



# Air Force Act 1955 (repealed)

1955 CHAPTER 19 3 and 4 Eliz 2

## PART V

### GENERAL PROVISIONS

#### *Miscellaneous provisions*

#### 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**

#### **201 Restrictions on reduction in rank of warrant officers and non-commissioned officers.**

- (1) A warrant officer or non-commissioned officer of the regular air force shall not be reduced in rank except by sentence of a court-martial (whether under this Act, [<sup>F1</sup>the <sup>M1</sup>Naval Discipline Act 1957] or the <sup>M2</sup>Army Act 1955) or by order of [<sup>F2</sup>the Defence Council], or of an officer, not below the rank of [<sup>F3</sup>group captain, of captain in the Royal Navy or of colonel], authorised by [<sup>F2</sup>the Defence Council] to act for the purposes of this section.
- (2) An authorisation under the last foregoing subsection may be given generally or subject to such limitations as may be specified by [<sup>F2</sup>the Defence Council].
- (3) For the purposes of subsection (1) of this section reduction in rank does not include reversion from acting rank.

#### Textual Amendments

- F1** Words substituted by virtue of [Naval Discipline Act 1957 \(c. 53\), s. 137\(2\)](#)
- F2** Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)

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**F3** Words substituted by [Armed Forces Act 1971 \(c. 33\), s. 68](#)

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

**C1** [S. 201](#) excluded by [Naval Discipline Act 1957 \(c. 53\), s. 113\(2\), Sch. 2 para. 6](#)

**Marginal Citations**

**M1** [1957 c. 53.](#)

**M2** [1955 c. 18.](#)

**202 Temporary reception in civil custody of persons under escort.**

- (1) Where a person is in air-force custody when charged with, or with a view to his being charged with, an offence against Part II of this Act, it shall be the duty of the governor, superintendent or other person in charge of a prison (not being an air-force prison), or of the person having charge of any police station or other place in which prisoners may be lawfully detained, upon delivery to him of a written order purporting to be signed by the commanding officer of the person in custody to receive him into his custody for a period not exceeding seven days.
- (2) This section shall have effect in the United Kingdom and in any colony.

**203 Avoidance of assignment of or charge on air-force pay, pensions, etc.**

- (1) Every assignment of or charge on, and every agreement to assign or charge, any pay, air-force award, grant, pension or allowance payable to any person in respect of his or any other person's service in Her Majesty's air forces shall be void.
- (2) Save as expressly provided by this Act, no order shall be made by any court the effect of which would be to restrain any person from receiving anything which by virtue of this section he is precluded from assigning and to direct payment thereof to another person.
- (3) Nothing in this section shall prejudice any enactment providing for the payment of any sum to a bankrupt's trustee in bankruptcy for distribution among creditors.
- (4) This section shall have effect in the United Kingdom and in any colony.

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

**C2** [S. 203\(1\)\(2\)](#) excluded (1.8.1996) by [1995 c. 26 ss. 166\(4\)\(5\)\(a\), 167\(4\); S.I. 1996/1675, art. 3\(b\)](#)  
[S. 203\(1\)\(2\)](#) excluded (1.8.1996) by [S.I. 1995/3213 \(N.I.22\), art. 162\(4\)\(5\)\(a\); S.R. 1996/284, art. 3\(1\)\(b\)](#)

[S. 203\(1\)\(2\)](#) excluded (11.11.1999 for the purpose of the exercise of any power to make regulations, otherwise 1.12.2000) by [1999 c. 30, ss. 44\(1\); S.I. 2000/1047, art. 2\(2\)\(d\), Sch. Pt. IV](#)

**204 Power of certain officers to take affidavits and declarations.**

- (1) An officer of the regular air force [<sup>F4</sup>who is of or above the rank of squadron leader or is of the rank of flight lieutenant and is a member of the legal branch of that force] (hereinafter referred to as an "authorised officer") may, at a place outside the United Kingdom, take affidavits and declarations from any of the following persons, that is

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to say, persons subject to air-force law and persons not so subject who are of any description specified in the Fifth Schedule to this Act.

- (2) A document purporting to have subscribed thereto the signature of an authorised officer in testimony of an affidavit or declaration being taken before him in pursuance of this section and containing in the jurat or attestation a statement of the date on which and the place at which the affidavit or declaration was taken and of the full name and rank of that officer shall be admitted in evidence without proof of the signature being the signature of that officer or of the facts so stated.

- [<sup>F5</sup>(3) The power conferred by subsection (1) above may also be exercised by any officer empowered to take affidavits or declarations by section 204(1) of the <sup>M3</sup>Army Act 1955 or section 10(1) of the <sup>M4</sup>Emergency Laws (Miscellaneous Provisions) Act 1953.]

#### Textual Amendments

- F4** Words substituted by [Armed Forces Act 1981 \(c. 55\), s. 19\(4\)](#)  
**F5** [S. 204\(3\)](#) added by [Armed Forces Act 1971 \(c. 33\), s. 70\(3\)](#)

#### Marginal Citations

- M3** 1955 c. 18.  
**M4** 1953 c. 47.

#### [<sup>F6</sup>204A Exclusion of enactments requiring fiat of Attorney General etc. in connection with proceedings.

With the exception of [<sup>F7</sup>subsection (3A)] of section 132 of this Act, no enactment requiring the fiat or consent of the Attorney General or the Director of Public Prosecutions in connection with any proceedings shall have effect in relation to proceedings under this Act.]

#### Textual Amendments

- F6** [S. 204A](#) inserted by [Armed Forces Act 1971 \(c. 33\), s. 45\(1\)](#)  
**F7** Words in [s. 204A](#) substituted (1.1.1992) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\), s. 26\(1\), Sch. 2 para. 6\(1\)](#); [S.I. 1991/2719, art. 2](#)

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