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STATUTORY INSTRUMENTS

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**2009 No. 1167 (C. 64)**

**DEFENCE**

The Armed Forces Act 2006  
(Commencement No. 5) Order 2009

Made - - - - 5th May 2009

The Secretary of State, in exercise of the powers conferred by section 383(2) of the Armed Forces Act 2006<sup>(1)</sup>, makes the following Order:

**Citation and interpretation**

1. This Order may be cited as the Armed Forces Act 2006 (Commencement No. 5) Order 2009.
2. In this Order “the Act” means the Armed Forces Act 2006.

**Commencement**

3. The following provisions of the Act shall come into force on the day after this Order is made—
  - (a) section 365, so far as is necessary for the purpose of enabling the Director of Service Prosecutions to appoint prosecuting officers; and
  - (b) paragraph 10 of Schedule 16.
4. The whole Act, in so far as it is not already in force, except the following provisions—
  - (a) section 212(2),
  - (b) section 351 and Schedule 12, and
  - (c) paragraphs 121 and 225 of Schedule 16,shall come into force on 31st October 2009.

5th May 2009

*Kevan Jones*  
Parliamentary Under Secretary of State  
Ministry of Defence

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings provisions of the Armed Forces Act 2006 (“the Act”) into force.

Article 3 brings section 365 of the Act into force, so far as is necessary for the purpose of enabling the Director of Service Prosecutions to appoint prosecuting officers, on the day after the Order is made. It also commences the provision that amends the short title of the Regimental Debts Act 1893 (c. 5) as this is referred to by its new name in other instruments to be made under the 2006 Act.

Article 4 brings all the provisions of the Act that have not already been brought fully into force, except the provisions specified in that article, into force on 31st October 2009.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 359, 373, 382 to 384 and 386 and (in so far as they provide for the repeal of section 1 of the Armed Forces Act 2001 (c. 19)) section 378(2) and Schedule 17.	8th November 2006	Royal Assent
Sections 378(1) (partially), 379 and 381 and Schedule 16 (partially).	4th June 2007	S.I. 2007/1442 (C.60)
Sections 358, 360 and 378(1) (partially) and Schedules 14 (partially) and 16 (partially).	15th October 2007	S.I. 2007/2913 (C.115)
Sections 272(2) (partially), 334 to 339, 366, 367 (partially), 368 and 369, 374 (partially), 375(1) and (5), 378(1) (partially) and section 378(2) (partially) and Schedules 8 (partially), 16 (partially) and 17 (partially).	1st January 2008	S.I. 2007/2913 (C.115)
Sections 343, 374 (partially), 367 (partially), 375 (so far as not already in force), 378(2) (partially) and Schedule 17 (partially).	1st October 2008	S.I. 2008/1650 (C.72)
Paragraphs 21(c), 37(a) and 43(b) of Schedule 8, section 364, section 378(2) (partially) and Schedule 17 (partially).	24th June 2008	S.I. 2008/1650 (C.72)
The whole Act, except section 351 and Schedule 12 (so far as is necessary for the purpose of enabling subordinate legislation to be made under the Act or under provisions modified or amended by the Act).	27th March 2009	S.I. 2009/812 (C.54)
	27th March 2009	S.I. 2009/812 (C.54)
	27th March 2009	S.I. 2009/812 (C.54)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
The whole Act (so far as is necessary for the purpose of enabling the Defence Council to make appointments under the Act).		<a href="#">S.I. 2009/812</a> (C.54)

Section 370 and Schedule 15 (so far as is necessary for enabling the Defence Council, or an officer authorised by the Defence Council, to make designations for the purposes of paragraph 7 of Schedule 15).