



Army Act 1955 (repealed)

1955 CHAPTER 18 3 and 4 Eliz 2

PART II

DISCIPLINE AND TRIAL AND PUNISHMENT OF MILITARY OFFENCES

Offences in relation to courts-martial and civil authorities

57 Offences in relation to courts-martial.

- (1) Any person subject to military law who—
- (a) having been duly summoned or ordered to attend as a witness before a court-martial, fails to comply with the summons or order, or
 - (b) refuses to swear an oath when duly required by a court-martial to do so, or
 - (c) refuses to produce any [^{F1}document or other thing which is in his custody or under his control and] which a court-martial has lawfully required him to produce, or
 - (d) when a witness, refuses to answer any question which a court-martial has lawfully required him to answer, or
 - (e) wilfully insults any person, being a member of a court-martial or a witness or any other person whose duty it is to attend on or before the court, while that person is acting as a member thereof or is so attending, or wilfully insults any such person as aforesaid while that person is going to or returning from the proceedings of the court, or
 - (f) wilfully interrupts the proceedings of a court-martial or otherwise misbehaves before the court,

shall, on conviction by a court-martial, other than the court in relation to which the offence was committed, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

- (2) Notwithstanding anything in the last foregoing subsection, where an offence against ^{F2} that subsection is committed in relation to any court-martial held in pursuance of this Act that court, if of opinion that it is expedient that the offender should be dealt with

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summarily by the court instead of being brought to trial before another court-martial, may by order under the hand of the president [F³ sentence the offender—

- (a) if he is an officer, to imprisonment for a term not exceeding twenty-one days, or to a fine not exceeding the amount of his pay for twenty-eight days^{F⁴} . . . ,
- (b) in any other case, to imprisonment or detention for such a term as aforesaid, or to such a fine as aforesaid.]

[F⁵(2A) If the offender has attained seventeen years of age but is under twenty-one years of age, subsection(2) above shall have effect in relation to him as if the power to impose a sentence of imprisonment were a power to make an order under section 71AA below.]

[F⁶(2B) For the purposes of subsection (2) above, a day's pay shall be taken to be—

- (a) subject to paragraph (b) below, the gross pay which is, or would apart from any forfeiture be, issuable to the offender in respect of the day on which the order is made;
- (b) if the offender is a special member of a reserve force, the gross pay which would have been issuable to him in respect of that day if he had been an ordinary member of that reserve force of the same rank.

[F⁶(2C) In subsection (2B)(b) above “special member” and “ordinary member” have the same meaning as in the Reserve Forces Act 1996.]

(3) References in paragraphs (a) to (f) of subsection (1) of this section to a court-martial shall include references to a court-martial^{F⁷} . . . held in pursuance of [F⁸the^{M¹}Naval Discipline Act 1957], [F⁹and to a court-martial held in pursuance of] the^{M²} Air Force Act 1955, or the law of any colony.

[F¹⁰(4) References in paragraphs (a) to (f) of subsection (1) of this section to a court-martial or to a member of a court-martial include references to a judicial officer or a person appointed under section 75L of the Air Force Act 1955 or section 47M of the Naval Discipline Act 1957 and, in relation to an offence committed in relation to a judicial officer or any person so appointed, that subsection shall have effect as if the words “other than the court in relation to which the offence was committed” were omitted.

(5) In relation to an offence committed in relation to a judicial officer, subsection (2) of this section shall have effect as if—

- (a) the references to a court-martial held in pursuance of this Act were references to the judicial officer,
- (b) for “another court-martial” there were substituted “a court-martial”, and
- (c) the words “under the hand of the president” were omitted.]

[F¹¹(6) References in paragraphs (a) to (f) of subsection (1) of this section to a court-martial include references to the summary appeal court, the court established by section 83ZA of the Air Force Act 1955 or the court established by section 52FF of the Naval Discipline Act 1957 and, in relation to an offence committed in relation to any of those courts, that subsection shall have effect as if the words “other than the court in relation to which the offence was committed” were omitted.

(7) In relation to an offence committed in relation to the summary appeal court, subsection (2) of this section shall have effect as if—

- (a) the reference to a court-martial held in pursuance of this Act were a reference to the summary appeal court,
- (b) for “another court-martial” there were substituted “a court-martial”, and
- (c) for “the president” there were substituted “the judge advocate”.]

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Textual Amendments

- F1** Words in s. 57(1)(c) inserted (28.2.2002) by 2001 c. 19, s. 24(2)(a); S.I. 2002/345, art. 2 (subject to transitional provisions in art. 3)
- F2** Words repealed by [Armed Forces Act 1971](#) (c. 33), s. 78(4), [Sch. 4 Pt. I](#)
- F3** Words substituted by [Armed Forces Act 1971](#) (c. 33), [ss. 23\(2\)](#), 78(4)
- F4** Words in s. 57(2)(a) omitted (1.1.1999) by virtue of S.I. 1998/3086, [reg. 4\(1\)\(a\)](#)
- F5** S. 57(2A) inserted by [Criminal Justice Act 1982](#) (c. 48, SIF 39:1), s. 58, Sch. 8 para.1(1)
- F6** S. 57(2B)(2C) inserted (1.1.1999) by S.I. 1998/3086, [reg. 4\(2\)](#)
- F7** Words in s. 57(3) repealed (28.2.2002) by 2001 c. 19, s. 38, [Sch. 7 Pt. 1](#); S.I. 2002/345, art. 2 (subject to transitional provisions in art. 3)
- F8** Words substituted by virtue of [Naval Discipline Act 1957](#) (c. 53), s. 137(2)
- F9** Words inserted by [Naval Discipline Act 1957](#) (c. 53), [Sch. 5](#)
- F10** S. 57(4)(5) inserted (2.10.2000) by 2000 c. 4, s. 10, [Sch. 1 para. 1\(1\)](#); S.I. 2000/2366, art. 2 (with [Sch. para. 13](#))
- F11** S. 57(6)(7) inserted (2.10.2000) by 2000 c. 4, s. 25, [Sch. 3 para. 1](#); S.I. 2000/2366, art. 2 (with [Sch. para. 13](#))

Modifications etc. (not altering text)

- C1** S. 57(1) extended by [Armed Forces Act 1976](#) (c. 52), [Sch. 3 para. 15\(1\)](#)

Marginal Citations

- M1** 1957 c. 53.
- M2** 1955 c. 19.

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](#)

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