



# Armed Forces Act 1971

## 1971 CHAPTER 33

### PART II

#### REVISION OF SERVICE OFFENCES AND PUNISHMENTS

##### *Other provisions*

#### **41 Time for trial of offences under section 42 of Naval Discipline Act 1957**

Section 52 of the Naval Discipline Act 1957 (subsections (1) and (2) of which prevent the trial of a naval offence more than three years after its commission and more than three months after the offender has ceased to be subject to that Act, and subsection (3) of which excludes those subsections in the case of mutiny, desertion and, with the consent of the Attorney General, any civil offence punishable under section 42 of that Act and committed outside the United Kingdom) shall be amended so as to correspond, as respects civil offences, with section 132 of the Army Act 1955 and section 132 of the Air Force Act 1955, that is to say, by substituting for the said subsection (3) the following subsection:—

“(3) Subsections (1) and (2) above shall not apply to an offence of mutiny or desertion; and, in the case of a civil offence punishable under section 42 of this Act—

- (a) if proceedings for the civil offence must, by virtue of any enactment, be brought within a limited time, that limit of time shall apply to the trial of the offence under the said section 42 in substitution for the provisions of subsection (1) above, and
- (b) if the civil offence was committed outside the United Kingdom and the Attorney General consents to the trial—
  - (i) subject to any such limit of time as is mentioned in paragraph (a) above, the offence may be tried under that section notwithstanding that it was committed more than three years before the beginning of the trial, and
  - (ii) subsection (2) above shall not apply.”

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*Status: This is the original version (as it was originally enacted).*

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#### **42 Naval offences by civilians**

Section 118(2) of the Naval Discipline Act 1957 (which applies certain provisions of that Act, including section 39 (conduct to prejudice of naval discipline), to certain civilians who are within the limits of the command of any officer commanding any of Her Majesty's naval forces outside the United Kingdom) shall be amended by adding at the end the following proviso:—

“Provided that the said section 39 shall not apply to a person by virtue only of this subsection except at a time when he is on board one of Her Majesty's ships.”

#### **43 Consequential, and minor, amendments**

The enactments specified in Schedule 1 to this Act shall have effect subject to the amendments there specified in relation thereto, being amendments consequential on, or minor amendments connected with, the preceding provisions of this Part of this Act.