

# JSP 830 MANUAL OF SERVICE LAW

## Volume 3 – Legal Compendium

### Chapter 36 Current MOD Primary Legislation

[Armed Forces Act 1991 \(Extant provisions only\)](#)

[Armed Forces Act 1996 \(Extant provisions only\)](#)

[Armed Forces Act 2001 \(Extant provisions only\)](#)

[Armed Forces Act 2006](#)

[Armed Forces Act 2006 Explanatory Notes](#)

[Courts Martial \(Appeals\) Act 1951](#)

[Court Martial Appeals Act 1968](#)

[Reserve Forces Act 1996 \(Offence creating provisions only-sections 95-109\)](#)

[Visiting Forces Act 1952](#)

[Visiting Forces \(British Commonwealth\) Act 1933](#)

### Chapter 37 Armed Forces Act 2006 - Statutory Instruments and Defence Council Regulations

[Armed Forces \(Aliens\) Regulations 2009/835](#)

[Armed Forces \(Civilian Courts Dealing with Service Offences\)\( Modification of the Criminal Justice Act 2003\) Regulations 2009/2042](#)

[Armed Forces \(Civilians Subject to Service Discipline\) Order 2009/836](#)

[Armed Forces Act 2006 \(Consequential Amendments\) Order 2009/2054](#)

[Armed Forces \(Court Martial\) Rules 2009/2041](#)

[Armed Forces \(Custody Proceedings\) Rules 2009/1098](#)

[Armed Forces \(Custody without Charge\) Regulations 2009/1097](#)

[Armed Forces \(Discharge and Transfer to the Reserve Forces\) \(No 2\) Regulations 2009/1091](#)

[Armed Forces \(Disposal of Property\) Regulations 2009/1923](#)

[Armed Forces \(Drug Testing\) Regulations 2009](#)

[Armed Forces \(Enlistment\) Regulations 2009/2057](#)

[Armed Forces \(Evidence in Proceedings before Civilian Courts\) Regulations 2009/1112](#)

[Armed Forces \(Evidence of Illegal Absence and Transfer to Service Custody\) Regulations 2009/1108](#)

[Armed Forces \(Financial Penalty Enforcement Orders\) Regulations 2009/1212](#)

[Armed Forces \(Forfeiture of Service\)\(No 2\) Regulations 2009/1090](#)

[Armed Forces \(Forfeitures and Deductions\) \(Minimum Rate of Pay\) Regulations 2009](#)

[Armed Forces \(Forfeitures and Deductions\) Regulations 2009/1109](#)

[Armed Forces \(Low Flying\) Regulations 2009](#)

[Armed Forces \(Meaning of “Commanding Officer”\) Regulations 2009](#)

[Armed Forces \(Minor Punishments and Limitation on Power to Reduce in Rank\) Regulations 2009/1215](#)

[Armed Forces \(Naval Chaplains\) Regulations 2009/826](#)

[Armed Forces \(Part 5 of the Armed Forces Act 2006\) Regulations 2009/2055](#)

[Armed Forces \(Post Incident Alcohol and Drug Testing\) Regulations 2009](#)

[Armed Forces \(Powers of Stop and Search, Search, Seizure and Retention\) Order 2009/2056](#)

[Armed Forces \(Prescribed Air Navigation Order Offences\) Order 2009/1094](#)

[Armed Forces \(Protection of Children of Service Families\) Regulations 2009/1107](#)

[Armed Forces \(Redress of Individual Grievances\) Regulations 2007/3353](#)  
[Armed Forces \(Review of Court Martial Sentence\) Order 2009/1168](#)  
[Armed Forces \(Review of Court Martial Sentence\) \(Supplementary Provisions\) Regulations 2009/1169](#)  
[Armed Forces \(Service Civilian Court\) Rules 2009/1209](#)  
[Armed Forces \(Service Complaints Commissioner\) Regulations 2007/3352](#)  
[Armed Forces \(Service Complaints\) \(Consequential Amendments\) Order 2008/1696](#)  
[Armed Forces \(Service Inquiries\) Regulations 2008/1651](#)  
[Armed Forces \(Service of Process in Maintenance Proceedings\) Order 2009/1093](#)  
[Armed Forces \(Service Supervision and Punishment Orders\) Regulations 2009/1214](#)  
[Armed Forces \(Summary Appeal Court\) Rules 2009/1211](#)  
[Armed Forces \(Summary Hearing and Activation of Suspended Sentences of Service Detention\) Rules 2009/1216](#)  
[Armed Forces \(Terms of Service\) \(Amendment\) \(No 2\) Regulations 2009/1089](#)  
[Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009/1059](#)  
[Armed Forces \(Unfitness to Stand Trial and Insanity\) Regulations 2009/1213](#)  
[Armed Forces \(Warrants of Arrest for Service Offences\) Rules 2009/1110](#)  
[Court Martial Appeal Court Rules 2009/2569](#)  
[Court Martial \(Prosecution Appeals\) Order 2009/2044](#)  
[Service Custody and Service of Relevant Sentences Rules 2009/1096](#)

## **Chapter 38 Armed Forces Act 2006 - Alignment, Commencement and Continuation Orders**

[The Armed Forces \(Alignment of Service Discipline Acts\) Order 2008/1694](#)  
[The Armed Forces \(Alignment of Service Discipline Acts\) \(No 2\) Order 2008/3294](#)  
[The Armed Forces Act 2006\(Commencement No 1\) Order 2007 \(No 1442 \(C.60\)\)](#)  
[The Armed Forces Act 2006\(Commencement No 2\) Order 2007 \(No 2913 \(C.115\)\)](#)  
[The Armed Forces Act 2006\(Commencement No 3\) Order 2008 \(No 1650 \(C.72\)\)](#)  
[The Armed Forces Act 2006\(Commencement No 4\) Order 2009 \(No 812 \(C.54\)\)](#)  
[The Armed Forces Act 2006\(Commencement No 5\) Order 2009 \(No 1167 \(C.64\)\)](#)  
[The Armed Forces, Army, Air Force and Naval Discipline Acts \(Continuation\) Order 2009/1752](#)

## **Chapter 39 Other Armed Forces Secondary Legislation**

[Air Force Act 1955 \(Part 1\) Regulations 2007/651](#)  
[Armed Forces \(Conditional Release from Custody\) Order 2009/991](#)  
[The Court Martial Appeal Court \(Evidence\) Order 2009/2569](#)  
[Armed Forces \(Proceedings\) \(Costs\) Regulations 2009/993](#)  
[Army Terms of Service Regulations 2007/3382](#)  
[Court Martial and Service Civilian Court \(Youth Justice and Criminal Evidence Act 1999\) Rules 2009/2100](#)  
[Court Martial Appeal Court \(Bail\) Order 2009/992](#)  
[Criminal Justice and Immigration Act 2008\(Commencement No 8\) Order 2009/1028](#)  
[Criminal Justice and Public Order Act 1994 \(Application to the Armed Forces\) Order 2009/990](#)  
[Criminal Procedure and Investigations Act 1996 \(Application to Armed Forces\) Order 2009/988](#)  
[Criminal Procedure and Investigations Act 1996 \(Code of Practice\) \(Armed Forces\) Order 2009/989](#)  
[Debts \(Deceased Servicemen etc\) Act 1893 Royal Warrant](#)  
[JSP 751 - Chapter 12 - Disposal of Effects](#)

[Police and Criminal Evidence Act 1984 \(Armed Forces\) Order 2009/1922](#)  
[Reserve Forces \(Evidence in Proceedings before Civil Courts\) Regulations 2009/1111](#)  
[Reserve Forces \(Restoration of Forfeited Service and Postponement of Discharge\) Regulations 2009](#)  
[Royal Air Force Terms of Service Regulations 2007/650](#)  
[Royal Marines Terms of Service Regulations 2006/2917](#)  
[Royal Navy Terms of Service \(Ratings\) Regulations 2006/2918](#)  
[The Criminal Justice Act 1988 \(Application to Service Courts\) \(Evidence\) Revocations Order 2009/994](#)  
[Youth Justice and Criminal Evidence Act 1999 \(Application to Service Courts\) Order 2009/2083](#)

## **Chapter 40 Jurisdiction of Service Courts**

[NATO SOFA](#)  
[NATO SOFA Revised Supplementary Agreement](#)  
[UK Forces \(Jurisdiction of Colonial Courts\) Order 1965/1203](#)

## **Chapter 41 MOD and Armed Forces Constitutional Legislation and Letters Patent**

[Air Force \(Constitution\) Act 1917](#)  
[Defence \(Transfer of Functions\) Act 1964](#)  
[Letters Patent constituting The Defence Council](#)  
[Director of Service Prosecutions – Letter of appointment](#)

## **Chapter 42 Case Law Citations**

### **Domestic Case Law**

Cox v Army Council 1962 1 All ER 880 (road: conduct which would be an offence if committed in UK)  
Khan v Royal Air Force Summary Appeal Court 2004 EWHC (England and Wales High Court) 2230 (conscientious objection as defence)  
R v Admiralty Board of the Defence Council ex p Coupland 1998 EWHC 628 (redress –high degree of fairness where career in issue)  
R v Appleyard 2006 Crim L R 339(majority verdict)  
R v Army Board of the Defence Council ex p Anderson 1992 QB169 (redress procedural requirements)  
R v Aughet (1919) 13 CrAppR 101 (effect of conviction by foreign military court)  
R v Ball and Rugg Times 17 Dec 1998 (relationship between imprisonment and detention )  
R v Cooney, Allam and Wood 1999 3 All E R 173 (sentencing for civilian offences)  
R v Dodman 1998 2 Cr App Report 338 ( mens rea for conduct to the prejudice of good order and discipline)  
R (on the app of Haase) v Independent Adjudicator 2008 EWCA (England and Wales Court of Appeal) Civ 1089 (casts doubt on R v Stow re need for independent prosecutor)  
R v Jackson 2006 EWCA Crim 2380 (low flying-mens rea-strict liability)  
R v Miller the Times 6<sup>th</sup> June 1983 (mens rea for conduct to the prejudice of good order and discipline)  
R v Newington 1990 91 Cr App R 247 (prize offences)

R v Paine (Nicholas) 1998 1 Cr App R 36 (s49 Air Force Act 1955- 'wilful/wilful neglect' sentencing considerations)  
R v Peters 2005 EWCA Crim 3096 (effect of pension loss on punishment)  
R v Walsh 1980 CMAC (unrep) (disgraceful conduct-objective test)  
R v Washer 1954 Crim L R 933 (meaning of 'disgraceful')

## **ECHR Case Law**

Engel v Netherlands 1976 1 EHRR 647  
Pellegrin v France (2001) 31 EHRR 26  
Eskelinen v Finland (2007) 45 EHRR 43  
Findlay v UK (1997) 24 EHRR 221  
Morris v UK (2002) 34 EHRR 52  
R v Boyd and others 2003 1 AC 734  
Cooper v UK (2004) 39 EHRR 8  
Grievs v UK (2004) 39 EHRR 3  
Baines v Army Prosecuting Authority (2005) EWHC 1399  
R v Stow 2005 EWCA Crim 1157  
Thompson v UK (2005) 40 EHRR 11  
Bell v UK (2007) 45 EHRR 24  
Martin v UK (2007) 44 EHRR 31

## **Chapter 43 Judge Advocate General Letters Patent and Guidance**

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[Judge Advocate General \(Draft Letters Patent\)](#)  
[Guide to the Court Martial and the Summary Appeal Court \(Vol 1 Procedure\)](#)  
[Guide to the Court Martial and the Summary Appeal Court \(Vol 2 Court Members\)](#)  
[Practice in the Court Martial: Collected Memoranda](#)  
[Form DH1 – Plea and Case Management Hearing](#)  
[Form TRN1 – Record of Proceedings in the Court Martial](#)  
[Form TRN2 - Record of Proceedings in the Summary Appeal Court](#)  
[Form TRN3 - Record of Proceedings in the Service Civilian Court](#)

## **Chapter 44 Miscellaneous**

[Outline history of Royal Navy, Army and Royal Air Force law.](#)  
[Defence Council Authorisations and Appointments under Armed Forces Act 2006.](#)  
[Joint Organisation Higher Authorities.](#)