



# Army Act 1955 (repealed)

1955 CHAPTER 18 3 and 4 Eliz 2

## PART VI

### APPLICATION OF ACT AND SUPPLEMENTAL PROVISIONS

#### *Application of Act to particular corps and forces*

#### **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**

#### **210 Provisions as to Royal Marines.**

- (1) The Royal Marines shall be a separate corps of the regular forces.
- (2) In section two hundred and five of this Act—
  - (a) any reference to a land forces commission shall be construed as including a reference to a commission in the Royal Marines;
  - [<sup>F1</sup>(aa) any reference to an officer of the army reserve shall be construed as including a reference to an officer of the Royal Marines Reserve or a marine officer of the Royal Fleet Reserve;]
  - [<sup>F2</sup>(b) any reference to a warrant officer, non-commissioned officer or man of the army reserve shall be construed as including a reference to a warrant officer, non-commissioned officer or a marine of the Royal Marines Reserve and to a marine warrant officer or non-commissioned officer or a marine of the Royal Fleet Reserve; and
  - <sup>F2</sup>(ba) any reference to the permanent staff of the army reserve shall be construed as including a reference to the permanent staff of the Royal Marines Reserve or the Royal Fleet Reserve.]

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- (3) An officer, [<sup>F3</sup>warrant officer] non-commissioned officer or marine of the Royal Marines, [<sup>F4</sup>or the Royal Marines Reserve and a marine officer, marine warrant officer or non-commissioned officer or a marine of] the Royal Fleet Reserve, <sup>F5</sup> shall continue subject to military law notwithstanding that he may for the time being be subject to [<sup>F6</sup>the <sup>M1</sup>Naval Discipline Act 1957].
- (4) In relation to the Royal Marines and the officer, officers, [<sup>F7</sup>warrant officers] non-commissioned officers and marines thereof, and to officers, [<sup>F7</sup>warrant officers] non-commissioned officers and marines of the [<sup>F8</sup>Royal Marines Reserve [<sup>F9</sup>and to marine officers, marine warrant officers or non-commissioned officers and marines of]] the Royal Fleet Reserve, <sup>F5</sup> this Act shall have effect subject to the modifications set out in Parts I and II of the Seventh Schedule thereto.
- (5) The provisions of Part III of the Seventh Schedule to this Act shall have effect as respects transfers between the Royal Marines and other corps of the regular forces in substitution for the provisions of subsections (3) and (4) of section three of this Act.
- [<sup>F10</sup>(6) For the purposes of this section references to marine warrant officers or non-commissioned officers and marines of the Royal Fleet Reserve shall be construed as references to persons who were transferred to that force from the Royal Marines or who enlisted in that force as marines.]

#### Textual Amendments

- F1** S. 210(2)(aa) inserted (1.4.1997) by 1996 c. 14, s. 131(1), **Sch. 10 para. 3(1)(2)**; S.I. 1997/305, **art. 2(1)**
- F2** S. 210(2)(b)(ba) substituted (1.4.1997) for s. 210(2)(b) by 1996 c. 14, s. 131(1), **Sch. 10 para. 3(1)(3)**; S.I. 1997/305, **art. 2(1)**
- F3** Words inserted by **Armed Forces Act 1971 (c. 33)**, **Sch. 3 para. 4(1)(a)**
- F4** Words in s. 210(3) substituted (1.4.1997) by 1996 c. 14, s. 131(1), **Sch. 10 para. 4**; S.I. 1997/305, **art. 2(1)**
- F5** Words repealed by **Navy, Army and Air Force Reserves Act 1959 (c. 10)**, **Sch.**
- F6** Words substituted by virtue of **Naval Discipline Act 1957 (c. 53)**, **s. 137(2)**
- F7** Words inserted by **Armed Forces Act 1971 (c. 33)**, **Sch. 3 para. 4(1)(b)**
- F8** Words substituted by **Armed Forces Act 1981 (c. 55)**, **Sch. 4 para. 1(1)**
- F9** Words in s. 210(4) substituted (1.4.1997) by 1996 c. 14, s. 131(1), **Sch. 10 para. 5**; S.I. 1997/305, **art. 2(1)**
- F10** S. 210(6) inserted (1.4.1997) by 1996 c. 14, s. 131(1), **Sch. 10 para. 6**; S.I. 1997/305, **art. 2(1)**

#### Marginal Citations

- M1** 1957 c. 53.

## 211 Application of Act to reserve and auxiliary forces.

- (1) Subject to the provisions of this section, references in Parts II to V of this Act to the regular forces shall include references to the following persons, that is to say—
- (a) officers of [<sup>F11</sup>the army reserve] while subject to military law, and officers who have retired (within the meaning of any Royal Warrant) but are for the time being subject to military law, and
- [<sup>F12</sup>(b) officers of the Territorial Army when in permanent service, in full-time service, called out for home defence service or undertaking any training or

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duty (whether in pursuance of an obligation or not) or when serving on the permanent staff of the Territorial Army,]

(c) warrant officers, non-commissioned officers and men of the army reserve and the Territorial Army while subject to military law;

and references to officers, warrant officers, non-commissioned officers or soldiers, or to members or a body, of the regular forces or to illegal absence from those forces shall be construed accordingly.

[<sup>F13</sup>(2) Subsections (5) and (6) of section 17 shall apply to warrant officers, non-commissioned officers and men of the army reserve and the Territorial Army as if the references to forfeited service were references to a period of permanent service or, as the case may be, of service as a member of the force concerned, which is to be disregarded under section 98(6) of the Reserve Forces Act 1996.]

(3)

[<sup>F14</sup><sup>F15</sup>(4) The provisions of this Act mentioned in subsection (4A) below shall apply to officers, warrant officers, non-commissioned officers and men of the army reserve and the Territorial Army only when they are in permanent service, in full-time service, called out for home defence service or serving on the permanent staff of the army reserve or the Territorial Army.

(4A) The provisions referred to in subsection (4) above are—

(a) sections 150 to 153 of this Act;

(b) except insofar as they may be applied by regulations made under section 103(2) of the Reserve Forces Act 1996, the provisions of Part II of this Act relating to the award of stoppages and sections 144 to 149 of this Act.]

[<sup>F16</sup>(6) Section 182 of this Act shall not apply at any time to officers, warrant officers, non-commissioned officers or men of the Territorial Army.]

(7) In the case of a non-commissioned officer or man of the Territorial Army found guilty of an offence by a court-martial or his commanding officer, Part II of this Act shall apply as if in the scale set out in [<sup>F17</sup>section 71(1) there were inserted immediately before paragraph (h)] the following paragraph—

[<sup>F17</sup>“(gg)”]  
dismissal  
from  
the  
Territorial  
Army,

and as if the punishments specified in [<sup>F18</sup>section 76C(2)] of this Act included dismissal from the Territorial Army:

Provided that if the commanding officer awards such dismissal he shall not award any other punishment.

[<sup>F19</sup>(8) An officer of the army reserve or the Territorial Army may be attached temporarily to any of Her Majesty’s naval or air forces whether or not he is in permanent service but, if not in permanent service, shall not be so attached except with his consent.]

[<sup>F20</sup>(9) In this section—

“full-time service” means service under a commitment entered into under section 24 of the Reserve Forces Act 1996; and

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“permanent service” means permanent service on call-out under any provision of the Reserve Forces Act 1980, the Reserve Forces Act 1996 or any other call-out obligations of an officer.]

#### Textual Amendments

- F11** Words in s. 211(1)(a) substituted (1.4.1997) by 1996 c. 14, s. 131(1), **Sch. 10 para. 7(1)(2)(a)** (with s. 72(5)); S.I. 1997/305, **art. 2(1)**
- F12** S. 211(1)(b) substituted (1.4.1997) by 1996 c. 14, s. 131(1), **Sch. 10 para. 7(1)(2)(b)** (with s. 72(5)); S.I. 1997/305, **art. 2(1)**
- F13** S. 211(2) substituted (1.4.1997) by 1996 c. 14, s. 131(1), **Sch. 10 para. 7(1)(3)** (with s. 72(5)); S.I. 1997/305, **art. 2(1)**
- F14** S. 211(4)(4A) substituted (1.4.1997) for s. 211(4)(5) by 1996 c. 14, s. 131(1), **Sch. 10 para. 7(1)(4)** (with s. 72(5)); S.I. 1997/305, **art. 2(1)**
- F15** S. 211(3) repealed by **Armed Forces Act 1971 (c. 33)**, s. 78(4), **Sch. 4 Pt. I**
- F16** S. 211(6) substituted (1.4.1997) by 1996 c. 14, s. 131(1), **Sch. 10 para. 7(1)(5)** (with s. 72(5)); S.I. 1997/305, **art. 2(1)**
- F17** Words substituted by **Armed Forces Act 1971 (c. 33)**, s. 78(4), **Sch. 1 para. 1(10)**
- F18** Words in s. 211(7) substituted (1.4.1997 subject to art. 3 of the commencing S.I.) by 1996 c. 46, s. 5, **Sch. 1 Pt. IV para. 73**; S.I. 1997/304, **art. 2** (with transitional provisions in Sch. 2)
- F19** S. 211(8) substituted (1.4.1997) by 1996 c. 14, s. 131(1), **Sch. 10 para. 7(1)(6)** (with s. 72(5)); S.I. 1997/305, **art. 2(1)**
- F20** S. 211(9) inserted (1.4.1997) by 1996 c. 14, s. 131(1), **Sch. 10 para. 7(1)(7)** (with s. 72(5)); S.I. 1997/305, **art. 2(1)**

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

- C1** Reference to territorial and army volunteer reserve in s. 211(5) to be construed as reference to Territorial Army: **Reserve Forces Act 1982 (c. 14)**, s. **1(2)(b)**

**F21** 212 .....

#### Textual Amendments

- F21** S. 212 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2(1)**

### 213 Modification of certain provisions in relation to women.

In relation to women members of the regular forces this Act shall have effect subject to the following modifications:—

- (a)
- F22**(b)
- F23**(c) references in sections one hundred and fifty and one hundred and fifty-one to a wife shall be construed as references to a husband.

#### Textual Amendments

- F22** S. 213(a) repealed by **Armed Forces Act 1986 (c. 21, SIF 7:1)**, ss. **14, 16(2)**, Sch. 2
- F23** S. 213(b) repealed by **Armed Forces Act 1971 (c. 33)**, s. 78(4), **Sch. 4 Pt. I**

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