



# Air Force Act 1955 (repealed)

1955 CHAPTER 19 3 and 4 Eliz 2

## PART V

### GENERAL PROVISIONS

#### 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](#)

#### *Powers of command*

#### **177 Powers of command.**

- (1) It is hereby declared for the avoidance of doubt that Her Majesty may make regulations as to the persons, being members of Her Majesty's forces, in whom command over Her Majesty's air forces, or any part or member thereof, is to be vested and as to the circumstances in which such command as aforesaid is to be exercised.
- (2) In relation to members of Her Majesty's air forces when in aircraft, the last foregoing subsection shall have effect as if references to members of Her Majesty's forces included references to any person in command of an aircraft.
- (3) Nothing in this section shall affect any power vested in Her Majesty apart from this section.

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

In so far as powers of command depend on rank, a member of any of Her Majesty's naval or military forces who—

- (a) is acting with, or
- (b) is a member of a body of any of those forces which is acting with,

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any body of the regular air force shall have the like such powers as a member of the regular air force of corresponding rank; and for the purposes of sections thirty-three and seventy-four of this Act any such member of the said naval or military forces shall be treated as if he were a member of the regular air force of corresponding rank.

*Attachment to naval or military forces*

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

- (1) An officer, warrant officer, non-commissioned officer or airman of the regular air force may be attached temporarily to any of Her Majesty's naval or military forces.
- (2) Regulations made by the [<sup>F1</sup>Defence Council] may prescribe circumstances in which officers, warrant officers, non-commissioned officers and airmen of the regular air force shall be deemed to be attached to any of Her Majesty's naval or military forces, as the case may be, under the last foregoing subsection.
- (3) ..... <sup>F2</sup>
- (4) A person shall not cease to be subject to air-force law by reason only of attachment in pursuance of this section.

**Textual Amendments**

**F1** Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)

**F2** [S. 179\(3\), Sch. 6 paras. 3, 4](#) repealed by [S.I. 1964/488, Sch. 1 Pt. I](#)

**Modifications etc. (not altering text)**

**C1** [S. 179](#) extended by [Naval Discipline Act 1957 \(c. 53\), s. 113\(1\)](#)

*Redress of complaints*

**[<sup>F3</sup>180 Redress of complaints.**

- (1) If a person subject to air-force law thinks himself wronged in any matter relating to his service he may make a complaint with respect to that matter to such officer as may be prescribed.
- [<sup>F4</sup>(2) A person (“the person aggrieved”) may not make a complaint under this section with respect to—
  - (a) any decision of a judicial officer or judge advocate under section 75C, 75F, 75G, 75H, 75J or 75K of this Act,
  - (b) any decision of a judicial officer under Part 2 of the Armed Forces Act 2001,
  - (c) any matter against which the person aggrieved may present a petition under section 113 of this Act, or
  - (d) any matter against which the person aggrieved may bring an appeal under section 83ZE of this Act or under the Courts-Martial (Appeals) Act 1968.]
- (3) The procedure for making and dealing with a complaint under this section shall be laid down in Queen's Regulations, which may, in particular, provide—

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- (a) for a complaint not to be made after the end of such period as may be prescribed;
  - (b) for any such period to be extended, in the case of a complaint made after the end of the period, in such circumstances as may be prescribed;
  - (c) for a complaint to be referred, for its first consideration, by the officer to whom it was made to a superior officer; and
  - (d) if the complainant does not obtain the redress to which he thinks he is entitled (whether from the officer who first considered the complaint or from a superior officer by virtue of provision made as mentioned in this paragraph), for the complaint to be referred to, and considered by, a superior officer.
- (4) Any period prescribed for the purposes mentioned in subsection (3)(a) above shall not be less than three months beginning with the day on which the matter complained of occurred.
- (5) An officer to whom a complaint is made or referred under provision made by virtue of subsection (3) above shall grant any redress which appears to him necessary.
- (6) If the complainant does not obtain the redress to which he thinks he is entitled by the procedure referred to in subsection (3) above, he may submit his complaint to the Defence Council in accordance with the procedure laid down in Queen’s Regulations.
- (7) The Defence Council shall have any complaint submitted to them investigated and shall grant any redress which appears to them necessary.
- (8) Where a complaint by an officer has been submitted to the Defence Council and he does not obtain the redress to which he thinks he is entitled, the Defence Council shall, at his request, make a report on the complaint through the Secretary of State to Her Majesty in order to receive the directions of Her Majesty thereon.
- (9) This section applies to a person who is not subject to air-force law, in relation to any matter which took place while he was so subject, as it applies to a person who is subject to air-force law.
- (10) In this section “prescribed” means prescribed by Queen’s Regulations.]

**Textual Amendments**

- F3** S. 180 substituted (1.10.1997) by 1996 c. 46, s. 20(2); S.I. 1997/2164, art. 2 (with Sch.)
- F4** S. 180(2) substituted (30.9.2003) by Armed Forces Act 2001 (c. 19), s. 39(2), Sch. 6 para. 41; S.I. 2003/2268, art. 2 (with art. 3)

**Modifications etc. (not altering text)**

- C2** S. 180: power to modify conferred (24.9.1996) by S.I. 1996/1919 (N.I. 16), art. 237

<sup>F5</sup>181 .....

**Textual Amendments**

- F5** S. 181 repealed (1.5.2001) by 1996 c. 46, s. 35(2), Sch. 7 Pt. III; S.I. 2001/1519, art. 2(1)(b)

*Status: Point in time view as at 25/07/2007.*

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### *Exemptions for members of regular air force*

#### **182 Officers on active list not to be sheriffs.**

An officer of the regular air force on the active list (as defined by order under section two of the <sup>M1</sup>Air Force (Constitution) Act 1917) shall not be capable of being nominated or elected to be sheriff of any county, borough, or other place.

#### **Marginal Citations**

**M1** 1917 c. 51.

#### **183** ..... <sup>F6</sup>

#### **Textual Amendments**

**F6** S. 183 repealed by (E.W.) Criminal Justice Act 1972 (c. 71), **Sch. 6 Pt. I**, (N.I.) S.I. 1974/2143 (N.I.6), **Sch. 5** and (S.) Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55), **Sch. 3**

#### **184 Exemptions from tolls, etc.**

- (1) Duties or tolls for embarking from or disembarking on any pier, wharf, quay or landing place in the United Kingdom or any colony, or for passing over any road or bridge in the United Kingdom or any colony, shall not be payable in respect of—
  - (a) members of the regular air force on duty;
  - (b) vehicles in air-force service, being vehicles belonging to the Crown or other vehicles driven by persons (whether members of Her Majesty’s forces or not) in the service of the Crown;
  - (c) goods carried in such vehicles;
  - (d) horses or other animals in air-force service.
- (2) In the last foregoing subsection the expression “in air-force service” means employed under proper air-force authority for the purposes of any body of the regular air force or accompanying any body of the regular air force.
- (3) Members of the regular air force on duty when using ferries in Scotland shall be entitled to be carried at half rate.

#### **Modifications etc. (not altering text)**

**C3** S. 184 extended by Reserve Forces Act 1980 (c. 9), **ss. 84(b)**, 119(b)

**C4** S. 184 modified (1.4.1997) by 1996 c. 14, **s. 124(2)** (with 72(5)); S.I. 1997/305, **art. 2**

#### **185 Exemption from taking in execution of property used for air-force purposes.**

No judgment or order given or made against a member of any of Her Majesty’s air forces by any court in the United Kingdom or a colony shall be enforced by the levying of execution on any property of the person against whom it is given or made,

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being arms, ammunition, equipment, instruments or clothing used by him for air-force purposes.

*Provisions relating to deserters and absentees without leave*

**186 Arrest of deserters and absentees without leave.**

- (1) A constable may arrest any person whom he has reasonable cause to suspect of being an officer, warrant officer, non-commissioned officer or airman of the regular air force who has deserted or is absent without leave.
  - (2) Where no constable is available, any officer, warrant officer, non-commissioned officer or airman of the regular air force, or any other person, may arrest any person whom he has reasonable cause to suspect as aforesaid.
  - (3) Any person having authority to issue a warrant for the arrest of a person charged with crime, if satisfied by evidence on oath that there is, or is reasonably suspected of being, within his jurisdiction an officer, warrant officer, non-commissioned officer or airman of the regular air force who has deserted or is absent without leave or is reasonably suspected of having deserted or of being absent without leave, may issue a warrant authorising his arrest.
  - (4) Any person in custody in pursuance of this section shall as soon as practicable be brought before a court of summary jurisdiction.
- [<sup>F7</sup>(4A) A person shall also be brought before a court of summary jurisdiction if, having been brought before such a court by virtue of subsection (4) above and discharged by that court by virtue of section 187(3) below—
- (a) he is subsequently arrested as an alleged or suspected deserter or absentee without leave under section 74 of this Act, or under a warrant issued under section 190A thereof, and
  - (b) the question whether he is in fact in desertion or absent without leave raises any issue which was investigated by the court discharging him, and
  - (c) he does not admit that he is in desertion or absent without leave to the person arresting him under the said section 74 or, as the case may be, to the person into whose custody he is delivered pursuant to the said section 190A.]
- (5) This section shall have effect in the United Kingdom and in any colony.

**Textual Amendments**

**F7** S. 186(4A) inserted by [Armed Forces Act 1971 \(c. 33\), s. 56\(1\)](#)

**Modifications etc. (not altering text)**

**C5** S. 186 extended by [Guyana Independence Act 1966 \(c. 14\), s. 5\(2\)](#)

**187 Proceedings before a civil court where persons suspected of illegal absence.**

- (1) Where a person who is brought before a court of summary jurisdiction is alleged to be an officer, warrant officer, non-commissioned officer or airman of the regular air force who has deserted or is absent without leave, the following provisions shall have effect.

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- (2) If he admits that he is illegally absent from the regular air force and the court is satisfied of the truth of the admission, then—
- (a) unless he is in custody for some other cause the court shall, and
  - (b) notwithstanding that he is in custody for some other cause, the court may, forthwith either cause him to be delivered into air-force custody in such manner as the court may think fit or <sup>F8</sup>, where it is unable to do so, adjourn the proceedings and remand him for such time as appears reasonably necessary for the purpose of arranging for him to be delivered into air-force custody.]

Any time specified by the court may be extended by the court from time to time if it appears to the court reasonably necessary so to do for the purpose aforesaid.

- (3) If he does not admit that he is illegally absent as aforesaid, or the court is not satisfied of the truth of the admission, the court shall consider the evidence and any statement of the accused, and if satisfied that he is subject to air-force law and if of opinion that there is sufficient evidence to justify his being tried under this Act for an offence of desertion or absence without leave then, unless he is in custody for some other cause, the court shall cause him to be delivered into air-force custody or <sup>F8</sup>, where it is unable to do so, adjourn the proceedings and remand him for such time as appears reasonably necessary for the purpose of arranging for him to be delivered into air-force custody.], but otherwise shall discharge him:

Provided that if he is in custody for some other cause the court shall have power, but shall not be required, to act in accordance with this subsection.

- (4) The following provisions of <sup>F9</sup>the <sup>M2</sup>Magistrates' Courts Act 1980] or any corresponding enactment in force as respects the court in question, that is to say the provisions relating to the constitution and procedure of courts of summary jurisdiction acting as examining justices and conferring powers of adjournment and remand on such courts so acting, and the provisions as to evidence and the issue and enforcement of summonses or warrants to secure the attendance of witnesses, shall apply to any proceedings under this section.

<sup>F10</sup>(4A) For the purposes of any proceedings under this section, a certificate which states that a person is a member of, and illegally absent from, the regular air force, and purports to be signed by an officer who, if that person were charged with an offence, would be either his commanding officer or authorised to act as his appropriate superior authority, shall be evidence of the matters so stated.]

- (5) This section shall have effect in the United Kingdom and in any colony.

#### Textual Amendments

- F8** Words in s. 187(2)(3) substituted (2.10.2000) by 2000 c. 4, s. 9(2); S.I. 2000/2366, art. 2 (with transitional provisions in art. 3, Sch. para. 14)
- F9** Words substituted by Magistrates' Courts Act 1980 (c. 43), Sch. 7 para. 13
- F10** S. 187(4A) inserted by Armed Forces Act 1971 (c. 33), s. 56(2)

#### Modifications etc. (not altering text)

- C6** S. 187 extended by Guyana Independence Act 1966 (c. 14), s. 5(2)

#### Marginal Citations

- M2** 1980 c. 43.

*Status: Point in time view as at 25/07/2007.*

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## 188 Deserters and absentees without leave surrendering to police.

- (1) Where in the United Kingdom or any colony a person surrenders himself to a constable as being illegally absent from the regular air force, the constable shall (unless he surrenders himself at a police station) bring him to a police station.
- (2) The officer of police in charge of a police station at which a person has surrendered himself as aforesaid, or to which a person who has so surrendered himself is brought, shall forthwith inquire into the case, and if it appears to that officer that the said person is illegally absent as aforesaid he may cause him to be delivered into air-force custody without bringing him before a court of summary jurisdiction or may bring him before such a court.

### Modifications etc. (not altering text)

C7 S. 188 extended by [Guyana Independence Act 1966 \(c. 14\), s. 5\(2\)](#)

## 189 Certificates of arrest or surrender of deserters and absentees.

- (1) Where a court of summary jurisdiction in pursuance of section one hundred and eighty-seven of this Act deals with a person as illegally absent, then when that person is delivered into air-force custody there shall be handed over with him a certificate in the prescribed form, signed by a justice of the peace [<sup>F11</sup>or (in Northern Ireland) resident magistrate], containing the prescribed particulars as to his arrest or surrender and the proceedings before the court; and for any such certificate there shall be payable to the [<sup>F12</sup>proper officer] of the court, by such person as [<sup>F13</sup>the Defence Council] may direct, such fee (if any) as may be prescribed.
- (2) Where under the last foregoing section a person is delivered into air-force custody without being brought before a court, there shall be handed over with him a certificate in the prescribed form, signed by the officer of police who causes him to be delivered into air-force custody, containing the prescribed particulars relating to his surrender.
- (3) In any proceedings for an offence under section thirty-seven or thirty-eight of this Act—
  - (a) a document purporting to be a certificate under either of the two last foregoing subsections, and to be signed as thereby required, shall be evidence of the matters stated in the document;
  - <sup>F14</sup>(aa) where the proceedings are against a person who has surrendered himself to a consular officer, a certificate purporting to be signed by that officer and stating the fact, date, time and place of surrender shall be evidence of the matters stated in the certificate;]
  - (b) where the proceedings are against a person who has been taken into air-force, naval or military custody on arrest or surrender, a certificate purporting to be signed by a provost officer, or any corresponding officer of a Commonwealth force or a force raised under the law of a colony, or by any other officer in charge of the guardroom or other place where that person was confined on being taken into custody, stating the fact, date, time and place of arrest or surrender shall be evidence of the matters stated in the certificate.

<sup>F15</sup>(3A) In subsection (1) of this section “proper officer” means—

- (a) in relation to a court of summary jurisdiction in England and Wales, the [<sup>F16</sup>designated officer] for the court; and

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(b) in relation to a court of summary jurisdiction elsewhere, the clerk of the court.]

(4) In this section the expression “prescribed” means prescribed by regulations made by a Secretary of State by statutory instrument.

#### Textual Amendments

- F11** Words in s. 189(1) inserted (1.4.2005) by Justice (Northern Ireland) Act 2002 (c. 26), s. 87(1), **Sch. 4 para. 11**; S.R. 2005/109, art. 2, Sch.
- F12** Words in s. 189 substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 para. 19, **20(2)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F13** Words substituted by S.I. 1964/488, **Sch. 1 Pt. I**
- F14** S. 189(3)(aa) inserted by Armed Forces Act 1971 (c. 33), **s. 56(3)**
- F15** S. 189(3A) inserted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 para. 19, **20(3)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F16** Words in s. 189(3A)(a) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 96(a)**; S.I. 2005/910, art. 3(y)

#### Modifications etc. (not altering text)

- C8** S. 189 extended by Guyana Independence Act 1966 (c. 14), **s. 5(2)**
- C9** S. 189(1) amended by Army and Air Force Act 1961 (c. 52), **s. 30**

### 190 Duties of governors of prisons and others to receive deserters and absentees.

- (1) It shall be the duty of the governor of a civil prison in the United Kingdom or of the superintendent or other person in charge of a civil prison in a colony to receive any person duly committed to that prison by a court of summary jurisdiction as illegally absent from the regular air force and to detain him until in accordance with the directions of the court he is delivered into air-force custody.
- (2) The last foregoing subsection shall apply to the person having charge of any police station or other place (not being a prison) provided for the confinement of persons in custody, whether in the United Kingdom or in a colony, as it applies to the governor or superintendent of a prison.

#### Modifications etc. (not altering text)

- C10** S. 190 extended by Guyana Independence Act 1966 (c. 14), **s. 5(2)**

#### *Further powers of arrest of civil authorities*

### [<sup>F17</sup>190A Arrest under warrants of commanding officers.

- (1) A warrant for the arrest of a person suspected of any offence under Part II of this Act may be issued by his commanding officer (determined for the purposes of this subsection as if that person had been charged with the offence).
- (2) A warrant issued under this section shall be addressed to an officer or officers of police, and shall specify the name of the person for whose arrest it is issued and the offences which he is alleged to have committed; and any such warrant may be issued in respect



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of two or more persons alleged to have committed the same offence, or offences of the same class.

- (3) A person arrested under a warrant issued under this section shall as soon as practicable be delivered into air-force custody; and there shall be handed over with him a certificate signed by the officer of police who causes him to be delivered into air-force custody stating the fact, date, time and place of arrest, and whether or not the person arrested was at the time of arrest wearing the uniform of any of Her Majesty's air forces.
- (4) A certificate under subsection (3) above shall be in such form as may be prescribed by regulations made by a Secretary of State by statutory instrument and shall for the purposes of this Act be evidence of the matters stated therein.]

#### Textual Amendments

F17 Ss. 190A, 190B inserted by [Armed Forces Act 1971 \(c. 33\), s. 44\(2\)](#)

### 190B Arrest of persons unlawfully at large.

- (1) A constable may arrest without warrant any person who, having been sentenced under Part II of this Act to imprisonment or detention, is unlawfully at large during the currency of the sentence, and may take him to any place in which he may be required in accordance with law to be detained.
- (2) The provisions of subsections (5) to (7) of section 119 of this Act shall have effect for the purposes of subsection (1) above as they have effect for the purposes of the said section 119.

*Offences relating to air-force matters punishable by civil courts*

### 191 Punishment for pretending to be a deserter.

Any person who in the United Kingdom or any colony falsely represents himself to any air-force, naval, military or civil authority to be a deserter from the regular air force shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment.

### 192 Punishment for procuring and assisting desertion.

- (1) Any person who, whether within or without Her Majesty's dominions,—
  - (a) procures or persuades any officer, warrant officer, non-commissioned officer or airman of the regular air force to desert or to absent himself without leave; or
  - (b) knowing that any such officer, warrant officer, non-commissioned officer or airman is about to desert or absent himself without leave, assists him in so doing; or
  - [<sup>F18</sup>(c) knowing any person to be a deserter or absentee without leave from the regular air force, procures or persuades or assists him to remain such a deserter or absentee, or assists in his rescue from custody],

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shall be guilty of an offence against this section.

- (2) Any person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment, or on conviction on indictment to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or to both such a fine and such imprisonment.

#### Textual Amendments

**F18** S. 192(1)(c) substituted by [Armed Forces Act 1966 \(c. 45\), s. 18\(1\)](#)

### 193 Punishment for obstructing members of regular air force in execution of duty.

Any person who, in the United Kingdom or any colony, wilfully obstructs or otherwise interferes with any officer, warrant officer, non-commissioned officer or airman of the regular air force acting in the execution of his duty shall be liable on summary conviction to a fine not exceeding [<sup>F19</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment.

#### Textual Amendments

**F19** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), ss. 289F, 289G](#) and (N.I.) [S.I. 1984/703 \(N.I.3\), arts. 5, 6](#)

### 194 Punishment for aiding malingering.

Any person who, whether within or without Her Majesty's dominions,—

- (a) produces in an officer, warrant officer, non-commissioned officer or airman of the regular air force any sickness or disability; or
- (b) supplies to or for him any drug or preparation calculated or likely to render him, or lead to the belief that he is, permanently or temporarily unfit for service,

with a view to enabling him to avoid air-force service, whether permanently or temporarily, shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment, or on conviction on indictment to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or to both such a fine and such imprisonment.

### 195 Unlawful purchase, etc., of air-force stores.

- (1) Any person who, whether within or without Her Majesty's dominions, acquires any air-force stores or solicits or procures any person to dispose of any air-force stores, or acts for any person in the disposing of any air-force stores, shall be guilty of an offence against this section unless he proves either—
- (a) 2 that he did not know, and could not reasonably be expected to know, that the chattels in question were air-force stores, or

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- (b) that those chattels had (by the transaction with which he is charged or some earlier transaction) been disposed of by order or with the consent of [<sup>F20</sup>the Defence Council] or of some person or authority who had, or whom he had reasonable cause to believe to have, power to give the order or consent, or
- (c) that those chattels had become the property of an officer who had retired or ceased to be an officer, or of a warrant officer, non-commissioned officer or airman who had been discharged, or of the personal representatives of a person who had died.
- (2) Any person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment, or on conviction on indictment to a fine not exceeding five hundred pounds or imprisonment for a term not exceeding two years or to both such a fine and such imprisonment.
- [<sup>F21</sup>(3) A constable may arrest without warrant any person whom he has reasonable grounds for suspecting of having committed an offence against this section, and may seize any property which he has reasonable grounds for suspecting of having been the subject of the offence.]
- [<sup>F21</sup>(3) A constable may seize any property which he has reasonable grounds for suspecting of having been the subject of an offence against this section.]
- (4) Any person having authority to issue a warrant for the arrest of a person charged with crime may, if satisfied by evidence on oath that a person within his jurisdiction has, or is reasonably suspected of having, in his possession any property which has been the subject of an offence against this section, grant a warrant to search for such property as in the case of stolen goods; and any property suspected of having been the subject of such an offence which is found on such a search shall be seized by the officer charged with the execution of the warrant, and that officer shall bring the person in whose possession or keeping the property is found before a court of summary jurisdiction.
- (5) In this section—
- the expression “acquire” means buy, take in exchange, take in pawn or otherwise receive (whether apart from this section the receiving is lawful or not);
- the expression “dispose” means sell, give in exchange, pledge or otherwise hand over (whether apart from this section the handing over is lawful or not);
- the expression “air-force stores” means any chattel of any description belonging to Her Majesty, which has been issued for use for air-force purposes or is held in store for the purpose of being so issued when required, and includes any chattel which had belonged, and had been issued or held, as aforesaid at some past time.
- (6) For the purposes of subsection (4) of this section property shall be deemed to be in the possession of a person if he has it under his control, and whether he has it for his own use or benefit or for the use or benefit of another.

#### Textual Amendments

**F20** Words substituted by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)

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**F21** S. 195(3) commencing “A constable may seize” substituted (E.W.NI.) for s. 195(3) commencing “A constable may arrest” by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(1), [Sch. 6 Pt. I para. 8](#) (E.W.) and by [S.I. 1989/1341 \(N.I.12\)](#), art. 90(1), [Sch. 6 para.4](#)

## 196 Illegal dealings in documents relating to pay, pensions, mobilisation, etc.

- (1) Any person who—
- (a) as a pledge or a security for a debt, or
  - (b) with a view to obtaining payment from the person entitled thereto of a debt due either to himself or to any other person,
- receives, detains or has in his possession any official document issued in connection with the payment to any person of any pay, pension, allowance, gratuity or other payment payable in respect of his or any other person’s air-force service shall be guilty of an offence against this section.
- (2) Any person who has in his possession without lawful authority or excuse (the proof whereof shall lie on him) any such document as aforesaid, or any official document issued in connection with the mobilisation or demobilisation of any of Her Majesty’s air forces or any member thereof, shall be guilty of an offence against this section.
- (3) Any person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding [<sup>F22</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment.
- (4) For the purposes of this section a document shall be deemed to be in the possession of a person if he has it under his control and whether he has it for his own use or benefit or for the use or benefit of another.
- (5) This section shall have effect in the United Kingdom and in any colony.

### Textual Amendments

**F22** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#) and (N.I.) [S.I. 1984/703 \(N.I.3\)](#), [arts. 5, 6](#)

## 197 Unauthorised use of and dealing in decorations, etc.

- (1) Any person who, in the United Kingdom or in any colony,—
- (a) without authority uses or wears any air-force decoration, or any badge, wound stripe or emblem supplied or authorised by [<sup>F23</sup>the Defence Council], or
  - (b) uses or wears any decoration, badge, wound stripe, or emblem so nearly resembling any air-force decoration, or any such badge, stripe or emblem as aforesaid, as to be calculated to deceive, or
  - (c) falsely represents himself to be a person who is or has been entitled to use or wear any such decoration, badge, stripe or emblem as is mentioned in paragraph (a) of this subsection,
- shall be guilty of an offence against this section:

Provided that nothing in this subsection shall prohibit the use or wearing of ordinary regimental badges or of brooches or ornaments representing them.

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

- (2) Any person who purchases or takes in pawn any air-force, naval or military decoration awarded to any member of Her Majesty's air forces, or solicits or procures any person to sell or pledge any such decoration, or acts for any person in the sale or pledging thereof, shall be guilty of an offence against this section unless he proves that at the time of the alleged offence the person to whom the decoration was awarded was dead or had ceased to be a member of those forces.
- (3) Any person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding [<sup>F24</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment.

#### Textual Amendments

**F23** Words substituted by S.I. 1964/488, Sch. 1 Pt. I

**F24** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G and (N.I.) S.I. 1984/703 (N.I.3), arts. 5, 6

#### *Provisions as to evidence*

### **198 General provisions as to evidence.**

- (1) The following provisions . . . <sup>F25</sup> shall have effect with respect to evidence in proceedings under this Act, whether before a court-martial, a civil court or otherwise.
- (2) A document purporting to be a copy of the attestation paper signed by any person and to be certified to be a true copy by a person stated in the certificate to have the custody of the attestation paper shall be evidence of the enlistment of the person attested.
- (3) The attestation paper purporting to be signed by a person on his enlistment shall be evidence of his having given the answers to questions which he is therein recorded as having given.
- (4) A letter, return or other document stating that any person—
  - (a) was or was not serving at any specified time or during any specified period in any part of Her Majesty's forces or was discharged from any part of those forces at or before any specified time, or
  - (b) held or did not hold at any specified time any specified rank or appointment in any of those forces, or had at or before any specified time been attached, posted or transferred to any part of those forces, or at any specified time or during any specified period was or was not serving or held or did not hold any rank or appointment in any particular country or place, or
  - (c) was or was not at any specified time authorised to use or wear any decoration, badge, wound stripe or emblem,shall, if purporting to be issued by or on behalf of [<sup>F26</sup>the Defence Council], . . . <sup>F27</sup>, or by a person authorised by . . . <sup>F27</sup> them, be evidence of the matters stated in the document.
- (5) A record made in any service book or other document prescribed by Queen's Regulations for the purposes of this subsection, being a record made in pursuance of any Act or of Queen's Regulations, or otherwise in pursuance of air-force duty, and purporting to be signed by the commanding officer or by any person whose duty it was

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to make the record, shall be evidence of the facts stated therein; and a copy of a record (including the signature thereto) in [<sup>F28</sup>any such book or other document as aforesaid], purporting to be certified to be a true copy by a person stated in the certificate to have the custody of the book [<sup>F29</sup>or other document], shall be evidence of the record.

- (6) A document purporting to be issued by order of [<sup>F26</sup>the Defence Council] and to contain instructions or regulations given or made by [<sup>F26</sup>the Defence Council] shall be evidence of the giving of the instructions or making of the regulations and of their contents.
- (7) A certificate purporting to be issued by or on behalf of [<sup>F26</sup>the Defence Council], . . . [<sup>F27</sup>or by a person authorised by . . . <sup>F27</sup>them, and stating—
- (a) that a decoration of a description specified in or annexed to the certificate is an air-force, naval or military decoration, or
  - (b) that a badge, wound stripe or emblem of a description specified in or annexed to the certificate is one supplied or authorised by [<sup>F26</sup>the Defence Council],
- shall be evidence of the matters stated in the certificate.
- (8) A certificate purporting to be signed by a person's commanding officer or any officer authorised by him to give the certificate, and stating the contents of, or of any part of, standing orders or other routine orders of a continuing nature made for—
- (a) any formation or unit *or* [<sup>F30</sup>body of Her Majesty's forces], or
  - (b) any command or other area, garrison or place, or
  - (c) any ship, train or aircraft,
- shall in proceedings against the said person be evidence of the matters stated in the certificate.
- (9) Any document which would be evidence in any proceedings under the <sup>M3</sup>Army Act 1955, by virtue of section one hundred and ninety-eight of that Act [<sup>F31</sup>, or in any proceedings under the <sup>M4</sup>Naval Discipline Act 1957, by virtue of section 64C of that Act,] shall in like manner, subject to the like conditions, and for the like purpose be evidence in the like proceedings under this Act.

#### Textual Amendments

- F25** Words repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(2), **Sch. 7 Pt. III**
- F26** Words substituted by [S.I. 1964/488](#), **Sch. 1 Pt. I**
- F27** Words repealed by [S.I. 1964/488](#), **Sch. 1 Pt. I**
- F28** Words substituted by [Army and Air Force Act 1961 \(c. 52\)](#), **Sch. 2**
- F29** Words inserted by [Army and Air Force Act 1961 \(c. 52\)](#), **Sch. 2**
- F30** Words substituted by [Armed Forces Act 1971 \(c. 33\)](#), s. 78(4), **Sch. 1 para. 1(8)**
- F31** Words in s. 198(9) inserted (1.4.1997) by 1996 c. 46, s. 5, **Sch. 1 Pt. IV para. 80**; [S.I. 1997/304](#), **art. 2** (with [art. 3](#), [Sch. 2](#))

#### Marginal Citations

- M3** 1955. c. 18.
- M4** 1957 c. 53.

198A, ..... <sup>F32</sup>  
198B

*Status: Point in time view as at 25/07/2007.*

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

#### Textual Amendments

**F32** Ss. 198A, 198B repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(2), Sch. 7 Pt. III

#### <sup>F33</sup>[ <sup>F33</sup>198C]] **Provision as to age.**

Where the age of any person at any time is material for the purposes of any provision of this Act regulating the powers of a court-martial, his age at the material time shall be deemed to be or to have been that which appears to the court, after considering any available evidence, to be or to have been his age at that time.

#### Textual Amendments

**F33** S. 198C: s. 198A inserted by [Armed Forces Act 1976 \(c. 52\)](#), [Sch. 9 para. 4](#); renumbered as s. 198C by [Armed Forces Act 1981 \(c. 55\)](#), [s.9\(2\)](#)

### 199 **Proof of outcome of civil trial.**

- (1) Where a person subject to air-force law has been tried before a civil court (whether at the time of the trial he was subject to air-force law or not), a certificate signed by the [<sup>F34</sup>proper officer] of the court and stating all or any of the following matters,—
- that the said person has been tried before the court for an offence specified in the certificate,
  - the result of the trial,
  - what judgment or order was given or made by the court,
  - that other offences specified in the certificate were taken into consideration at the trial,

shall for the purposes of this Act be evidence of the matters stated in the certificate.

- (2) The [<sup>F34</sup>proper officer] of the court shall, if required by the commanding officer of the person in question or any other officer, furnish a certificate under this section and shall be paid such fee as may be prescribed by regulations made by a Secretary of State.

- (3) A document purporting to be a certificate under this section and to be signed by the [<sup>F34</sup>proper officer] of the court shall, unless the contrary is shown, be deemed to be such a certificate.

[<sup>F35</sup>(4) In this section “proper officer” means—

- in relation to a court of summary jurisdiction in England and Wales, the [<sup>F36</sup>designated officer] for the court; and
- in relation to any other court, the clerk of the court, his deputy or any other person having the custody of the records of the court.]

#### Textual Amendments

**F34** Words in s. 199(1)(2)(3) substituted (1.4.2001) by [1999 c. 22, s. 90, Sch. 13 para. 19, 21\(2\)](#) (with [Sch. 14 para. 7\(2\)](#)); [S.I. 2001/916, art. 2\(a\)\(ii\)](#) (with [Sch. 2 para. 2](#))

**F35** S. 199(4) substituted (1.4.2001) by [1999 c. 22, s. 90, Sch. 13 para. 19, 21\(3\)](#) (with [s. 107, Sch. 14 para. 7\(2\)](#)); [S.I. 2001/916, art. 2\(a\)\(ii\)](#) (with [Sch. 2 para. 2](#))

*Status: Point in time view as at 25/07/2007.*

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

**F36** Words in s. 199(4)(a) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 96\(b\)](#); [S.I. 2005/910](#), art. 3(y)

## **200 Evidence of proceedings of courts martial.**

- (1) The original proceedings of a court-martial purporting to be signed by the president of the court and being in the custody of the Judge Advocate General or of any person having the lawful custody thereof shall be admissible in evidence on production from that custody.
- (2) A document purporting to be a copy of the original proceedings of a court-martial or any part thereof and to be certified by the Judge Advocate General or any person authorised by him, or by any other person having the lawful custody of the proceedings, to be a true copy shall be evidence of the contents of the proceedings or the part to which the document relates, as the case may be
- (3) This section applies to evidence given in any court, whether civil or criminal and whether in the United Kingdom or in any colony.

<sup>F37</sup>**200A**.....

### **Textual Amendments**

**F37** [S. 200A](#) repealed (11.5.2001) by [2001 c. 19](#), ss. 38, 39(3)(g), [Sch. 7 Pt. 5](#)

### *Miscellaneous provisions*

## **201 Restrictions on reduction in rank of warrant officers and non-commissioned officers.**

- (1) A warrant officer or non-commissioned officer of the regular air force shall not be reduced in rank except by sentence of a court-martial (whether under this Act, [<sup>F38</sup>the <sup>M5</sup>Naval Discipline Act 1957] or the <sup>M6</sup>Army Act 1955) or by order of [<sup>F39</sup>the Defence Council], or of an officer, not below the rank of [<sup>F40</sup>group captain, of captain in the Royal Navy or of colonel], authorised by [<sup>F39</sup>the Defence Council] to act for the purposes of this section.
- (2) An authorisation under the last foregoing subsection may be given generally or subject to such limitations as may be specified by [<sup>F39</sup>the Defence Council].
- (3) For the purposes of subsection (1) of this section reduction in rank does not include reversion from acting rank.

### **Textual Amendments**

**F38** Words substituted by virtue of [Naval Discipline Act 1957 \(c. 53\)](#), s. 137(2)

**F39** Words substituted by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)

**F40** Words substituted by [Armed Forces Act 1971 \(c. 33\)](#), s. 68



*Status: Point in time view as at 25/07/2007.*

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**Modifications etc. (not altering text)**

**C11** S. 201 excluded by [Naval Discipline Act 1957 \(c. 53\)](#), s. 113(2), [Sch. 2 para. 6](#)

**Marginal Citations**

**M5** 1957 c. 53.

**M6** 1955 c. 18.

**202 Temporary reception in civil custody of persons under escort.**

- (1) Where a person is in air-force custody when charged with, or with a view to his being charged with, an offence against Part II of this Act, it shall be the duty of the governor, superintendent or other person in charge of a prison (not being an air-force prison), or of the person having charge of any police station or other place in which prisoners may be lawfully detained, upon delivery to him of a written order purporting to be signed by the commanding officer of the person in custody to receive him into his custody for a period not exceeding seven days.
- (2) This section shall have effect in the United Kingdom and in any colony.

**203 Avoidance of assignment of or charge on air-force pay, pensions, etc.**

- (1) Every assignment of or charge on, and every agreement to assign or charge, any pay, air-force award, grant, pension or allowance payable to any person in respect of his or any other person's service in Her Majesty's air forces shall be void.
- (2) Save as expressly provided by this Act, no order shall be made by any court the effect of which would be to restrain any person from receiving anything which by virtue of this section he is precluded from assigning and to direct payment thereof to another person.
- (3) Nothing in this section shall prejudice any enactment providing for the payment of any sum to a bankrupt's trustee in bankruptcy for distribution among creditors.
- (4) This section shall have effect in the United Kingdom and in any colony.

**Modifications etc. (not altering text)**

**C12** S. 203(1)(2) excluded (1.8.1996) by [1995 c. 26](#) ss. 166(4)(5)(a), 167(4); [S.I. 1996/1675](#), [art. 3\(b\)](#)  
S. 203(1)(2) excluded (1.8.1996) by [S.I. 1995/3213 \(N.I.22\)](#), [art. 162\(4\)\(5\)\(a\)](#); [S.R. 1996/284](#), [art. 3\(1\)\(b\)](#)  
S. 203(1)(2) excluded (11.11.1999 for the purpose of the exercise of any power to make regulations, otherwise 1.12.2000) by [1999 c. 30](#), [ss. 44\(1\)](#); [S.I. 2000/1047](#), [art. 2\(2\)\(d\)](#), [Sch. Pt. IV](#)

**204 Power of certain officers to take affidavits and declarations.**

- (1) An officer of the regular air force [<sup>F41</sup>who is of or above the rank of squadron leader or is of the rank of flight lieutenant and is a member of the legal branch of that force] (hereinafter referred to as an "authorised officer") may, at a place outside the United Kingdom, take affidavits and declarations from any of the following persons, that is to say, persons subject to air-force law and persons not so subject who are of any description specified in the Fifth Schedule to this Act.

*Status: Point in time view as at 25/07/2007.*

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

(2) A document purporting to have subscribed thereto the signature of an authorised officer in testimony of an affidavit or declaration being taken before him in pursuance of this section and containing in the jurat or attestation a statement of the date on which and the place at which the affidavit or declaration was taken and of the full name and rank of that officer shall be admitted in evidence without proof of the signature being the signature of that officer or of the facts so stated.

[<sup>F42</sup>(3) The power conferred by subsection (1) above may also be exercised by any officer empowered to take affidavits or declarations by section 204(1) of the <sup>M7</sup>Army Act 1955 or section 10(1) of the <sup>M8</sup>Emergency Laws (Miscellaneous Provisions) Act 1953.]

#### Textual Amendments

**F41** Words substituted by [Armed Forces Act 1981 \(c. 55\), s. 19\(4\)](#)

**F42** [S. 204\(3\)](#) added by [Armed Forces Act 1971 \(c. 33\), s. 70\(3\)](#)

#### Marginal Citations

**M7** 1955 c. 18.

**M8** 1953 c. 47.

[<sup>F43</sup>**204A Exclusion of enactments requiring fiat of Attorney General etc. in connection with proceedings.**

With the exception of [<sup>F44</sup>subsection (3A)] of section 132 of this Act, no enactment requiring the fiat or consent of the Attorney General or the Director of Public Prosecutions in connection with any proceedings shall have effect in relation to proceedings under this Act.]

#### Textual Amendments

**F43** [S. 204A](#) inserted by [Armed Forces Act 1971 \(c. 33\), s. 45\(1\)](#)

**F44** Words in [s. 204A](#) substituted (1.1.1992) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\), s. 26\(1\), Sch. 2 para. 6\(1\)](#); [S.I. 1991/2719, art. 2](#)

**Status:**

Point in time view as at 25/07/2007.

**Changes to legislation:**

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