



Army Act 1955 (repealed)

1955 CHAPTER 18 3 and 4 Eliz 2

PART II

DISCIPLINE AND TRIAL AND PUNISHMENT OF MILITARY OFFENCES

Commencement, suspension and duration of sentences

119 Duration of sentences of imprisonment and detention.

- (1) Where a warrant officer, non-commissioned officer or soldier has been sentenced to imprisonment or detention by a court-martial, and the sentence is suspended [^{F1}in pursuance of section 120 of this Act] after he has been committed to prison or a military establishment, the currency of the sentence shall be suspended from the beginning of the day after the day on which he is released in accordance with [^{F1}the provisions of the said section 120] until the beginning of the day on which the suspension is determined.
- (2) Where any person serving a military sentence of imprisonment or detention becomes unlawfully at large during the currency of the sentence, then, in calculating the period for which he is liable to be imprisoned or detained in pursuance of the sentence, no account shall be taken of time elapsing during the period beginning with the day on which he became at large and ending with the day on which, as a person having become unlawfully at large, he is taken into naval, military or air force custody or the custody of a civil authority or (not having been taken into such custody) returns to the place in which he was imprisoned or detained before he became unlawfully at large:

Provided that if he satisfies such authority as may be specified in that behalf by or under Imprisonment and Detention Rules that during any time during the last-mentioned period he was—

- (a) in the custody of a civil authority, or
- (b) if and in so far as Imprisonment and Detention Rules so provide, in the custody of any military, naval or air-force authority of any country or territory outside the United Kingdom as respects which arrangements have been made under section one hundred and twenty-six of this Act,

Status: Point in time view as at 19/08/2004. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Army Act 1955 (repealed), Section 119. (See end of Document for details)

the last-mentioned time shall not be disregarded in calculating the period for which he is liable to be imprisoned or detained in pursuance of the military sentence.

- (3) In the last foregoing subsection the expression “civil authority” means a civil authority (whether of the United Kingdom or of any country or territory outside the United Kingdom) authorised by law to detain persons, and includes a constable.
- (4) Without prejudice to subsection (2) of this section, where any person serving a military sentence of imprisonment or detention has in accordance with Imprisonment and Detention Rules been temporarily released on compassionate grounds, then, in calculating the period for which he is liable to be imprisoned or detained in pursuance of the sentence, no account shall be taken of time elapsing during the period beginning with the day after that on which he is released and ending with the day on which he is required to return to custody.
- (5) A person who for any period is released as mentioned in the last foregoing subsection or who is otherwise allowed, in pursuance of Imprisonment and Detention Rules, out of any military establishment or otherwise out of military custody for any period or subject to any condition shall, on failure to return at the expiration of the period or to comply with the condition, be treated for the purposes of subsection (2) of this section as being unlawfully at large.
- (6) A person serving a military sentence of imprisonment or detention in civil custody who, after being temporarily released under civil law, is at large at any time during the period for which he is liable to be detained in civil custody in pursuance of his sentence shall be deemed to be unlawfully at large if the period for which he was temporarily released has expired or if an order recalling him has been made in pursuance of civil law.
- (7) References in the last foregoing subsection to release or recall under civil law are references to release or recall in pursuance of rules made under subsection (5) of section forty-seven of the ^{M1}Prison Act 1952, subsection (6) of section thirty-five of the ^{M2}Prisons (Scotland) Act 1952, or paragraph (c) of subsection (1) of section thirteen of the ^{M3}Prisons Act (Northern Ireland) 1953, or (in the case of a person serving his sentence outside the United Kingdom) in pursuance of any corresponding provision of the law of the country or territory in which he is serving his sentence.

Textual Amendments

F1 Words substituted by [Armed Forces Act 1971 \(c. 33\), s. 78\(4\)](#), [Sch. 1 para.1\(5\)](#)

Marginal Citations

M1 1952c. 52.

M2 1952 c. 61.

M3 1953 c. 18(N.I.)

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](#)

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