



Air Force Act 1955 (repealed)

1955 CHAPTER 19 3 and 4 Eliz 2

PART II

DISCIPLINE AND TRIAL AND PUNISHMENT OF AIR-FORCE OFFENCES

Punishments available to courts-martial

[^{F1}71AA Young service offenders: custodial orders.

(1) Where a person who has attained seventeen years of age but is under twenty-one years of age is found guilty by a court-martial of an offence punishable under this Act with imprisonment, the court shall have power, ^{F2} . . . , to make an order (in this section referred to as a “custodial order”) committing him to be detained in accordance with the provisions of this section for a ^{F3} period to be specified in the order ^{F4} . . . [^{F5} which—

- (a) shall be not less than the appropriate minimum period, that is to say—
 - (i) in the case of an offender who has attained eighteen years of age, the period of 21 days; or
 - (ii) in the case of an offender who is under that age, the period of two months; and
- (b) shall not exceed]

the maximum period for which he could have been sentenced to imprisonment if he had attained the age of twenty-one years.]

^{F6F7}(1A) [.]

^{F8}(1AA) The court shall not make a custodial order committing an offender aged 17 to be detained for a period exceeding twelve months or for a period such that the continuous period for which he is committed to be detained under that order and any one or more other custodial orders exceeds twelve months.]

^{F7}(1B) For the purposes of determining whether [^{F9}it is satisfied as mentioned in subparagraphs (i) and (ii) of subsection (1E) of section 71A of this Act with respect to any person] the court shall obtain and consider information about the circumstances,

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and shall take into account any information before the court which is relevant to his character and his physical and mental condition.

- (2) If a person is outside the United Kingdom at the time a custodial order is made in respect of him, he shall as soon as practicable ^{F10} . . . be removed to the United Kingdom.
- (3) A person in respect of whom a custodial order has been made shall be detained in such appropriate institution as the Secretary of State may direct, and any enactment applying to persons detained in any such institution shall apply to a person so detained under this section.
- (4) A custodial order shall be sufficient authority for the detention of the person subject to it in service custody until he is received into the institution specified in the Secretary of State’s direction.

[The following provisions of this Act shall apply in the case of a sentence under a ^{F11}(5) custodial order as they apply in the case of a sentence of imprisonment, that is to say—

- (a) sections 71(3) and (4), 118(1), 118A(1) and (3), 119A(3) and 145; and
- (b) for the period before a person sentenced under a custodial order is received into the institution where he is to be detained (or for the currency of the sentence if its term ends before he is so received), sections 119(2), (4) and (5), 122, 123, 129, 142 and 190B;

and, accordingly, references in those provisions to a sentence of imprisonment shall include for the purposes of this subsection references to a sentence under a custodial order.]

(6) In this section “appropriate institution” means—

- ^{F12}(a) [where the offender is in or removed to England or Wales, any institution in which a person sentenced to detention in a young offender institution could be detained, section 1C of the Criminal Justice Act ^{M1}1982 having effect in relation to the offender as it has effect in relation to an offender sentenced to detention in a young offender institution;]
- ^{F13}(b) [where the offender is in or removed to Scotland, a young offenders institution;]
- (c) where the offender is in or removed to Northern Ireland, a young offenders centre.

[^{F14}(6A) [^{F15}Sections 16 and 17 of the Crime (Sentences) Act 1997 (as modified by section 19 of that Act)] (release of young offenders) shall apply to persons released from a term of detention under a custodial order as it applies to persons released from a term of detention under a detention centre order or a term of youth custody.]

^{F16}(6B)

(7) This section does not apply to offenders who are civilians (as regards whom similar provision is made by paragraph 10 of Schedule 5A to this Act)]

Textual Amendments	
F1	S. 71AA inserted by Armed Forces Act 1981 (c. 55), s. 2(1)
F2	Words in s. 71AA(1) repealed (1.1.1992) by virtue of Armed Forces Act 1991 (c. 62, SIF 7:1), ss. 3(1), 26(2), Sch. 3; S.I. 1991/2719, art. 2, Sch. (with art. 3(1)) and expressed to be repealed (1.10.1992) by

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Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 71, 101(2), Sch. 9 para. 2(b), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch. 2**

- F3** Words in s. 71AA(1) substituted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 58, **Sch. 8 para. 3(a)**
- F4** Words in s. 71AA(1) inserted (1.1.1992) by Armed Forces Act 1991 (c. 62, SIF 7:1), **s. 3(1)**; S.I. 1991/2719, **art. 2** (with art. 3(1)) and repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F5** Words in s. 71AA(1) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch. 9 para. 2(a)**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F6** S. 71AA(1A) repealed (1.1.1992) by Armed Forces Act 1991 (c. 62, SIF 7:1), ss. 3(2), 26(2), **Sch. 3**; S.I. 1991/2719, art. 2, **Sch.** (with art. 3(1)) and expressed to be repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 71, 101(2), Sch. 9 para. 2(b), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F7** S. 71AA(1A)(1B) inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 58, **Sch. 8 para. 3(b)**
- F8** S. 71AA(1AA) inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 71, **Sch. 9 para. 2(c)**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F9** Words in s. 71AA(1B) substituted (1.1.1992) by Armed Forces Act 1991 (c. 62, SIF 7:1), **s. 3(3)**; S.I. 1991/2719, **art. 2** (with art. 3(1))
- F10** Words in s. 71AA(2) repealed (1.1.1992) by Armed Forces Act 1991 (c. 62, SIF 7:1), s. 26(1)(2), Sch. 2 para. 1, **Sch. 3**; S.I. 1991/2719, art. 2, **Sch.** (with art. 3(1))
- F11** S. 71AA(5) substituted by Armed Forces Act 1986 (c. 21, SIF 7:1), s. 16(1), **Sch. 1 para. 5(2)**
- F12** S. 71AA(6)(a) substituted (E.W.) by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 123(6), **Sch. 8 para. 4(a)**
- F13** S. 71AA(6)(b) substituted (S.) by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 124(4), **Sch. 9 para. 2(a)**
- F14** S. 71AA(6A) inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 58, **Sch. 8 para. 3(d)**
- F15** Words in s. 71AA(6A) substituted (1.10.1997) by 1997 c. 43, s. 55(1), **Sch. 4 para. 2(3)**; S.I. 1997/2200, **art. 2(1)(l)(2)(a)**
- F16** S. 71AA(6B) (which was inserted (S.) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 39:1), **s. 46(1)**) repealed (1.10.1993) by 1993 c. 9, s. 47(3), **Sch. 7 Pt. I**; S.I. 1993/2050, **art. 3(4)**.

Modifications etc. (not altering text)

- C1** S. 71AA amended (1.10.1997 for specified purposes and otherwise *prosp.*) by 1997 c. 43, ss. 55(2), 57(2), **Sch. 4 para. 2(3)**; S.I. 1997/2200, art. 2(1)(m)

Marginal Citations

- M1** 1982 c.48 (39:1).

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**

Status:

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Changes to legislation:

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