



# Air Force Act 1955

## CHAPTER 19

### AIR FORCE ACT 1955

#### PART I

##### ENLISTMENT AND TERMS OF SERVICE

###### *Enlistment*

- 1 Recruiting officers.
- 2 Enlistment.

###### *Enlistment for general or corps service*

- 3 Enlistment for general service.
- 4—7 .....

###### *Extension of service*

- 8 .....
- 9 Postponement in certain cases of discharge or transfer to the reserve.
- 10 Continuation of air-force service in imminent 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.
- 16 .....

*Status: Point in time view as at 23/12/2008.*

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*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 air force.
- 22 Regulations as to enlistment.
- 23 Interpretation of Part I.

**PART II**

DISCIPLINE AND TRIAL AND PUNISHMENT OF AIR-FORCE OFFENCES

*Misconduct in action and other offences arising out of air-force 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.
- 34B Failure to provide sample after serious incident
- 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*

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

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- 45 Misapplication and waste of public or service property.
- 46 Offences relating to issues and decorations.

*Offences relating to billeting and requisitioning of vehicles*

- 47 Billeting offences.
- 48 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*

- 53 .....
- 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 air-force offences.
- 68A Aiding and abetting etc., and inciting.
- 69 Conduct to prejudice of air-force discipline.

*Civil offences*

- 70 Civil offences.

*Punishments available to courts-martial*

- 71 Scale of punishments, and supplementary provisions.
- 71A Juveniles
- 71AA Young service offenders: custodial orders.
- 71AB Reasons to be given where custodial sentence awarded to young offender.
- 71B Power to impose imprisonment for default in payment of fines.

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- 75E Custody without charge: supplementary.
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- 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.
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- 76 Investigation of charges by commanding officer
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- 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.
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- 79 Further proceedings on charges against officers and warrant officers.
- 80 Directions by higher authority for dismissal of charges or stay of proceedings.
- 81 Confession of desertion by warrant officer, non-commissioned officer or airman.
- 82 Officers who are to act as commanding officers and appropriate superior authorities.
- 83 Regulations as to summary dealings etc.

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- 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.
- 83ZG Powers of summary appeal court.
- 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.

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*The prosecuting authority*

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- 83B Functions of the prosecuting authority.
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- 87 Constitution of general courts-martial.
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- 91 Place for sitting of courts-martial and adjournment to other places.

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- 91A Preliminary hearings as to plea

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- 95 Dissolution of courts-martial.
- 96 Decisions of courts-martial.
- 97 Finding and sentence.
- 98 Power to convict of offence other than that charged.
- 99 Rules of evidence.
- 99A Proof at courts-martial by written statement.
- 100 Privilege of witnesses and others at courts-martial.
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- 101A Powers to compel attendance of witnesses
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117	Saving for functions of Judge Advocate General.
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118A	Consecutive terms of imprisonment and detention.
119	Duration of sentences of imprisonment and detention.
119A	Limitation of total period of sentences of detention.
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- 123 Supplementary provisions relating to regulations and rules under ss. 121 & 122.
- 124 Restrictions on serving of sentences of detention in prisons.
- 125 Special provisions as to civil prisons in the United Kingdom.
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- 127 Country in which sentence of imprisonment or detention to be served.
- 128 Application of enactments relating to coroners.
- 129 Duties of governors of prisons and others to receive prisoners.
- 130 Application to military establishments and custody.

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- 131 Trial and punishment of offences under this Act notwithstanding offender ceasing to be subject to this Act.
- 132 Limitation of time for trial of offences under this Act.

*Relations between air-force law and civil courts and finality of trials*

- 133 Jurisdiction of civil courts.
- 133A Financial penalty enforcement orders.
- 134 Persons not to be tried under this Act for offences already disposed of.

*Inquiries*

- 135 Boards of inquiry.
- 136 Inquiries into absence.
- 137 Unit 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.

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- 143 Interpretation of Part II.

**PART III**

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- 144 Forfeitures and deductions: general provisions.
- 145 Forfeiture of pay for absence from duty.
- 146 Deduction for payment of civil penalties.
- 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.

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- 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.
- 152 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 Billeting requisitions.
- 155 Premises in which billets may be provided.
- 156 Provision of billets.
- 157 Billeting schemes.
- 158 Accommodation to be provided and payment therefor.
- 159 Appeals against billeting.
- 160 Compensation for damage.
- 161 Refusal to receive persons billeted, etc.
- 162 Application to civilians employed with air force.
- 163 Local authority.
- 164 Suspension of laws against billeting.

##### *Requisitioning of vehicles*

- 165 Requisitioning orders.
- 166 Provision of vehicles.
- 167 Period for which vehicles to be furnished.
- 168 Payment for vehicles furnished.
- 169 Avoidance of hardship in requisitioning of vehicles.
- 170 Record and inspection of mechanically propelled vehicles.
- 171 Enforcement of provisions as to requisitioning.
- 172 Application to aircraft and stores.
- 173 Liability of Crown for damage by vehicles being delivered for requisitioning.

##### *General*

- 174 Bringing into operation of ss. 154 and 165.
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- 176 Interpretation of Part IV.

#### **PART V**

#### GENERAL PROVISIONS

##### *Powers of command*

- 177 Powers of command.
- 178 Powers of command of members of co-operating naval or military forces.

##### *Attachment to naval or military forces*

- 179 Attachment of members of air forces to naval or military forces.



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*Redress of complaints*

- 180 Redress of complaints.
- 181 Complaints by warrant officers, non-commissioned officers and airmen.

*Exemptions for members of regular air force*

- 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 air-force 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.
- 188 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 air-force 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 air force in execution of duty.
- 194 Punishment for aiding malingering.
- 195 Unlawful purchase, etc., of air-force 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 courts 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 air-force pay, pensions, etc.

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- 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 air-force law*

- 205 Persons subject to air-force law: general provisions.
- 206 Persons subject to air-force law: Commonwealth forces.
- 207 Persons subject to air-force law: Colonial forces.
- 208 Persons subject to air-force law: attached members of naval and military forces.
- 208A Application of Act to passengers in H.M. ships and aircraft.
- 209 Application of Act to civilians.

*Application of Act to particular forces*

- 210 Application of Act to reserve and auxiliary forces.
- 211 Modification of certain provisions in relation to women.

*Application to different countries*

- 212 Application to Scotland.
- 213 Application to Northern Ireland.
- 214 Application to Channel Islands and Isle of Man.
- 215 Application to certain overseas territories.
- 216 .....
- 217 .....

*Supplemental provisions*

- 218 Jurisdiction of courts.
- 219 .....
- 220 Provisions as to summary fines in Colonies.
- 221 Execution of orders, instruments, etc.
- 222 Provisions as to active service.
- 223 General provisions as to interpretation.
- 224 Short title, commencement and duration.

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**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 Upon signing the declaration and taking the oath the said...
- 5 The recruiting officer shall by signature attest, in the manner...
- 6 When in accordance with such regulations the recruit is finally...

**SECOND —  
SCHEDULE**

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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 (1) As soon as may be after the furnishing of...
- 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, business...
- 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 is...

*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 .....

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7 .....

*Committal into care—transfer to Scotland*

8 .....

*Committal into care—transfer to Northern Ireland*

9 .....

*Custodial orders*

10 (1) Where a civilian who has attained the minimum age...

*Compensation orders*

11 (1) The court, on finding a civilian guilty of an...

12 (1) The operation of a compensation order made by a...

*Imposition 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 Act to attached Members of Naval and Military Forces**

1 (1) As respects the punishment of a person subject to...

2 For the purposes of the provisions of this Act relating...

3 .....

3A Notwithstanding anything in section two hundred and one of this...

3B In relation to a person subject to air-force law as...

4 .....

5 In proceedings under this Act against a person subject to...

6 In the application of this Act to a person subject...

7 In relation to a person subject to air-force 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...

11 In relation to officers, warrant officers non-commissioned officers and marines...

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