



# Air Force Act 1955 (repealed)

1955 CHAPTER 19 3 and 4 Eliz 2

## PART II

### DISCIPLINE AND TRIAL AND PUNISHMENT OF AIR-FORCE OFFENCES

#### *Misconduct in action and other offences arising out of air-force service*

#### 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

#### [<sup>F1</sup>24] **Misconduct in action.**

- (1) A person subject to air-force law shall be guilty of an offence against this section if, without lawful excuse, he—
  - (a) surrenders any place or thing to the enemy,or
  - (b) abandons any place or thing which it is his duty to defend against the enemy or to prevent from falling into the hands of the enemy.
- (2) A person subject to air-force law shall be guilty of an offence against this section if, being in the presence or vicinity of the enemy, or being engaged in any action or operation against the enemy or under orders to be prepared for any action or operation by or against the enemy, he—
  - (a) fails to use his utmost exertions to carry the lawful orders of his superior officers into execution, or
  - (b) while on guard duty and posted or ordered to patrol, or while on watch, sleeps or, without having been regularly relieved, leaves any place where it is his duty to be, or

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- (c) behaves in such a manner as to show cowardice, or induces any other person so to behave at a time when that other person, being a member of Her Majesty's forces or of a force co-operating with Her Majesty's forces, is in the presence or vicinity of the enemy, or is engaged in any action or operation against the enemy or under orders to be prepared for any action or operation by or against the enemy, or
  - (d) uses words likely to cause despondency or unnecessary alarm.
- (3) A person guilty of an offence against this section shall, on conviction by court-martial, be liable—
- (a) if the offence consisted in an act or omission falling within subsection (1) or paragraph (a) of subsection (2) and was committed with intent to assist the enemy, to suffer death or any less punishment provided by this Act;
  - (b) in any other case, to imprisonment or any less punishment provided by this Act.
- (4) The reference in subsection (2)(a) above to superior officers shall be construed in accordance with section 33(2) of this Act.]

#### **Textual Amendments**

**F1** Ss. 24—26 substituted for ss. 24-28 by [Armed Forces Act 1971 \(c. 33\)](#), **ss. 21(1)(2)**, 78(4)

## **25 Assisting the enemy.**

- (1) A person subject to air-force law shall be guilty of an offence against this section if, knowingly and without lawful excuse, he—
- (a) communicates with, or gives intelligence to, the enemy, or
  - (b) fails to make known to the proper authorities any information received by him from the enemy, or
  - (c) furnishes the enemy with supplies of any description, or
  - (d) having been captured by the enemy, serves with or aids the enemy in the prosecution of hostilities or of measures likely to influence morale, or in any other manner whatsoever not authorised by international usage, or
  - (e) having been captured by the enemy, fails to take, or prevents or discourages any other person subject to service law who has been captured by the enemy from taking, any reasonable steps to rejoin Her Majesty's service which are available to him or, as the case may be, to that other person, or
  - (f) harbours or protects an enemy not being a prisoner of war.
- (2) A person guilty of an offence against this section shall, on conviction by court-martial, be liable—
- (a) if the offence consisted in an act or omission falling within paragraph (a), (b), (c), (d) or (f) of subsection (1) and was committed with intent to assist the enemy, to suffer death or any less punishment provided by this Act,
  - (b) in any other case, to imprisonment or any less punishment provided by this Act.

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## 26 Obstructing operations, giving false air signals, etc.

- (1) A person subject to air-force law shall be guilty of an offence against this section if he does any act likely to imperil the success of any action or operation on the part of any of Her Majesty's forces, or wilfully delays or discourages upon any pretext whatsoever any such action or operation.
- (2) A person subject to air-force law shall be guilty of an offence against this section if, knowingly and without lawful excuse, he gives any false air signal, or alters or interferes with any air signal or any apparatus for giving an air signal.
- (3) A person guilty of an offence against this section shall, on conviction by court-martial, be liable—
  - (a) if the offence was committed with intent to assist the enemy, to suffer death or any less punishment provided by this Act;
  - (b) in any other case, to imprisonment or any less punishment provided by this Act.

## [<sup>F2</sup>27 Prize offences by commanding officers.

- (1) Any person subject to air-force law who, being in command of any of Her Majesty's ships or aircraft—
  - (a) having taken any ship or aircraft as prize, fails to send to the High Court, or to some other prize court having jurisdiction in the case, all the ship papers or aircraft papers, as the case may be, found on board, or
  - (b) unlawfully makes any agreement for the ransoming of any ship, aircraft or goods taken as prize, or
  - (c) in pursuance of any such agreement as aforesaid, or otherwise by collusion, restores or abandons any ship, aircraft or goods taken as prize,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.
- (2) In this section “prize court” means a prize court within the meaning of the <sup>M1</sup>Naval Prize Act 1864, and “ship papers” and “aircraft papers” have the same meanings as in that Act.]

### Textual Amendments

**F2** Ss. 27, 28 inserted by [Armed Forces Act 1971 \(c. 33\)](#), **ss. 3(1)(2)**, 78(4)

### Marginal Citations

**M1** 1864 c. 25.

## 28 Other prize offences.

Any person subject to air-force law who—

- (a) . . . <sup>F3</sup> ill-treats any person who is on board a ship or aircraft when taken as prize, or unlawfully takes from any such person anything in his possession, or
- (b) removes out of any ship or aircraft taken as prize (otherwise than for safe keeping or for the necessary use and service of any of Her Majesty's forces or any forces co-operating therewith) any goods not previously adjudged by

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a prize court within the meaning of the <sup>M2</sup>Naval Prize Act 1864 to be lawful prize, or

- (c) breaks bulk on board any ship or aircraft taken as prize, or detained in exercise of any belligerent right or under any enactment, with intent to steal anything therein,

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.

#### Textual Amendments

**F3** Words repealed by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), ss. 4(1), 16(2), **Sch. 2**

#### Marginal Citations

**M2** 1864 c. 25.

### [<sup>F4</sup>29 Offences by or in relation to sentries, persons on watch etc.

Any person subject to air-force law who—

- (a) while on guard duty and posted or ordered to patrol, or on watch, or under orders to regulate traffic by land, water or air, sleeps or, without having been regularly relieved, leaves any place where it is his duty to be, or
- (b) . . . <sup>F5</sup> uses force against a member of Her Majesty's forces, or of any forces co-operating therewith, who is on guard duty and posted or ordered to patrol, or on watch, or under orders to regulate traffic by land, water or air, or
- (c) by the threat of force compels any such person as is mentioned in paragraph (b) above to let him or any other person pass,

shall be liable, on conviction by court-martial, to imprisonment for a term not exceeding two years or any less punishment provided by this Act.]

#### Textual Amendments

**F4** S. 29 substituted by [Armed Forces Act 1971 \(c. 33\)](#), ss. 4(1)(2), 78(4)

**F5** Words repealed by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), ss. 4(1), 16(2), **Sch. 2**

### [<sup>F6</sup>29A Failure to attend for duty, neglect of duty etc.

Any person subject to air-force law who—

- (a) without reasonable excuse fails to attend for any duty of any description, or leaves any such duty before he is permitted to do so, or
- (b) neglects to perform, or negligently performs, any duty of any description,

shall be liable, on conviction by court-martial, to imprisonment for a term not exceeding two years or any less punishment provided by this Act.]

#### Textual Amendments

**F6** S. 29A inserted by [Armed Forces Act 1971 \(c. 33\)](#), ss. 5(1)(2), 78(4)

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### 30 Looting.

Any person subject to air-force law who—

- (a) steals from, or with intent to steal searches, the person of anyone [<sup>F7</sup>killed, wounded or captured in the course of warlike operations, or killed, injured or detained in the course of operations undertaken by Her Majesty's forces for the preservation of law and order or otherwise in aid of the civil authorities], or
- (b) steals any property which has been left exposed or unprotected in consequence of [<sup>F7</sup>any such operations as are mentioned in paragraph (a) above], or
- (c) takes otherwise than for the public service any vehicle, equipment or stores abandoned by the enemy,

shall be guilty of looting and liable, on conviction by court-martial, to imprisonment or any less punishment provided by this Act.

#### Textual Amendments

**F7** Words substituted by [Armed Forces Act 1971 \(c. 33\), ss. 6\(1\), 78\(4\)](#)

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

**C1** [S. 30](#) extended (E.W.) (S.) by [Rehabilitation of Offenders Act 1974 \(c. 53\), s. 2\(3\)\(a\)](#)

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