



Air Force Act 1955

1955 CHAPTER 19 3 4 Eliz2

PART VI

APPLICATION OF ACT AND SUPPLEMENTAL PROVISIONS

Persons subject to air-force law

205 Persons subject to air-force law: general provisions

- (1) The following persons are subject to air-force law :—
- (a) every officer holding an air forces commission (as defined in subsection (3) of this section) and for the time being employed, or recalled for employment, in Her Majesty's service in any capacity in which he can be required to be employed as the holder of his commission;
 - (b) every officer holding an air forces commission (as defined as aforesaid) who for the time being is not employed, or not employed as mentioned in paragraph (a) of this subsection, but is liable (otherwise than in specified circumstances only) to be recalled to air-force service under Her Majesty ;
 - (c) every officer, not subject to air-force law under the foregoing provisions of this section, who is an officer of the Royal Air Force Reserve of Officers or the Royal Air Force Volunteer Reserve and is liable to be called out for training or is an officer of the Training Branch of the Royal Air Force Volunteer Reserve ;
 - (d) every officer, not subject to air-force law under the foregoing provisions of this section, who being the holder of an air forces commission (as defined as aforesaid) is employed in Her Majesty's service in employment of which it is an express condition that while employed therein he is to be subject to air-force law ;
 - (e) every officer, not subject to air-force law under the foregoing provisions of this section, who, with the approval of the Air Council given subject to an express condition that while in that employment he is to be subject to air-force law, is employed otherwise than in Her Majesty's service;
 - (f) every officer holding a commission in the Royal Auxiliary Air Force who is on the active list (as defined by the regulations for the Royal Auxiliary Air

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- Force) or on the permanent staff of the Royal Auxiliary Air Force, or, being in the Royal Auxiliary Air Force General List or Royal Auxiliary Air Force Reserve of Officers, is doing duty with any body of the regular air force or is ordered on any duty or service for which he is liable as such an officer;
- (g) every warrant officer, non-commissioned officer and airman of the regular air force ;
 - (h) every warrant officer, non-commissioned officer and man of the air force reserve when called out on permanent service or in aid of the civil power or when undergoing annual or other training (whether in pursuance of an obligation or not), or when otherwise employed in Her Majesty's service as mentioned in paragraph (d) of this subsection;
 - (i) every warrant officer, non-commissioned officer and man of the Royal Auxiliary Air Force when embodied or called out for home defence service, when undergoing training or attending drills or parades (whether in pursuance of an obligation or not), or when serving on the permanent staff of the Royal Auxiliary Air Force;
 - (j) every person in receipt of a pension in respect of service in the regular air force, or of such service and other service, who is employed in Her Majesty's service as mentioned in paragraph (d) of this subsection;
 - (k) every person not otherwise subject to air-force law who is serving in any force raised by order of Her Majesty outside the United Kingdom and is under the command of an officer holding an air forces commission (as defined as aforesaid).
- (2) For the purposes of paragraph (e) of the last foregoing subsection a certificate of the Air Council that approval to a person's employment was given subject to the condition mentioned in that paragraph shall be conclusive evidence of the facts stated in the certificate.
- (3) In this section the expression " air forces commission " means a commission in the Royal Air Force, the Royal Air Force Reserve of Officers, the Royal Air Force Volunteer Reserve, the Royal Auxiliary Air Force, the Royal Auxiliary Air Force General List, or the Royal Auxiliary Air Force Reserve of Officers.
- (4) References in this section to an officer holding a commission include references to a person entitled to have a commission issued to him.

206 Persons subject to air-force law: Commonwealth forces

Members of a naval, military or air force being a Commonwealth force are subject to air-force law to such extent, and subject to such adaptations and modifications, as may be provided by or under any enactment relating to the attachment of members of such forces.

207 Persons subject to air-force law: Colonial forces

- (1) Subject to the provisions of this section, where any air force is raised under the law of a colony, any such law—
- (a) may make provision in relation to that force and the officers, warrant officers, non-commissioned officers and airmen thereof so as to have effect as well when they are outside as when they are within the limits of the colony;

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- (b) may apply in relation to the force and the officers, warrant officers, non-commissioned officers and airmen thereof all or any of the provisions of this Act, either with or without adaptations, modifications or exceptions.
- (2) Where any air force raised under the law of a colony is serving with part of the regular air force, the air force reserve, or the Royal Auxiliary Air Force, then in so far as the law of the colony does not provide for the government and discipline of the force and the members thereof this Act shall apply—
- (a) to the officers thereof as it applies to officers holding air forces commissions (within the meaning of section two hundred and five of this Act) and
 - (b) to the warrant officers, non-commissioned officers and airmen thereof as it applies to warrant officers, noncommissioned officers and airmen of the regular air force,
- but subject to such adaptations, modifications or exceptions as may be specified in the general orders of the officer, whether air-force, naval or military, but not below the rank of group captain or corresponding rank, commanding the forces with which the force raised in the colony is serving.
- (3) While any officer, warrant officer, non-commissioned officer or airman belonging to a force raised under the law of a colony is attached to, doing duty with, or otherwise acting as part of or with any portion of the regular air force, the air force reserve or the Royal Auxiliary Air Force in the United Kingdom, the foregoing provisions of this section shall not apply in relation to him, but he shall be subject to air-force law by virtue of this subsection and this Act shall apply to him as if he were a member of the regular air force.

208 Persons subject to air-force law: attached members of naval and military forces

Where a member of any of Her Majesty's naval or military forces is attached to any part of the regular air force, the air force reserve or the Royal Auxiliary Air Force he shall while so attached be subject to air-force law; and the provisions of the Sixth Schedule to this Act shall have effect as respects persons subject to air-force law by virtue of this section.

209 Application of Act to civilians

- (1) Subject to the modifications hereinafter specified, where any body of the regular air force is on active service, Part II of this Act shall apply to any person who is employed in the service of that body of the force or any part or member thereof, or accompanies the said body or any part thereof, and is not subject to air-force law, the Naval Discipline Act or military law apart from this section or any corresponding provisions of that Act or the Army Act, 1955, as the Said Part II applies to persons subject to air-force law.
- (2) Subject to the modifications hereinafter specified, Part II of this Act shall at all times apply to a person of any description specified in the Fifth Schedule to this Act who is within the limits of the command of any officer commanding a body of the regular air force outside the United Kingdom and is not subject to air-force law, the Naval Discipline Act or military law apart from this section or any corresponding provisions of that Act or the Army Act, 1955, as the said Part II applies to persons subject to air-force law :

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Provided that none of the provisions contained in sections twenty-four to sixty-nine of this Act shall apply to a person by virtue only of this subsection except subsection (3) of section twenty-nine, sections thirty-five and thirty-six, sections fifty-five to fifty-eight, and section sixty-eight so far as it relates to that subsection and those sections.

- (3) The said modifications are the following:
- (a) the punishments which may be awarded by a court-martial shall include a fine, but shall not include any other punishment less than imprisonment;
 - (b) the punishment which may be awarded where a charge is dealt with summarily shall, in the case of any offence, be a fine not exceeding ten pounds, but no other punishment;
 - (c) the following provision shall have effect in substitution, for subsections (2) to (4) of section seventy-four, that is to say that a person may be arrested by a provost officer, by any warrant officer or non-commissioned officer legally exercising authority under a provost officer or on his behalf, or by order of any officer of the regular air force;
 - (d) where a charge is being dealt with summarily and it has been determined that the accused is guilty, a finding shall not be recorded until after the accused has been afforded an opportunity of electing to be tried by court-martial, and if the accused so elects a finding shall not be recorded but such steps shall be taken with a view to the charge being tried by court-martial as may be prescribed by Rules of Procedure;
 - (e) the provisions of this Act relating to the investigation of, and summary dealing with, offences shall save as otherwise expressly provided apply as they apply to officers and warrant officers;
 - (f) for the purposes of the provisions of this Act relating to the investigation of offences, the commanding officer shall be such officer as may be determined by or under regulations of the Air Council made for the purposes of this section;
 - (g) for references in sections one hundred and thirty-one and one hundred and thirty-two of this Act to being, continuing, or ceasing to be subject to air-force law there shall be substituted references to being, continuing to be or ceasing to be in such circumstances that the said Part II applies, and subsection (3) of the said section one hundred and thirty-one shall not apply.
- (4) Any fine awarded by virtue of this section, whether by a court-martial or the appropriate superior authority, shall be recoverable, in the United Kingdom or any colony, as a debt due to Her Majesty.

Application of Act to particular forces

210 Application of Act to reserve and auxiliary forces

- (1) Subject to the provisions of this section, references in Parts II to V of this Act to the regular air force shall include references to the following persons, that is to say—
- (a) officers of any reserve of officers when undergoing training or when serving with a body of the regular air force or a body of the air force reserve called out on permanent service, and
 - (b) officers who have retired (within the meaning of any order under section two of the Air Force (Constitution) Act 1917) but are for the time being subject to air-force law, and

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- (c) officers holding commissions in the Royal Auxiliary Air Force while the part of the Royal Auxiliary Air Force to which they belong is embodied or while they are called out for home defence service or are undergoing training, and
 - (d) warrant officers, non-commissioned officers and men of the air force reserve and the Royal Auxiliary Air Force while subject to air-force law ;
- and references to officers, warrant officers, non-commissioned officers or airmen, or to members or a body, of the regular air force or to illegal absence from that force shall be construed accordingly.
- (2) Subsections (1) and (4) of section seventeen of this Act shall apply to warrant officers, non-commissioned officers and men of the air force reserve and the Royal Auxiliary Air Force as they apply to warrant officers, non-commissioned officers and airmen of the regular air force.
 - (3) The power conferred by subsection (3) of section thirty-seven and subsection (3) of section eighty-one of this Act to direct the forfeiture of an offender's previous service shall not be exercisable in relation to warrant officers, non-commissioned officers or men of the air force reserve or the Royal Auxiliary Air Force.
 - (4) Paragraph (b) of subsection (2) of section thirty-seven, sections one hundred and fifty to one hundred and fifty-three of this Act and, except in so far as they may be applied by regulations made under the Air Force Reserve Act, 1950, or the Auxiliary Forces Act, 1953, the provisions of Part II of this Act relating to the award of stoppages and the provisions of sections one hundred and forty-four to one hundred and forty-nine of this Act, shall not apply—
 - (a) to officers of any reserve of officers who are not in actual service,
 - (b) to warrant officers, non-commissioned officers or men of the air force reserve except when called out on permanent service or
 - (c) to officers, warrant officers, non-commissioned officers or men of the Royal Auxiliary Air Force except when the part of the Royal Auxiliary Air Force to which they belong is embodied or they are called out for home defence service.
 - (5) In the last foregoing subsection the expression " actual service", in relation to an officer of any reserve of officers, means that he is serving (otherwise than when undergoing training) with a body of the regular air force, or of the air force reserve when called out on permanent service, or with a part of the Royal Auxiliary Air Force which is embodied or called out for home defence service.
 - (6) The provisions of sections one hundred and eighty-two and one hundred and eighty-three of this Act shall not apply at any time to officers holding commissions in the Royal Auxiliary Air Force, Royal Auxiliary Air Force General List, or Royal Auxiliary Air Force Reserve of Officers or to warrant officers, non-commissioned officers or men of the Royal Auxiliary Air Force; and the provisions of the said section one hundred and eighty-three shall not apply to a warrant officer, noncommissioned officer or man of the air force reserve except when he is called out on permanent service.
 - (7) In the case of a non-commissioned officer or man of the Royal Auxiliary Air Force found guilty of an offence by a court-martial or his commanding officer, Part II of this Act shall apply as if in the scale set out in subsection (2) of section seventy-two of this Act immediately before paragraph (f) thereof there were inserted the following paragraph—
 - “(eee) dismissal from the Royal Auxiliary Air Force”,

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and as if the punishments specified in subsection (3) of section seventy-eight of this Act included dismissal from the Royal Auxiliary Air Force:

Provided that if the commanding officer awards such dismissal he shall not award any other punishment.

- (8) An officer of any reserve of officers, an officer holding a commission in the Royal Auxiliary Air Force or the Royal Auxiliary Air Force General List, or a warrant officer, noncommissioned officer or man of the air force reserve or the Royal Auxiliary Air Force may be attached temporarily to any of Her Majesty's naval or military forces whether or not he is subject to air-force law, but if not subject thereto shall not be so attached except with his consent.

211 Modification of certain provisions in relation to women

In relation to women members of the regular air force this Act shall have effect subject to the following modifications:—

- (a) if and in so far as regulations made by Her Majesty so provide, for references to any rank there shall be substituted references to such equivalent rank as may be specified by such regulations ;
- (b) so much of Part II of this Act as provides for field punishment shall not apply; and
- (c) references in sections one hundred and fifty and one hundred and fifty-one to a wife shall be construed as references to a husband.

Application to different countries

212 Application to Scotland

- (1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.
- (2) For any reference to a county court there shall be substituted a reference to the sheriff; and the powers and duties conferred or imposed on a justice of the peace may be exercised or performed either by such justice or by the sheriff.
- (3) References in subsection (2) of section one hundred and twenty-five and in subsection (1) of section one hundred and twenty-eight to the Capital Punishment Amendment Act, 1868, or to any provision of that Act shall respectively be construed as references to that Act as it applies to Scotland or to the corresponding provision of that Act applying to Scotland, and references in the said subsection (2) and subsection (1) to the sheriff shall be construed as references to the lord provost or provost, or magistrate or magistrates, charged with seeing the sentence of death carried into effect.
- (4) In subsection (2) of section one hundred and twenty-eight for the reference to the Coroners Acts, 1887 to 1926, there shall be substituted a reference to section twenty-five of the Prisons (Scotland) Act, 1952, and that section as applied in relation to any such premises as are mentioned in the said subsection (2) shall have effect subject to the necessary modifications.

- (5) For any reference to the Minister of Housing and Local Government there shall be substituted a reference to the Secretary of State ; and the local authority for the purposes of Part IV of this Act shall be a county or town council.
- (6) Section one hundred and eighty-seven shall have effect as if subsection (4) were omitted.
- (7) Section one hundred and ninety-five shall have effect as if for the obligation imposed by subsection (4) on the officer therein mentioned to bring a person before a court of summary jurisdiction there were substituted an obligation to report to the procurator fiscal.
- (8) The expression " putative father " in relation to an illegitimate child means the person proved or admitted to be the father; and the expression " chattel" means corporeal moveable.

213 Application to Northern Ireland

- (1) The provisions of this section shall have effect for the purpose of the application of this Act to Northern Ireland.
- (2) The expression " summary conviction " means conviction in accordance with the enactments (including enactments of the Parliament of Northern Ireland) for the time being in force in Northern Ireland relating to summary jurisdiction; and all fines imposed in proceedings taken before a court of summary jurisdiction in Northern Ireland shall be dealt with in the manner provided by section twenty of the Administration of Justice Act (Northern Ireland), 1954.
- (3) The jurisdiction and powers of the Secretary of State under this Act with respect to persons committed to or detained in prisons other than air-force prisons and other than military prisons as defined in the Army Act, 1955, and with respect to prisons other than as aforesaid, shall in Northern Ireland be exercisable only subject to the approval of the Ministry of Home Affairs for Northern Ireland.
- (4) References in subsection (2) of section one hundred and twenty-five and in subsection (1) of section one hundred and twenty-eight to the Capital Punishment Amendment Act, 1868, or to any provision of that Act and to rules made under that Act shall respectively be construed as references to that Act or provision as in force from time to time in Northern Ireland and to any rules under that Act as in force in Northern Ireland, and, accordingly, references in the said subsections to the sheriff shall be construed as references to the under-sheriff.
- (5) References in subsection (2) of section one hundred and twenty-eight to the Coroners Acts, 1887 to 1926, shall be construed as references to section thirty-nine of the Prison Act (Northern Ireland), 1953 ; and that section as applied in relation to any such premises as are mentioned in the said subsection (2) shall have effect subject to the necessary modifications.
- (6) For the reference in subsection (5) of section one hundred and fifty to section four of the Bastardy Laws Amendment Act, 1872, there shall be substituted a reference to section one of the Illegitimate Children (Affiliation Orders) Act (Northern Ireland), 1924.
- (7) In Part IV of this Act references to a local authority shall be construed as references to a welfare authority, references to the Minister of Housing and Local Government

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shall be construed as references to the Minister of Home Affairs for Northern Ireland, and references to a chief officer of police shall be construed as references to a county inspector of the Royal Ulster Constabulary or any other officer having the rank of a county inspector thereof.

- (8) For the reference in section one hundred and seventy-three to section thirty-five of the Road Traffic Act, 1930, there shall be substituted a reference to section six of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1930.
- (9) For the reference in subsection (4) of section one hundred and eighty-seven to the Magistrates' Courts Act, 1952, there shall be substituted a reference to the Summary Jurisdiction Acts (Northern Ireland) and the rules made thereunder.
- (10) For the reference in subsection (3) of section two hundred and three to a bankrupt's trustee in bankruptcy there shall be substituted a reference to an assignee in bankruptcy.
- (11) In paragraphs 3 and 5 of the table set out in the Second Schedule to this Act for the words " the court under section four of the Guardianship of Infants Act, 1925," there shall be substituted the words " a court of competent jurisdiction ".

214 Application to Channel Islands and Isle of Man

- (1) This Act shall apply to the Channel Islands and the Isle of Man in accordance with the following provisions of this section.
- (2) Subject as hereinafter provided, references except in Part IV of this Act to the United Kingdom shall be construed as including references to the Channel Islands and the Isle of Man.
- (3) References in sections one hundred and nineteen, one hundred and twenty-six, one hundred and twenty-seven and one hundred and forty-three to the United Kingdom shall not include references to the Channel Islands or the Isle of Man, and references in the said section one hundred and twenty-seven to a colony shall include references to the Channel Islands and the Isle of Man.
- (4) In relation to an order made by a court in the Isle of Man subsection (5) of section one hundred and fifty of this Act shall have effect with the substitution, for the reference to the Maintenance Orders (Facilities for Enforcement) Act, 1920, of a reference to an Act of Tynwald entitled the Maintenance Orders (Facilities for Enforcement) Act, 1921, and for the reference to section four of the Bastardy Laws Amendment Act, 1872, of a reference to section three of an Act of Tynwald entitled the Bastardy Act Amendment Act, 1924.

215 Application to certain overseas territories

- (1) This Act shall apply in relation to any territory under Her Majesty's protection, and any territory for the time being administered by Her Majesty's Government in the United Kingdom under the trusteeship system of the United Nations, as it applies in relation to a colony; and accordingly references in this Act to Her Majesty's dominions shall be construed as including references to any such territory.
- (2) References in this Act to the law of a colony shall include, in relation to two or more colonies under a central legislature, references to law made by that legislature.

216 Provisions as to Federation of Malaya

- (1) References in this Act to Her Majesty's forces or the armed forces of the Crown shall include references to naval, military or air forces raised in the Federation of Malaya.
- (2) References in this Act to Her Majesty's air forces shall include references to the air forces raised in the Federation of Malaya.
- (3) References in this Act to Her Majesty's service shall include references to the air-force service of the Federation of Malaya.
- (4) References in this Act to Her Majesty's ships and aircraft shall respectively include references to ships and aircraft belonging to the Federation of Malaya.

217 Application to Republic of Ireland

Notwithstanding anything in the Ireland Act, 1949, this Act shall apply in relation to the Republic of Ireland as it applies in relation to a foreign country and not as it applies in relation to any part of Her Majesty's dominions.

Supplemental provisions

218 Jurisdiction of courts

- (1) In the United Kingdom or any colony, a civil court of any description having jurisdiction in the place where an offender is for the time being shall have jurisdiction to try him for any offence to which this section applies which is triable by a court of that description notwithstanding that the offence was committed outside the jurisdiction of the court:

Provided that such an offence committed in any part of the United Kingdom shall not be triable outside that part of the United Kingdom.

- (2) The offences to which this section applies are offences against any of the following sections of this Act, that is to say, section nineteen, section one hundred and sixty-one, section one hundred and seventy-one, and sections one hundred and ninety-one to one hundred and ninety-seven; and references in this section to a part of the United Kingdom are references to England and Wales, Scotland or Northern Ireland.

219 Disposal of summary fines in England

Any sum paid to the Secretary of State in pursuance of section twenty-seven of the Justices of the Peace Act, 1949, in respect of a fine recovered under this Act shall be deemed to be Exchequer moneys within the meaning of that section and shall be paid by the Secretary of State into the Exchequer.

220 Provisions as to summary fines in colonies

In the application of this Act to any colony, there shall, if the law of the colony so provides, be substituted for the amount of any fine specified in this Act, being a fine which may be imposed on summary conviction, such amount as may be provided by that law; and it shall be competent for the law of any colony to declare what amount of the local currency is to be treated for the purposes of this Act as equivalent to any amount of money specified in this Act.

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221 Execution of orders, instruments, etc.

Save as expressly provided by any rules or regulations under this Act, any order or determination required or authorised to be made under this Act by any air-force, naval or military officer or authority may be signified under the hand of any officer authorised in that behalf; and any instrument signifying such an order or determination and purporting to be signed by an officer stated therein to be so authorised shall unless the contrary is proved be deemed to be signed by an officer so authorised.

222 Provisions as to active service

- (1) In this Act the expression " on active service ", in relation to a force, means that it is engaged in operations against an enemy or is engaged in a foreign country in operations for the protection of life or property or (subject to the provisions of this section) is in military occupation of a foreign country, and in relation to a person means that he is serving in or with a force which is on active service.
- (2) Where any of Her Majesty's air forces is serving outside the United Kingdom, and it appears to the appropriate authority that, by reason of the imminence of active service or of the recent existence of active service, it is necessary for the public service that the force should be deemed to be on active service, the appropriate authority may declare that for such period, not exceeding three months, beginning with the coming into force of the declaration as may be specified therein that force shall be deemed to be on active service.
- (3) Where it appears to the appropriate authority that it is necessary for the public service that the period specified in a declaration under the last foregoing subsection should be prolonged or, if previously prolonged under this subsection, should be further prolonged, the appropriate authority may declare that the said period shall be prolonged by such time, not exceeding three months, as may be specified in the declaration under this subsection.
- (4) If at any time while any force—
 - (a) is on active service by reason only of being in military occupation of a foreign country; or
 - (b) is deemed to be on active service by virtue of the foregoing provisions of this section,it appears to the appropriate authority that there is no necessity for the force to continue to be treated as being on active service, the appropriate authority may declare that as from the coming into operation of the declaration the force shall cease to be, or to be deemed to be, on active service.
- (5) Before any declaration is made under this section, the appropriate authority shall, unless satisfied that it is not possible to communicate with sufficient speed with the Secretary of State, obtain the consent of the Secretary of State to the declaration ; and in any case where that consent has not been obtained before the making of a declaration under this section the appropriate authority shall report the making thereof to the Secretary of State with the utmost practicable speed.
- (6) The Secretary of State may, if he thinks fit, direct that any declaration whereby any force is deemed to be, or to continue, on active service shall cease to have effect as from the coming into force of the direction; but any direction under this subsection shall be without prejudice to anything done by virtue of the declaration before the coming into force of the direction.

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- (7) A declaration under this section shall have effect not only as respects the members of the force to which it relates but also as respects other persons the application to whom of any provision of this Act depends on whether that force is on active service.
- (8) In this section the expression " the appropriate authority " means—
- (a) in relation to any force in a colony, the Governor of the colony;
 - (b) in relation to any force not in a colony, the air officer commanding the force, so however that where the force is under the command of a flag officer, general officer or brigadier that officer shall be the appropriate authority.
- (9) Any declaration under this section made by the Governor of a colony shall be made by proclamation published in the official Gazette of the colony.
- (10) Any declaration or direction under this section shall come into operation on being published in general orders.

223 General provisions as to interpretation

- (1) In this Act:—

" acting rank " means rank of any description (however called) such that under Queen's Regulations a commanding officer has power to order the holder to revert from that rank, and " acting warrant officer" and " acting non-commissioned officer " shall be construed accordingly;

" active service " shall be construed in accordance with the last foregoing section;

" aircraft " means any machine for flying, whether propelled by mechanical means or not, and includes any description of balloon;

" aircraft material " includes

- (a) parts of, and components of or accessories for, aircraft, whether for the time being in aircraft or not;
- (b) engines, armaments, ammunition and bombs and other missiles of any description in, or for use in, aircraft;
- (c) any other gear, apparatus or instruments in, or for use in, aircraft;
- (d) any apparatus used in connection with the taking-off or landing of aircraft or for detecting the movement of aircraft; and
- (e) any fuel used for the propulsion of aircraft and any material used as a lubricant for aircraft or aircraft material;

" airman " (except in Parts I and IV of this Act) does not include a warrant officer or a non-commissioned officer;

" air signal " means any message, signal or indication given, by any means whatsoever, for the guidance of aircraft or a particular aircraft;

" appropriate superior authority " has the meaning assigned to it by subsection (1) of section seventy-seven and subsection (2) of section eighty-two of this Act;

" arrest " includes open arrest;

" before the enemy ", in relation to a person, means that he is in action against the enemy or about to go into action against the enemy, or is under attack or threat of imminent attack by the enemy;

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" civil court " means a court of ordinary criminal jurisdiction but does not, except where otherwise expressly provided, include any such court outside Her Majesty's dominions;

" civil offence " has the meaning assigned to it by subsection (2) of section seventy of this Act;

" commanding officer " has the meaning assigned to it by subsection (1) of section eighty-two of this Act;

" Commonwealth force " means any of the naval, military or air forces of Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa, India, Pakistan or Ceylon;

" constable " includes any person (whether within or outside the United Kingdom) having powers corresponding with those of a constable;

" corps " means any such body of the regular air force as may from time to time be declared by order of Her Majesty to be a corps for the purposes of this Act;

" corresponding civil offence " has the meaning assigned to it by subsection (2) of section seventy of this Act;

" corresponding rank ", in relation to any rank or rating of any of Her Majesty's naval, military or air forces, means such rank or rating of any other of those forces as may be declared by Queen's Regulations to correspond therewith;

" court-martial ", except where it is otherwise expressly provided, means a court-martial under this Act;

" damage " includes destruction, and references to damaging shall be construed accordingly;

" decoration " includes medal, medal ribbon, clasp and good-conduct badge;

" desertion " shall be construed in accordance with subsection (2) of section thirty-seven of this Act;

" enemy " includes all persons engaged in armed operations against any of Her Majesty's forces, and also includes all armed mutineers, armed rebels, armed rioters and pirates;

" Governor " means, in relation to any colony, the officer, however styled, who is for the time being administering the government of the colony and includes the British Resident, Zanzibar, but where two or more colonies or the parts of any colony are under local governments and also under a central government, references to the Governor shall be construed as references to the officer, however styled, who is for the time being administering the central government;

" Her Majesty's air forces", " Her Majesty's military forces " or " Her Majesty's naval forces ", except where otherwise expressly provided, does not include any Commonwealth force;

except where the context otherwise requires " oath " includes affirmation, and references to swearing shall be construed accordingly;

" property " includes real property in England or Wales or Northern Ireland, heritable property in Scotland, and property outside the United Kingdom of the nature of real property;

" provost officer " means a provost marshal or officer appointed to exercise the functions conferred by or under this Act on provost officers and includes a naval provost marshal, an assistant to a naval provost marshal, and an officer

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appointed to exercise functions conferred by or under the Army Act, 1955, and corresponding with those of a provost officer under this Act;

" public property " means any property belonging to any department of Her Majesty's Government in the United Kingdom or the Government of Northern Ireland or held for the purposes of any such department;

" Queen's Regulations " means the Queen's Regulations for the Royal Air Force;

" regular air force " means all of Her Majesty's air forces other than the air force reserve and the Royal Auxiliary Air Force, and other than forces raised under the law of a colony, so however that an officer who is retired within the meaning of any order under section two of the Air Force (Constitution) Act, 1917, shall not be treated for the purposes of this Act as a member of the regular air force save in so far as is expressly provided by this Act;

" Rules of Procedure " has the meaning assigned to it by section one hundred and three of this Act;

" service ", when used adjectivally, means belonging to or connected with Her Majesty's air forces or any part of Her Majesty's air forces;

" service property " includes property belonging to any joint association or auxiliary air force association within the meaning of the Auxiliary Forces Act, 1953, or to the Navy, Army and Air Force Institutes;

" ship " includes any description of vessel;

" steals " has the same meaning as in the Larceny Act, 1916;

" stoppages " means the recovery, by deductions from the pay of the offender, of a specified sum by way of compensation for any expense, loss or damage occasioned by the offence.

- (2) References in this Act to warrant officers, non-commissioned officers or men of the air force reserve being called out on permanent service are references to their being so called out whether in pursuance of a proclamation or not, but in Part I of this Act and subsection (2) of section one hundred and sixty-seven thereof do not include references to their being called out for overseas service otherwise than in pursuance of a proclamation.
- (3) Any power conferred by this Act to make provision by regulations, rules or other instrument shall include power to make that provision for specified cases or classes of cases, and to make different provision for different classes of cases, and for the purposes of any such instrument classes of cases may be defined by reference to any circumstances specified in the instrument.
- (4) Any power conferred by the foregoing provisions of this Act to make an order shall toe construed as including power, exercisable in the like manner and subject to the like provisions, to vary or revoke the order.

224 Short title, commencement and duration

- (1) This Act may be cited as the Air Force Act, 1955.
- (2) This Act shall come into operation on such date as Her Majesty may by Order in Council appoint.
- (3) This Act shall expire twelve months after the coming into operation thereof unless continued in accordance with the following provisions of this section.

Status: This is the original version (as it was originally enacted).

- (4) Her Majesty may from time to time by Order in Council provide that this Act shall continue in force for a period of twelve months beyond the date on which it would otherwise expire:

Provided that unless Parliament otherwise determines no Order in Council shall be made under this subsection so as to continue this Act beyond the expiration of five years from the date appointed under subsection (2) of this section.

- (5) No recommendation shall be made to Her Majesty in Council to make an Order under the last foregoing subsection unless a draft thereof has been laid before Parliament and approved by resolution of each House of Parliament.