



Air Force Act 1955 (repealed)

1955 CHAPTER 19 3 and 4 Eliz 2

PART II

DISCIPLINE AND TRIAL AND PUNISHMENT OF AIR-FORCE OFFENCES

Mutiny and insubordination

31 Mutiny.

- (1) Any person subject to air-force law who—
- takes part in a mutiny^{F1}; having as its object or one of its objects the refusal or avoidance of any duty or service against, or in connection with operations against, the enemy, or the impeding of the performance of any such duty or service, or
 - incites any person subject to service law to take part in such a mutiny, whether actual or intended,
- shall, on conviction by court-martial, be liable to suffer death or any other punishment provided by this Act.
- (2) Any person subject to air-force law who, in a case not falling within the last foregoing subsection, takes part in a mutiny, or incites any person subject to service law to take part in a mutiny, whether actual or intended, shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.
- (3) In this Act the expression “mutiny” means a combination between two or more persons subject to service law, or between persons two at least of whom are subject to service law—
- to overthrow or resist lawful authority in Her Majesty’s forces or any forces co-operating therewith or in any part of any of the said forces,
 - to disobey such authority in such circumstances as to make the disobedience subversive of discipline, or with the object of avoiding any duty or service against, or in connection with operations against the enemy, or

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- (c) to impede the performance of any duty or service in her Majesty's forces or in any forces co-operating therewith or in any part of any of the said forces;^{F1}

Textual Amendments

F1 Words repealed by [Armed Forces Act 1971 \(c. 33\)](#), s. 78(4), [Sch. 4 Pt. I](#)

32 Failure to suppress mutiny.

Any person subject to air-force law who, knowing that a mutiny is taking place or is intended,—

- (a) fails to use his utmost endeavours to suppress or prevent it, or
 (b) fails to report without delay that the mutiny is taking place or is intended,

shall on conviction by court-martial,—

- (i) if his offence was committed with intent to assist the enemy, be liable to suffer death or any other punishment provided by this Act,
 (ii) in any other case, be liable to imprisonment or any less punishment provided by this Act.

33 Insubordinate behaviour.

- (1) Any person subject to air-force law who—

- (a) ^{F2}uses violence to, or offers violence to, his superior officer, or
 (b) uses threatening or insubordinate language to his superior officer,

shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act:

[^{F3} Provided that it shall be a defence for any person charged under this subsection to prove that he neither knew nor had reasonable cause to believe that the person in relation to whom the offence is alleged to have been committed was his superior officer.]

- (2) In the foregoing provisions of this section the expression “superior officer”, in relation to any person, means an officer, warrant officer or non-commissioned officer of the regular air force of superior rank, and includes an officer, warrant officer or non-commissioned officer of that force of equal rank but greater seniority while exercising authority as the said person's superior.

Textual Amendments

F2 Words repealed by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), ss. 4(1), 16(2), [Sch. 2](#)

F3 [S. 33\(1\)](#) proviso substituted by [Armed Forces Act 1971 \(c. 33\)](#), ss. [8\(1\)](#), 78(4)

[^{F4}34 Disobedience to lawful commands.

Any person subject to air-force law who, whether wilfully or through neglect, disobeys any lawful command (by whatever means communicated to him) shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.]

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Textual Amendments

F4 S. 34 substituted by [Armed Forces Act 1971 \(c. 33\), ss. 8\(2\), 78\(4\)](#)

VALID FROM 01/10/1996

[34A ^{F5}Failure to provide a sample for drug testing.

(1) Any person subject to military law who, when requested to do so by a drug testing officer, fails to provide a sample of his urine for testing for the presence of drugs shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding six months or any less punishment provided by this Act.

(2) For the purposes of this section—

“drug” means any drug which is a controlled drug for the purposes of the ^{M1}Misuse of Drugs Act 1971; and

“drug testing officer” means an officer, warrant officer or non-commissioned officer who is authorised by or in accordance with Queen’s Regulations for the purpose of supervising the conduct of tests for the presence of drugs.]

Textual Amendments

F5 S. 34A inserted (1.10.1996) by [1996 c. 46, s. 32\(2\)](#); [S.I. 1996/2474, art. 2](#)

Marginal Citations

M1 [1971 c. 38.](#)

VALID FROM 28/02/2002

[^{F6}34B Failure to provide sample after serious incident

Any person subject to air-force law who, without reasonable excuse, fails to comply with a request made under subsection (3) or (4) of section 32 of the Armed Forces Act 2001 (powers to test for alcohol or drugs after serious incident) shall be guilty of an offence and shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding six months or any less punishment provided by this Act.]

Textual Amendments

F6 S. 34B inserted (28.2.2002) by [2001 c. 19, ss. 32\(9\), 39\(2\)](#), [Sch. 5 para. 3](#), [S.i. 2002/345, arts. 2,3](#)

35 Obstruction of provost officers.

Any person subject to air-force law who—

(a) obstructs, or

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(b) when called on, refuses to assist,

[^{F7}any provost officer, or any person] (whether subject to air-force law or not) legally exercising authority under or on behalf of a provost officer, 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.

[^{F8}Provided that it shall be a defence for any person charged under this section to prove that he neither knew nor had reasonable cause to believe that the person in relation to whom the offence is alleged to have been committed was a provost officer or, as the case may be, a person legally exercising authority under or on behalf of a provost officer.]

Textual Amendments

F7 Words substituted by [Armed Forces Act 1971 \(c. 33\)](#), **ss. 9(1)(a)**, 78(4)

F8 [S. 35](#) proviso inserted by [Armed Forces Act 1971 \(c. 33\)](#), **ss. 9(1)(b)**, 78(4)

36 Disobedience to standing orders.

- (1) Any person subject to air-force law who contravenes or fails to comply with any provision of orders to which this section applies, being a provision known to him, or which he might reasonably be expected to know, 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) This section applies to standing orders or other routine orders of a continuing nature made for any formation or unit or [^{F9}body of Her Majesty's forces], or for any command or other area, garrison or place, or for any ship, train or aircraft.

Textual Amendments

F9 Words substituted by [Armed Forces Act 1971 \(c. 33\)](#), **ss. 10(2)**, 78(4)

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