



Air Force Act 1955

CHAPTER 19

AIR FORCE ACT 1955

PART I

ENLISTMENT AND TERMS OF SERVICE

Enlistment

- 1 Recruiting officers.
- 2 Enlistment.

Enlistment for general or corps service

- 3 Enlistment for general or corps service.
- 4—7

Extension of service

- 8
- 9 Postponement in certain cases of discharge or transfer to the reserve.
- 10 Continuation of air-force service in imminent national danger.

Discharge and transfer to reserve

- 11 Discharge.
- 12 Transfer to the reserve.
- 13 Postponement of discharge or transfer pending proceedings for offences.
- 14
- 15 Right of warrant officer to discharge on reduction to ranks.
- 16

Status: Point in time view as at 31/12/1991.

Changes to legislation: There are currently no known outstanding effects for the Air Force Act 1955 (repealed).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

Miscellaneous and supplementary provisions

- 17 Forfeiture of service for desertion and restoration of forfeited service.
- 18 Validity of attestation and enlistment.
- 19 False answers in attestation paper.
- 20
- 21 Service of aliens in regular air force.
- 22 Regulations as to enlistment.
- 23 Interpretation of Part I.

PART II

DISCIPLINE AND TRIAL AND PUNISHMENT OF AIR-FORCE OFFENCES

Misconduct in action and other offences arising out of air-force service

- 24 Misconduct in action.
- 25 Assisting the enemy.
- 26 Obstructing operations, giving false air signals, etc.
- 27 Prize offences by commanding officers.
- 28 Other prize offences.
- 29 Offences by or in relation to sentries, persons on watch etc.
- 29A Failure to attend for duty, neglect of duty etc.
- 30 Looting.

Mutiny and insubordination

- 31 Mutiny.
- 32 Failure to suppress mutiny.
- 33 Insubordinate behaviour.
- 34 Disobedience to lawful commands.
- 34A Failure to provide a sample for drug testing.
- 34B Failure to provide sample after serious incident
- 35 Obstruction of provost officers.
- 36 Disobedience to standing orders.

Desertion, absence without leave, etc.

- 37 Desertion.
- 38 Absence without leave.
- 39 Failure to report or apprehend deserters or absentees.
- 40, 41

Malingering and drunkenness

- 42 Malingering.
- 43 Drunkenness.

Disorderly conduct

- 43A Fighting, threatening words etc.

Offences relating to property

- 44 Damage to, and loss of, public or service property etc.
- 44A Damage to, and loss of, Her Majesty's aircraft or aircraft material.
- 44B Interference etc. with equipment, messages or signals.

Status: Point in time view as at 31/12/1991.

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

- 45 Misapplication and waste of public or service property.
- 46 Offences relating to issues and decorations.

Offences relating to billeting and requisitioning of vehicles

- 47 Billeting offences.
- 48 Offences in relation to requisitioning of vehicles.

Flying etc. offences

- 48A Loss or hazarding of ship.
- 49 Dangerous flying, etc.
- 50 Inaccurate certification.
- 51 Low flying.
- 52 Annoyance by flying.

Offences relating to, and by, persons in custody

- 53
- 54 Permitting escape, and unlawful release of prisoners.
- 55 Resistance to arrest.
- 56 Escape from confinement.

Offences in relation to courts-martial and civil authorities

- 57 Offences in relation to courts-martial.
- 58
- 59

Miscellaneous offences

- 60 Unauthorised disclosure of information.
- 61 Making of false statements on enlistment.
- 62 Making of false documents.
- 63 Offences against civilian population.
- 63A Offences against morale.
- 64 Scandalous conduct by officers.
- 65 Ill-treatment of officers or men of inferior rank.
- 66 Disgraceful conduct.
- 67
- 68 Attempts to commit air-force offences.
- 68A Aiding and abetting etc., and inciting.
- 69 Conduct to prejudice of air-force discipline.

Civil offences

- 70 Civil offences.

Punishments available to courts-martial

- 71 Scale of punishments, and supplementary provisions.
- 71A Juveniles
- 71AA Young service offenders: custodial orders.
- 71AB Reasons to be given where custodial sentence awarded to young offender.
- 71B Power to impose imprisonment for default in payment of fines.

Status: Point in time view as at 31/12/1991.

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

Arrest

- 74 Power to arrest offenders.
- 75 Provisions for avoiding delay after arrest.

Custody

- 75A Authorisation of custody without charge.
- 75B Review of custody by commanding officer.
- 75C Extension of custody without charge.
- 75D Custody without charge: other cases.
- 75E Custody without charge: supplementary.
- 75F Custody after charge.
- 75G Review of custody after charge.
- 75H Custody during court-martial proceedings.
- 75J Release from custody after charge or during proceedings.
- 75K Arrest during proceedings.
- 75L Judicial officers.
- 75M Custody rules.

Investigation of, and summary dealing with, charges

- 76 Investigation of charges by commanding officer.
- 76A Powers of higher authority.
- 76AA Right to elect for court-martial trial.
- 76B Summary dealings.
- 76C Punishments available on summary dealings.
- 77 Charges to be dealt with summarily or by court-martial.
- 77A Power to stay further proceedings.
- 78 Further proceedings on charges against N.C.O.s and airmen.
- 79 Further proceedings on charges against officers and warrant officers.
- 80 Directions by higher authority for dismissal of charges or stay of proceedings.
- 81 Confession of desertion by warrant officer, non-commissioned officer or airman.
- 82 Officers who are to act as commanding officers and appropriate superior authorities.
- 83 Limitations on powers of summary dealing with charges.

The summary appeal court

- 83ZA The summary appeal court.
- 83ZB Judge advocates.
- 83ZC Officers qualified for membership of summary appeal court.
- 83ZD Constitution of summary appeal court for appeals.
- 83ZE Right of appeal.
- 83ZF Hearing of appeals.
- 83ZG Powers of summary appeal court.
- 83ZH Making of, and appeals from, decisions of court.
- 83ZJ Rules of summary appeal court.
- 83ZK Administration of oaths to members of summary appeal court.
- 83ZL Privileges of witnesses and others.

Status: Point in time view as at 31/12/1991.

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

The prosecuting authority

- 83A The prosecuting authority.
- 83B Functions of the prosecuting authority.
- 83BB Cases where charge may be referred back to commanding officer.
- 83BC Power of prosecuting authority to advise police forces
- 83C Prosecuting officers.

Courts-martial: general provisions

- 84 Trial to be by general court-martial, district court-martial or in certain cases field general court-martial.
- 84A Court administration officers.
- 84B Judge advocates.
- 84C Convening of general and district courts-martial.
- 84D Constitution of general and district courts-martial.
- 85 Powers of different descriptions of court-martial.
- 85A Powers of court-martial where accused elected court-martial trial.
- 86 Officers having power to convene courts-martial.
- 87 Constitution of general courts-martial.
- 88 Constitution of district courts-martial.
- 89 Constitution of field general courts-martial.
- 90 Supplementary provisions as to constitution of courts-martial.
- 91 Place for sitting of courts-martial and adjournment to other places.

Courts-martial: provisions relating to trial

- 92 Challenges by accused.
- 93 Administration of oaths.
- 94 Courts-martial to sit in open court.
- 95 Dissolution of courts-martial.
- 96 Decisions of courts-martial.
- 97 Finding and sentence.
- 98 Power to convict of offence other than that charged.
- 99 Rules of evidence.
- 99A Proof at courts-martial by written statement.
- 100 Privilege of witnesses and others at courts-martial.
- 101 Offences by civilians in relation to courts-martial.
- 102 Affirmations.

Offences: procedure

- 103 Rules of Procedure.
- 104 Rules as to exercise of functions of judge advocate.
- 105 Taking of offences into consideration.
- 106 Rules of Procedure to be subject to annulment.

Field General Courts-Martial

- 103A Field general courts-martial.
- 103B Constitution of field general courts-martial.
- 103C Field General Court-Martial Rules.

Confirmation, Revision and Review of Proceedings of Courts-Martial

- 107 Confirmation of proceedings of courts-martial.

Status: Point in time view as at 31/12/1991.

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

- 108 Petitions against finding or sentence.
- 109 Revision of findings of courts-martial.
- 110 Powers of confirming officers.
- 111 Confirming officers.

Review of proceedings of courts-martial

- 112 Approval as well as confirmation required for certain death sentences.
- 113 Review of findings and sentences of courts-martial.
- 113AA Powers of the reviewing authority.
- 113A Power of reviewing authority to authorise retrial.
- 114

Review of summary findings and awards

- 115 Review of summary findings and awards.

Findings of insanity

- 116 Provisions where accused found insane.

Saving for functions of Judge Advocate General

- 117 Saving for functions of Judge Advocate General.

Commencement, suspension and duration of sentences

- 118 Commencement of sentences.
- 118ZA Commencement of sentence of detention awarded by commanding officer.
- 118A Consecutive terms of imprisonment and detention.
- 119 Duration of sentences of imprisonment and detention.
- 119A Limitation of total period of sentences of detention.
- 120 Suspension of sentences.
- 120A Postponement of sentences.

Execution of sentences of death, imprisonment and detention

- 121 Execution of sentences of death.
- 122 Imprisonment and detention rules.
- 123 Supplementary provisions relating to regulations and rules under ss. 121 & 122.
- 124 Restrictions on serving of sentences of detention in prisons.
- 125 Special provisions as to civil prisons in the United Kingdom.
- 126 Special provisions as to carrying out or serving of sentences outside the United Kingdom otherwise than in air-force establishments.
- 127 Country in which sentence of imprisonment or detention to be served.
- 128 Application of enactments relating to coroners.
- 129 Duties of governors of prisons and others to receive prisoners.
- 130 Application to military establishments and custody.

Trial of persons ceasing to be subject to air-force law and time limits for trials

- 131 Trial and punishment of offences under this Act notwithstanding offender ceasing to be subject to this Act.
- 132 Limitation of time for trial of offences under this Act.

Status: Point in time view as at 31/12/1991.

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

Relations between air-force law and civil courts and finality of trials

- 133 Jurisdiction of civil courts.
- 133A Financial penalty enforcement orders.
- 134 Persons not to be tried under this Act for offences already disposed of.

Inquiries

- 135 Boards of inquiry.
- 136 Inquiries into absence.
- 137 Unit inquiries.

Miscellaneous provisions

- 138 Restitution or compensation for theft, etc.
- 139 Appointment of judge advocates.
- 140 Promulgation.
- 141 Custody of proceedings of courts-martial and right of accused to a copy thereof.
- 141A Right of penalised parent or guardian to copy of record of court-martial proceedings.
- 142 Indemnity for prison officers, etc.

Interpretation

- 143 Interpretation of Part II.

PART III

FORFEITURES AND DEDUCTIONS AND ENFORCEMENT OF MAINTENANCE LIABILITIES

- 144 Forfeitures and deductions: general provisions.
- 145 Forfeiture of pay for absence from duty.
- 146 Deduction for payment of civil penalties.
- 147 Compensation for loss occasioned by wrongful act or negligence.
- 148 Deductions for barrack damage.
- 149 Remission of forfeitures and deductions.
- 150 Enforcement of maintenance and affiliation orders by deduction from pay.
- 150A Enforcement of maintenance assessment by deductions from pay.
- 150AA Enforcement of maintenance assessment by deductions from pay.
- 151 Deductions from pay for maintenance of wife or child.
- 151A Deductions from pay in respect of judgment debts etc.
- 152 Limit of deductions under ss. 150 and 151 and effect on forfeiture.
- 153 Service of process in maintenance proceedings.

PART IV

BILLETING AND REQUISITIONING OF VEHICLES

Billeting

- 154 Billeting requisitions.
- 155 Premises in which billets may be provided.
- 156 Provision of billets.
- 157 Billeting schemes.
- 158 Accommodation to be provided and payment therefor.

Status: Point in time view as at 31/12/1991.

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

- 159 Appeals against billeting.
- 160 Compensation for damage.
- 161 Refusal to receive persons billeted, etc.
- 162 Application to civilians employed with air force.
- 163 Local authority.
- 164 Suspension of laws against billeting.

Requisitioning of vehicles

- 165 Requisitioning orders.
- 166 Provision of vehicles.
- 167 Period for which vehicles to be furnished.
- 168 Payment for vehicles furnished.
- 169 Avoidance of hardship in requisitioning of vehicles.
- 170 Record and inspection of mechanically propelled vehicles.
- 171 Enforcement of provisions as to requisitioning.
- 172 Application to aircraft and stores.
- 173 Liability of Crown for damage by vehicles being delivered for requisitioning.

General

- 174 Bringing into operation of ss. 154 and 165.
- 175 Regulations and orders.
- 176 Interpretation of Part IV.

PART V

GENERAL PROVISIONS

Powers of command

- 177 Powers of command.
- 178 Powers of command of members of co-operating naval or military forces.

Attachment to naval or military forces

- 179 Attachment of members of air forces to naval or military forces.

Redress of complaints

- 180 Complaints by officers.
- 181 Complaints by warrant officers, non-commissioned officers and airmen.

Exemptions for members of regular air force

- 182 Officers on active list not to be sheriffs.
- 183
- 184 Exemptions from tolls, etc.
- 185 Exemption from taking in execution of property used for air-force purposes.

Provisions relating to deserters and absentees without leave

- 186 Arrest of deserters and absentees without leave.

Status: Point in time view as at 31/12/1991.

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

- 187 Proceedings before a civil court where persons suspected of illegal absence.
- 188 Deserters and absentees without leave surrendering to police.
- 189 Certificates of arrest or surrender of deserters and absentees.
- 190 Duties of governors of prisons and others to receive deserters and absentees.

Further powers of arrest of civil authorities

- 190A Arrest under warrants of commanding officers.
- 190B Arrest of persons unlawfully at large.

Offences relating to air-force matters punishable by civil courts

- 191 Punishment for pretending to be a deserter.
- 192 Punishment for procuring and assisting desertion.
- 193 Punishment for obstructing members of regular air force in execution of duty.
- 194 Punishment for aiding malingering.
- 195 Unlawful purchase, etc., of air-force stores.
- 196 Illegal dealings in documents relating to pay, pensions, mobilisation, etc.
- 197 Unauthorised use of and dealing in decorations, etc.

Provisions as to evidence

- 198 General provisions as to evidence.
- 198A,
198B
- 198C Provision as to age.
- 199 Proof of outcome of civil trial.
- 200 Evidence of proceedings of courts martial.
- 200A False statements in computer record certificates.

Miscellaneous provisions

- 201 Restrictions on reduction in rank of warrant officers and non-commissioned officers.
- 202 Temporary reception in civil custody of persons under escort.
- 203 Avoidance of assignment of or charge on air-force pay, pensions, etc.
- 204 Power of certain officers to take affidavits and declarations.
- 204A Exclusion of enactments requiring fiat of Attorney General etc. in connection with proceedings.

PART VI

APPLICATION OF ACT AND SUPPLEMENTAL PROVISIONS

Persons subject to air-force law

- 205 Persons subject to air-force law: general provisions.
- 206 Persons subject to air-force law: Commonwealth forces.
- 207 Persons subject to air-force law: Colonial forces.
- 208 Persons subject to air-force law: attached members of naval and military forces.
- 208A Application of Act to passengers in H.M. ships and aircraft.

Status: Point in time view as at 31/12/1991.

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

209 Application of Act to civilians.

Application of Act to particular forces

210 Application of Act to reserve and auxiliary forces.

211 Modification of certain provisions in relation to women.

Application to different countries

212 Application to Scotland.

213 Application to Northern Ireland.

214 Application to Channel Islands and Isle of Man.

215 Application to certain overseas territories.

216

217

Supplemental provisions

218 Jurisdiction of courts.

219

220 Provisions as to summary fines in Colonies.

221 Execution of orders, instruments, etc.

222 Provisions as to active service.

223 General provisions as to interpretation.

224 Short title, commencement and duration.

SCHEDULES

FIRST SCHEDULE — Procedure for Attestation

1 The recruiting officer shall warn the person to be enlisted...

2 He shall then read, or cause to be read, to...

3 He shall then ask that person to make and sign...

4 Upon signing the declaration and taking the oath the said...

5 The recruiting officer shall by signature attest, in the manner...

6 When in accordance with such regulations the recruit is finally...

SECOND —
SCHEDULE

THIRD SCHEDULE — Alternative offences of which accused may be convicted by court-martial

FOURTH SCHEDULE — Supplementary Provisions as to Payment for Requisitioned Vehicles

1 (1) Subject to the provisions of this Schedule, any payment...

2 (1) As soon as may be after the furnishing of...

3 (1) A person to whom a receipt or notice under...

4 (1) Subject to the provisions of the last foregoing paragraph...

5 The instructions of the Defence Council referred to in paragraph...

6 In the foregoing provisions of this Schedule, the expression “damage”...

7 Nothing in the foregoing provisions of this Schedule shall apply...

8 A county court shall have jurisdiction to deal with any...

Status: Point in time view as at 31/12/1991.

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

FIFTH SCHEDULE — Civilians outside the United Kingdom subject to Part II when not on Active Service

- 1 Persons serving Her Majesty, or otherwise employed, in such capacities...
- 2 Persons who are employed by, or in the service of,...
- 3 Persons belonging to or employed by any other organisation so...
- 4 Persons who, for the purposes of their profession or employment,...
- 5 Persons forming part of the family of members of any...
- 6 Persons forming part of the family of persons falling within...
- 7 Persons employed by members of any of Her Majesty's naval,...
- 8 Persons employed by persons falling within paragraphs 1 to 6...
- 9 Persons forming part of the family of persons falling within...

SCHEDULE 5A — Powers of Court on Trial of Civilian

General

- 1 The powers conferred by this Schedule shall be exercisable on...
- 2 (1) In this Schedule— “community supervision order” has the meaning...

Deferment of award of sentence

- 2A (1) Subject to the provisions of this paragraph, where a...

Absolute and conditional discharge

- 3 (1) The court by which a civilian is found guilty...

Community supervision orders

- 4 (1) Subject to sub-paragraph (4) below, where a civilian is...

Absolute and conditional discharge and community supervision orders—supplementary

- 5 (1) If upon finding a person guilty of an offence...

Reception orders and committal into care—general

- 6 (1) Where a civilian under 17 years of age is...

Committal into care—England and Wales

- 7 (1) Without prejudice to the generality of sub-paragraph (4) of...

Committal into care—transfer to Scotland

- 8 (1) Where a local authority in England or Wales for...

Committal into care—transfer to Northern Ireland

- 9 (1) If it appears to the Secretary of State, on...

Custodial orders

- 10 (1) Where a civilian who has attained the minimum age...

Status: Point in time view as at 31/12/1991.
Changes to legislation: *There are currently no known outstanding effects for the Air Force Act 1955 (repealed). (See end of Document for details)*

Compensation orders

- 11 (1) The court, on finding a civilian guilty of an...
- 12 (1) The operation of a compensation order made by a...

Imposition of fines on and making of compensation orders against parents and guardians

- 13 (1) Where— (a) a civilian under 17 years of age...

Orders requiring parents or guardians to enter into recognisance

- 14 (1) Subject to sub-paragraph (2) below, where a civilian under...

Scale of punishments and orders

- 15 (1) In their application to civilians, references in this Act...

Indemnity for persons carrying out orders under Schedule

- 16 No action shall lie in respect of anything done by...

Regulations

- 17 (1) The Secretary of State may by regulations make provision...

SIXTH SCHEDULE — Application of Act to attached Members of Naval and Military Forces

- 1 (1) As respects the punishment of a person subject to...
- 2 For the purposes of the provisions of this Act relating...
- 3
- 3A Notwithstanding anything in section two hundred and one of this...
- 3B In relation to a person subject to air-force law as...
- 4
- 5 In proceedings under this Act against a person subject to...
- 6 In the application of this Act to a person subject...
- 7 In relation to a person subject to air-force law as...
- 8 In the application of sections one hundred and forty-four and...
- 9 Sections one hundred and fifty to one hundred and fifty-two...
- 10 In this Schedule— (a) references to a person’s own service...
- 11 In relation to officers, warrant officers non-commissioned officers and marines...

Status:

Point in time view as at 31/12/1991.

Changes to legislation:

There are currently no known outstanding effects for the Air Force Act 1955 (repealed).