



Air Force Act 1955 (repealed)

1955 CHAPTER 19 3 and 4 Eliz 2

PART II

DISCIPLINE AND TRIAL AND PUNISHMENT OF AIR-FORCE OFFENCES

Courts-martial: provisions relating to trial

101 Offences by civilians in relation to courts-martial.

^{F1}[^{F2}(1)] Where in the United Kingdom or in any colony any person not subject to air-force law—

- (a) having been duly summoned to attend as a witness before a court-martial, fails to comply with the summons, or
- (b) refuses to swear an oath when duly required by a court-martial to do so, or
- (c) refuses to produce any [^{F3}document or other thing which is in his custody or under his control and]which a court-martial has lawfully required him to produce, or
- (d) when a witness, refuses to answer any question which a court-martial has lawfully required him to answer, or
- (e) wilfully insults any person, being a member of a court-martial or a witness or any other person whose duty it is to attend on or before the court, while that person is acting as a member thereof [^{F4}or is so attending], or wilfully insults any such person as aforesaid while that person ^{F5}. . . is going to or returning from the proceedings of the court, or
- (f) wilfully interrupts the proceedings of a court-martial or otherwise misbehaves before the court, or
- (g) does any other thing which would, if the court-martial had been a court of law having power to commit for contempt, have been contempt of that court,

the president of the court-martial may certify the offence of that person under his hand to any court of law in the part of the United Kingdom or in the colony, as the case may be, where the offence is alleged to have been committed, being a court having power to commit for contempt, and that court of law may thereupon inquire into the

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Changes to legislation: There are currently no known outstanding effects for the Air Force Act 1955 (repealed), Section 101. (See end of Document for details)

alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court to which the offence is certified:

Provided that where the offence is alleged to have been committed in the United Kingdom and the court-martial was held outside the United Kingdom, the certifying of the offence may be done by [^{F6}the Defence Council] or any officer authorised by them.

[^{F2}(2) In subsection (1) of this section references in paragraphs (a) to (g) to a court-martial or to a member of a court-martial include references to a judicial officer and, in relation to an offence committed in relation to a judicial officer—

- (a) the reference to the president of the court-martial is a reference to the judicial officer, and
- (b) the reference to a court-martial held outside the United Kingdom is a reference to the judicial officer sitting outside the United Kingdom.]

[^{F7}(3) In subsection (1) of this section references in paragraphs (a) to (g) to a court-martial include references to the summary appeal court and, in relation to an offence committed in relation to that court—

- (a) the reference to the president of the court-martial is a reference to the judge advocate in relation to the summary appeal court, and
- (b) the reference to a court-martial held outside the United Kingdom is a reference to the summary appeal court sitting outside the United Kingdom.]

Textual Amendments

- F1** S. 101: s. 101 is renumbered as s. 101(1) (2.10.2000) by 2000 c. 4, s. 10, **Sch. 1 para. 3**; S.I. 2000/2366, **art. 2** (with transitional provisions in art. 3, Sch. para. 14)
- F2** S. 101(2) inserted (2.10.2000) by 2000 c. 4, s. 10, **Sch. 1 para. 3**; S.I. 2000/2366, **art. 2** (with transitional provisions in art. 3, Sch. para. 14)
- F3** Words in s. 101(1)(c) substituted (28.2.2002) by 2001 c. 19, **ss. 24(2)(d)**, 39(2); S.I. 2002/345, **arts. 2, 3**
- F4** Words inserted by **Army and Air Force Act 1961 (c. 52)**, **Sch. 2**
- F5** Words repealed by **Army and Air Force Act 1961 (c. 52)**, **Sch. 2**
- F6** Words substituted by **S.I. 1964/488**, **Sch. 1 Pt. I**
- F7** S. 101(3) inserted (2.10.2000) by 2000 c. 4, s. 25, **Sch. 3 para. 6**; S.I. 2000/2366, **art. 2** (with transitional provisions in art. 3, Sch. para. 14)

Textual Amendments applied to the whole legislation

- F1** Act: the provisions of the 1955 Acts providing for findings of courts-martial to be subject to confirmation and to revision at the direction of the confirming officer cease to have effect (1.4.1997 subject to art. 3 of the commencing S.I.) by virtue of 1996 c. 46, **s. 15**; S.I. 1997/304, **arts. 2, 3**, **Sch. 2**

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