EXPLANATORY MEMORANDUM TO

THE ARMED FORCES (SERVICE POLICE AMENDMENTS) ORDER 2007

2007 No.1861

1. This explanatory memorandum has been prepared by the Ministry of Defence.

2. Description

2.1 This Order provides for consequential amendments to nine statutory instruments following the change of name of the Royal Navy Regulating Branch to the "Royal Navy Police".

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 This Order is made under section 379(2) of the Armed Forces Act 2006 (power to make further amendments and repeals) and is therefore subject to the affirmative resolution procedure pursuant to section 373(3)(a) of that Act.

4. Legislative Background

4.1 The Armed Forces Act 2006 received Royal Assent on 8 November 2006. Schedule 16 to the 2006 Act (in part) provides for amendments to specified enactments following the change of name of the Royal Navy Regulating Branch to that of the Royal Navy Police. The Schedule 16 amendments are commenced by The Armed Forces Act 2006 (Commencement No. 1) Order 2007 and comes into force on 4 June 2007. Under these enactments are made various statutory instruments that use the same terminology as the "parent" Act and therefore require amendment to reflect the name change.

4.2 The amendments in this Order provide for the same name changes in secondary legislation and are made pursuant to section 379(2) of the 2006 Act which provides the Secretary of State with the power to make further amendments and repeals to legislation for the purpose of giving full effect to the 2006 Act.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 The Parliamentary Under Secretary of State for Defence has made the following statement under section 19 of the Human Rights Act 1998:

> In my view the provisions of The Armed Forces (Service Police Amendments) Order 2007 are compatible with the Convention rights.

7. Policy background

7.1 A policy decision was taken to rename the Royal Navy Regulating Branch the "Royal Navy Police". This reflects the fact that their main role is policing.

7.2 This change follows a high level MOD Review of Service Police which took into account lessons learned during operations in recent years and which recommended an examination of the name of the Royal Navy Regulating Branch with a view to including "police"; as well as making Naval Regulators, when in uniform, more identifiable as Service Police.

7.3 The Royal Navy considers that the change represents a sensible way forward in terms of the Royal Navy Regulating Branch being recognised as Service Police and reflects their core tasking and competencies.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is expected to be nil.

9. Contact

9.1 **Mrs S J McIntosh** at the Ministry of Defence (telephone: 020 7218 0564) can answer any queries regarding the instrument.