*Draft Order laid before Parliament under section 373(3) of the Armed Forces Act 2006, for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

# 2009 No. 0000

# DEFENCE

## The Armed Forces Act 2006 (Consequential Amendments) Order 2009

| | |
|---|---|
| *Made - - - -* | *** |
| *Coming into force - -* | *31st October 2009* |

The Secretary of State makes the following order in exercise of the powers conferred by section 379(1) of the Armed Forces Act 2006(**a**):

In accordance with section 373(3)(a) of the Armed Forces Act 2006 a draft of this instrument was laid before, and approved by resolution of, each House of Parliament.

**Citation and commencement**

**1.**—(1) This Order may be cited as the Armed Forces Act 2006 (Consequential Amendments) Order 2009.

(2) This Order shall come into force on 31st October 2009.

**Amendments**

**2.** Schedule 1 shall have effect.

**Transitional provisions**

**3.** Schedule 2 shall have effect.

Parliamentary Under Secretary of State
Ministry of Defence

Date

(**a**) 2006 c. 52. Previously the Regimental Debts Act 1893 but renamed by paragraph 10 of Schedule 16 to the Armed Forces Act 2006.

# SCHEDULE 1

Article 2

## AMENDMENTS

**Debts (Deceased Servicemen etc) Act 1893**

**1.** In section 2(2) of the Debts (Deceased Servicemen etc) Act 1893(**a**) (preferential charges) for "Military" wherever it appears is substituted "Service".

**Visiting Forces (Military Courts-Martial) Order 1942**

**2.** In the preamble to, and article 1 of, the Visiting Forces (Military Courts-Martial) Order 1942(**b**) for "the Army Act 1955" is substituted "the Armed Forces Act 2006".

**Visiting Forces (Canadian Military and Air Forces) Order 1960**

**3.**—(1) The Visiting Forces (Canadian Military and Air Forces) Order 1960(**c**) is amended as follows.

(2) In article 2(2) for the words from ""military establishment"" to "Air Force Act 1955" is substituted ""service custody premises" in this Order has the same meaning as in section 300(7) of the Armed Forces Act 2006.".

(3) In article 3—

(a) for "the Army Act 1955, or the Air Force Act 1955" is substituted "the Armed Forces Act 2006";

(b) for "conviction by court-martial, be liable to suffer death, imprisonment, cashiering or dismissal" is substituted "conviction by the Court Martial, be liable to suffer imprisonment, dismissal with disgrace or dismissal";

(c) for "death or imprisonment" is substituted "imprisonment"; and

(d) the words "in the case of death by the Governor-General of Canada in Council and in other cases" are omitted.

(4) In article 4(1)—

(a) in the first line, for "the Army Act 1955, or the Air Force Act 1955" is substituted "the Armed Forces Act 2006";

(b) for "a court-martial held under the Army Act 1955 or the Air Force Act 1955" is substituted "the Court Martial";

(c) the words "such sentence has been duly confirmed and" are omitted;

(d) after "punishment thereby inflicted" and before "been given" is inserted "has";

(e) for "such period or periods" to "with the provisions of the said Acts" is substituted "the time limit (including any additional time limit allowed by leave of the court) for an appeal under that Act has expired or, if an appeal has been made, when the appeal has been disposed of in accordance with the provisions of that Act and of the Court Martial Appeals Act 1968"(**d**);

(f) for "a military or air-force establishment" is substituted "service custody premises"; and

---

(**a** 1893 c. 5. Previously the Regimental Debts Act 1893 but renamed by paragraph 10 of Schedule 16 to the Armed Forces Act 2006.

(**b**) S.R. & O. 1942/270, amended by S.I. 1956/2043.

(**c**) S.I. 1960/1956.

(**d**) 1968 c. 20. Previously the Courts-Martial (Appeals) Act 1968 but renamed by paragraph 53 of Schedule 8 to the Armed Forces Act 2006.

(g) for "section 113 and 114 of the Army Act 1955" to "section 122 thereof" is substituted "the provisions of or made under Parts 8 and 12 of the Armed Forces Act 2006 (sentencing powers etc, and service and effect of certain sentences)".

**Foreign Marriage (Armed Forces) Order 1964**

**4.**—(1) The Foreign Marriage (Armed Forces) Order 1964(**a**) is amended as follows.

(2) In article 1(1) for "in the case of persons" to the end is substituted "in the case of a civilian serving or employed under Her Majesty's Government in the United Kingdom in the territory where the marriage is solemnized, be employment in a prescribed capacity.".

(3) In article 2 for "are capacities involving" is substituted "are capacities connected with Her Majesty's forces (within the meaning of the Armed Forces Act 2006) involving".

**United Kingdom Forces (Jurisdiction of Colonial Courts) Order 1965**

**5.** In article 2(2) of the United Kingdom (Jurisdiction of Colonial Courts) Order 1965(**b**) (application and interpretation), in the definition of "service court", for "Naval Discipline Act" to "those Acts" is substituted "Armed Forces Act 2006".

**Law Reform (Miscellaneous Provisions) (Scotland) Act 1968**

**6.**—(1) The Law Reform (Miscellaneous Provisions) (Scotland) Act 1968(**c**) is amended as follows.

(2) In section 10(1) (convictions as evidence in civil proceedings) for "by a court-martial there or elsewhere" is substituted "of a service offence (anywhere)".

(3) In section 10(2) for "by a court-martial there or elsewhere" is substituted "of a service offence".

(4) In section 10(5) after paragraph (a) is inserted—

"(aa) section 187 of the Armed Forces Act 2006 (which makes similar provision in respect of service convictions);".

(5) For section 10(6) is substituted—

"(6) In this section—

"service offence" has the same meaning as in the Armed Forces Act 2006;

"conviction" includes anything that under section 376(1) and (2) of that Act is to be treated as a conviction, and "convicted" is to be read accordingly."

(6) In section 12(3) (conclusiveness of convictions for the purposes of defamation actions) for "by a court martial there or elsewhere" is substituted "(in the case of a service offence) a conviction (anywhere) of that service offence".

**Social Security (Benefit) (Members of the Forces) Regulations 1975**

**7.** In regulation 3(1) of the Social Security (Benefit) (Members of the Forces) Regulations 1975(**d**) (unemployment benefit) ", cashiered" is omitted, and for "Naval Discipline Act" to "or the Air Force Act 1955" is substituted "Armed Forces Act 2006".

---

(**a**) S.I. 1964/1000, amended by S.I. 1990/2592.
(**b**) S.I. 1965/1203, to which there are amendments not relevant to this Order.
(**c**) 1968 c. 70.
(**d**) S.I. 1975/493, to which there are amendments not relevant to this Order.

**Magistrates' Courts Rules 1981**

**8.** In rule 47(4) of the Magistrates' Court Rules 1981(**a**) (registration and notification of financial penalty enforcement order) for the words from "section 133A (1) of the Army Act 1955" to "1957" is substituted "section 322 of the Armed Forces Act 2006".

**Social Security (General Benefit) Regulations 1982**

**9.** In regulation 2(8)(a) of the Social Security (General Benefit) Regulations 1982(**b**) (exceptions from disqualification for imprisonment etc) for the words from "or any naval" to "Appeal Court" is substituted "or the Court Martial, or the Court Martial Appeal Court".

**Legal Advice and Assistance Regulations 1989**

**10.** In regulation 3(1) of the Legal Advice and Assistance Regulations 1989(**c**) (interpretation), in the definition of "serious service offence", for "any of the Army Act" to "1957" is substituted "the Armed Forces Act 2006".

**Criminal Justice Act 1991**

**11.** In section 65(1) of the Criminal Justice Act 1991(**d**) (supervision of young offenders after release) after "section 91 of the Powers of Criminal Courts (Sentencing) Act 2000" is inserted "or under section 209 of the Armed Forces Act 2006".

**Solicitors' Incorporated Practices Order 1991**

**12.**—(1) Schedule 1 to the Solicitors' Incorporated Practices Order 1991(**e**) is amended as follows.

(2) Under the heading "Statutory instruments which apply to recognised bodies" the entry relating to the Imprisonment and Detention (Army) Rules 1979(**f**) is omitted and at the end the following entry is inserted—

(a) in the left hand column insert "S.I. 2009/1096";

(b) in the middle column insert "Service Custody and Service of Relevant Sentences Rules 2009";

(c) in the right hand column insert "Rule 1".

**Council Tax (Discount Disregards) Order 1992**

**13.** In article 2 of the Council Tax (Discount Disregards) Order 1992(**g**) (persons in detention), for paragraphs (1) to (3) is substituted "Under paragraph 1(6) of Schedule 1 to the Act, a person is to be disregarded for the purposes of discount on a particular day if on the day he is imprisoned under, or in service custody for the purposes of, the Armed Forces Act 2006 and, where a person is in custody, the custody forms part of a continuous period exceeding 48 hours.".

---

(**a**) S.I. 1981/552, to which there are amendments not relevant to this Order.
(**b**) S.I. 1982/1408, to which there are amendments not relevant to this Order.
(**c**) S.I. 1989/340, to which there are amendments not relevant to this Order.
(**d**) 1991 c. 53.
(**e**) S.I. 1991/2684.
(**f**) S.I. 1979/1456.
(**g**) S.I. 1992/548.

**United Nations (International Tribunal) (Rwanda) Order 1996**

**14.** In article 2(1) of the United Nations (International Tribunal) (Rwanda) Order 1996(**a**) (interpretation) for the definition of "service court" is substituted the following definition—

""service court" means the Court Martial".

**Employment Rights (Northern Ireland) Order 1996**

**15.** In article 237 of the Employment Rights (Northern Ireland) Order 1996(**b**) (armed forces)—

(a) in its paragraphs (4) and (5) for "service redress procedures" is substituted "service complaint procedures"; and

(b) in its paragraph (6) for the definition of "the service redress procedures" there is substituted—

""the service complaint procedures" means the procedures prescribed by regulations under section 334 of the Armed Forces Act 2006."

**Jobseeker's Allowance (Members of the Forces) (Northern Ireland) Regulations 1997**

**16.** In regulation 4 of the Jobseeker's Allowance (Members of the Forces) (Northern Ireland) Regulations 1997(**c**) (entitlement to jobseeker's allowance) ", cashiered" is omitted, and for "Naval Discipline Act" to "Air Force Act 1955" is substituted "Armed Forces Act 2006".

**Race Relations (Complaints to Industrial Tribunals) (Armed Forces) Regulations 1997**

**17.**—(1) The Race Relations (Complaints to Industrial Tribunals) (Armed Forces) Regulations 1997(**d**) is amended as follows.

(2) In regulation 2(1)(a) for "service redress procedures" is substituted "service complaint procedures".

(3) For regulation 2(2) is substituted—

"(2) For the purposes of paragraph (1)(b), a person shall be treated as having withdrawn his complaint if, having made a complaint to an officer under the service complaint procedures, neither that officer nor a superior officer has decided to refer the complaint to the Defence Council, and the complainant fails to apply for such a reference to be made."

(4) After regulation 2(2) is inserted—

"(3) In this regulation "the service complaint procedures" means the procedures prescribed by regulations under section 334 of the Armed Forces Act 2006."

**Equal Pay (Complaints to Industrial Tribunals) (Armed Forces) Regulations 1997**

**18.**—(1) The Equal Pay (Complaints to Industrial Tribunals) (Armed Forces) Regulations 1997(**e**) is amended as follows.

(2) In regulation 2(2)(a) for "service redress procedures" is substituted "service complaint procedures".

(3) For regulation 2(3) is substituted—

"(3) For the purposes of paragraph (2)(b), a person shall be treated as having withdrawn his complaint if, having made a complaint to an officer under the service complaint procedures, neither that officer nor a superior officer has decided to refer the complaint to the Defence Council, and the complainant fails to apply for such a reference to be made."

---

(**a**) S.I. 1996/1296.
(**b**) S.I. 1996/1919 (N.I.16), to which there are amendments not relevant to this Order.
(**c**) S.I. 1997/932, amended by S.I. 2001/998.
(**d**) S.I. 1997/2161.
(**e**) S.I. 1997/2162.

(4) In regulation 2(5)—

(a) the word "and" after the definition of "occupational" pension scheme" is omitted; and

(b) after the definition of "relevant scheme" is inserted—

"and

"service complaint procedures" means the procedures prescribed by regulations under section 334 of the Armed Forces Act 2006."

**Sex Discrimination (Complaints to Industrial Tribunals) (Armed Forces) Regulations 1997**

**19.**—(1) The Sex Discrimination (Complaints to Industrial Tribunals) (Armed Forces) Regulations 1997(**a**) is amended as follows.

(2) In regulation 2(1)(a) for "service redress procedures" is substituted "service complaint procedures".

(3) For regulation 2(2) is substituted—

"(2) For the purposes of paragraph (1)(b), a person shall be treated as having withdrawn his complaint if, having made a complaint to an officer under the service complaint procedures, neither that officer nor a superior officer has decided to refer the complaint to the Defence Council, and the complainant fails to apply for such a reference to be made."

(4) After regulation 2(2) is inserted—

"(3) In this regulation "the service complaint procedures" means the procedures prescribed by regulations under section 334 of the Armed Forces Act 2006."

**Crime and Disorder Strategies (Prescribed Descriptions) Order 1998**

**20.** In article 3(4) of the Crime and Disorder Strategies (Prescribed Descriptions) Order 1998(**b**) "the Royal Marines Police," is omitted.

**Visiting Forces and International Headquarters (Application of Law) Order 1999**

**21.**—(1) The Visiting Forces and International Headquarters (Application of Law) Order 1999(**c**) is amended as follows.

(2) In article 2—

(a) after the definition of "military member of a headquarters" the word "and" is omitted; and

(b) after the definition of "service court" insert—

""service custody" means service custody for the purposes of the Armed Forces Act 2006; and

"subject to service law" has the same meaning as in the Armed Forces Act 2006;".

(3) For article 18 and the heading to it is substituted—

"**Aiding or abetting etc desertion or absence without leave**

**18.** Section 344 of the Armed Forces Act 2006 (aiding or abetting etc desertion or absence without leave) shall have effect as if in section 344(2)(a) for the words "subject to service law" there were substituted "a member of a visiting force or a military member of a headquarters"."

(4) In Schedule 6—

(a) the entry relating to the Army Act 1955(**a**) is omitted; and

---

(**a**) S.I. 1997/2163.
(**b**) S.I. 1998/2452, to which there are amendments not relevant to this Order.
(**c**) S.I. 1999/1736, to which there are amendments not relevant to this Order.

(b) at the end is inserted in the left hand column "The Armed Forces Act 2006 (c. 52)" and in the right-hand column—

"In section 349(1)(a) the reference to "Her Majesty's forces" shall include a reference to a visiting force or a headquarters.".

(5) In Schedule 7—

(a) for paragraph 1(1)(a) is substituted—

"(a) service law, or";

(b) for paragraph 2 is substituted—

"**2.** This paragraph applies to any person who is subject to service law.";

(c) in paragraph 4(1)—

(i) for "the relevant enactment" is substituted "section 309 of the Armed Forces Act 2006";

(ii) for "a court-martial" is substituted "the Court Martial"; and

(iii) for "the relevant Act", wherever it appears, is substituted "that Act";

(d) in paragraph 4(2)—

(i) for "the relevant enactment" is substituted "section 309 of the Armed Forces Act 2006"; and

(ii) for "such a court-martial" is substituted "the Court Martial";

(e) paragraph 4(3) is revoked;

(f) In paragraphs 5(1) and (2) for "a court-martial held in pursuance of the Naval Discipline Act 1957, the Army Act 1955 or the Air Force Act 1955" is substituted "the Court Martial"; and

(g) paragraph 6 is revoked.

(6) In Schedule 8—

(a) in paragraph 2 for "by a court-martial" to the end is substituted "by the Court Martial may be detained, or in service custody";

(b) in paragraph 3 for "by a court-martial" to the end is substituted "by the Court Martial may be detained, or in service custody";

(c) in paragraph 5—

(i) in sub-paragraph (b) for "a court-martial" to "as the case may be" is substituted "the Court Martial";

(ii) in sub-paragraph (b) for "naval, military or air force establishment" is substituted "service custody premises";

(iii) in sub-paragraph (c) for "a court-martial" to "as the case may be" is substituted "the Court Martial"; and

(iv) in sub-paragraph (c) for "naval, military or air force establishment" is substituted "service custody premises";

(d) in paragraph 6(1)—

(i) for "section 186(1) to (3) of the Army Act 1955 ("the 1955 Act")" is substituted "section 314 (1) and (2) of the Armed Forces Act 2006 ("the 2006 Act")"; and

(ii) for the words "a member of the regular forces" to the end is substituted "subject to service law";

(e) in paragraph 6(2)—

(i) for "section 186 of that Act" is substituted "section 314 of the 2006 Act''; and

(**a**) 1955 c. 18.

(ii) for "if he were" to the end is substituted "if he were subject to service law, section 315 of the 2006 Act shall apply to him as it applies to a person subject to service law who has deserted or is absent without leave.";

(f) in paragraph 6(3)—

(i) for "sections 186(4), 187 and 190" is substituted "sections 299, 314(4) and 316 of the 2006 Act"; and

(ii) for "section 188 of the 1955 Act" is substituted "section 315 of the 2006 Act";

(g) in paragraph 6(4)—

(i) for "Sections 187 and 190" is substituted "Section 316 of the 2006 Act";

(ii) for "subject to the following modifications" to the end is substituted "subject to the modification that in section 316(2)(a) the reference to "a person subject to service law" shall include a reference to a person who is a member of a visiting force or a military member of a headquarters detained in pursuance of this Schedule"; and

(h) after paragraph 6(4) is inserted—

"(5) For the purposes of proceedings under section 316 of the 2006 Act, a certificate which states that a person is authorised to be detained in pursuance of Schedule 8, and purports to be signed by an officer of any of Her Majesty's forces, shall be evidence of the matters so stated.(**a**)".

**Criminal Defence Service (General) (No. 2) Regulations 2001**

**22.** In regulation 5(2) of the Criminal Defence Service (General) (No. 2) Regulations 2001(**b**) (advice and assistance – financial eligibility), for "the Army Act" to "1957" is substituted "the Armed Forces Act 2006".

**Council Tax (Discounts) (Scotland) Consolidation and Amendment Order 2003**

**23.** In article 3 of the Council Tax (Discounts) (Scotland) Consolidation and Amendment Order 2003(**c**) (persons in military detention), for paragraphs (1) to (3) is substituted "Under paragraph 1(6) of Schedule 1 to the Act, a person is to be disregarded for the purposes of discount on a particular day if on the day the person is imprisoned under, or in service custody for the purposes of, the Armed Forces Act 2006 and, where a person is in custody, the custody forms part of a continuous period exceeding 48 hours."

**Proceeds of Crime Act 2002 (Exemptions from Civil Recovery) Order 2003**

**24.** At the end of Part 2 of the Schedule to the Proceeds of Crime Act 2002 (Exemptions from Civil Recovery) Order 2003(**d**) is inserted "Regulations made under section 94 of the Armed Forces Act 2006 (property in possession of service police or CO)".

**National Health Service (Vocational Training for General Dental Practice) (Scotland) Regulations 2004**

**25.** In regulation 1(2) of the National Health Service (Vocational Training for General Dental Practice) (Scotland) Regulations 2004(**e**) (citation, commencement and interpretation), in the definition of "regular forces", for "section 225(1) of the Army Act 1955" is substituted "section 374 of the Armed Forces Act 2006".

---

(**a**) Regulations under section 316(2) of the 2006 Act will provide that such a certificate will be evidence of the matters stated in it.
(**b**) S.I. 2001/1437, to which there are amendments not relevant to this Order.
(**c**) S.S.I. 2003/176, to which there are amendments not relevant to this Order.
(**d**) S.I. 2003/336.
(**e**) S.S.I. 2004/292.

**European Parliamentary Elections Regulations 2004**

**26.** In Schedule 4, Part 2, paragraph 4(2)(c) of the European Parliamentary Election Regulations 2004(**a**) (legal incapacity to vote of offenders detained in mental hospitals) for "section 116A of the Army Act 1955" is substituted "section 169(2)(a) of the Armed Forces Act 2006".

**Railway (Licensing of Railway Undertakings) Regulations 2005**

**27.** In Schedule 2, paragraph 4(1) of the Railway (Licensing of Railway Undertakings) Regulations 2005(**b**) (good repute) for the words from "a civil offence" to "Naval Discipline Act 1957" is substituted "an offence (wherever committed) under section 42 of the Armed Forces Act 2006".

**Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005**

**28.** At the end of Schedule 5 to the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005(**c**) is inserted "Regulations made under Section 94 of the Armed Forces Act 2006 (property in possession of service police or CO).".

**Civil Partnership (Armed Forces) Order 2005**

**29.** For article 4 of the Civil Partnership (Armed Forces) Order 2005(**d**) (condition as to employment and capacity) is substituted—

> "**4.**—(1) The employment and capacities referred to in article 3 arise when a civilian is serving or employed under Her Majesty's Government in the United Kingdom in a capacity connected with Her Majesty's forces (within the meaning of the Armed Forces Act 2006) and specified in paragraph (2).
>
> (2) The capacities referred to in paragraph (1) are capacities involving the performance of any of the following functions, namely, administrative, executive, judicial, clerical, typing, duplicating, machine operating, paper keeping, managerial, professional, instructional, scientific, experimental, technical, industrial or labouring functions."

**Police and Justice Act 2006**

**30.** In Schedule 1, Part 1, paragraph 3(3) of the Police and Justice Act 2006(**e**) (meaning of listed police force)—

(a) in paragraph 3(3)(d) for "Royal Navy Regulating Branch" is substituted "Royal Navy Police"; and

(b) paragraph 3(3)(g) is revoked.

**Prisons and Young Offenders Institutions (Scotland) Rules 2006**

**31.**—(1) The Prisons and Young Offenders Institutions (Scotland) Rules 2006(**f**) are amended as follows.

(2) In rule 2(5)(j) (application of rules) for "the Army Act" to the end is substituted "the Armed Forces Act 2006 or the Court Martial Appeals Act 1968".

(3) In rule 11(6)(e)(ii) (information to be given to prisoners on reception) for "a court-martial" to the end is substituted "the Court Martial, the Court Martial Appeals Act 1968".

---

(**a**) S.I. 2004/293.
(**b**) S.I. 2005/3050.
(**c**) S.I. 2005/3181, to which there are amendments not relevant to this Order.
(**d**) S.I. 2005/3188.
(**e**) 2006 c. 48.
(**f**) S.S.I. 2006/94.

**Police Act 1997 (Criminal Records) (Scotland) Regulations 2006**

**32.**—(1) The Police Act 1997 (Criminal Records) (Scotland) Regulations 2006(**a**) are amended as follows.

(2) In regulation 8(1)(c) (enhanced criminal record certificates: relevant police forces) for "the Royal Navy Regulating Branch, the Royal Marines Police" is substituted "the Royal Navy Police".

(3) In regulation 17 (appropriate bodies to pay fees)—

(a) in paragraph (a) for "Royal Navy Regulating Branch" is substituted "Royal Navy Police"; and

(b) paragraph (b) is revoked.

**Police Act 1997 (Criminal Records) (Registration) (Scotland) Regulations 2006**

**33.**—(1) The Police Act 1997 (Criminal Records) (Registration) (Scotland) Regulations 2006(**b**) are amended as follows.

(2) In regulation 7(a) (bodies equivalent to police authorities) for "Royal Navy Regulating Branch" is substituted "Royal Navy Police".

(3) Regulation 7(b) is revoked.

**British Citizenship (Designated Service) Order 2006**

**34.** For Schedule 2, paragraph 3 of the British Citizenship (Designated Service) Order 2006(**c**) (descriptions of service) is substituted—

"**3.** Service in respect of which the person concerned—

(a) is a civilian subject to service discipline (within the meaning of the Armed Forces Act 2006) by virtue of paragraph 5 or 6 of Schedule 15 to the Armed Forces Act 2006; or

(b) is such a civilian by virtue of a designation under paragraph 7 of that Schedule and is, for the purposes of his profession, business or employment, attached to or accompanying any of Her Majesty's forces (within the meaning of the Armed Forces Act 2006)".

# SCHEDULE 2

Article 3

# TRANSITIONAL PROVISIONS

**35.** In articles 3 and 4 of the Visiting Forces (Canadian Military and Air Forces) Order 1960, as amended by paragraph 3 of Schedule 1, any reference to "the Court Martial" includes a reference to a court-martial constituted under either of the 1955 Acts.

**36.** In section 10(6) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, as amended by paragraph 6 of Schedule 1, "the Court Martial" includes a court-martial constituted under either of the 1955 Acts or the 1957 Act.

**37.** In regulation 3(1) of the Social Security (Benefit) (Members of the Armed Forces) Regulations 1975, as amended by paragraph 7 of Schedule 1, the reference to proceedings under the Armed Forces Act 2006 includes proceedings under either of the 1955 Acts or the 1957 Act.

---

(**a**) S.S.I. 2006/96, to which there are amendments not relevant to this Order.
(**b**) S.S.I. 2006/97.
(**c**) S.I. 2006/1390.

**38.** In regulation 47(4) of the Magistrates' Courts Rules 1981, as amended by paragraph 8 of Schedule 1, the reference to a financial penalty enforcement order made under section 322 of the Armed Forces Act 2006 includes a financial penalty enforcement order made under section 133A(1) of either of the 1955 Acts or section 128F(1) of the 1957 Act.

**39.** In regulation 2(8)(a) of the Social Security (General Benefit) Regulations 1982, as amended by paragraph 9 of Schedule 1—

(a) a reference to the Court Martial includes a court-martial constituted under either of the 1955 Acts or the 1957 Act, and

(b) a reference to the Court Martial Appeal Court includes the Courts-Martial Appeal Court.

**40.** In the definition of "serious service offence" in regulation 3(1) of the Legal Advice and Assistance Regulations 1989, as amended by paragraph 10 of Schedule 1, the reference to the Armed Forces Act 2006 includes any of the 1955 Acts and the 1957 Act.

**41.** In article 2 of the Council Tax (Discount Disregards) Order 1992, as amended by paragraph 13 of Schedule 1, the reference to being imprisoned under, or in service custody for the purposes of, the Armed Forces Act 2006 includes a reference to being imprisoned or serving a sentence of detention under either of the 1955 Acts or the 1957 Act.

**42.** In article 2(1) of the United Nations (International Tribunal) (Rwanda) Order 1996, as amended by paragraph 14 of Schedule 1, "service court" includes a court-martial constituted under either of the 1955 Acts or the 1957 Act.

**43.** In article 237(6) of the Employment Rights (Northern Ireland) Order 1996, as amended by paragraph 15 of Schedule 1, the definition of "the service complaint procedures" includes the service redress procedures, other than those which relate to the making of a report to Her Majesty, referred to in section 180 of each of the 1955 Acts and in section 130 of the 1957 Act.

**44.** In regulation 4 of the Jobseeker's Allowance (Members of the Forces) (Northern Ireland) Regulations 1997, as amended by paragraph 16 of Schedule 1, "the Armed Forces Act 2006" includes the 1955 Acts and the 1957 Act.

**45.** In regulation 2 of the Race Relations (Complaints to Industrial Tribunals) (Armed Forces) Regulations 1997, as amended by paragraph 17 of Schedule 1—

(a) the references in regulation 2(1) and (2) to the service complaint procedures includes a reference to the service redress procedures, and

(b) the reference to the complainant failing to apply for a reference to the Defence Council to be made includes a reference to the complainant failing to submit the complaint to the Defence Council under the service redress procedures,

and for the purposes of this paragraph the "service redress procedures" means the procedures, other than those which relate to the making of a report to Her Majesty, referred to in section 180 of each of the 1955 Acts and in section 130 of the 1957 Act.

**46.** In regulation 2 of the Equal Pay (Complaints to Industrial Tribunals) (Armed Forces) Regulations 1997, as amended by paragraph 18 of Schedule 1—

(a) the references in regulation 2(2) and (3) to the service complaint procedures includes a reference to the service redress procedures, and

(b) the reference to the complainant failing to apply for a reference to the Defence Council to be made includes a reference to the complainant failing to submit the complaint to the Defence Council under the service redress procedures,

and for the purposes of this paragraph the "service redress procedures" means the procedures, other than those which relate to the making of a report to Her Majesty, referred to in section 180 of each of the 1955 Acts and in section 130 of the 1957 Act.

**47.** In regulation 2 of the Sex Discrimination (Complaints to Industrial Tribunals) (Armed Forces) Regulations 1997, as amended by paragraph 19 of Schedule 1—

(a) the references in regulation 2(1) and (2) to the service complaint procedures includes a reference to the service redress procedures, and

(b) a reference to the complainant failing to apply for a reference to the Defence Council to be made includes a reference to the complainant failing to submit the complaint to the Defence Council under the service redress procedures,

and for the purposes of this paragraph the "service redress procedures" means the procedures, other than those which relate to the making of a report to Her Majesty, referred to in section 180 of each of the 1955 Acts and in section 130 of the 1957 Act.

**48.** In the Visiting Forces and International Headquarters (Application of Law) Order 1999, in respect of conduct before the coming into force of this Order, article 18 shall continue to have effect as if section 192 of the Army Act 1955 continued in force and the amendment made by paragraph 21(3) of Schedule 1 had not been made.

**49.** In the Criminal Defence Service (General) (No. 2) Regulations 2001, as amended by paragraph 22 of Schedule 1, the reference to the Armed Forces Act 2006 shall include a reference to the 1955 Acts and the 1957 Act.

**50.** In article 3 of the Council Tax (Discounts) (Scotland) Consolidation and Amendment Order 2003, as amended by paragraph 23 of Schedule 1, the reference to being imprisoned under, or in service custody for the purposes of, the Armed Forces Act 2006 includes a reference to being imprisoned or serving a sentence of detention under either of the 1955 Acts or the 1957 Act.

**51.** In Schedule 4, Part 2, paragraph 4(2)(c) of the European Parliamentary Election Regulations 2004, as amended by paragraph 26 of Schedule l, the reference to a hospital order made under section 169(2)(a) of the Armed Forces Act 2006 includes a reference to a hospital order made under section 116A of the Army Act 1955.

**52.** In Schedule 2, paragraph 4(1) of the Railway (Licensing of Railway Undertakings) Regulations 2005, as amended by paragraph 27 of Schedule 1, the reference to an offence under section 42 of the Armed Forces Act 2006 includes a reference to a civil offence within the meaning of either of the 1955 Acts or the 1957 Act.

**53.** In the Prisons and Young Offenders Institutions (Scotland) Rules 2006, as amended by paragraph 31 of Schedule 1—

(a) in rule 2(5)(j) the reference to the Armed Forces Act 2006 includes a reference to the 1955 Acts or the 1957 Act;

(b) in rule 2(5)(j) the reference to the Court Martial Appeals Act 1968 includes a reference to the Courts-Martial (Appeals) Acts 1968;

(c) in rule 11(6)(e)(ii) the reference to the Court Martial includes a reference to a court-martial under either of the 1955 Acts or the 1957 Act.

**54.** In this Schedule—

"the 1955 Acts" means the Army Act 1955 and the Air Force Act 1955(**a**);

"the 1957 Act" means the Naval Discipline Act 1957(**b**).

---

(**a**) 1955 c. 19.
(**b**) 1957 c. 53.

## EXPLANATORY NOTE

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

This Order makes consequential and related transitional provisions in connection with the commencement of provisions of the Armed Forces Act 2006 (c. 52).

---

© Crown copyright 2009

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.