
STATUTORY INSTRUMENTS

2022 No. 471 (C. 17)

DEFENCE

**The Armed Forces Act 2021
(Commencement No. 1) Regulations 2022**

Made - - - - *19th April 2022*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 24(1) and (4) of the Armed Forces Act 2021⁽¹⁾:

Citation and interpretation

1.—(1) These Regulations may be cited as the Armed Forces Act 2021 (Commencement No. 1) Regulations 2022.

(2) In these Regulations, “the Act” means the Armed Forces Act 2021.

Commencement of provisions of the Act to confer power to make subordinate legislation

2. The following provisions of the Act come into force on 1st May 2022 for the purpose only of conferring power to make subordinate legislation—

- (a) section 2 and Schedule 1 (constitution of the Court Martial);
- (b) section 4 to 6 (summary hearings, Summary Appeal Court, and Service Civilian Court: power to rectify mistakes etc);
- (c) section 9 and Schedule 2 (reserve forces: flexibility of commitments);
- (d) section 10 and Schedule 3 (service complaints appeals);
- (e) section 12 and Schedule 5 (framework for establishment of tri-service serious crime unit);
- (f) section 14 to 16 and Schedule 6 (deprivation and driving disqualification orders);
- (g) section 21 (time limit for appeals in respect of war pensions: Scotland and Northern Ireland).

Commencement of section 8 of the Act to confer power to make subordinate legislation or issue guidance

3. Section 8 of the Act (armed forces covenant) comes into force on 1st May 2022 for the purpose only of conferring power to make subordinate legislation or issue guidance.

(1) 2021 c. 35.

Commencement of sections 3, 7, 13 and 18 of the Act

4. The following sections of the Act come into force on 1st May 2022—
- (a) section 3 (nomination of Circuit judge to sit as judge advocate);
 - (b) section 7 (concurrent jurisdiction) so far as it inserts section 320A (guidance on exercise of criminal jurisdiction: England and Wales) into the Armed Forces Act 2006⁽²⁾;
 - (c) section 13 (power of commanding officer to award service detention: Royal Marines);
 - (d) section 18 (rehabilitation periods: England and Wales).

Transitional arrangements in respect of the coming into force of section 13 of the Act

5. A commanding officer who has heard a charge summarily may not award the punishment of detention under row 1 of the Table in section 132 of the Armed Forces Act 2006 (punishments available to commanding officer)⁽³⁾ if—

- (a) the person being punished is a corporal in the Royal Marines; and
- (b) the charge is in respect of an offence committed before 1st May 2022.

19th April 2022

Leo Docherty
Parliamentary Under Secretary of State
Ministry of Defence

⁽²⁾ 2006 c. 52.

⁽³⁾ Section 132 has been amended by section 12(1) of the Armed Forces Act 2011 (c. 18).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring sections 2, 4 to 6, 8, 9, 10, 12, 14 to 16, and 21 of, and Schedules 1, 2, 3, 5, and 6 to, the Armed Forces Act 2021 (“the 2021 Act”) partially into force on 1st May 2022 to enable subordinate legislation such as rules of court and regulations to be made in connection with those sections before they come fully into force. Section 8 of the 2021 Act is in addition brought partially into force on the same day to enable statutory guidance to be issued in connection with that section before it comes fully into force. These Regulations bring sections 3, 13, and 18 of the 2021 Act into force in full on 1st May 2022. Section 7, which inserts sections 320A, 320B, and 320C in the Armed Forces Act 2006, is also brought into force on 1st May 2022 but only to insert the new section 320A relating to guidance on the exercise of criminal jurisdiction in England and Wales (section 320B and 320C are equivalent provisions in respect of Scotland and Northern Ireland).