



# Armed Forces Act 1971

## 1971 CHAPTER 33

### PART II

#### REVISION OF SERVICE OFFENCES AND PUNISHMENTS

##### *Offences relating to service etc. property*

#### **17 Service etc. property: damage, loss, misapplication and waste.**

- (1) The following provisions shall be substituted for sections 44 to 46 of the Army Act 1955:—

**“44 Damage to, and loss of, public or service property etc.**

- (1) Any person subject to military law who—
- (a) wilfully damages or causes the loss of, or service is concerned in the wilful damage or loss property of, any public or service property, or any etc. property belonging to another person so subject, or
  - (b) by wilful neglect causes or allows damage to, or the loss of, any public or service property or property so belonging,
- shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.
- (2) Any person subject to military law who—
- (a) by any negligent act or omission causes or allows damage to, or the loss of, any public or service property, or
  - (b) is guilty of any wilful or negligent act or omission which is likely to cause damage to, or the loss of, any such property,
- shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1971, Cross Heading: Offences relating to service etc. property. (See end of Document for details)*

#### **44A Damage to, loss of, Her Majesty’s aircraft or aircraft material.**

- (1) Without prejudice to the generality of section 44 above, a person subject to military law shall be guilty of an offence against this section if he—
- (a) wilfully damages or causes the loss of, or is material. concerned in the wilful damage or loss of, any of Her Majesty’s aircraft or aircraft material, or
  - (b) by wilful neglect causes or allows damage to, or the loss of, any of Her Majesty’s aircraft or aircraft material, or
  - (c) without lawful authority disposes of any of Her Majesty’s aircraft or aircraft material, or
  - (d) by any negligent act or omission causes or allows damage to, or the loss of, any of Her Majesty’s aircraft or aircraft material, or
  - (e) is guilty of any wilful or negligent act or omission which is likely to cause damage to, or the loss of, any of Her Majesty’s aircraft or aircraft material, or
  - (f) during a state of war, wilfully and without proper occasion, or negligently, causes the sequestration by or under the authority of a neutral state, or the destruction in a neutral state, of any of Her Majesty’s aircraft.
- (2) A person guilty of an offence against this section shall, on conviction by court-martial, be liable—
- (a) if his offence consisted in an act or omission falling within paragraph (a), (b) or (c) of subsection (1), or if it consisted in an act or omission falling within paragraph (f) of that subsection and it is proved that he acted wilfully or with wilful neglect, to imprisonment or any less punishment provided by this Act;
  - (b) in any other case, to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

#### **45 Misapplication and waste of public or service property.**

Any person subject to military law who misapplies or wastefully expends any public or service property shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

#### **46 Offences relating to issues and decorations.**

- (1) Any person subject to military law makes away with (whether by pawning, selling, destroying or in any other way), or loses, or by negligence damages or allows to be damaged—
- (a) any clothing, arms, ammunition or other equipment issued to him for his use for military purposes, or
  - (b) any military, air-force or naval decoration granted to him,
- shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

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- (2) It shall be a defence for a person charged under this section with losing any property that he took reasonable steps for its care and preservation.”
- (2) The provisions set out in subsection (1) above shall also be substituted for sections 44 to 46 of the <sup>M1</sup>Air Force Act 1955, but modified for that purpose by the substitution throughout of “air-force law” for “military law” and, in the provision to become section 46 of that Act, of “air-force purposes” for “military purposes” and “air-force, military or naval decoration” for “military, air-force or naval decoration”.
- (3) The provisions set out in subsection (1) above and numbered there as sections 44, 44A and 45 shall also be substituted for sections 29 and 30 of the <sup>M2</sup>Naval Discipline Act 1957, being numbered as sections 29, 29A and 30 of that Act respectively, and being modified for that purpose by the substitution throughout of “person subject to this Act” for “person subject to military law” and of “punishment authorised by this Act” for “punishment provided by this Act”, by the substitution, in the provision to become section 29A, of “29” for “44”, and by the omission throughout of “on conviction by court-martial”.

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

- C1** The text of ss. 2–25, 27–32, 34–50, 52, 53, 55–63, 65, 66, 68, 70–75, 77(1), Schs. 2, 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
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**Marginal Citations**

- M1** 1955 c. 19.  
**M2** 1957 c. 53.

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

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