



Army Act 1955 (repealed)

1955 CHAPTER 18 3 and 4 Eliz 2

PART II

DISCIPLINE AND TRIAL AND PUNISHMENT OF MILITARY OFFENCES

Offences relating to property

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**

[^{F1}44 Damage to, and loss of, public or service property, etc.

- (1) Any person subject to military law who—
- wilfully damages or causes the loss of, or is concerned in the wilful damage or loss of, any public or service property, or any property belonging to another person so subject, or
 - 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—
- by any negligent act or omission causes or allows damage to, or the loss of, any public or service property, or
 - 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Status: Point in time view as at 31/03/2005.

Changes to legislation: There are currently no known outstanding effects for the Army Act 1955 (repealed), Cross Heading: Offences relating to property.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

Textual Amendments

F1 Ss. 44, 44A-46 substituted for ss. 44-46 by [Armed Forces Act 1971 \(c. 33\)](#), **ss. 17(1)**, 78(4)

44A Damage to, and 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 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,
 - (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.

[^{F2}44B Interference etc. with equipment, messages or signals.

- (1) Any person subject to military law who by any conduct of his—
 - (a) intentionally impairs the efficiency or effectiveness of any equipment which is public or service property; or
 - (b) intentionally interferes with or modifies any message or other signal which is being transmitted, by means of [^{F3}an electronic communications network], directly or indirectly to or from any such equipment,
 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 is guilty of any conduct which is likely to have the effect—
 - (a) of impairing the efficiency or effectiveness of any such equipment; or
 - (b) of interfering with or modifying any such message or signal,
 shall (whether or not that conduct has that effect) be liable, on conviction by court-martial, to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

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- (3) It shall be a defence for a person charged with an offence under subsection (2) of this section in respect of any conduct likely to have a particular effect that, in the circumstances, his conduct was in all respects consistent with the exercise of reasonable care to avoid producing that effect.
- (4) For the purposes of this section the efficiency or effectiveness of any equipment is impaired if, whether or not it is damaged, the equipment is made temporarily or permanently less efficient or effective either for all purposes or for a particular purpose for which it has been designed, adapted, adjusted or programmed.
- (5) In this section—
- “conduct” includes any act or omission;
 - “equipment” includes any apparatus, any computer and any vessel, aircraft or vehicle;^{F4} ...
- ^{F4} ...]

Textual Amendments

- F2** S. 44B inserted by [Armed Forces Act 1986 \(c. 21, SIF 7:1\), s. 2\(1\)](#)
- F3** Words in s. 44B(1)(b) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 17 para. 23](#) (with [Sch. 18](#)); [S.I. 2003/1900, arts. 1\(2\), 2\(1\), Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142, art. 1\(3\)](#)); [S.I. 2003/3142, art. 3\(2\)](#)
- F4** Words in s. 44B(5) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 19\(1\) Note 1](#) (with [Sch. 18](#)); [S.I. 2003/1900, arts. 1\(2\), 2\(1\), Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142, art. 1\(3\)](#)); [S.I. 2003/3142, art. 3\(2\)](#)

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.

Modifications etc. (not altering text)

- C1** S. 45 extended (E.W.) (S.) by [Rehabilitation of Offenders Act 1974 \(c. 53\), s. 2\(3\)\(a\)](#)

46 Offences relating to issues and decorations.

- (1) Any person subject to military law who 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.

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), Cross Heading: Offences relating to property. (See end of Document for details)*

- (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.

Modifications etc. (not altering text)

C2 S. 46 extended (E.W.) (S.) by [Rehabilitation of Offenders Act 1974 \(c. 53\), s. 2\(3\)\(a\)](#)

Status:

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