

## SCHEDULES

### SCHEDULE 1

Section 43.

#### AMENDMENTS ARISING FROM PART II OF THIS ACT

##### *The Army Act 1955 and the Air Force Act 1955*

- 1 (1) The amendments to be made in the Army Act 1955 and the Air Force Act 1955 are as follows.
- (2) In section 17 of each Act the following subsection shall be substituted for subsection (3):—
- “(3) In subsection (2) above 'the appropriate date' means in relation to any person a date earlier than the date of his conviction for desertion by the length of his service which is not forfeited.”.
- (3) In section 79(6) of each Act, for the words "forfeiture of seniority, fine or stoppages" there shall be substituted the words "any punishment other than severe reprimand or reprimand".
- (4) In section 118(1) of each Act, for the words "provisions of this section and of" there shall be substituted the words "following provisions of this Part of this Act and to".
- (5) In section 119(1) of each Act, for the words "in pursuance of the next following section" there shall be substituted the words "in pursuance of section 120 of this Act", and for the words "the provisions of the next following section" there shall be substituted the words "the provisions of the said section 120".
- (6) In section 120(5) of each Act, for the words "subsection (10) of section seventy-two" there shall be substituted the words "section 119A(3)".
- (7) In section 145(1)(b) of each Act, for the words "detention or field punishment" there shall be substituted the words "or detention".
- (8) In section 198(8) of each Act, for the words "body of troops" or, as the case may be, "body of the air force" there shall be substituted the words "body of Her Majesty's forces".
- (9) In section 209 of each Act—
- (a) in the proviso to subsection (2), for all the words from "except" to the end there shall be substituted the words "except section 29, sections 35 and 36, sections 55 to 57, and section 68 so far as it relates to those sections"; and
- (b) at the end of paragraph (a) of subsection (3) there shall be added the words "(to the amount of which section 71(5)(a) of this Act shall not apply)".
- (10) In section 211(7) of the Army Act 1955 and section 210(7) of the Air Force Act 1955, for the words from "subsection (2)" to "inserted" there shall be substituted the words "section 71(1) there were inserted immediately before paragraph (h)", and for "(eee)" there shall be substituted "(gg)".

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- (11) The following definition shall be inserted after that of " service " in section 225(1) of the Army Act 1955, and also (but modified for that purpose by the substitution of " air-force law, military law " for " military law, air-force law ") after the definition of "service" in section 223(1) of the Air Force Act 1955:—

“ service law ' means military law, air-force law or the Naval Discipline Act 1957 ;”.

- (12) In Schedule 3 to each Act, in paragraph 1A, for the words " on guard duty " (in both columns) there shall be substituted the words " within section 29(b) of this Act ".

- (13) In Schedule 3 to each Act, the following shall be inserted after the paragraphs numbered 4:—

<p>“4A. Striking a person who is on board a ship or aircraft when taken as prize.</p>	<p>4A. Ill-treating that person otherwise than by striking him.”</p>
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- (14) In Schedule 3 to each Act, the following shall be inserted after the paragraphs numbered 7:—

<p>“7A. Using threatening, abusive, insulting or provocative words likely to cause a disturbance.</p> <p>7B. Using threatening, abusive, insulting or provocative behaviour likely to cause a disturbance.</p>	<p>7A. Using threatening, abusive, insulting or provocative behaviour likely to cause a disturbance.</p> <p>7B. Using threatening, abusive, insulting or provocative words likely to cause a disturbance.”</p>
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- (15) In Schedule 3 to each Act, the following shall be inserted immediately before the paragraphs numbered 10:—

<p>“9A. Misapplying public or service property.</p> <p>9B. Wastefully expending public or service property.</p>	<p>9A. Wastefully expending public or service property.</p> <p>9B. Misapplying public or service property.”</p>
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- (16) In Schedule 7 to the Army Act 1955, paragraphs 12 and 12A shall be omitted.

#### *The Naval Discipline Act 1957*

- 2 (1) The amendments to be made in the Naval Discipline Act 1957 are as follows.
- (2) In section 50(2), the following paragraph shall be substituted for paragraph (a):—
- “(a) sections 2 to 4, 6, 9, 10, 23 and 24, section 29(1) so far as relating to public or service property, section 29A, and sections 34 to 37 and 42 ;”.
- (3) In section 118(2)(a), after the word "fourteen" there shall be inserted " 14A ".
- (4) In section 133(3), for the words " petty officer " there shall be substituted the words " leading seaman ".
- (5) In section 135(1)—
- (a) the following definitions shall be inserted after that of " air craft papers " :—

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- “air signal” means any message, signal or indication given, by any means whatsoever, for the guidance of aircraft or a particular aircraft; “before the enemy”, in relation to a person, means that he is in action against the enemy or about to go into action against the enemy, or is under attack or threat of imminent attack by the enemy;” and
- (b) the following definition shall be inserted after that of “court-martial” :—  
“damage” includes destruction, and references to damaging shall be construed accordingly;”
- (6) In Schedule 1, the following paragraphs shall be substituted for paragraphs 1 and 2:—
- “1 The following paragraph shall be substituted for paragraph (h) of section 43(1) of this Act:—  
“(h) reduction to the ranks or any less reduction in rank.”
- 2 For the references to disrating in subsection (4) of the said section 43 there shall be substituted references to reduction to the ranks, and subsection (5) of that section shall not apply.”
- (7) In Schedule 2, the following paragraphs shall be substituted for paragraphs 3 and 5:—
- “3 The following paragraph shall be substituted for paragraph (h) of section 43(1) of this Act:—  
“(h) reduction to the ranks or any less reduction in rank.”
- 5 For the references to disrating in subsection (4) of the said section 43 there shall be substituted references to reduction to the ranks, and subsection (5) of that section shall not apply.”
- (8) In Schedule 4, in paragraph 1, for “(f)” there shall be substituted “(e)”.

## SCHEDULE 2

Section 73.

### AMENDMENTS ABOUT APPEALS AGAINST SENTENCE

#### *Courts-Martial (Appeals) Act 1968*

- 1 (1) The Courts-Martial (Appeals) Act 1968 shall be amended as follows.
- (2) In section 8(2)(a), after the word “quashed” there shall be inserted the words “or, as the case may require, that his sentence be quashed or (if a sentence of a naval court-martial) annulled”.
- (3) In sections 13(a), 14(1), 15(1), and 15(2), after the words “Appeal Court” there shall be inserted the words “on an appeal against conviction”.
- (4) In section 16(1), after the words “on an appeal” there shall be inserted the words “against conviction”.
- (5) In section 17(1), for the words “or 15” there shall be substituted the words “15 or 16A”, and in section 17(2), after the words “conviction by”, in both paragraphs, there shall be inserted the words “or the sentence of”.

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- (6) In section 31(1), after the words " an appeal" there shall be inserted the words " other than an appeal against sentence ".
- (7) In section 34, the words " under subsection (1) above " shall be substituted for the words " this section " in subsection (2), and the following subsection shall be added after subsection (3):—
- “(4) Where a person convicted by court-martial is a civilian as defined in section 8(5) of this Act, the Secretary of State may, if consideration thereof by the Appeal Court appears to him for any reason desirable, refer the sentence of the court-martial to the Court ; and any such reference shall be treated as an appeal by the person convicted against sentence for all purposes except those of section 32 of this Act”.
- (8) In Schedule 2—
- (a) in paragraph 1(1), after the words " the right of appeal" there shall be inserted the words " against conviction and any right of appeal against sentence ", and
- (b) in paragraph 4, after the words " a conviction involving sentence of death " there shall be inserted the words " or against such a sentence itself ", and after the words "any such conviction" there shall be inserted the words " or sentence ".

*The Army Act 1955 and the Air Force Act 1955*

- 2 Section 113(3) of the Army Act 1955 and section 113(3) of the Air Force Act 1955 shall each be amended by inserting after the words " leave to appeal " where first occurring the words " against conviction or sentence ", and by adding at the end " or, as the case may be, to the sentence to which the application relates ".

*The Naval Discipline Act 1957*

- 3 Section 70(3) of the Naval Discipline Act 1957 shall be amended by inserting after the words " 63(1) " the words " or a sentence of a court-martial", after the words " the finding" the words " or sentence", and after the words " or finding" the words " or sentence ".

SCHEDULE 3

Section 75.

AMENDMENTS FOR INTRODUCING NAVAL RATE, AND MARINE RANK, OF WARRANT OFFICER

*The Naval and Marine Pay and Pensions Act 1865*

- 1 Section 2 of the Naval and Marine Pay and Pensions Act 1865 shall be amended by inserting, in the definition of " seaman or marine " , the words "warrant officer " immediately before the words " petty officer ", and the words " warrant or " immediately before the words " non-commissioned officer ".

*The Greenwich Hospital Act 1865*

- 2 In section 5 of the Greenwich Hospital Act 1865, immediately before the words " non-commissioned officers ", in both places where they occur, there shall be inserted the words " warrant officers ".

*The Navy and Marines (Property of Deceased) Act 1865*

- 3 Section 2 of the Navy and Marines (Property of Deceased) Act 1865 shall be amended by inserting, in the definition of " seaman or marine " , the words " warrant officer" immediately before the words " petty officer" in both places where they occur, and the words " warrant or" immediately before the words " non-commissioned officer ".

*The Army Act 1955*

- 4 (1) Section 210 of the Army Act 1955 shall be amended—
- (a) by inserting, in subsections (2)(b) and (3), the words " warrant officer " immediately before the words " non-commissioned officer " wherever occurring, and
  - (b) by inserting, in subsection (4), the words " warrant officers " immediately before the words " non-commissioned officers " in both places where they occur.
- (2) Schedule 7 of the said Act shall be amended—
- (a) by inserting, in paragraph 10, the words " a warrant officer and " immediately before the words " a non-commissioned officer ",
  - (b) by inserting, in paragraphs 19 and 22, the words " warrant officers " immediately before the words " non-commissioned officers " wherever occurring, and
  - (c) by inserting, in paragraph 23, the words " warrant officer " immediately before the words " non-commissioned officer " where they first occur.

*The Naval Discipline Act 1957*

- 5 (1) Section 45(2)(b) of the Naval Discipline Act 1957 shall be amended by inserting the words " warrant officer " immediately before the words " chief petty officer ".
- (2) Section 112 of the said Act shall be amended by inserting the words " warrant officer " immediately before the words " non-commissioned officer ".
- (3) Section 132 of the said Act shall be amended by inserting, in subsections (7) and (8), the words " warrant officers " immediately before the words " non-commissioned officers ".
- (4) The following subsection shall be substituted for section 133(2) of the said Act:—
- “(2) In this Act ' rating ' means a member of Her Majesty's naval forces of or below the rate of warrant officer; and any reference in this Act to a rating, or to a rating of any particular rate, shall include a reference to any warrant officer who is subject to this Act without being a member of those forces, and to any non-commissioned officer, marine, soldier or airman who is so subject, or, as the case may be, to any such warrant officer or non-commissioned officer of rank corresponding to that rate”.

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*The Reserve Forces Act 1966*

- 6 In section 21(1) of the Reserve Forces Act 1966, the definition of " man" shall be amended by omitting the words " (except in relation to the marine forces) " and by substituting the words " warrant officer " for the words " chief petty officer " .

*The Armed Forces Act 1966*

- 7 In section 14(1) of the Armed Forces Act 1966, in the definition of "rating", for the words "chief petty officer" there shall be substituted the words " warrant officer " .

SCHEDULE 4

Section 77(1).

REPEALS

**PART I**

REPEALS ARISING FROM PART II OF THIS ACT

Chapter	Short Title	Extent of Repeal
3 & 4 Eliz. 2. c. 18.	The Army Act 1955.	<p>In section 31(1)(a), the words " involving the use of violence or the threat of the use of violence, or"; and in section 31(3), the words from " and in this section " to the end.</p> <p>Sections 40 and 41.</p> <p>In section 43(1), the proviso.</p> <p>Section 53.</p> <p>In section 57(2), the words " paragraph (e) or (f) of".</p> <p>Section 58.</p> <p>In section 62, in paragraphs (a) and (b), the word " service" in each place where it occurs before the word " report", paragraph (d), and the word " or" immediately preceding that paragraph.</p> <p>Section 67.</p> <p>In section 69, the word " act".</p> <p>In section 70(3), the proviso.</p> <p>Section 75(3).</p>

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Chapter	Short Title	Extent of Repeal
3 & 4 Eliz. 2. c. 19.	The Air Force Act 1955.	<p>In section 81, subsection (3) and paragraph (a) of subsection (4).</p> <p>In section 118(1), the words " or a sentence of field punishment ".</p> <p>In section 120(5), the proviso.</p> <p>In section 135(5), the words " for an offence against section fifty-eight of this Act or ".</p> <p>In section 138(1), the words " fraudulently misapplying it ".</p> <p>In section 145(2)(a), the words " disobedience to orders or ".</p> <p>In section 152(2), the words " by or".</p> <p>In section 211, subsection (3) and, in subsection (4), the words " Paragraph (b) of subsection (2) of section thirty-seven ".</p> <p>In section 213, paragraph (b).</p> <p>In Schedule 3, in paragraph 1, the words "either with intent to assist the enemy or without authority "; and paragraphs 5 and 8.</p> <p>In Schedule 6, paragraph 1(2); and, in paragraph 1(3), the words from " references to cashiering " to " Her Majesty's service " and all the words after " Naval Discipline Act ".</p> <p>In Schedule 7, paragraphs 12 and 12A.</p> <p>In section 31(1)(a), the words " involving the use of violence or the threat of the use of violence, or "; and in section 31(3), the words from " and in this section " to the end.</p>

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Chapter	Short Title	Extent of Repeal
		<p>Sections 40 and 41.</p> <p>In section 43(1), the proviso.</p> <p>Section 53.</p> <p>In section 57(2), the words " paragraph (e) or (f) of".</p> <p>Section 58.</p> <p>In section 62, in paragraphs (a) and (b), the word " service" in each place where it occurs before the word " report", paragraph (d), and the word " or " immediately preceding that paragraph.</p> <p>Section 67.</p> <p>In section 69, the word " act".</p> <p>In section 70(3), the proviso.</p> <p>Section 75(3).</p> <p>In section 81, subsection (3) and paragraph (a) of subsection (4).</p> <p>In section 118(1), the words " or a sentence of field punishment".</p> <p>In section 120(5), the proviso.</p> <p>In section 135(5), the words " for an offence against section fifty-eight of this Act or ".</p> <p>In section 138(1), the words " fraudulently misapplying it ".</p> <p>In section 145(2)(a), the words " disobedience to orders or ".</p> <p>In section 152(2), the words " by or ".</p> <p>In section 210, subsection (3) and, in subsection (4), the words " Paragraph (b) of subsection (2) of section thirty-seven ".</p> <p>In section 211, paragraph (b).</p>



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Chapter	Short Title	Extent of Repeal
5 & 6 Eliz. 2. c. 53.	The Naval Discipline Act 1957.	<p>In Schedule 3, in paragraph 1, the words " either with intent to assist the enemy or without authority"; and paragraphs 5 and 8.</p> <p>In Schedule 6, paragraph 1(2); and, in paragraph 1(3), the words from "references to cashiering " to " Her Majesty's service " and all the words after " Naval Discipline Act ".</p> <p>Section 9(1)(a), and, in section 9(2), the words " for any term ".</p> <p>In section 10, the words " for any term ".</p> <p>In section 13(a), the words " or quarrels ".</p> <p>In section 14, the word " wilfully " (twice).</p> <p>In section 16(1), the words "for any term ", and subsection (3).</p> <p>In section 17, in subsection (1), the words " without being guilty of desertion" and the words " or place of duty"; and subsection (2).</p> <p>In section 19, paragraph (b) and the word " or " immediately preceding that paragraph, and the words " for any term ".</p> <p>In section 20(a), the words " for any term ".</p> <p>Section 26.</p> <p>In section 39, the words " not described in the foregoing provisions of this Act".</p> <p>In section 47(2), the words "or place of duty ".</p>

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Chapter	Short Title	Extent of Repeal
9 & 10 Eliz. 2. c. 52.	The Army and Air Force Act 1961.	<p>In section 76(1), the words " fraudulently misapplying it".</p> <p>In section 97(1), in paragraphs (a) and (c), the words "or place of duty ".</p> <p>In section 109(3)(a), the words " or place of duty ".</p> <p>In section 122(2), the words " paragraph (b) of section twelve ".</p> <p>In Schedule 2, paragraphs 1 and 2.</p> <p>In Schedule 4, paragraph 2.</p> <p>In Schedule 5, the entry relating to Schedule 7 to the Army Act 1955.</p> <p>In section 13(1), the words from " or that subsection " to " of that Act".</p> <p>Sections 18 to 20.</p> <p>Sections 31 to 34.</p> <p>In Schedule 2, the entries relating to section 37(3) of the Army Act 1955 and section 37(3) of the Air Force Act 1955.</p>
1966 c. 45.	The Armed Forces Act 1966.	<p>Section 8(2).</p> <p>In section 15(7), the words " 53 and " (twice).</p> <p>Sections 21 and 22.</p> <p>Section 27(1).</p> <p>In section 28(1), the words from " 37(2)(b) " to " engagement) and ".</p> <p>Section 32.</p>
1968 c. 60.	The Theft Act 1968.	<p>In Part II of Schedule 2, the entries relating to sections 44(1)(b) and 45(b) of the Army Act 1955; in the entry relating to the Air Force Act 1955 the words " 44, 45 " and the words from "except" to the end; and the entry relating</p>

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Chapter	Short Title	Extent of Repeal
		to section 29(b) of the Naval Discipline Act 1957.

**PART II**

OTHER REPEALS

Chapter	Short Title	Extent of Repeal
28 & 29 Vict. c. 73.	The Naval and Marine Pay and Pensions Act 1865.	In section 2, in the definition of " officer ", the words " warrant, or subordinate " and the words " or assistant engineer ".
28 & 29 Vict. c. 111.	The Naval and Marines (Property of Deceased) Act 1865.	In section 2, in the definition of " officer ", the words " warrant, or subordinate " and the words " or assistant engineer ".
4 & 5 Geo. 5. c. 70.	The Naval Billeting &c. Act 1914.	The whole Act.
10 & 11 Geo. 6. c. 24.	The Naval Forces (Enforcement of Maintenance Liabilities) Act 1947.	In section 1, paragraph (c) and the proviso.
14 Geo. 6. c. 32.	The Army Reserve Act 1950.	Section 15(3).
14 Geo. 6. c. 33.	The Air Force Reserve Act 1950.	Section 15(3).
1 & 2 Eliz. 2. c. 50.	The Auxiliary Forces Act 1953.	Section 27(4).
3 & 4 Eliz. 2. c. 18.	The Army Act 1955.	In section 113(5)(c), the words " valid for invalid ". Section 114(2). Section 120(8). Section 150(1)(d). Section 152(3). Section 153(2).
3 & 4 Eliz. 2. c. 19.	The Air Force Act 1955.	In Schedule 7, paragraph 9. In section 113(5)(c), the words " valid for invalid ". Section 114(2). Section 120(8).

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Chapter	Short Title	Extent of Repeal
3 & 4 Eliz. 2. c. 20.	The Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955.	Section 150(1)(d). Section 152(3). Section 153(2). In Schedule 2, paragraph 6, paragraph 13(8), paragraph 14 (8), and, in paragraph 18(4), the words from " in subsection (4) " to the end.
5 & 6 Eliz. 2. c. 53.	The Naval Discipline Act 1957.	In section 53, subsection (4); and, in subsection (5), the words " notwithstanding anything in subsection (4) of this section and " Section 72(2). In section 75(1), the words from " and has " to " one month " Section 85(3). Section 101(3).
9 & 10 Eliz. 2. c. 52.	The Army and Air Force Act 1961.	Section 23.
1966 c. 30.	The Reserve Forces Act 1966	In section 21(1), in the definition of "man", the words "(except in relation to the marine forces) " In section 43(5), the words " by the Courts-Martial Appeal Court" and the words from " in pursuance " to " subsection (6) below "; and subsection (6).
1970 c. 31.	The Administration of Justice Act 1970.	