



# Air Force Act 1955

1955 CHAPTER 19 3 4 Eliz2

## 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—
- (a) takes part in a mutiny involving the use of violence or the threat of the use of violence, or 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
  - (b) 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—
- (a) 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,
  - (b) 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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*Status: This is the original version (as it was originally enacted).*

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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 ; and in this section the expression " service law " means air-force law, the Naval Discipline Act or military law.

### **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) strikes or otherwise 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:

Provided that he shall not be liable to be imprisoned for more than two years if the offence was not committed on active service and did not involve the striking or other use of violence, or offering of violence, to a superior officer exercising authority as such.

(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.

### **34 Disobedience to particular orders**

(1) Any person subject to air-force law who, in such manner as to show a wilful defiance of authority, disobeys any lawful command given or sent to him personally shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

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

Provided that if the offence was not committed on active service he shall not be liable to be imprisoned for more than two years.

**35 Obstruction of provost officers**

Any person subject to air-force law who—

- (a) obstructs, or
- (b) when called on, refuses to assist,

any person known to him to be a provost officer, or to be a 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.

**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 body of the air force, or for any command or other area, garrison or place, or for any ship, train or aircraft.