



# Army Act 1955 (repealed)

1955 CHAPTER 18 3 and 4 Eliz 2

## PART II

### DISCIPLINE AND TRIAL AND PUNISHMENT OF MILITARY OFFENCES

#### *Mutiny and insubordination*

#### 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**

#### 31 Mutiny.

<sup>F1</sup>(1) .....

- (2) Any person subject to military law who <sup>F2</sup> . . ., takes part in a mutiny, or incites any person subject to service law to take part in a mutiny, whether actual or intended, shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.
- (3) In this Act the expression “mutiny” means a combination between two or more persons subject to service law, or between persons two at least of whom are subject to service law—
  - (a) to overthrow or resist lawful authority in Her Majesty’s forces or any forces co-operating therewith in any part of any of the said forces,
  - (b) to disobey such authority in such circumstances as to make the disobedience subversive of discipline, or with the object of avoiding any duty or service against, or in connection with operations against, the enemy, or
  - (c) to impede the performance of any duty or service in Her Majesty’s forces or in any forces co-operating therewith or in any part of any of the said forces,<sup>F3</sup>

*Status: Point in time view as at 25/08/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Army Act 1955 (repealed), Cross Heading: Mutiny and insubordination.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

#### Textual Amendments

- F1** S. 31(1) repealed (11.5.2001) by 2001 c. 19, s. 38, **Sch. 7 Pt. 4**  
**F2** Words in s. 31(2) repealed (11.5.2001) by 2001 c. 19, s. 38, **Sch. 7 Pt. 4**  
**F3** Words repealed by **Armed Forces Act 1971** (c. 33), ss. 78(4), **Sch. 4 Pt. I**

### 32 Failure to suppress mutiny.

Any person subject to military law who, knowing that a mutiny is taking place or is intended,—

- (a) fails to use his utmost endeavours to suppress or prevent it, or  
 (b) fails to report without delay that the mutiny is taking place or is intended,  
 shall on conviction by [<sup>F4</sup>court-martial be liable to imprisonment or any less punishment provided by this Act].

#### Textual Amendments

- F4** Words in s. 32 substituted (11.5.2001) by 2001 c. 19, s. 34, **Sch. 6 Pt. 4 para. 17**

### 33 Insubordinate behaviour.

- (1) Any person subject to military law who—  
 (a) <sup>F5</sup> uses violence to, or offers violence to, his superior officer, or  
 (b) uses threatening or insubordinate language to his superior officer,  
 shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act:

[<sup>F6</sup>Provided that it shall be a defence for any person charged under this subsection to prove that he neither knew nor had reasonable cause to believe that the person in relation to whom the offence is alleged to have been committed was his superior officer.]

- (2) In the foregoing provisions of this section the expression “superior officer”, in relation to any person, means an officer, warrant officer or non-commissioned officer of the regular forces of superior rank, and includes an officer, warrant officer or non-commissioned officer of those forces of equal rank but greater seniority while exercising authority as the said person’s superior.

#### Textual Amendments

- F5** Words repealed by **Armed Forces Act 1986** (c. 21, SIF 7:1), ss. 4(1), 16(2), **Sch. 2**  
**F6** Proviso substituted by **Armed Forces Act 1971** (c. 33), ss. **8(1)**, 78(4)

### [<sup>F7</sup>34 Disobedience to lawful commands.

Any person subject to military law who, whether wilfully or, through neglect, disobeys any lawful command (by whatever means communicated to him) shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.]

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### Textual Amendments

F7 S. 34 substituted by [Armed Forces Act 1971 \(c. 33\)](#), ss. 8(2), 78(4)

### [<sup>F8</sup>34A Failure to provide a sample for drug testing.

(1) Any person subject to military law who, when requested to do so by a drug testing officer, fails to provide a sample of his urine for [<sup>F9</sup>the purpose of ascertaining whether, or to what extent, he has, or has had, drugs in his body] shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding six months or any less punishment provided by this Act.

[ A drug testing officer may not request a person to provide a sample under <sup>F10</sup>(1A) subsection (1) above if—

- (a) he is that person’s commanding officer, or
- (b) the commanding officer of that person is also his commanding officer.

(1B) A request under subsection (1) above may not be made if the sample is sought in connection with—

- (a) an investigation under this Act of an offence, or
- (b) an investigation of such an incident as is referred to in section 32(1)(a) of the Armed Forces Act 2001 (powers to test for alcohol or drugs after serious incident).

(1C) The results of tests performed on a sample provided by a person at the request of a drugs testing officer shall not be admissible in evidence against—

- (a) that person, or
- (b) any other person,

in proceedings before a court-martial, commanding officer or appropriate superior authority.

(1D) Nothing in this section—

- (a) limits the powers conferred by—
  - (i) sections 6 and 7 of the Road Traffic Act 1988 (breath tests and provision of specimens for analysis), as applied by section 184 of that Act, or
  - (ii) sections 62 and 63 of the Police and Criminal Evidence Act 1984 (intimate and other samples), as applied by order under section 113(1) of that Act; or
- (b) affects the admissibility in any proceedings of evidence obtained under those powers.]

(2) For the purposes of this section—

“drug” means any drug which is a controlled drug for the purposes of the <sup>M1</sup>Misuse of Drugs Act 1971; and

“drug testing officer” means an officer, warrant officer or non-commissioned officer who is authorised by or in accordance with Queen’s Regulations for the purpose of supervising the conduct of tests for the presence of drugs.]

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#### Textual Amendments

- F8** S. 34A inserted (1.10.1996 subject to art. 3 of the commencing S.I.) by 1996 c. 46, s. 32(1); S.I. 1996/2474, art. 2 (with art. 3)
- F9** Words in s. 34A(1) substituted (4.3.2006) by Armed Forces Act 2001 (c. 19), s. 39(2), Sch. 5 para. 1(2); S.I. 2006/235, art. 2
- F10** Ss. 34A(1A)-(1D) inserted (4.3.2006) by Armed Forces Act 2001 (c. 19), s. 39(2), Sch. 5 para. 1(3); S.I. 2006/235, art. 2

#### Marginal Citations

- M1** 1971 c. 38.

### [<sup>F11</sup>34B Failure to provide sample after serious incident

Any person subject to military law who, without reasonable excuse, fails to comply with a request made under subsection (3) or (4) of section 32 of the Armed Forces Act 2001 (powers to test for alcohol or drugs after serious incident) shall be guilty of an offence and shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding six months or any less punishment provided by this Act.]

#### Textual Amendments

- F11** S. 34B inserted (4.3.2006) by Armed Forces Act 2001 (c. 19), s. 39(2), Sch. 5 para. 2; S.I. 2006/235, art. 2 (with art. 3)

### 35 Obstruction of provost officers.

Any person subject to military law who—

- (a) obstructs, or
- (b) when called on, refuses to assist,

[<sup>F12</sup>any provost officer, or any person] (whether subject to military law or not) legally exercising authority under or on behalf of a provost officer, 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>F13</sup>Provided that it shall be a defence for any person charged under this section to prove that he neither knew nor had reasonable cause to believe that the person in relation to whom the offence is alleged to have been committed was a provost officer or, as the case may be, a person legally exercising authority under or on behalf of a provost officer.]

#### Textual Amendments

- F12** Words substituted by Armed Forces Act 1971 (c. 33), ss. 9(1)(a), 78(4)
- F13** Proviso inserted by Armed Forces Act 1971 (c. 33), ss. 9(1)(b), 78(4)

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### **36 Disobedience to standing orders.**

- (1) Any person subject to military law who contravenes or fails to comply with any provision of orders to which this section applies, being a provision known to him, or which he might reasonably be expected to know, 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) This section applies to standing orders or other routine orders of a continuing nature made for any formation or unit or [<sup>F14</sup>body of Her Majesty's forces], or for any command or other area, garrison or place, or for any ship, train or aircraft.

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#### **Textual Amendments**

**F14** Words substituted by [Armed Forces Act 1971 \(c. 33\)](#), **ss. 10(1)**, 78(4)

**Status:**

Point in time view as at 25/08/2006.

**Changes to legislation:**

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