



Air Force Act 1955 (repealed)

1955 CHAPTER 19 3 and 4 Eliz 2

PART VI

APPLICATION OF ACT AND SUPPLEMENTAL 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](#)

Persons subject to air-force law

205 Persons subject to air-force law: general provisions.

- (1) The following persons are subject to air-force law:—
- (a) every officer holding an air forces commission (as defined in subsection (3) of this section) and for the time being employed, or recalled for employment, in Her Majesty's service in any capacity in which he can be required to be employed as the holder of his commission;
 - (b) every officer holding an air forces commission (as defined as aforesaid) who for the time being is not employed, or not employed as mentioned in paragraph (a) of this subsection, but is liable (otherwise than in specified circumstances only) to be recalled to air-force service under Her Majesty;
 - (c) every officer, not subject to air-force law under the foregoing provisions of this section, who is an officer of the Royal Air Force Reserve of Officers or the Royal Air Force Volunteer Reserve and is liable to be called out for training or is an officer of the Training Branch of the Royal Air Force Volunteer Reserve;
 - (d) every officer, not subject to air-force law under the foregoing provisions of this section, who being the holder of an air forces commission (as defined as aforesaid) is employed in Her Majesty's service in employment of which it

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is an express condition that while employed therein he is to be subject to air-force law;

- (e) every officer, not subject to air-force law under the foregoing provisions of this section, who, with the approval of [^{F1}the Defence Council] given subject to an express condition that while in that employment he is to be subject to air-force law, is employed otherwise than in Her Majesty’s service;
- (f) every officer holding a commission in the Royal Auxiliary Air Force who is on the active list (as defined by the regulations for the Royal Auxiliary Air Force) or on the permanent staff of the Royal Auxiliary Air Force, or, being in the Royal Auxiliary Air Force General List or Royal Auxiliary Air Force Reserve of Officers, is doing duty with any body of the regular air force or is ordered on any duty or service for which he is liable as such an officer;
- (g) every warrant officer, non-commissioned officer and airman of the regular air force;
- (h) every warrant officer, non-commissioned officer and man of the air force reserve when called out on permanent service or in aid of the civil power or when undergoing annual or other training (whether in pursuance of an obligation or not), or when otherwise employed in Her Majesty’s service as mentioned in paragraph (d) of this subsection;
- (i) every warrant officer, non-commissioned officer and man of the Royal Auxiliary Air Force when embodied or called out for home defence service, when undergoing training or attending drills or parades (whether in pursuance of an obligation or not), or when serving on the permanent staff of the Royal Auxiliary Air Force;
- (j) every person in receipt of a pension in respect of service in the regular air force, or of such service and other service, who is employed in Her Majesty’s service as mentioned in paragraph (d) of this subsection;
- (k) every person not otherwise subject to air-force law who is serving in any force raised by order of Her Majesty outside the United Kingdom and is under the command of an officer holding an air forces commission (as defined as aforesaid).

(2) For the purposes of paragraph (e) of the last foregoing subsection a certificate of [^{F1}the Defence Council] that approval to a person’s employment was given subject to the condition mentioned in that paragraph shall be conclusive evidence of the facts stated in the certificate.

(3) In this section the expression “air forces commission” means a commission in the Royal Air Force, the Royal Air Force Reserve of Officers, the Royal Air Force Volunteer Reserve, the Royal Auxiliary Air Force, the Royal Auxiliary Air Force General List, or the Royal Auxiliary Air Force Reserve of Officers.

^{F2}(4)

Textual Amendments	
F1	Words substituted by S.I. 1964/488, Sch. 1 Pt. 1
F2	S. 205(4) repealed by Armed Forces Act 1986 (c. 21, SIF 7:1) , s. 16(2), Sch. 2

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206 Persons subject to air-force law: Commonwealth forces.

Members of a naval, military or air force being a Commonwealth force are subject to air-force law to such extent, and subject to such adaptations and modifications, as may be provided by or under any enactment relating to the attachment of members of such forces.

207 Persons subject to air-force law: Colonial forces.

- (1) Subject to the provisions of this section, where any air force is raised under the law of a colony, any such law—
 - (a) may make provision in relation to that force and the officers, warrant officers, non-commissioned officers and airmen thereof so as to have effect as well when they are outside as when they are within the limits of the colony;
 - (b) may apply in relation to the force and the officers, warrant officers, non-commissioned officers and airmen thereof all or any of the provisions of this Act, either with or without adaptations, modifications or exceptions.
- (2) Where any air force raised under the law of a colony is serving with part of the regular air force, the air force reserve, or the Royal Auxiliary Air Force, then in so far as the law of the colony does not provide for the government and discipline of the force and the members thereof this Act shall apply—
 - (a) to the officers thereof as it applies to officers holding air forces commissions (within the meaning of section two hundred and five of this Act) and
 - (b) to the warrant officers, non-commissioned officers and airmen thereof as it applies to warrant officers, non-commissioned officers and airmen of the regular air force,but subject to such adaptations, modifications or exceptions as may be specified in the general orders of the officer, whether air-force, naval or military, but not below the rank of group captain or corresponding rank, commanding the forces with which the force raised in the colony is serving.
- (3) While any officer, warrant officer, non-commissioned officer or airman belonging to a force raised under the law of a colony is attached to, doing duty with, or otherwise acting as part of or with any portion of the regular air force, the air force reserve or the Royal Auxiliary Air Force [^{F3}outside that colony], the foregoing provisions of this section shall not apply in relation to him, but he shall be subject to air-force law by virtue of this subsection and this Act shall apply to him as if he were a member of the regular air force.

Textual Amendments

F3 Words substituted by [Army and Air Force Act 1961 \(c. 52\), s. 35](#)

208 Persons subject to air-force law: attached members of naval and military forces.

Where a member of any of Her Majesty's naval or military forces is attached to any part of the regular air force, the air force reserve or the Royal Auxiliary Air Force he shall while so attached be subject to air-force law; and the provisions of the Sixth Schedule to this Act shall have effect as respects persons subject to air-force law by virtue of this section.

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[^{F4}208A Application of Act to passengers in H.M. ships and aircraft.

Part II of this Act shall, to such extent and subject to such modifications as may be prescribed by regulations made by the Defence Council, apply to persons embarked as passengers on board Her Majesty's ships or aircraft (not being persons who are subject to air-force law by virtue of any of the foregoing provisions of this Act, or persons who are subject to air-force law or to the ^{M1}Naval Discipline Act 1957) as it applies to persons subject to air-force law.]

Textual Amendments

F4 S. 208A inserted by [Armed Forces Act 1971 \(c.33\), s. 72\(1\)](#)

Marginal Citations

M1 1957 c. 53.

209 Application of Act to civilians.

- (1) Subject to the modifications hereinafter specified, where any body of the regular air force is on active service, Part II of this Act shall apply to any person who is employed in the service of that body of the force or any part or member thereof, or accompanies the said body or any part thereof, and is not subject to air-force law, [^{F5}the ^{M2}Naval Discipline Act 1957] or military law apart from this section or any corresponding provisions of that Act or the ^{M3}Army Act 1955, as the said Part II applies to persons subject to air-force law.
- (2) Subject to the modifications hereinafter specified, Part II of this Act shall at all times apply to a person of any description specified in the Fifth Schedule to this Act who is within the limits of the command of any officer commanding a body of the regular air force outside the United Kingdom and is not subject to air-force law, [^{F5}the ^{M4}Naval Discipline Act 1957] or military law apart from this section or any corresponding provisions of that Act or the ^{M5}Army Act 1955, as the said Part II applies to persons subject to air-force law:

Provided that none of the provisions contained in sections twenty-four to sixty-nine of this Act shall apply to a person by virtue only of this subsection [^{F6}except section 29, sections 35 and 36, sections 55 to 57, and section 68 so far as it relates to those sections].

- (3) The said modifications are the following:
 - [^{F7}(a) on a trial—
 - (i) a court-martial may award the punishment specified in paragraphs (a), (b) and (h) of section 71(1) above, except that section 71(5)(a) above shall not apply to the amount of a fine;
 - (ii) a Standing Civilian Court established under the ^{M6}Armed Forces Act 1976 may award any punishment authorised for such courts by section 8 of that Act; and
 - (iii) a court-martial or Standing Civilian Court may make any order authorised by Schedule 5A below;
 - (aa) any such order shall be treated as a punishment for the purposes of this Act;
 - (ab) paragraph 15 of Schedule 5A below shall have effect in substitution for the words in section 71(1) above from “and references in this Act” to the end;]

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- (b) the punishment which may be awarded where a charge is dealt with summarily shall, in the case of any offence, be a fine not exceeding [^{F8}£100], but no other punishment;
 - (c) the following provision shall have effect in substitution for subsections (2) to (4) of section seventy-four, that is to say that a person may be arrested by a provost officer, by any warrant officer or non-commissioned officer legally exercising authority under a provost officer or on his behalf, or by order of any officer of the regular air force;
 - (d) where a charge is being dealt with summarily and it [^{F9}is considered] that the accused is guilty, a finding shall not be recorded until after the accused has been afforded an opportunity of electing to be tried by court-martial, and if the accused so elects [^{F10}and does not subsequently in accordance with Rules of Procedure withdraw his election] a finding shall not be recorded but such steps shall be taken with a view to the charge being tried by court-martial as may be prescribed by Rules of Procedure;
 - (e) the provisions of this Act relating to the investigation of, and summary dealing with, offences shall save as otherwise expressly provided apply as they apply to officers and warrant officers;
 - (f) for the purposes of the provisions of this Act relating to the investigation of offences, the commanding officer shall be such officer as may be determined by or under regulations of [^{F11}the Defence Council] made for the purposes of this section;
- [^{F12}(fa) a court-martial for the trial of any such person as is mentioned in subsection (1) or (2) above may include in place of the corresponding number of officers—
- (i) if it is a general court-martial constituted under section 87 above, not more than two persons who are in the service of the Crown and are persons such as are mentioned in subsection (1) or (2) above, and
 - (ii) if it is a district court-martial constituted under section 88 above, not more than one person who is in the service of the Crown and is himself a person such as is mentioned in either of those subsections,

but a person who is a member of a court-martial by virtue of this paragraph shall not be appointed the president of the court-martial;

(fb)]

- [^{F13}(g) for references in sections one hundred and thirty-one and one hundred and thirty-two of this Act to being, continuing, or ceasing to be subject to air-force law there shall be substituted references to being, continuing to be or ceasing to be in such circumstances that the said Part II applies, and subsection (3) of the said section one hundred and thirty-one shall not apply.

[^{F14}(3A) For the purposes of paragraph (g) of subsection (3) of this section a person shall be deemed not to have ceased to be in such circumstances as are mentioned in that paragraph if he has so ceased by reason only of one or both of the following, namely—

- (a) the fact that he has ceased to be within the limits of a command within whose limits he continues to have his ordinary residence or to serve or to be employed;
- (b) the fact that there has been an interruption of his residence with a family of persons whose place of residence continues to be his home.]

[^{F15} In their application to any area for which Standing Civilian Courts are established [^{F16}(3B)] under the [^{M7}Armed Forces Act 1976—

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- (a) section 75(2) above shall have effect as if references to the assembling of a court-martial for a person's trial included references to his being brought before a Standing Civilian Court;
- (b) section 103(1) above shall have effect—
- (i) as if the words “with respect to the hearing by courts-martial of appeals pursuant to paragraph 18 of Schedule 3 to the ^{M8}Armed Forces Act 1976 against finding and sentences of Standing Civilian Courts established under that Act” were inserted after the word “authorities”;
 - and
 - (ii) as if the words “and may prescribe modifications of sections 76, 77, 79 and 80 above in relation to charges which may be tried by Standing Civilian Courts and which are brought against persons whom such courts may try” were added at the end; and
- (c) subsection (3) above shall have effect in relation to charges which may be tried by Standing Civilian Courts and which are brought against persons whom such courts may try, but without prejudice to its effect in relation to other charges, as if the following paragraph were substituted for paragraph (e):—
- “(e) sections 76, 77, 79 and 80 above shall apply as they apply to officers and warrant officers, subject to such modifications consequential on the establishment of Standing Civilian Courts as may be prescribed by Rules of Procedure and by any order under paragraph 12 of Schedule 3 to the Armed Forces Act 1976;”].
- [^{F17}(4) A fine awarded against any person by virtue of this section by a court-martial, a Standing Civilian Court or the appropriate superior authority, and a sum which an order under paragraph 11 of Schedule 5A below requires any person to pay shall be recoverable, in the United Kingdom or any colony, as a debt due to Her Majesty.
- (4A) The registration of a financial penalty enforcement order under section 133A above shall not affect the power of recovery in a colony conferred by subsection (4) above.
- (4B) Section 199 above shall apply to persons such as are mentioned in subsection (1) or (2) above, as it applies to persons subject to [^{F18}air force law]].
- [^{F19}(5) This section does not apply to any person to whom section 208A above applies.]

Textual Amendments

- F5** Words substituted by virtue of [Naval Discipline Act 1957 \(c. 53\)](#), **s. 137(2)**
- F6** Words substituted by [Armed Forces Act 1971 \(c. 33\)](#), s. 78(4), **Sch. 1 para. 1(9)(a)**
- F7** [S. 209\(3\)\(a\)\(aa\)\(ab\)](#) substituted for s. 209(3)(a) by [Armed Forces Act 1976 \(c. 52\)](#), **Sch. 9 para. 5**
- F8** Words substituted by [Armed Forces Act 1981 \(c. 55\)](#), **Sch. 1 para. 1**
- F9** Words substituted by [Armed Forces Act 1981 \(c. 55\)](#), **Sch. 2 para. 2**
- F10** Words in [s. 209\(3\)](#) inserted (1.1.1992) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\)](#), **s. 11(2)**; [S.I. 1991/2719](#), **art.2**
- F11** Words substituted by [S.I. 1964/488](#), **Sch. 1 Pt. I**
- F12** [S. 209\(3\)\(fa\)](#) inserted by [Armed Forces Act 1976 \(c. 52\)](#), **s. 9(1)**
- F13** [S. 209\(3\)\(fb\)](#) repealed by [Armed Forces Act 1981 \(c. 55\)](#), **Sch. 5 Pt. II**
- F14** [S. 209\(3A\)](#) inserted by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), **s. 8(1)**
- F15** [S. 209\(3A\)](#) inserted by [Armed Forces Act 1976 \(c. 52\)](#), **Sch. 9 para. 6**
- F16** [S. 209\(3A\)](#) renumbered as subsection (3B) by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), **s. 8(1)**
- F17** [S. 209\(4\)\(4A\)\(4B\)](#) substituted for s. 209(4) by [Armed Forces Act 1976 \(c. 52\)](#), **Sch. 9 para. 7**

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F18 Words substituted by [Armed Forces Act 1981 \(c. 55\), Sch. 1 para. 2](#)

F19 [S. 209\(5\)](#) added by [Armed Forces Act 1971 \(c. 33\), s. 72\(2\)](#)

Marginal Citations

M2 1957 c. 53.

M3 1955 c. 18.

M4 1957 c. 53.

M5 1955 c. 18.

M6 1976 c. 52.

M7 1976 c. 52.

M8 1976 c. 52.

Application of Act to particular forces

210 Application of Act to reserve and auxiliary forces.

(1) Subject to the provisions of this section, references in Parts II to V of this Act to the regular air force shall include references to the following persons, that is to say—

- (a) officers of any reserve of officers when undergoing training or when serving with a body of the regular air force or a body of the air force reserve called out on permanent service, and
- (b) officers who have retired (within the meaning of any order under section two of the ^{M9}Air Force (Constitution) Act 1917) but are for the time being subject to air-force law, and
- (c) officers holding commissions in the Royal Auxiliary Air Force while the part of the Royal Auxiliary Air Force to which they belong is embodied or while they are called out for home defence service or are undergoing training, and
- (d) warrant officers, non-commissioned officers and men of the air force reserve and the Royal Auxiliary Air Force while subject to air-force law;

and references to officers, warrant officers, non-commissioned officers or airmen, or to members or a body, of the regular air force or to illegal absence from that force shall be construed accordingly.

(2) Subsections (1)

and (4) of section seventeen of this Act shall apply to warrant officers, non-commissioned officers and men of the air force reserve and the Royal Auxiliary Air Force as they apply to warrant officers, non-commissioned officers and airmen of the regular air force.

(3) ^{F20}(4) ^{F21}, sections one hundred and fifty to one hundred and fifty-three of this Act and, except in so far as they may be applied by regulations made under [^{F22}the ^{M10}Reserve Forces Act 1980], the provisions of Part II of this Act relating to the award of stoppages and the provisions of sections one hundred and forty-four to one hundred and forty-nine of this Act, shall not apply—

- (a) to officers of any reserve of officers who are not in actual service,
- (b) to warrant officers, non-commissioned officers or men of the air force reserve except when called out on permanent service or
- (c) to officers, warrant officers, non-commissioned officers or men of the Royal Auxiliary Air Force except when the part of the Royal Auxiliary Air Force

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to which they belong is embodied or they are called out for home defence service.

- (5) In the last foregoing subsection the expression “actual service”, in relation to an officer of any reserve of officers, means that he is serving (otherwise than when undergoing training) with a body of the regular air force, or of the air force reserve when called out on permanent service, or with [^{F23}members of the Royal Auxiliary Air Force who are serving in pursuance of [^{F24}section 10(1) of the ^{M11}Reserve Forces Act 1980] or called out for home defence service.]
- (6) The provisions of sections one hundred and eighty-two and one hundred and eighty-three of this Act shall not apply at any time to officers holding commissions in the Royal Auxiliary Air Force, Royal Auxiliary Air Force General List, or Royal Auxiliary Air Force Reserve of Officers or to warrant officers, non-commissioned officers or men of the Royal Auxiliary Air Force; and the provisions of the said section one hundred and eighty-three shall not apply to a warrant officer, non-commissioned officer or man of the air force reserve except when he is called out on permanent service.
- (7) In the case of a non-commissioned officer or man of the Royal Auxiliary Air Force found guilty of an offence by a court-martial or his commanding officer, Part II of this Act shall apply as if in the scale set out in [^{F25}section 71(1) there were inserted immediately before paragraph (h)] the following paragraph—
- [^{F25}“(gg) dismissal from the Royal Auxiliary Air Force”, and as if the punishments specified in subsection (3) of section seventy-eight of this Act included dismissal from the Royal Auxiliary Air Force:
- Provided that if the commanding officer awards such dismissal he shall not award any other punishment.
- (8) An officer of any reserve of officers, an officer holding a commission in the Royal Auxiliary Air Force or the Royal Auxiliary Air Force General List, or a warrant officer, non-commissioned officer or man of the air force reserve or the Royal Auxiliary Air Force may be attached temporarily to any of Her Majesty’s naval or military forces whether or not he is subject to air-force law, but if not subject thereto shall not be so attached except with his consent.

Textual Amendments

- F20** Ss. 40, 41, 53, 58, 67, 75(3), 81(3), 210(3), Sch. 3 paras. 5, 8, Sch. 6 para. 1(2) repealed by [Armed Forces Act 1971 \(c. 33\)](#), s. 78(4), **Sch. 4 Pt. I**
- F21** Words repealed by [Armed Forces Act 1971 \(c. 33\)](#), s. 78(4), **Sch. 4 Pt. I**
- F22** Words substituted by [Reserve Forces Act 1980 \(c. 9\)](#), s. 157(1), **Sch. 9 para. 5(a)**
- F23** Words substituted by [Reserve Forces Act 1966 \(c. 30\)](#), **Sch. 1 para. 36**
- F24** Words substituted by [Reserve Forces Act 1980 \(c. 9\)](#), s. 157(1), **Sch. 9 para. 5(b)**
- F25** Words substituted by [Armed Forces Act 1971 \(c. 33\)](#), s. 78(4), **Sch. 1 para. 1(10)**

Marginal Citations

- M9** 1917 c. 51.
- M10** 1980 c. 9.
- M11** 1980 c. 9.

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211 Modification of certain provisions in relation to women.

In relation to women members of the regular air force this Act shall have effect subject to the following modifications:—

- (a) if and in so far as regulations made by Her Majesty so provide, for references to any rank there shall be substituted references to such equivalent rank as may be specified by such regulations;
- ^{F26}(b)
- (c) references in sections one hundred and fifty and one hundred and fifty-one to a wife shall be construed as references to a husband.

Textual Amendments

F26 S. 211(b) repealed by [Armed Forces Act 1971 \(c. 33\)](#), s. 78(4), [Sch. 4 Pt. I](#)

Application to different countries

212 Application to Scotland.

- (1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.
- (2) For any reference to a county court there shall be substituted a reference to the sheriff; and the powers and duties conferred or imposed on a justice of the peace may be exercised or performed either by such justice or by the sheriff.
- (3) References in subsection (2) of section one hundred and twenty-five and in subsection (1) of section one hundred and twenty-eight to the ^{M12}Capital Punishment Amendment Act 1868, or to any provision of that Act shall respectively be construed as references to that Act as it applies to Scotland or to the corresponding provision of that Act applying to Scotland, and references in the said subsection (2) and subsection (1) to the sheriff shall be construed as references to the lord provost or provost, or magistrate or magistrates, charged with seeing the sentence of death carried into effect.
- (4) In subsection (2) of section one hundred and twenty-eight for the reference to [^{F27}the Coroners Acts 1887 to 1926][^{F27}the Coroners Act 1988], there shall be substituted a reference to section twenty-five of the ^{M13}Prisons (Scotland) Act 1952, and that section as applied in relation to any such premises as are mentioned in the said subsection (2) shall have effect subject to the necessary modifications.
- ^{F28}(4A) In section 150, at the end of subsection (5), there shall be added the words “and to any sum awarded as inlying expenses in a decree of affiliation and aliment”].
- (5) For any reference to the Minister of Housing and Local Government there shall be substituted a reference to the Secretary of State; and the local authority for the purposes of Part IV of this Act shall be a [^{F29}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].
- (6) Section one hundred and eighty-seven shall have effect as if subsection (4) were omitted.

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- (7) Section one hundred and ninety-five shall have effect as if for the obligation imposed by subsection (4) on the officer therein mentioned to bring a person before a court of summary jurisdiction there were substituted an obligation to report to the procurator fiscal.
- (8) ^{F30} the expression “chattel” means corporeal moveable.
- [^{F31}(9) Where by virtue of this Act a document is admissible in evidence or is evidence of any matter stated in it in proceedings before a civil court in England, it shall be sufficient evidence of the matter so stated in such proceedings in Scotland.]

Textual Amendments

- F27** Words “the Coroners Act 1988” substituted (E.W.) for words “the Coroners Acts 1887 to 1926” by [Coroners Act 1988 \(c. 13, SIF 33\)](#), s. 36(1), **Sch. 3 para. 10**
- F28** [S. 212\(4A\)](#) inserted by [Armed Forces Act 1966 \(c. 45\)](#), **Sch. 4**
- F29** Words in s. 212(5) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 45(2)**; [S.I. 1996/323](#), **art. 4(1)(b)(c)**
- F30** Words repealed by [Army and Air Force Act 1961 \(c. 52\)](#), **s. 29(2)(b)**
- F31** [S. 212\(9\)](#) inserted by [Armed Forces Act 1971 \(c. 33\)](#), **s. 76**

Marginal Citations

- M12** 1868 c. 24.
- M13** 1952 c. 61.

213 Application to Northern Ireland.

- (1) The provisions of this section shall have effect for the purpose of the application of this Act to Northern Ireland.
- (2) ^{F32} all fines imposed in proceedings taken before a court of summary jurisdiction in Northern Ireland shall be dealt with in the manner provided by section twenty of the ^{M14}Administration of Justice Act (Northern Ireland) 1954.
- (3)
- ^{F33}(4) References in subsection (2) of section one hundred and twenty-five and in subsection (1) of section one hundred and twenty-eight to the ^{M15}Capital Punishment Amendment Act 1868, or to any provision of that Act ^{F34} shall ^{F34} be construed as references to that Act or provision as in force from time to time in Northern Ireland ^{F34}, and, accordingly, references in the said subsections to the sheriff shall be construed as references to the under-sheriff.
- (5) References in subsection (2) of section one hundred and twenty-eight to [^{F35}the Coroners Acts 1887 to 1926][^{F35}the Coroners Act 1988], shall be construed as references to section thirty-nine of the ^{M16}Prison Act (Northern Ireland) 1953; and that section as applied in relation to any such premises as are mentioned in the said subsection (2) shall have effect subject to the necessary modifications.
- [^{F36}(5A) Where a financial penalty enforcement order has been registered under section 133A above by a court of summary jurisdiction in Northern Ireland in respect of any person, a justice of the peace may issue a summons to that person requiring him to appear before the court which registered that penalty or a warrant for the arrest of that person.

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(5B) Where a person appears before a court of summary jurisdiction in Northern Ireland in pursuance of a summons or warrant issued under subsection (5A) above, the court may exercise the like powers as are conferred on it by [^{F37}Part IX of the ^{M17}Magistrates' Courts (Northern Ireland) Order 1981] (satisfaction and enforcement of orders).

(5C) A financial penalty enforcement order shall be registered in Northern Ireland under section 133A above in accordance with Magistrates' Courts Rules.]

^{F38}(6)

[^{F39}(6A) The reference in section 151A(1) to any judgment or order enforceable by a court in the United Kingdom shall include a reference to a judgment enforceable by the Enforcement of Judgments Office.]

(7) In Part IV of this Act references to a local authority shall be construed as references to a [^{F40}Health and Social Services Board established under the ^{M18}Health and Personal Social Services (Northern Ireland) Order 1972], references to the Minister of Housing and Local Government shall be construed as references to the [^{F41}Department of Health and Social Services] for Northern Ireland, and references to a chief officer of police shall be construed as references to a [^{F41}chief superintendent of the Royal Ulster Constabulary or any other officer having a rank equivalent to chief superintendent].

(8) For the reference in section one hundred and seventy-three to section thirty-five of the ^{M19}Road Traffic Act 1930, there shall be substituted a reference to section [^{F41}75 of the ^{M20}Road Traffic Act (Northern Ireland) 1970 or any corresponding enactment for the time being in force in Northern Ireland].

(9) For the reference in subsection (4) of section one hundred and eighty-seven to [^{F42}the ^{M21}Magistrates' Courts Act 1980], there shall be substituted a reference to the Summary Jurisdiction Acts (Northern Ireland) and the rules made thereunder.

(10) For the reference in subsection (3) of section two hundred and three to a bankrupt's trustee in bankruptcy there shall be substituted a reference to an assignee in bankruptcy.

(11)^{F43}

Textual Amendments

- F32** Words repealed by Northern Ireland Act 1962 (c. 30), **Sch. 4 Pt. IV**
- F33** S. 213(3) repealed by S.I. 1973/2163, **Sch. 6**
- F34** Words repealed by Northern Ireland (Emergency Provisions) Act 1973 (c. 53), **Sch. 5**
- F35** Words "the Coroners Act 1988" substituted (E.W.) for words "the Coroners Acts 1887 to 1926" by Coroners Act 1988 (c. 13, SIF 33), s. 36(1), **Sch. 3 para. 11**
- F36** S. 213(5A)—(5C) inserted by Armed Forces Act 1976 (c. 52), s. 16, **Sch. 8 para. 4(1)(2)**
- F37** Words substituted by S.I. 1981/1675 (N. I. 26), **Sch. 6 para. 9**
- F38** S. 213(6) repealed (4.11.1996) by S.I. 1995/755 (N.I. 2), art. 185(2), **Sch. 10**; S.R. 1996/297, **art. 2(2)**
- F39** S. 213(6A) inserted by S.I. 1979/298, **art. 2**
- F40** Words substituted by S.R. & O. 1973/256 (N.I.), Sch. 2
- F41** Words substituted by Armed Forces Act 1976 (c. 52), **Sch. 9 para. 8**
- F42** Words substituted by Magistrates' Courts Act 1980 (c. 43), **Sch. 7 para. 13**
- F43** Ss. 20, 213(11), Sch. 2 repealed by Statute Law (Repeals) Act 1977 (c. 18), **Sch. 1 Pt. I**

Status: Point in time view as at 04/11/1996.

Changes to legislation: There are currently no known outstanding effects for the Air Force Act 1955 (repealed), Part VI. (See end of Document for details)

Marginal Citations

- M14** 1954 c. 9 (N.I.)
M15 1868 c. 24.
M16 1953 c. 18 (N.I.)
M17 S.I. 1981/1675 (N.I. 26).
M18 S.I. 1972/1265 (N.I. 14).
M19 1930 c. 43.
M20 1970 c. 2 (N.I.)
M21 1980 c. 43.

214 Application to Channel Islands and Isle of Man.

[^{F44}(1) This Act extends to the Channel Islands and the Isle of Man subject to the following provisions of this section and to such modifications as Her Majesty may by Order in Council specify; and, where any such modifications refers to any law for the time being in force in any of the Channel Islands or the Isle of Man, the modification may be expressed to have effect for all purposes of this Act (and not only in the application of this Act to the Channel Islands or the Isle of Man, as the case may be).]

- (2) Subject as hereinafter provided, references except in Part IV of this Act to the United Kingdom shall be construed as including references to the Channel Islands and the Isle of Man.
- (3) References in sections one hundred and nineteen, one hundred and twenty-six, one hundred and twenty-seven and one hundred and forty-three to the United Kingdom shall not include references to the Channel Islands or the Isle of Man, and references in the said section one hundred and twenty-seven to a colony shall include references to the Channel Islands and the Isle of Man.

^{F45}(4)

Textual Amendments

- F44** S. 214(1) substituted (1.1.1992) by Armed Forces Act 1991 (c. 62, SIF 7:1), s. **24(1)**; S.I. 1991/2719, art. 2
- F45** S. 214(4) repealed (1.6.1996) by Armed Forces Act 1991 (c. 62, SIF 7:1), ss. 24(3), 26(2), Sch. 3; S.I. 1996/1173, art. 2, Sch.

Modifications etc. (not altering text)

- C1** S. 214 applied (11.5.2001) by 2001 c. 19, s. **36(1)**
- C2** S. 214 modified (1.1.1992) by Armed Forces Act 1991 (c. 62, SIF 7:1), s. **24(4)**; S.I. 1991/2719, art. 2
 S. 214 applied (24.7.1996) by 1996 c. 46, s. **36(6)**

215 Application to certain overseas territories.

- (1) This Act shall apply in relation to any territory under Her Majesty's protection, and any territory for the time being administered by Her Majesty's Government in the United Kingdom under the trusteeship system of the United Nations, as it applies in relation to a colony; and accordingly references in this Act to Her Majesty's dominions shall be construed as including references to any such territory.

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- (2) References in this Act to the law of a colony shall include, in relation to two or more colonies under a central legislature, references to law made by that legislature.

^{F46}**216**

Textual Amendments

F46 S. 216 repealed by [Federation of Malaya Independence Act 1957 \(c. 60\)](#), **Sch. 2**

^{F47}**217**

Textual Amendments

F47 Ss. 59, 217 repealed by [Armed Forces Act 1966 \(c. 45\)](#), s. 37(3), **Sch. 5**

Supplemental provisions

218 Jurisdiction of courts.

- (1) In the United Kingdom or any colony, a civil court of any description having jurisdiction in the place where an offender is for the time being shall have jurisdiction to try him for any offence to which this section applies which is triable by a court of that description notwithstanding that the offence was committed outside the jurisdiction of the court:

Provided that such an offence committed in any part of the United Kingdom shall not be triable outside that part of the United Kingdom.

- (2) The offences to which this section applies are offences against any of the following sections of this Act, that is to say, section nineteen, section one hundred and sixty-one, section one hundred and seventy-one, and sections one hundred and ninety-one to one hundred and ninety-seven; and references in this section to a part of the United Kingdom are references to England and Wales, Scotland or Northern Ireland.

^{F48}**219**

Textual Amendments

F48 S. 219 repealed by [Criminal Justice Act 1972 \(c. 71\)](#), **Sch. 6 Pt. II**

220 Provisions as to summary fines in Colonies.

In the application of this Act to any colony, there shall, if the law of the colony so provides, be substituted for the amount of any fine specified in this Act, being a fine which may be imposed on summary conviction, such amount as may be provided by that law; and it shall be competent for the law of any colony to declare what amount

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of the local currency is to be treated for the purposes of this Act as equivalent to any amount of money specified in this Act.

221 Execution of orders, instruments, etc.

Save as expressly provided by any rules or regulations under this Act, any order or determination required or authorised to be made under this Act by any air-force, naval or military officer or authority may be signified under the hand of any officer authorised in that behalf; and any instrument signifying such an order or determination and purporting to be signed by an officer stated therein to be so authorised shall unless the contrary is proved be deemed to be signed by an officer so authorised.

222 Provisions as to active service.

- (1) In this Act the expression “on active service”, in relation to a force, means that it is engaged in operations against an enemy or [^{F49}is engaged elsewhere than in the United Kingdom in operations for the protection of life or property] or (subject to the provisions of this section) is in military occupation of a foreign country, and in relation to a person means that he is serving in or with a force which is on active service.
- (2) Where any of Her Majesty’s air forces is serving outside the United Kingdom, and it appears to the appropriate authority that, by reason of the imminence of active service or of the recent existence of active service, it is necessary for the public service that the force should be deemed to be on active service, the appropriate authority may declare that for such period, not exceeding three months, beginning with the coming into force of the declaration as may be specified therein that force shall be deemed to be on active service.
- (3) Where it appears to the appropriate authority that it is necessary for the public service that the period specified in a declaration under the last foregoing subsection should be prolonged or, if previously prolonged under this subsection, should be further prolonged, the appropriate authority may declare that the said period shall be prolonged by such time, not exceeding three months, as may be specified in the declaration under this subsection.
- (4) If at any time while any force—
 - (a) is on active service by reason only of being in military occupation of a foreign country; or
 - (b) is deemed to be on active service by virtue of the foregoing provisions of this section,

it appears to the appropriate authority that there is no necessity for the force to continue to be treated as being on active service, the appropriate authority may declare that as from the coming into operation of the declaration the force shall cease to be, or to be deemed to be, on active service.

- (5) Before any declaration is made under this section, the appropriate authority shall, unless satisfied that it is not possible to communicate with sufficient speed with the Secretary of State, obtain the consent of the Secretary of State to the declaration; and in any case where that consent has not been obtained before the making of a declaration under this section the appropriate authority shall report the making thereof to the Secretary of State with the utmost practicable speed.
- (6) The Secretary of State may, if he thinks fit, direct that any declaration whereby any force is deemed to be, or to continue, on active service shall cease to have effect as

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from the coming into force of the direction; but any direction under this subsection shall be without prejudice to anything done by virtue of the declaration before the coming into force of the direction.

(7) A declaration under this section shall have effect not only as respects the members of the force to which it relates but also as respects other persons the application to whom of any provision of this Act depends on whether that force is on active service.

(8) In this section the expression “the appropriate authority” means—

^{F50}(a)

(b) in relation to any force ^{F51} . . . , the air officer commanding the force, so however that where the force is under the command of a flag officer, general officer or brigadier that officer shall be the appropriate authority.

^{F52}(9)

(10) Any declaration or direction under this section shall come into operation on being published in general orders.

Textual Amendments

F49 Words substituted by [Armed Forces Act 1966 \(c. 45\), s. 20](#)

F50 [S. 222\(8\)\(a\)](#) repealed by [Armed Forces Act 1966 \(c. 45\), ss. 20, 37\(3\), Sch. 5](#)

F51 Words repealed by [Armed Forces Act 1966 \(c. 45\), ss. 20, 37\(3\), Sch. 5](#)

F52 [S. 222\(9\)](#) repealed by [Armed Forces Act 1966 \(c. 45\), ss. 20, 37\(3\), Sch. 5](#)

223 General provisions as to interpretation.

(1) In this Act:—

“acting rank” means rank of any description (however called) such that under Queen’s Regulations a commanding officer has power to order the holder to revert from that rank, and “acting warrant officer” and “acting non-commissioned officer” shall be construed accordingly;

“active service” shall be construed in accordance with the last foregoing section;

“aircraft” means any machine for flying, whether propelled by mechanical means or not, and includes any description of balloon;

“aircraft material” includes

- (a) parts of, and components of or accessories for, aircraft, whether for the time being in aircraft or not;
- (b) engines, armaments, ammunition and bombs and other missiles of any description in, or for use in, aircraft;
- (c) any other gear, apparatus or instruments in, or for use in, aircraft;
- (d) any apparatus used in connection with the taking-off or landing of aircraft or for detecting the movement of aircraft; and
- (e) any fuel used for the propulsion of aircraft and any material used as a lubricant for aircraft or aircraft material;

“airman” (except in Parts I and IV of this Act) does not include a warrant officer or a non-commissioned officer;

“air signal” means any message, signal or indication given, by any means whatsoever, for the guidance of aircraft or a particular aircraft;

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“appropriate superior authority” has the meaning assigned to it by subsection (1) of section seventy-seven and subsection (2) of section eighty-two of this Act;

“arrest” includes open arrest;

“before the enemy”, in relation to a person, means that he is in action against the enemy or about to go into action against the enemy, or is under attack or threat of imminent attack by the enemy;

“civil court” means a court of ordinary criminal jurisdiction but does not, except where otherwise expressly provided, include any such court outside Her Majesty’s dominions;

“civil offence” has the meaning assigned to it by subsection (2) of section seventy of this Act;

“commanding officer” has the meaning assigned to it by subsection (1) of section eighty-two of this Act;

[^{F53}“Commonwealth force” means any of the naval, military or air forces of Canada, the Commonwealth of Australia, New Zealand, [^{F54}South Africa,]India, [^{F55}Pakistan,]Ceylon, Ghana, Malaysia, the Republic of Cyprus, Nigeria, Sierra Leone, Tanganyika, Jamaica, Trinidad and Tobago, Uganda, Kenya, Zanzibar, Malawi, Zambia, Malta, The Gambia, Guyana, Botswana, Lesotho, Singapore, Barbados, Mauritius, Swaziland, Tonga, Fiji, the Bahamas, Bangladesh, Grenada, Seychelles, Solomon Islands, Tuvalu, Dominica, Saint Lucia, Kiribati, Saint Vincent and the Grenadines, Papua New Guinea, Western Samoa, Nauru, the New Hebrides, Zimbabwe, Belize or Antigua and Barbuda [^{F56}or Saint Christopher and Nevis][^{F57}or Brunei or Maldives][^{F58}or Namibia]]

“constable” includes any person (whether within or outside the United Kingdom) having powers corresponding with those of a constable;

“corps” means any such body of the regular air force as may from time to time be declared by order of Her Majesty to be a corps for the purposes of this Act;

“corresponding civil offence” has the meaning assigned to it by subsection (2) of section seventy of this Act;

“corresponding rank”, in relation to any rank or rating of any of Her Majesty’s naval, military or air forces, means such rank or rating of any other of those forces as may be declared by Queen’s Regulations to correspond therewith;

“court-martial”, except where it is otherwise expressly provided, means a court-martial under this Act;

“damage” includes destruction, and references to damaging shall be construed accordingly;

“decoration” includes medal, medal ribbon, clasp and good-conduct badge;

“desertion” shall be construed in accordance with subsection (2) of section thirty-seven of this Act;

“enemy” includes all persons engaged in armed operations against any of Her Majesty’s forces [^{F59}or any forces co-operating therewith], and also includes all armed mutineers, armed rebels, armed rioters and pirates;

“Governor” means, in relation to any colony, the officer, however styled, who is for the time being administering the government of the colony ^{F60}, but where two or more colonies or the parts of any colony are under local

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governments and also under a central government, references to the Governor shall be construed as references to the officer, however styled, who is for the time being administering the central government;

[^{F61}“handles” has the same meaning as in the ^{M22}Theft Act 1968];

“Her Majesty’s air forces”, “Her Majesty’s military forces” or “Her Majesty’s naval forces”^{F62}, except where otherwise expressly provided, does not include any Commonwealth force [^{F63}and references to “Her Majesty’s forces”, except in sections ^{F64} 177, shall be construed accordingly];

except where the context otherwise requires “oath” includes affirmation, and references to swearing shall be construed accordingly;

“property” includes real property in England or Wales or Northern Ireland, heritable property in Scotland, and property outside the United Kingdom of the nature of real property;

“provost officer” means a provost marshal or officer appointed to exercise the functions conferred by or under this Act on provost officers and includes a naval provost marshal, an assistant to a naval provost marshal, and an officer appointed to exercise functions conferred by or under the ^{M23}Army Act 1955, and corresponding with those of a provost officer under this Act;

“public property” means any property belonging to any department of Her Majesty’s Government in the United Kingdom or the Government of Northern Ireland or held for the purposes of any such department;

“Queen’s Regulations” means the Queen’s Regulations for the Royal Air Force;

“regular air force” means all of Her Majesty’s air forces other than the air force reserve and the Royal Auxiliary Air Force, and other than forces raised under the law of a colony, so however that an officer who is retired within the meaning of any order under section two of the ^{M24}Air Force (Constitution) Act 1917, shall not be treated for the purposes of this Act as a member of the regular air force save in so far as is expressly provided by this Act;

“Rules of Procedure” has the meaning assigned to it by section one hundred and three of this Act;

“service”, when used adjectivally, means belonging to or connected with Her Majesty’s air forces or any part of Her Majesty’s air forces;

[^{F65}“service law” means air-force law, military law or the ^{M25}Naval Discipline Act 1957;]

“service property” includes property belonging to any joint association or auxiliary air force association within the meaning of [^{F66}the ^{M26}Reserve Forces Act 1980] or to the Navy, Army and Air Force Institutes;

“ship” includes any description of vessel;

[^{F67}“steals” has the same meaning as in the ^{M27}Theft Act 1968, and references to “stolen goods” shall be construed as if contained in that Act];

“stoppages” means the recovery, by deductions from the pay of the offender, of a specified sum by way of compensation ^{F68} . . .

[^{F69}(1A) Any reference in this Act to Her Majesty’s aircraft is a reference to aircraft in the service of Her Majesty, whether belonging to Her Majesty or not, but does not include a reference to aircraft of a Commonwealth force other than aircraft placed at the disposal of Her Majesty for service with any of Her Majesty’s forces, and any reference to aircraft material shall be construed accordingly.

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- (1B) Any reference in this Act to Her Majesty’s ships is a reference to ships in the service of Her Majesty, whether belonging to Her Majesty or not, but does not include a reference to ships of any Commonwealth force other than ships placed at the disposal of Her Majesty for service with any of Her Majesty’s forces].
- [^{F70}(1C) References in this Act, in relation to any of Her Majesty’s forces, to an officer holding a commission include references to a person to whom a commission is required to be issued; and for the purposes of this Act, where a commission issued to any person takes effect from a date earlier than the date of its issue, that earlier date shall be conclusively presumed to be the date on which the requirement to issue the commission arose.]
- (2) References in this Act to warrant officers, non-commissioned officers or men of the air force reserve being called out on permanent service are references to their being so called out whether in pursuance of [^{F71}section 10 of the ^{M28}Reserve Forces Act 1980] or not, but in Part I of this Act and subsection (2) of section one hundred and sixty-seven thereof do not include references to their being called out [^{F72}in pursuance of section 11 of or paragraph 16(4) or (5) or (6) of Schedule 8 to the Reserve Forces Act 1980]
- (3) Any power conferred by this Act to make provision by regulations, rules or other instrument shall include power to make that provision for specified cases or classes of cases, and to make different provision for different classes of cases, and for the purposes of any such instrument classes of cases may be defined by reference to any circumstances specified in the instrument.
- (4) Any power conferred by the foregoing provisions of this Act to make an order shall be construed as including power, exercisable in the like manner and subject to the like provisions, to vary or revoke the order.

Textual Amendments

- F53** Definition of “Commonwealth force” printed as amended by enactments listed in [Chronological Table of the Statutes, Belize Act 1981 \(c. 52\), Sch. 2 para. 1](#) and [S.I. 1981/1105, Sch. para. 2\(b\)](#)
- F54** Words in the definition of “Commonwealth force” in s. 223(1) inserted (23.3.1995) by [1995 c. 3, s. 1, Sch. para. 3](#)
- F55** Word inserted (*retrospectively*: 1.10.1989) by [Pakistan Act 1990 \(c. 14, SIF 26:30\), s. 1, Sch. para. 3](#)
- F56** Words added by [S.I. 1983/882, art. 5, Sch. para. 1](#)
- F57** Words added by [Brunei and Maldives Act 1985 \(c. 3, SIF 26:9A\), s. 1, Sch. para. 4](#)
- F58** Words in s. 223(1) added (*retrospective to 21. 3. 1990*) by [Namibia Act 1991 \(c. 4, SIF 26:25A\), s. 1, Sch. para. 2 \(with s. 2\(2\)\)](#)
- F59** Words inserted by [Armed Forces Act 1966 \(c. 45\), s. 28\(1\)\(2\)\(4\)](#)
- F60** Words repealed by [Zanzibar Act 1963 \(c. 55\), Sch. 3](#)
- F61** Definition inserted by [Theft Act 1968 \(c. 60\), s. 33\(2\), Sch. 2 Pt. II](#)
- F62** Words repealed with saving by [Armed Forces Act 1981 \(c. 55\), Sch. 5 Pt. I](#)
- F63** Words added by [Armed Forces Act 1966 \(c. 45\), s. 28\(1\)\(2\)\(4\)](#)
- F64** Words repealed by [Armed Forces Act 1976 \(c. 52\), Sch. 10](#)
- F65** Definition inserted by [Armed Forces Act 1971 \(c. 33\), s. 78\(4\), Sch. 1 para. 1\(11\)](#)
- F66** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 17\(2\)\(a\)](#)
- F67** Definition substituted by [Theft Act 1968 \(c. 60\), s. 33\(2\), Sch. 2 Pt. II](#)
- F68** Words in s. 223(1) repealed (1.1.1992) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\), ss. 7\(2\), 26\(2\), Sch. 3; S.I. 1991/2719, art. 2, Sch.](#)
- F69** [S. 223\(1A\)\(1B\)](#) inserted by [Armed Forces Act 1966 \(c. 45\), s. 27\(2\)](#)
- F70** [S. 223\(1C\)](#) inserted (*retrospectively*) by [Armed Forces Act 1986 \(c. 21, SIF 7:1\), s. 16\(1\), Sch. 1 para. 10\(1\)](#)

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- F71** Words substituted by Reserve Forces Act 1980 (c. 9), s. 157(1), **Sch. 9 para. 6(a)**
F72 Words substituted by virtue of Reserve Forces Act 1966 (c. 30), **Sch. 1 para. 37** and Reserve Forces Act 1980 (c. 9), s. 157(1), **Sch. 9 para. 6(b)**

Modifications etc. (not altering text)

- C3** S. 223(2) excluded by Reserve Forces Act 1980 (c. 9), **s. 83**

Marginal Citations

- M22** 1968 c. 60.
M23 1955 c. 18.
M24 1917 c. 51.
M25 1957 c. 53.
M26 1980 c. 9.
M27 1968 c. 60.
M28 1980 c. 9.

224 ^{X1}**Short title, commencement and duration.**

(1) This Act may be cited as the Air Force Act 1955.

^{F73}(2)

Editorial Information

- X1** Unreliable marginal note.

Textual Amendments

- F73** S. 224(2)–(5) repealed by Army and Air Force Act 1961 (c. 52), **s. 1(5)**

Status:

Point in time view as at 04/11/1996.

Changes to legislation:

There are currently no known outstanding effects for the Air Force Act 1955 (repealed), Part VI.