



# Army Act 1955 (repealed)

1955 CHAPTER 18 3 and 4 Eliz 2

## PART V

### GENERAL PROVISIONS

#### *Offences relating to military matters punishable by civil courts*

#### **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**

#### **191 Punishment for pretending to be a deserter.**

Any person who in the United Kingdom or any colony falsely represents himself to any military, naval, air-force or civil authority to be a deserter from the regular forces shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment.

#### **192 Punishment for procuring and assisting desertion.**

- (1) Any person who, whether within or without Her Majesty's dominions,—
- (a) procures or persuades any officer, warrant officer, non-commissioned officer or soldier of the regular forces to desert or to absent himself without leave; or
  - (b) knowing that any such officer, warrant officer, non-commissioned officer or soldier is about to desert or absent himself without leave, assists him in so doing; or
  - [<sup>F1</sup>(c) knowing any person to be a deserter or absentee without leave from the regular forces, procures or persuades or assists him to remain such a deserter or absentee, or assists in his rescue from custody],

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shall be guilty of an offence against this section.

- (2) Any person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment, or on conviction on indictment to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or to both such a fine and such imprisonment.

#### Textual Amendments

**F1** S. 192(1)(c) substituted by [Armed Forces Act 1966 \(c. 45\), s. 18\(1\)](#)

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

**C1** s. 192 modified (23.6.1999) by [S.I. 1999/1736, art. 18](#)

### 193 Punishment for obstructing members of regular forces in execution of duty.

Any person who, in the United Kingdom or any colony, wilfully obstructs or otherwise interferes with any officer, warrant officer, non-commissioned officer or soldier of the regular forces acting in the execution of his duty shall be liable on summary conviction to a fine not exceeding [<sup>F2</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment.

#### Textual Amendments

**F2** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss.38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), ss. 289F, 289G](#) and (N.I.) [S.I.1984/703 \(N.I.3\), arts. 5, 6](#)

### 194 Punishment for aiding malingering.

Any person who, whether within or without Her Majesty's dominions,—

- (a) produces in an officer, warrant officer, non-commissioned officer or soldier of the regular forces any sickness or disability; or
- (b) supplies to or for him any drug or preparation calculated or likely to render him, or lead to the belief that he is, permanently or temporarily unfit for service,

with a view to enabling him to avoid military service, whether permanently or temporarily, shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment, or on conviction on indictment to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or to both such a fine and such imprisonment.

### 195 Unlawful purchase, etc. of military stores.

- (1) Any person who, whether within or without Her Majesty's dominions, acquires any military stores or solicits or procures any person to dispose of any military stores, or acts for any person in the disposing of any military stores, shall be guilty of an offence against this section unless he proves either—

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- (a) that he did not know, and could not reasonably be expected to know, that the chattels in question were military stores, or
  - (b) that those chattels had (by the transaction with which he is charged or some earlier transaction) been disposed of by order or with the consent of [<sup>F3</sup>the Defence Council] or of some person or authority who had, or whom he had reasonable cause to believe to have, power to give the order or consent, or
  - (c) that those chattels had become the property of an officer who had retired or ceased to be an officer, or of a warrant officer, non-commissioned officer or soldier who had been discharged, or of the personal representatives of a person who had died.
- (2) Any person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment, or on conviction on indictment to a fine not exceeding five hundred pounds or imprisonment for a term not exceeding two years or to both such a fine and such imprisonment.
- [<sup>F4</sup>(3) A constable may seize any property which he has reasonable grounds for suspecting of having been the subject of an offence against this section.]
- (4) Any person having authority to issue a warrant for the arrest of a person charged with crime may, if satisfied by evidence on oath that a person within his jurisdiction has, or is reasonably suspected of having, in his possession any property which has been the subject of an offence against this section, grant a warrant to search for such property as in the case of stolen goods; and any property suspected of having been the subject of such an offence which is found on such a search shall be seized by the officer charged with the execution of the warrant, and that officer shall bring the person in whose possession or keeping the property is found before a court of summary jurisdiction.
- (5) In this section—
  - the expression “acquire” means buy, take in exchange, take in pawn or otherwise receive (whether apart from this section the receiving is lawful or not);
  - the expression “dispose” means sell, give in exchange, pledge or otherwise hand over (whether apart from this section the handing over is lawful or not);
  - the expression “military stores” means any chattel of any description belonging to Her Majesty, which has been issued for use for military purposes or is held in store for the purpose of being so issued when required, and includes any chattel which had belonged, and had been issued or held, as aforesaid at some past time.
- (6) For the purposes of subsection (4) of this section property shall be deemed to be in the possession of a person if he has it under his control, and whether he has it for his own use or benefit or for the use or benefit of another.

#### Textual Amendments

**F3** Words substituted by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)

**F4** [S. 195\(3\)](#) substituted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(1), [Sch. 6 Pt. I](#) para. 8 (E.W.) and by [S.I. 1989/1341 \(N.I.12\)](#), art. 90(1), [Sch. 6 para. 4](#)

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## 196 **Illegal dealings in documents relating to pay, pensions, mobilisation, etc.**

- (1) Any person who—
- (a) as a pledge or a security for a debt, or
  - (b) with a view to obtaining payment from the person entitled thereto of a debt due either to himself or to any other person,
- receives, detains or has in his possession any official document issued in connection with the payment to any person of any pay, pension, allowance, gratuity or other payment payable in respect of his or any other person's military service shall be guilty of an offence against this section.
- (2) Any person who has in his possession without lawful authority or excuse (the proof whereof shall lie on him) any such document as aforesaid, or any official document issued in connection with the mobilisation or demobilisation of any of Her Majesty's military forces or any member thereof, shall be guilty of an offence against this section.
- (3) Any person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding [<sup>F5</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment.
- (4) For the purposes of this section a document shall be deemed to be in the possession of a person if he has it under his control and whether he has it for his own use or benefit or for the use or benefit of another.
- (5) This section shall have effect in the United Kingdom and in any colony.

### **Textual Amendments**

**F5** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss.38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#) and (N.I.) [S.I.1984/703 \(N.I.3\)](#), [arts. 5, 6](#)

## 197 **Unauthorised use of and dealing in decorations, etc.**

- (1) Any person who, in the United Kingdom or in any colony,—
- (a) without authority uses or wears any military decoration, or any badge, wound stripe or emblem supplied or authorised by [<sup>F6</sup>the Defence Council], or
  - (b) uses or wears any decoration, badge, wound stripe, or emblem so nearly resembling any military decoration, or any such badge, stripe or emblem as aforesaid, as to be calculated to deceive, or
  - (c) falsely represents himself to be a person who is or has been entitled to use or wear any such decoration, badge, stripe or emblem as is mentioned in paragraph (a) of this subsection,

shall be guilty of an offence against this section:

Provided that nothing in this subsection shall prohibit the use or wearing of ordinary regimental badges or of brooches or ornaments representing them.

- (2) Any person who purchases or takes in pawn any naval, military or air-force decoration awarded to any member of Her Majesty's military forces, or solicits or procures any person to sell or pledge any such decoration, or acts for any person in the sale or pledging thereof, shall be guilty of an offence against this section unless he proves that

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at the time of the alleged offence the person to whom the decoration was awarded was dead or had ceased to be a member of those forces.

- (3) Any person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding [<sup>F7</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment.

**Textual Amendments**

- F6** Words substituted by S.I. 1964/488, Sch. 1 Pt. I
- F7** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss.38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G and (N.I.) S.I.1984/703 (N.I.3), arts. 5, 6

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