



# Air Force Act 1955

1955 CHAPTER 19 3 4 Eliz2

## PART II

### DISCIPLINE AND TRIAL AND PUNISHMENT OF AIR-FORCE OFFENCES

#### *Treachery, cowardice and offences arising out of air-force service*

#### 24 Aiding the enemy

- (1) Any person subject to air-force law who with intent to assist the enemy—
- (a) abandons or delivers up any place or post which it is his duty to defend, or induces any person to abandon or deliver up any place or post which it is that person's duty to defend, or
  - (b) does any act calculated to imperil the success of operations of Her Majesty's forces, of any forces co-operating therewith or of any part of any of those forces, or
  - (c) having been made a prisoner of war, serves with or aids the enemy in the prosecution of hostilities or of measures calculated to influence morale, or in any other manner whatsoever not authorised by international usage, or
  - (d) furnishes the enemy with arms or ammunition or with supplies of any description, or
  - (e) harbours or protects an enemy not being a prisoner of war, or
  - (f) gives any false air signal or alters or interferes with any air signal or any apparatus for giving an air signal, or
  - (g) when ordered by his superior officer, or otherwise under orders, to carry out any warlike operations in the air fails to use his utmost exertions to carry such orders into effect, or
  - (h) causes the capture or destruction by the enemy of any of Her Majesty's aircraft, shall, on conviction by court-martial, be liable to suffer death or any other punishment provided by this Act.

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- (2) Any person subject to air-force law who knowingly and without lawful excuse does any of the acts specified in paragraphs (a) to (g) of the last foregoing subsection shall, where it is not proved that he acted with intent to assist the enemy, be liable on conviction by court-martial to imprisonment or any less punishment provided by this Act.
- (3) Any person subject to air-force law who negligently causes the capture or destruction by the enemy of any of Her Majesty's aircraft shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

## 25      **Communication with the enemy**

- (1) Any person subject to air-force law who with intent to assist the enemy communicates with or gives intelligence to the enemy shall, on conviction by court-martial, be liable to suffer death or any other punishment provided by this Act.
- (2) Any person subject to air-force law who without authority communicates with or gives intelligence to the enemy shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.
- (3) In this section the expression " intelligence" means information which is or purports to be information as to any matter such that information about it would or might be directly or indirectly useful to an enemy, and in particular (but without prejudice to the generality of the foregoing provisions of this subsection) as to any matter falling within the following paragraphs, being a matter such that information as to it would or might be useful as aforesaid, that is to say:—
  - (a) the number, description, armament, equipment, disposition, movement or condition of any of Her Majesty's forces or of any forces co-operating therewith, or any of Her Majesty's ships or aircraft or of the ships or aircraft of any such co-operating force;
  - (b) any operations or projected operations of any of such forces, ships or aircraft as aforesaid;
  - (c) any code, cipher, call sign, password or countersign;
  - (d) any measures for the defence or fortification of any place on behalf of Her Majesty ;
  - (e) the number, description or location of any prisoners of war;
  - (f) munitions of war.

## 26      **Cowardly behaviour**

- (1) Any person subject to air-force law who when before the enemy—
  - (a) leaves the post, position or other place where it is his duty to be, or
  - (b) throws away his arms, ammunition or tools, or
  - (c) does any of the acts specified in paragraphs (f) to (h) of subsection (1) of section twenty-four of this Act,
 in such a manner as to show cowardice, or otherwise behaves in such a manner as to show cowardice, shall be guilty of an offence against this section.
- (2) Any person subject to air-force law who when before the enemy induces other persons subject to air-force law and before the enemy to commit an offence under the last foregoing subsection shall be guilty of an offence against this section.

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- (3) Any person guilty of an offence against this section shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

## **27 Offences against morale**

Any person subject to air-force law who—

- (a) spreads (whether orally, in writing, by signal, or otherwise) reports relating to operations of Her Majesty's forces, of any forces co-operating therewith, or of any part of any of those forces, being reports calculated to create despondency or unnecessary alarm, or
- (b) when before the enemy uses words calculated to create despondency or unnecessary alarm,

shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

## **28 Becoming prisoner of war through disobedience or wilful neglect; and failure to rejoin forces**

- (1) Any person subject to air-force law who, through disobedience to orders or wilful neglect of his duty, is captured by the enemy shall be guilty of an offence against this section.
- (2) Any person subject to air-force law who, having been captured by the enemy, fails to take, or prevents or discourages any other such person captured by the enemy from taking, any reasonable steps to rejoin Her Majesty's service which are available to him or, as the case may be, to that other person shall be guilty of an offence against this section.
- (3) Any person guilty of an offence against this section shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

## **29 Offences by or in relation to sentries, etc.**

- (1) Any person subject to air-force law who while on guard duty—
  - (a) sleeps at his post, or
  - (b) when not on duty at a post, is asleep at a time when he is not allowed to be asleep, or
  - (c) is drunk, or
  - (d) leaves his post without having been regularly relieved or otherwise absents himself from any place where it is his duty to be,shall be guilty of an offence against this section.
- (2) For the purposes of this section a person shall be treated as being drunk 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.
- (3) Any person subject to air-force law who strikes or otherwise uses force against any person on guard duty, being a member of any of Her Majesty's forces or of any forces cooperating therewith, or by the threat of force compels any such person to let him or any other person pass, shall be guilty of an offence against this section.

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- (4) Any person guilty of an offence against this section shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act:

Provided that if the offence was not committed on active service he shall not be liable to be imprisoned for more than two years.

- (5) References in this section to a person on guard duty are references to a person who—
- (a) is posted or ordered to patrol, or
  - (b) is a member of a guard or other party mounted or ordered to patrol, for the purpose of protecting any persons, premises or place.
- (6) The foregoing provisions of this section shall apply in relation to persons posted or ordered to patrol, or members of a party mounted or ordered to patrol, for the purpose of preventing or controlling access to or egress from any premises or place, or of regulating traffic by road, by rail or on any inland navigation, as they apply to persons on guard duty.

### **30 Looting**

Any person subject to air-force law who—

- (a) steals from, or with intent to steal searches, the person of anyone killed or wounded in the course of warlike operations, or
- (b) steals any property which has been left exposed or unprotected in consequence of warlike operations, or
- (c) takes otherwise than for the public service any vehicle, equipment or stores abandoned by the enemy,

shall be guilty of looting and liable, on conviction by court-martial, to imprisonment or any less punishment provided by this Act.