



Armed Forces Act 1981

1981 CHAPTER 55

PART III

MISCELLANEOUS

New powers in relation to persons under incapacity

13 Temporary removal to and detention for treatment in service hospitals abroad of servicemen and others suffering from mental disorder.

[^{F1}(1) In the circumstances specified in subsection (2) below a person who is subject to service law and is serving in a country or territory outside the United Kingdom and a civilian in a corresponding position may be admitted to and detained in a service hospital outside the United Kingdom for [^{F2}assessment]or treatment on the authority of an order of his commanding officer.

(2) Where it appears to a person's commanding officer—

- (a) that the person is suffering from mental disorder of a nature or degree which warrants his detention in a hospital for [^{F2}assessment]or treatment for at least a limited period; and
- (b) that he ought to be so detained in the interests of his own health or safety or with a view to the protection of other persons,

that officer may, if he thinks fit, order that person to be admitted to and detained in a hospital specified in the order.

(3) Subject to subsection (4) below, no order shall be made by a person's commanding officer under this section except on the written recommendations of two registered medical practitioners each of whom shall include in his recommendation a statement that he is satisfied of the matters set out in paragraphs (a) and (b) of subsection (2) above.

(4) In a case of urgent necessity a person's commanding officer may make an order under this section for that person's detention on the written recommendation of one registered medical practitioner if the practitioner includes in his recommendation, in

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addition to the statement required by subsection (3) above, a statement that it is of urgent necessity for the person in question to be admitted to and detained in a hospital under this section and that the obtaining of another recommendation for his admission and detention would involve undesirable delay.

(5) Where a person's commanding officer makes an order for that person's admission to and detention in a hospital by virtue of subsection (4) above on the recommendation of one registered medical practitioner he may, on production to him during the currency of that order of a recommendation of another registered medical practitioner made for the purposes of this section, make a further order for that person's further detention in the hospital specified in his original order or for that person's admission to and detention in a hospital specified in the order.

(6) An order of a person's commanding officer under this section shall have effect for twenty-eight days or, in the case of an order made by virtue of subsection (4) above, for five days and shall, while in force, be sufficient authority for the following acts in relation to that person, that is to say—

- (a) his being taken and conveyed to the hospital specified in the order;
- (b) his detention in the hospital; and
- (c) where arrangements are made for his removal to the United Kingdom for further [F²assessment]or treatment, his being taken from the hospital and conveyed to the United Kingdom and, for that purpose, his detention, subject to subsection (7) below, in any place or on board any ship or aircraft;

and a person in relation to whom such an order is in force shall, while being so conveyed or detained, be deemed to be in military, air-force or naval custody, as the case may be.

(7) Where a person is removed to the United Kingdom on the authority of his commanding officer's order under this section he shall not, on the authority of the order, be detained in any place in the United Kingdom for longer than twenty-four hours.

(8) Where a person's commanding officer is absent or otherwise not available the powers conferred by this section shall, except where that person is a civilian, be exercisable, in the same circumstances and subject to the same limitations, by any officer under the command of the first-mentioned officer, being an officer of or above the following ranks, that is to say, captain, flight-lieutenant or lieutenant according as he serves in the military, air or naval forces of the Crown.

(9) In this section—

“civilian in a corresponding position” means a person to whom Part II of the ^{M1}Army Act 1955, Part II of the ^{M2}Air Force Act 1955 or Parts I and II of the ^{M3}Naval Discipline Act 1957 is or are applied by section 209 of the Army Act 1955, section 209 of the Air Force Act 1955 or section 118 of the Naval Discipline Act 1957 respectively;

“commanding officer”, in relation to a person, means—

- (a) where that person is subject to military law or air-force law, the officer in command of the unit or detachment to which that person belongs or is attached;
- (b) where that person is subject to the Naval Discipline Act 1957, the officer in command of the ship or naval establishment to which that person belongs;
- (c) where that person is a civilian in a corresponding position to a person subject to military law, air-force law or the Naval Discipline Act 1957, any officer

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of or above the rank of lieutenant colonel, wing commander or commander respectively;

“mental disorder” has the same meaning as it has in [^{F3}the Mental Health Act 1983];

“service hospital” means a military, air-force or naval unit or establishment or a ship at or in which medical or surgical treatment is provided for persons subject to service law; and

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

and any reference to the United Kingdom includes a reference to the Channel Islands and the Isle of Man.]

Textual Amendments

F1 S. 13 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

F2 Word substituted by [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\)](#), s. 65(1), [Sch. 3 para. 62](#)

F3 Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 4 para. 59](#)

Marginal Citations

M1 1955 c. 18.

M2 1955 c. 19.

M3 1957 c. 53.

^{F4}14

Textual Amendments

F4 S. 14 repealed and superseded (1.6.1996) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\)](#), ss. 19(7), 26(2), [Sch. 3](#); S.I. 1996/1173, [art. 2](#), SCh.(with art. 3)

Amendments of the Naval Discipline Act 1957 as to offences and punishments

15 Prize offence : minor amendment as to intent.

[^{F5}(1) In section 24(c) of the Naval Discipline Act 1957 ^{M4} (which penalises breaking bulk on prizes with intent to embezzle or fraudulently misapply anything therein) for the words “embezzle or fraudulently misapply” there shall be substituted the word “steal”.

(2) This section shall not apply to an offence alleged to have been committed before this section comes into force.]

Textual Amendments

F5 Ss. 15-19 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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Modifications etc. (not altering text)

- C1** The text of ss. 2, 3, 4(2), 5, 6(1)(2)(3)(c)(4)(5)(6), 7, 8, 10–12, 15, 16, 18, 19, 20(3), 21–23, 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M4** 1957 c. 53.

16 Power on summary trial to award stoppages.

[^{F5}(1) In section 49(5) of the Naval Discipline Act 1957 ^{M5} (officer other than commanding officer may try offences summarily but may only award a fine or prescribed minor punishment), in the proviso, after the word “fine” there shall be inserted the word “stoppages”.

(2) This section shall not apply to an offence alleged to have been committed before this section comes into force.]

Textual Amendments

- F5** Ss. 15-19 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

Modifications etc. (not altering text)

- C2** The text of ss. 2, 3, 4(2), 5, 6(1)(2)(3)(c)(4)(5)(6), 7, 8, 10–12, 15, 16, 18, 19, 20(3), 21–23, 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M5** 1957 c. 53

17 Abolition of death penalty for spying in ships, etc. abroad.

[^{F5}No person shall be liable to suffer death for having committed the offence under section 93 of the Naval Discipline Act 1957 of spying for the enemy in ships or vessels or in naval establishments abroad.]

Textual Amendments

- F5** Ss. 15-19 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

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Amendments of the Services Acts relating to evidence and proceedings thereunder

18 [F5(1) Section 153 of the Army Act 1955 ^{M6} and the Air Force Act 1955 ^{M7} and section 101 of the Naval Discipline Act 1957 (which make provision for the service of process in maintenance proceedings) shall be amended as provided in this section.

(2) In the said sections 153—

- (a) in subsection (1), for the words “either on him or” there shall be substituted the word “on” ;
- (b) in subsection (3) for the word “then” there shall be substituted the words “the service of the process shall be of no effect” and the words from “the service of the process” onwards shall be omitted ; and
- (c) after subsection (3), there shall be inserted the following subsection—

“(3A) Where any such process as is mentioned in subsection (1) of this section is to be served in the United Kingdom or elsewhere and the defendant will be required to appear in person at the hearing, the service of the process shall be of no effect if his commanding officer certifies to the court by which the process was issued that the defendant is absent without leave or has deserted and remains in desertion.”.

(3) In the said section 101—

- (a) subsection (2) (which permits service on the Secretary of the Defence Council) shall be omitted ;
- (b) in subsection (4), for the words from “it is certified” to “section” there shall be substituted the words “his commanding officer certifies” and for the words “in opinion of that officer” there shall be substituted the words “in the commanding officer’s opinion” ; and
- (c) after subsection (4), there shall be inserted the following subsection—

“(4A) Where any such process is to be served in the United Kingdom or elsewhere and the defendant will be required to appear in person at the hearing, the service of that process shall be of no effect if his commanding officer certifies to the court by which the process was issued that the defendant is absent without leave or has deserted and remains in desertion.”.]

Textual Amendments

F5 Ss. 15-19 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#); [S.I. 2009/1167](#), art. 4

Modifications etc. (not altering text)

C3 The text of ss. 2, 3, 4(2), 5, 6(1)(2)(3)(c)(4)(5)(6), 7, 8, 10–12, 15, 16, 18, 19, 20(3), 21–23, 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M6 [1955 c. 18](#).

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M7 1955 c. 19.

19 Officers who can take affidavits and declarations abroad.

- [^{F5}(1) The enactments specified in this section (which empower certain officers to take affidavits and declarations outside the United Kingdom) shall be amended as follows.
- (2) In section 10 of the Emergency Laws (Miscellaneous Provisions) Act 1953 ^{M8}—
- (a) in subsection (1), after the words “or relative rank” there shall be inserted the words “or is of the rank of lieutenant and is specially appointed for the purposes of this section” ; and
 - (b) after subsection (1), there shall be inserted the following subsection—

“(1A) An officer of the rank of lieutenant shall not be appointed to take affidavits and declarations under subsection (1) above unless he is a barrister, solicitor or advocate.”.
- (3) In section 204 of the Army Act 1955 ^{M9}, in subsection (1), for the words “of a rank not below that of major” there shall be substituted the words “who is of or above the rank of major or is of the rank of captain and is a member of the legal corps of those forces”.
- (4) In section 204 of the Air Force Act 1955 ^{M10}, in subsection (1), for the words “of a rank not below that of squadron leader” there shall be substituted the words “who is of or above the rank of squadron leader or is the rank of flight lieutenant and is a member of the legal branch of that force”.]

Textual Amendments

F5 Ss. 15-19 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by **Armed Forces Act 2006** (c. 52), s. 383(2), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Modifications etc. (not altering text)

C4 The text of ss. 2, 3, 4(2), 5, 6(1)(2)(3)(c)(4)(5)(6), 7, 8, 10–12, 15, 16, 18, 19, 20(3), 21–23, 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M8 1953 c. 47.
M9 1955 c. 18.
M10 1955 c. 19.

20 Women’s services: statutory assimilation and application thereto of certain enactments.

- (1) Parts I and II of Schedule 3 to this Act shall have effect for the purpose of completing the assimilation for all purposes of the statute law of the women’s services administered by the Defence Council with the military, naval and air forces of the Crown in or with which their members serve.
- (2) Part III of that Schedule shall have effect for the purpose of applying to the members of Queen Alexandra’s Royal Naval Nursing Service ^{F6}. . . provisions of the ^{M11}Armed

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Forces Act 1966 applicable to ratings in the Royal Navy relating to discharge from service and to false statements made on entry into service.

- (3) The Reserve Forces Act 1980^{M12} shall have effect, and be deemed always to have had effect, with the substitution, in section 156(3) (application of the Act to women as to men), for the words “so far as it relates to the military and air forces” of the words “except so much of it as relates to the Royal Fleet Reserve and Royal Marines Reserve”.

Textual Amendments

- F6** Words in s. 20(2) repealed (1.10.1996) by 1996 c. 46, s. 35(2), **Sch. 7 Pt. III**; S.I. 1996/2474, art. 2, **Sch.**

Modifications etc. (not altering text)

- C5** The text of ss. 2, 3, 4(2), 5, 6(1)(2)(3)(c)(4)(5)(6), 7, 8, 10–12, 15, 16, 18, 19, 20(3), 21–23, 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M11** 1966 c. 45.
M12 1980 c. 9.

21 Clarification of the meaning in the Naval Discipline Act 1957 of “marine forces” and “naval reserve forces”.

[^{F7}In section 132 of the Naval Discipline Act 1957^{M13} (which defines certain expressions for the purposes of that Act), for subsections (7) and (8) there shall be substituted the following subsections—

“(7) In this Act “the marine forces” means the Royal Marines, the Royal Marines Reserve and the Royal Fleet Reserve so far as it consists of warrant officers, non-commissioned officers and marines who have served in the Royal Marines.

(8) In this Act “naval reserve forces” means—

- (a) the Royal Naval Reserve including officers of reserve to the Royal Navy and including the Royal Fleet Reserve except so far as it consists of warrant officers, non-commissioned officers and marines who have served in the Royal Marines, and
- (b) any reserve of Queen Alexandra’s Royal Naval Nursing Service or the Women’s Royal Naval Service.”]

Textual Amendments

- F7** S. 21 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by **Armed Forces Act 2006 (c. 52)**, s. 383(2), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Modifications etc. (not altering text)

- C6** The text of ss. 2, 3, 4(2), 5, 6(1)(2)(3)(c)(4)(5)(6), 7, 8, 10–12, 15, 16, 18, 19, 20(3), 21–23, 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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Marginal Citations

M13 1957 c. 53.

22 Members of the armed forces are “employees” for the purposes of the Patents Act 1977.

- (1) The Patents Act 1977^{M14} shall have effect, and be deemed always to have had effect, with the following amendments (being amendments to secure that members of the armed forces are “employees” for the purposes of that Act).
- (2) In section 42(4), at the end of the definition of “Crown employee”, there shall be added the words “or a person serving in the naval, military or air forces of the Crown.”.
- (3) In section 130(1), at the end of the definition of “employee, there shall be added the words “or a person who serves (or served) in the naval, military or air forces of the Crown”.

Modifications etc. (not altering text)

C7 The text of ss. 2, 3, 4(2), 5, 6(1)(2)(3)(c)(4)(5)(6), 7, 8, 10–12, 15, 16, 18, 19, 20(3), 21–23, 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M14 1977 c. 37.

23 Inquiries : persons affected who must be given a opportunity to be present and represented.

- [^{F8}(1) section 135(4) of the Army Act 1955^{M15} and the Air Force Act 1955^{M16} (which require rules for boards of inquiry to secure to witnesses and other persons affected the right to be present and represented) shall be amended by the insertion after the words “other person” of the words “to whom this subsection applies” and the addition at the end of the following paragraph—

“This subsection, so far as it applies to persons other than witnesses who may be affected by the findings, applies to persons of the following descriptions only, that is to say—

- (a) persons who are subject to military law, air-force law or the Naval Discipline Act 1957 ;
 - (b) persons who, though not so subject, are in the service of the Crown and may be so affected in character or professional reputation ; and
 - (c) persons who, though not so subject, are employed by the Civil Aviation Authority in or in connection with the provision by the Authority of air navigation services and may be so affected in character or professional reputation.”
- (2) section 26(3) of the Army and Air Force Act 1961^{M17} (whose effect is reproduced by the provision made by subsection (1) above) is hereby repealed.]

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Textual Amendments

F8 S. 23 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

Modifications etc. (not altering text)

C8 The text of ss. 2, 3, 4(2), 5, 6(1)(2)(3)(c)(4)(5)(6), 7, 8, 10–12, 15, 16, 18, 19, 20(3), 21–23, 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M15 1955 c. 18.

M16 1955 c. 19.

M17 1961 c. 52.

24 Abolition of the office of Accountant General of the Navy.

^{F9}(1)

(2) Accordingly the enactments specified in this subsection which refer to that office shall be amended as follows—

- (a) in sections 6 and 8 of the Naval Agency and Distribution Act 1864 ^{M18} (registration of certain instruments in the Accountant General’s Office) for the words “in the office of the Accountant General of the Navy” there shall be substituted the words “with the Secretary of State” ; and
- (b) in section 47 of the Greenwich Hospital Act 1865 ^{M19} (Accountant General to prepare for audit the accounts of the hospital’s property) for the words “The Accountant general of the Navy” there shall be substituted the words “The Secretary of State”.

Textual Amendments

F9 S. 24(1) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 5](#) Group 1

Modifications etc. (not altering text)

C9 The text of ss. 2, 3, 4(2), 5, 6(1)(2)(3)(c)(4)(5)(6), 7, 8, 10–12, 15, 16, 18, 19, 20(3), 21–23, 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M18 1864 c. 24.

M19 1865 c. 89.

25 Naval prize cash balance not to include percentage deduction.

[^{F10}The percentage of the proceeds of all prizes, grants, bounty money and other money distributable among the officers and crew of Her Majesty’s ships of war which is directed by section 17 of the ^{M20}Naval Agency and Distribution Act 1864 to be carried to and form part of the naval prize cash balance shall cease to be so dealt with and

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shall instead be distributable in the same way as the respective sums from which it would otherwise have been deducted.]

Textual Amendments

F10 S. 25 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

Marginal Citations

M20 1864 c. 24.

26 Payment of military pensions.

The ^{M21}Army Pensions Act 1914 (which requires pensions in respect of military service, whether payable under statute or the prerogative, to be paid in advance) shall cease to have effect except in relation to pensions which have been granted before the passing of this Act and which are, at the date of its passing, paid in advance in accordance with that Act.

Marginal Citations

M21 1914 c. 83.

27 Naval and marine pay and pensions: no further publication in London Gazette.

[^{F11}Orders in Council made under the ^{M22}Naval and Marine Pay and Pensions Act 1865 (which regulate the payment of such pay and pensions) shall cease to be published in the London Gazette.]

Textual Amendments

F11 S. 27 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

Marginal Citations

M22 1865 c. 73.

Status:

Point in time view as at 28/03/2009.

Changes to legislation:

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