

Army Act 1955

CHAPTER 18

ARMY ACT 1955

PART I

ENLISTMENT AND TERMS OF SERVICE

Enlistment

1	Recruiting officers.
2	Enlistment.
	Appointment to corps and transfer from one corps to another
3	Enlistment for general or corps service and appointment to and transfer between corps.
4—7	
	Extension of service
8	
9	
10	(1) If it appears to Her Majesty that national danger
	Discharge and transfer to reserve
11	Discharge.
12	Transfer to the reserve.
13	Postponement of discharge or transfer pending proceedings for offences
14	
15	Right of warrant officer to discharge on reduction to ranks.
1.6	

Miscellaneous and supplementary provisions

- 17 Forfeiture of service for desertion and restoration of forfeited service.
- 18 Validity of attestation and enlistment.
- 19 False answers in attestation paper.
- 20
- 21 Service of aliens in regular forces.
- 22 Regulations as to enlistment.
- 23 Interpretation of Part I.

ii

PART II

DISCIPLINE AND TRIAL AND PUNISHMENT OF MILITARY OFFENCES

Misconduct in action and other offences arising out of military service

- 24 Misconduct in action.
- 25 Assisting the enemy.
- 26 Obstructing operations, giving false air signals, etc.
- 27 Prize offences by commanding officers.
- 28 Other prize offences.
- 29 Offences by or in relation to sentries, persons on watch, etc.
- 29A Failure to attend for duty, neglect of duty, etc.
 - 30 Looting.

Mutiny and insubordination

- 31 Mutiny.
- 32 Failure to suppress mutiny.
- 33 Insubordinate behaviour.
- 34 Disobedience to lawful commands.
- 34A Failure to provide a sample for drug testing.
 - 35 Obstruction of provost officers.
 - 36 Disobedience to standing orders.

Desertion, absence without leave, etc.

- 37 Desertion.
- 38 Absence without leave.
- 39 Failure to report or apprehend deserters or absentees.
- 40, 41

Malingering and drunkenness

- 42 Malingering.
- 43 Drunkenness.

Disorderly conduct

43A Fighting, threatening words, etc.

Offences relating to property

- Damage to, and loss of, public or service property, etc.
- Damage to, and loss of, Her Majesty's aircraft or aircraft material.
- 44B Interference etc. with equipment, messages or signals.
 - 45 Misapplication and waste of public or service property.

Status: Point in time view as at 31/03/2005.

Changes to legislation: There are currently no known outstanding effects for the Army Act 1955 (repealed).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

46	Offences relating to issues and decorations.
	Offences relating to billeting and requisitioning of vehicles
47	Pillating Offances
48	Billeting Offences. Offences in relation to requisitioning of vahioles
40	Offences in relation to requisitioning of vehicles.
	Flying etc. offences
48A	Loss or hazarding of ship.
49	Dangerous flying, etc.
50	Inaccurate certification.
51	Low flying.
52	Annoyance by flying.
	Offences relating to, and by, persons in custody
<i>-</i> 2	
53	D
54	Permitting escape, and unlawful release of prisoners.
55	Resistance to arrest.
56	Escape from confinement.
	Offences in relation to courts-martial and civil authorities
57	Offences in relation to courts-martial.
58	
59	
	Miscellaneous offences
60	Unauthorised disclosure of information.
61	Making of false statements on enlistment.
62	Making of false documents.
63	Offences against civilian population.
63A	Offences against morale.
64	Scandalous conduct by officers.
65	Ill-treatment of officers or men of inferior rank.
66	Disgraceful conduct.
67	
68	Attempts to commit military offences.
68A	Aiding and abetting etc., and inciting.
69	Conduct to prejudice of military discipline.
	Civil offences
70	Civil offences.
	Punishments available to courts-martial
71	Scale of punishments, and supplementary provisions.
71A	Juveniles.
1AA	Young service offenders: custodial orders.
1AB	Reasons to be given where custodial sentence awarded to young

Power to impose imprisonment for default in payment of fines.

71B

Status: Point in time view as at 31/03/2005. Changes to legislation: There are currently no known outstanding effects for the Army Act 1955 (repealed). (See end of Document for details)

Arrest

Power to arrest offenders.

Custody

- 75 Limitations on custody without charge.
- 75A Authorisation of custody without charge.
- 75B Review of custody by commanding officer.
- 75C Extension of custody without charge.
- 75D Custody without charge: other cases.
- 75E Custody without charge: supplementary.
- 75F Custody after charge.
- 75G Review of custody after charge.
- 75H Custody during court-martial proceedings.
- 75J Release from custody after charge or during proceedings.
- 75K Arrest during proceedings.
- 75L Judicial officers.
- 75M Custody rules.

Investigation of, and summary dealing with, charges

- 76 Investigation of charges by commanding officer
- 76A Powers of higher authority.
- 76AA Right to elect for court-martial trial.
 - 76B Summary dealings.
 - 76C Punishments available on summary dealings.
 - 77 Charges to be dealt with summarily or by court-martial.
 - 77A Power to stay further proceedings.
 - 78 Further proceedings on charges against N.C.O.s and soldiers.
 - 79 Further proceedings on charges against officers and warrant officers.
 - Directions by higher authority for dismissal of charges or stay of proceedings.
 - 81 Confession of desertion by warrant officer, non-commissioned officer or
 - 82 Officers who are to act as commanding officers and appropriate superior authorities.
 - 83 Regulations as to summary dealings etc.

The summary appeal court

- 83ZA The summary appeal court.
- 83ZB Judge advocates.
- 83ZC Officers qualified for membership of summary appeal court.
- 83ZD Constitution of summary appeal court for appeals.
- 83ZE Right of appeal.
- 83ZF Hearing of appeals.
- Powers of summary appeal court. 83ZG
- 83ZH Making of, and appeals from, decisions of court.
- 83ZJ Rules of summary appeal court.
- 83ZK Administration of oaths to members of summary appeal court.
- 83ZL Privileges of witnesses and others.

Status: Point in time view as at 31/03/2005.

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

	The prosecuting authority
83A 83B 83BB 83BC 83C	The prosecuting authority. Functions of the prosecuting authority. Cases where charge may be referred back to commanding officer. Power of prosecuting authority to advise police forces Prosecuting officers.
	Courts-martial: general provisions
84A 84B 84C 84D 85 85A 86 87 88 89 90	Trial to be by general court-martial, district court-martial or in certain cases field generalcourt-martial. Court administration officers. Judge advocates. Convening of general and district courts-martial. Constitution of general and district courts-martial Powers of different descriptions of court-martial. Powers of court-martial where accused elected court-martial trial. Officers having power to convene courts-martial. Constitution of general courts-martial. Constitution of field general courts-martial. Supplementary provisions as to constitution of courts-martial. Place for sitting of courts-martial and adjournment to other places.
	Courts-martial: provisions relating to trial
92 93 94 95 96 97 98 99 99A 100 101 102	Challenges by accused. Administration of oaths. Courts-martial to sit in open court. Dissolution of courts-martial. Decisions of courts-martial. Finding and sentence. Power to convict of offence other than that charged. Rules of evidence. Proof at courts-martial by written statement. Privilege of witnesses and others at courts-martial. Offences by civilians in relation to courts-martial. Affirmations.
	Offences: procedure
103	Rules.
	Field General Courts-Martial
103A 103B 103C 104 105 106	Field general courts-martial. Constitution of field general courts-martial. Field General Court-Martial Rules.

Confirmation, revision and review of proceedings of courts-martial

107 Confirmation of proceedings of courts-martial.

127 128 129

Status: Point in time view as at 31/03/2005. Changes to legislation: There are currently no known outstanding effects for the Army Act 1955 (repealed). (See end of Document for details)

108 109	Petitions against finding or sentence. Revision of findings of courts-martial.
110 111	Powers of confirming officers. Confirming officers.
	Review of proceedings of courts-martial
112 113	Approval as well as confirmation required for certain death sentences. Review of findings and sentences of courts-martial.
113AA 113A	Powers of the reviewing authority. Power of reviewing authority to authorise retrial.
114	
	Review of summary findings and awards
115	Review of summary findings and awards
	Findings of unfitness to stand trial and insanity
115A 115B	Fitness to stand trial Finding that the accused did the act or made the omission charged
116	Findings of insanity
116A	Powers to deal with person unfit to stand trial or not guilty by reason of
11.00	insanity
116B 116C	Orders under the Mental Health Act
116C 116D	Supervision orders Provisions supplementary to sections 115A to 116C
	Saving for functions of Judge Advocate General
117	Saving for functions of Judge Advocate General.
	Commencement, suspension and duration of sentences
118	Commencement of sentences.
118ZA	Commencement of sentence of detention awarded by commanding officer.
118A	Consecutive terms of imprisonment and detention.
119 119A	Duration of sentences of imprisonment and detention. Limitation of total period of sentences of detention.
120	Suspension of sentences.
120A	Postponement of sentences.
	Execution of sentences of death, imprisonment and detention
121	Execution of sentences of death.
122 123	Imprisonment and Detention Rules. Supplementary provisions relating to regulations and rules under ss. 12
124	& 122.
124 125	Restrictions on serving of sentences of detention in prisons. Special provisions as to civil prisons in the United Kingdom.
123	Special provisions as to carrying out or serving of sentences outside the
120	United Kingdom otherwise thanin military establishments.
127	Country in which sentence of imprisonment or detention to be served.
128	Application of enactments relating to coroners.

Duties of governors of prisons and others to receive prisoners.

my Act 1955 (c. 18)

Status: Point in time view as at 31/03/2005.

Changes to legislation: There are currently no known outstanding effects

for the Army Act 1955 (repealed). (See end of Document for details)

130 Application to air-force establishments and custody.

Trial of persons ceasing to be subject to military law and time limits for trials

- Trial and punishment of offences under military law notwithstanding offender ceasing to be subject tomilitary law.
- Limitation of time for trial of offences under military law.
- 133 Jurisdiction of civil courts
- 133A Financial penalty enforcement orders.
 - Persons not to be tried under this Act for offences already disposed of.

Inquiries

- 135 Boards of inquiry.
- 136 Inquiries into absence.
- 137 Regimental inquiries.

Miscellaneous provisions

- 138 Restitution or compensation for theft, etc.
- 139 Appointment of judge advocates.
- 140 Promulgation.
- 141 Custody of proceedings of courts-martial and right of accused to a copy thereof.
- 141A Right of penalised parent or guardian to copy of record of court-martial proceedings.
 - 142 Indemnity for prison officers, etc.

Interpretation

143 Interpretation of Part II.

PART III

FORFEITURES AND DEDUCTIONS AND ENFORCEMENT OF MAINTENANCE LIABILITIES

- 144 Forfeitures and deductions: general provisions.
- 145 Forfeiture of pay for absence from duty.
- 146 Where a person sentenced or ordered by a civil court...
- 147 Compensation for loss occasioned by wrongful act or negligence.
- 148 Deductions for barrack damage.
- 149 Remission of forfeitures and deductions.
- 150 Enforcement of maintenance and affiliation orders by deduction from pay.
- 150A Enforcement of maintenance assessment by deductions from pay.
- 150AA Enforcement of maintenance assessment by deductions from pay.
 - 151 Deductions from pay for maintenance of wife or child.
 - 151A Deductions from pay in respect of judgment debts etc.
 - Limit of deductions under ss. 150 and 151 and effect on forfeiture.
 - 153 Service of process in maintenance proceedings.

PART IV

BILLETING AND REQUISITIONING OF VEHICLES

	Billeting
154 155 156 157 158 159 160 161 162	Billeting requisitions. Premises in which billets may be provided. Provision of billets. Billeting schemes. Accommodation to be provided and payment therefor. Appeals against billeting. Compensation for damage. Refusal to receive persons billeted, etc. Application to civilians employed with the forces.
163 164	Local authority. Suspension of laws against billeting.
	Requisitioning of vehicles
165 166 167 168 169 170 171 172 173	Requisitioning orders. Provision of vehicles. Period for which vehicles to be furnished. Payment for vehicles furnished. Avoidance of hardship in requisitioning of vehicles. Record and inspection of mechanically-propelled vehicles. Enforcement of provisions as to requisitioning. Application to horses, food, forage and stores. Liability of Crown for damage by vehicles being delivered for requisitioning.
	General
174 175 176	Bringing into operation of ss. 154 and 165. Regulations and orders. Interpretation of Part IV.
	PART V
	GENERAL PROVISIONS
	Powers of command
177 178	Powers of command. Powers of command of members of co-operating naval or air forces.
	Attachment to naval or air forces
179	Attachment of members of military forces to naval or air forces.
	Redress of complaints
180 181	Redress of complaints. Complaints by warrant officers, non-commissioned officers and soldiers.
	Exemptions for members of regular forces
182	Officers on active list not to be sheriffs.
183 184	Exemptions from tolls, etc.

185	Exemption from taking in execution of property used for military
	purposes.

Provisions relating to deserters and absentees without leave

- 186 Arrest of deserters and absentees without leave.
- 187 Proceedings before a civil court where persons suspected of illegal absence.
- Deserters and absentees without leave surrendering to police.
- 189 Certificates of arrest or surrender of deserters and absentees.
- 190 Duties of governors of prisons and others to receive deserters and absentees.

Further powers of arrest of civil authorities

- 190A Arrest under warrants of commanding officers.
- 190B Arrest of persons unlawfully at large.

Offences relating to military matters punishable by civil courts

- 191 Punishment for pretending to be a deserter.
- 192 Punishment for procuring and assisting desertion.
- 193 Punishment for obstructing members of regular forces in execution of duty.
- 194 Punishment for aiding malingering.
- 195 Unlawful purchase, etc. of military stores.
- 196 Illegal dealings in documents relating to pay, pensions, mobilisation, etc.
- 197 Unauthorised use of and dealing in decorations, etc.

Provisions as to evidence

- 198 General provisions as to evidence.
 198A,
 198B
 198C Provision as to age.
 199 Proof of outcome of civil trial.
 - 200 Evidence of proceedings of court-martial.
- 200A False statements in computer record certificates.

Miscellaneous Provisions

- 201 Restrictions on reduction in rank of warrant officers and non-commissioned officers.
- 202 Temporary reception in civil custody of persons under escort.
- 203 Avoidance of assignment of or charge on military pay, pensions, etc.
- 204 Power of certain officers to take affidavits and declarations.
- 204A Exclusion of enactments requiring fiat of Attorney General etc., in connection with proceedings.

PART VI

APPLICATION OF ACT AND SUPPLEMENTAL PROVISIONS

Persons subject to military law

205 Persons subject to military law: general provisions.

206	
207 208	3
	forces.
208A 209	
	Application of Act to particular corps and forces
210	Provisions as to Royal Marines.
211	
212	
213	Modification of certain provisions in relation to women.
	Application to different countries
214	
215	
216	
217	11
218	
219	
	Supplemental provisions
220	
221	
222	3
223	, ,
224	
225	1
226	Short title, commencement and duration.
	
	SCHEDULES
FIRST	SCHEDULE — Procedure for Attestation
1	The recruiting officer shall warn the person to be enlisted
2	He shall then read, or cause to be read, to
3	He shall then ask that person to make and sign
4	
5	
6	When in accordance with such regulations the recruit is finally
	SECOND — SCHEDULE
	SCHEDULE
THIRD	SCHEDULE — Alternative offences of which accused may be convicted by court-martial
FOURTH	SCHEDULE — Supplementary Provisions as to Payment for Requisitioned Vehicles
1	(1) Subject to the provisions of this Schedule, any payment
2	

Status: Point in time view as at 31/03/2005.

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

- 3 (1) A person to whom a receipt or notice under...
- 4 (1) Subject to the provisions of the last foregoing paragraph...
- 5 The instructions of the Defence Council referred to in paragraph...
- 6 In the foregoing provisions of this Schedule the expression "damage"...
- 7 Nothing in the foregoing provisions of this Schedule shall apply...
- 8 A county court shall have jurisdiction to deal with any...

FIFTH SCHEDULE — Civilians outside the United Kingdom subject to Part II when not on Active Service

- 1 Persons serving Her Majesty, or otherwise employed, in such capacities...
- 2 Persons who are employed by, or in the service of,...
- 3 Persons belonging to or employed by any other organisation so...
- 4 Persons who, for the purposes of their profession, businessor...
- 5 Persons forming part of the family of members of any...
- 6 Persons forming part of the family of persons falling within...
- 7 Persons employed by members of any of Her Majesty's naval,...
- 8 Persons employed by persons falling within paragraphs 1 to 6...
- 9 Persons forming part of the family of persons falling within...

SCHEDULE 5A — Powers of Court on Trial of Civilian

General

- 1 The powers conferred by this Schedule shall be exercisable on...
- 2 (1) In this Schedule— "community supervision order" has the meaning...

Deferment of award of sentence

2A (1) Subject to the provisions of this paragraph, where a...

Absolute and conditional discharge

3 (1) The court by which a civilian is found guilty...

Community supervision orders

4 (1) Subject to sub-paragraph (4) below, where a civilian

Absolute and conditional discharge and community supervision orders—supplementary

5	(1) If upon finding a person guilty of an offence
	Reception orders and committal into care—general
6	
	Committal into care—England and Wales
7	
	Committal into care—transfer to Scotland

	Committal into care—transfer to Northern Ireland
9	
	Custodial orders
10	(1) Where a civilian who has attained the minimum age
	Compensation orders
11 12	(1) The court, on finding a civilian guilty of an(1) The operation of a compensation order made by a
Impositi	ion of fines on and making of compensation orders against parents and guardians
13	(1) Where— (a) a civilian under 17 years of age
	Orders requiring parents or guardians to enter into recognisance
14	(1) Subject to sub-paragraph (2) below, where a civilian under
	Scale of punishments and orders
15	(1) In their application to civilians, references in this Act
	Indemnity for persons carrying out orders under Schedule
16	No action shall lie in respect of anything done by
	Regulations
17	(1) The Secretary of State may by regulations make provision
SIXTH	SCHEDULE — Application of Military Law to attached Members of Naval and Air Forces
1 2 3, 4	(1) As respects the punishment of a person subject to For the purposes of the provisions of this Act relating
5	In proceedings under this Act against a person subject to
6 7	In the application of this Act to a person subject In relation to a person subject to military law as
8	In the application of sections one hundred and forty-four and
9	Sections one hundred and fifty to one hundred and fifty-two
10	In this Schedule— (a) references to a person's own service
	SEVENTH — Provisions as to Royal Marines SCHEDULE
1	Part I — ENLISTMENT, SERVICE AND DISCHARGE The provisions of the six following paragraphs shall have effect
1 2, 3	The provisions of the six following paragraphs shall have effect
4	(1) The provisions of this and the two next following
4A	(1) This paragraph applies to a marine serving in the
4B 5	(1) If it appears to Her Majesty that national danger(1) The following provisions shall have effect as to the
5A	(1) The following provisions shall have effect as to the
6 7	Subsections (1) and (2) of section three, Section eighteen shall have effect, in relation to men of
,	because organization and officer, in relation to men of

Army Act 1955 (c. 18)

8	
9	
10	In this Part of this Schedule references to a marine
10A	Subsection (2) of section 22 applies to the powers to
	Part II — MISCELLANEOUS ADAPTATIONS
11	
12, 12A	
13—15	
16	In the provisions of this Act relating to confessions of
17	
18	In the provisions of this Act relating to forfeitures of
19	Except to the extent that they are applied by paragraph
20, 21	
22	In this Act the expression "the regular forces" does not
	Part III — TRANSFERS
23	A warrant officer non-commissioned officer or marine of the Royal
24	Where a person is in pursuance of the last foregoing

Status:

Point in time view as at 31/03/2005.

Changes to legislation:

There are currently no known outstanding effects for the Army Act 1955 (repealed).