
- 4 (1) Section 19 (power to require appointment of investigating officers)...
- 5 In section 20 (inquiries by investigating officers), after subsection (2)...
- 6 Police Act 1997 (c. 50)
- 7 (1) Section 93 (authorisation to interfere with property etc) is...
- 8 In section 94 (authorisations given in absence of authorising officer),...
- 9 In section 108 (interpretation of Part 3), in subsection (1),...
- 10 In section 113B (enhanced criminal record certificates), in subsection (11),...
- 11 In section 126 (interpretation of Part 5), in subsection (1),...
- 12 Terrorism Act 2000 (c. 11)
- 13 Regulation of Investigatory Powers Act 2000 (c. 23)
- 14 In section 32 (authorisation of intrusive surveillance), in subsection (6),...
- 15 (1) Section 33 (rules for grant of authorisations) is amended...
- 16 (1) Section 34 (grant of authorisations in the senior officer's...
- 17 (1) Section 35 (notification of authorisations for intrusive surveillance) is...
- 18 (1) Section 36 (approval required for authorisations to take effect)...
- 19 In section 41 (Secretary of State authorisations), in subsection (7),...
- 20 In section 56(1)(interpretation of Part 3), in the definition of...
- 21 (1) Section 81 (general interpretation) is amended as follows.
- 22 In Schedule 1 (regulation of relevant public authorities), after paragraph...
- 23 Sexual Offences Act 2003 (c. 42)
- 24 Armed Forces Act 2006 (c. 52)
- 25 (1) Section 93C (preliminary impairment test) is amended as follows....
- 26 In section 113 (CO to ensure service police aware of...
- 27 In section 114 (CO to ensure service police aware of...

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- 28 In section 115 (duty of CO with respect to investigation...
 - 29 In section 116 (referral of case following investigation by service...
 - 30 In section 119 (circumstances in which CO has power to...
 - 31 In section 321A (inspection of service police investigations), at the...
 - 32 In section 374 (definitions applying for purposes of whole Act),...
 - 33 Counter-Terrorism Act 2008 (c. 28)
 - 34 In the definition of “law enforcement authority”, after paragraph (a)...
 - 35 In the definition of “the responsible officer”, after paragraph (d)...
 - 36 At the appropriate place insert— “tri-service serious crime unit” means...
 - 37 Coroners and Justice Act 2009 (c. 25)
 - 38 In section 47 (interested person), in subsection (2)(j), at the...
 - 39 In section 48 (interpretation: general), in subsection (1), at the...
 - 40 In Schedule 1 (duty or power to suspend investigations), in...
 - 41 In Schedule 7 (allowances, fees and expenses), in paragraph 5(2)(a),...
 - 42 Terrorism Prevention and Investigation Measures Act 2011 (c. 23)
 - 43 Investigatory Powers Act 2016 (c. 25)
 - 44 In section 56 (exclusion of matters from legal proceedings etc),...
 - 45 In section 57 (duty not to make unauthorised disclosures), in...
 - 46 In section 263 (general definitions), in subsection (1), at the...
 - 47 In Schedule 4 (relevant public authorities and designated senior officers...
 - 48 In Part 1 of the table in Schedule 6 (issue...
 - 49 Data Protection Act 2018 (c. 12)
 - 50 Counter-Terrorism and Border Security Act 2019 (c. 3)
 - 51 Crime (Overseas Production Orders) Act 2019 (c. 5)
 - 52 Overseas Operations (Service Personnel and Veterans) Act 2021 (c. 23)
- Schedule 6 — Deprivation and driving disqualification orders: minor and consequential amendments
- 1 Armed Forces Act 1991
 - 2 In section 18 (intentional obstruction)— (a) in subsection (8A) for...
 - 3 In section 20 (intentional obstruction or failure to comply with...
 - 4 Reserve Forces Act 1996
 - 5 In section 95 (offences against orders and regulations under section...
 - 6 In paragraph 5 of Schedule 1 (false answer to question...
 - 7 Armed Forces Act 2006
 - 8 In the following provisions, for “12” substitute “14”—
 - 9 In section 185(4) (conditional or absolute discharge (civilians only)), at...
 - 10 In Schedule 3 (civilians etc: modifications of Court Martial sentencing...

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