



# Army Act 1955 (repealed)

1955 CHAPTER 18 3 and 4 Eliz 2

## PART II

### DISCIPLINE AND TRIAL AND PUNISHMENT OF MILITARY OFFENCES

#### *Malingering and drunkenness*

#### Textual Amendments applied to the whole legislation

- F1** Act: the provisions of the 1955 Acts providing for findings of courts-martial to be subject to confirmation and to revision at the direction of the confirming officer cease to have effect (1.4.1997 subject to art. 3 of the commencing S.I.) by virtue of 1996 c. 46, s. 15; S.I. 1997/304, arts. 2, 3, Sch. 2

#### 42 Malingering.

- (1) Any person subject to military law who—
- falsely pretends to be suffering from sickness or disability, or
  - injures himself with intent thereby to render himself unfit for service, or causes himself to be injured by any person with that intent, or
  - injures another person subject to [<sup>F1</sup>service law], at the instance of that person, with intent thereby to render that person unfit for service, or
  - with intent to render or keep himself unfit for service, does or fails to do any thing (whether at the time of the act or omission he is in hospital or not) whereby he produces, or prolongs or aggravates, any sickness or disability,
- shall be guilty of malingering and shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.
- (2) In this section the expression “unfit” includes temporarily unfit.

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Army Act 1955 (repealed), Cross Heading: Malingering and drunkenness. (See end of Document for details)*

**Textual Amendments**

**F1** Words substituted by [Armed Forces Act 1971 \(c. 33\), ss. 14, 78\(4\)](#)

**43 Drunkenness.**

(1) Any person subject to military law who is guilty of drunkenness, whether on duty or not, shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act <sup>F2</sup>

<sup>F3</sup>(2) For the purposes of this section a person is guilty of drunkenness if owing to the influence of alcohol or any drug, whether alone or in combination with any other circumstances, he is unfit to be entrusted with his duty or with any duty which [<sup>F4</sup>he might reasonably expect to be called upon to perform], or behaves in a disorderly manner or in any manner likely to bring discredit on Her Majesty's service.

**Textual Amendments**

**F2** Words repealed by [Armed Forces Act 1966 \(c. 45\), s. 37\(3\), Sch. 5](#)

**F3** Proviso repealed by [Armed Forces Act 1971 \(c. 33\), s. 78\(4\), Sch. 4 Pt. I](#)

**F4** Words substituted by [Armed Forces Act 1971 \(c. 33\), ss. 15\(1\), 78\(4\)](#)

**Status:**

Point in time view as at 01/04/1996.

**Changes to legislation:**

There are currently no known outstanding effects for the Army Act 1955 (repealed), Cross Heading: Malingering and drunkenness.