



# Air Force Act 1955

1955 CHAPTER 19 3 4 Eliz2

## PART II

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

#### *Punishments*

#### **71 Punishment of officers**

- (1) The punishments which may be awarded to an officer by sentence of a court-martial under this Act are, subject to the limitations hereinafter provided on the powers of certain courts-martial, those set out in the following scale; and in relation to an officer references in this Act to punishments provided by this Act are references to those punishments.
- (2) The said scale is:—
  - (a) death;
  - (b) imprisonment;
  - (c) cashiering;
  - (d) dismissal from Her Majesty's service ;
  - (e) forfeiture in the prescribed manner of seniority of rank;
  - (f) severe reprimand or reprimand;
  - (g) where the offence has occasioned any expense, loss or damage, stoppages.
- (3) For the purposes of this Part of this Act a punishment specified in any paragraph of the said scale shall be treated as less than the punishments specified in the preceding paragraphs, and greater than those specified in the following paragraphs, of the scale.
- (4) Save as expressly provided in this Act, not more than one punishment shall be awarded by a court-martial for one offence.
- (5) Stoppages may be awarded by a court-martial either in addition to or without any other punishment.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (6) A severe reprimand or reprimand may be awarded by a court-martial in addition to forfeiture of seniority of rank.
- (7) Where an officer is sentenced by a court-martial to imprisonment he shall also be sentenced to be cashiered:

Provided that if the court-martial fails to sentence him to be cashiered, the sentence of imprisonment shall not be invalid but shall be deemed to include a sentence of cashiering.

## 72 **Punishment of W.O.S, N.C.O.S and airmen**

- (1) The punishments which may be awarded to a warrant officer, non-commissioned officer or airman by sentence of a court-martial under this Act are, subject to the limitations hereinafter provided on the powers of certain courts-martial, those set out in the following scale ; and in relation to a warrant officer, non-commissioned officer or airman references in this Act to punishments provided by this Act are references to those punishments.
- (2) The said scale is:—
- (a) death;
  - (b) imprisonment;
  - (c) discharge with ignominy from Her Majesty's service ;
  - (d) in the case of a warrant officer, dismissal from Her Majesty's service;
  - (e) detention for a term not exceeding two years ;
  - (f) in the case of a warrant officer or non-commissioned officer, reduction to the ranks or any less reduction in rank;
  - (g) in the case of a warrant officer or non-commissioned officer, forfeiture in the prescribed manner of seniority of rank;
  - (h) where the offence is desertion, forfeiture of service ;
  - (i) in the case of a warrant officer or non-commissioned officer, severe reprimand or reprimand ;
  - (j) where the offence was committed on active service, forfeiture of pay for a period beginning with the day of the sentence and not exceeding ninety days ;
  - (k) where the offence is drunkenness, a fine;
  - (l) where the offence has occasioned any expense, loss or damage, stoppages.
- (3) For the purposes of this Part of this Act a punishment specified in any paragraph of the said scale shall be treated as less than the punishments specified in the preceding paragraphs, and greater than those specified in the following paragraphs, of the scale:
- Provided that detention shall not be deemed to be a less punishment than imprisonment if the term of detention is longer than the term of imprisonment.
- (4) Save as expressly provided in this Act, not more than one punishment shall be awarded by a court-martial for one offence.
- (5) A warrant officer, non-commissioned officer or airman sentenced by a court-martial to imprisonment may in addition thereto be sentenced to be discharged with ignominy from Her Majesty's service, and a warrant officer sentenced by a court-martial to imprisonment may in addition thereto be sentenced to dismissal from Her Majesty's service.

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- (6) Where a warrant officer or non-commissioned officer is sentenced by a court-martial to imprisonment or detention, he shall also be sentenced to be reduced to the ranks:  
Provided that if the court-martial fail to sentence him to be so reduced, the sentence shall not be invalid but shall be deemed to include a sentence of reduction to the ranks.
- (7) In the case of a warrant officer or non-commissioned officer a severe reprimand or reprimand may be awarded by a court-martial in addition to forfeiture of seniority of rank.
- (8) For an offence committed on active service forfeiture of pay may be awarded by a court-martial in addition to field punishment, severe reprimand or reprimand.
- (9) Stoppages may be awarded by a court-martial either in addition to or without any other punishment.
- (10) Where an offender has been sentenced by a court-martial (whether under this Act, the Naval Discipline Act or the Army Act, 1955) to detention, then if he is subsequently sentenced by a court-martial under this Act to imprisonment, any part of the sentence of detention which has not been served shall thereupon be remitted by virtue of this subsection.
- (11) Without prejudice to the validity of any award, an offender shall not be kept continuously in detention under this Act for more than two years.

### **73 Field punishment**

- (1) In relation to an offence committed by a warrant officer, non-commissioned officer or airman on active service, the scale set out in subsection (2) of the last foregoing section shall have effect as if after paragraph (e) thereof there were inserted the following paragraph:—  
“(ee) field punishment for a period not exceeding ninety days”,  
and subsection (6) of the last foregoing section shall apply to field punishment as it applies to imprisonment or detention.
- (2) Field punishment shall consist of such duties or drills, in addition to those which the offender might be required to perform if he were not undergoing punishment, and such loss of privileges, as may be provided by or under rules to be made by the Secretary of State, and may include confinement in such place and manner as may be so provided and such personal restraint as may be necessary to prevent the escape of the offender and as may be so provided.
- (3) Rules under this section may contain such incidental and supplementary provisions as appear to the Secretary of State to be requisite for the purposes of the rules.
- (4) The power to make rules conferred by this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.