

2010 No. 2475

DEFENCE

The Armed Forces Act (Continuation) Order 2010

Made - - - - *13th October 2010*

At the Court at Buckingham Palace, the 13th day of October 2010

Present,

The Queen's Most Excellent Majesty in Council

A draft of this Order has been laid before Parliament and approved by a resolution of each House of Parliament.

Accordingly, Her Majesty, on the advice of Her Privy Council and in exercise of the power conferred by section 382(3) of the Armed Forces Act 2006^(a), makes the following Order:

1. This Order may be cited as the Armed Forces Act (Continuation) Order 2010.
2. The Armed Forces Act 2006 shall, instead of expiring on 8th November 2010, continue in force until 8th November 2011.

Judith Simpson
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

Section 382(3) of the Armed Forces Act 2006 (“the 2006 Act”) provides that the Army Act 1955(c. 18), the Air Force Act 1955(c. 19) and the Naval Discipline Act 1957(c. 53) (“the Service Discipline Acts”), and the 2006 Act itself, will expire one year from the date on which the 2006 Act was passed unless continued in force in accordance with that section.

The Armed Forces, Army, Air Force and Naval Discipline Acts (Continuation) Order 2009 (S.I. 2009/1752) provided for the continuation of the Service Discipline Acts and the 2006 Act for a period of 12 months. Under the 2009 Order, those Acts are to continue in force until 8th November 2010.

However, section 382(6) of the 2006 Act provides that a continuation order may not continue any provision of the Service Discipline Acts beyond the time when the repeal of that provision by the 2006 Act is brought into force. By the Armed Forces Act 2006 (Commencement No. 5) Order 2009 (S.I.2009/1167) the repeal of the Service Discipline Acts by the 2006 Act came into force on 31st October 2009 and, as a result, this Order continues the 2006 Act but not the Service Discipline Acts.

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