



# Air Force Act 1955 (repealed)

1955 CHAPTER 19 3 and 4 Eliz 2

## PART II

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

#### *Relations between air-force law and civil courts and finality of trials*

#### [<sup>F1</sup>133 Jurisdiction of civil courts.

(1) Where a person subject to air-force law—

- (a) has been tried for an offence by a court-martial or has had an offence committed by him taken into consideration by a court-martial in sentencing him, or
- (b) has been charged with an offence under this Act and has had the charge dealt with summarily by his commanding officer or the appropriate superior authority,

a civil court shall be debarred from trying him subsequently for [<sup>F2</sup>the same, or substantially the same offence]; but except as aforesaid nothing in this Act shall be construed as restricting the jurisdiction of any civil court to try a person subject to this Act for an offence.

(2) For the purposes of this section—

- <sup>F3</sup>(a) .....
- (b) a person shall not be deemed to have had an offence taken into consideration by a court-martial in sentencing him if <sup>F4</sup>. . . the sentence is quashed [<sup>F5</sup>(as well as in a case where the taking into consideration of the offence has been annulled by the <sup>F4</sup>. . . reviewing authority)];
- (c) a case shall be deemed to have been dealt with summarily by the commanding officer or appropriate superior authority notwithstanding that the finding [<sup>F6</sup>or award] of that officer or authority has been quashed, [<sup>F7</sup>on review or quashed or varied by the summary appeal court.]]

*Status: Point in time view as at 01/10/2001. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Air Force Act 1955 (repealed), Section 133. (See end of Document for details)*

### Textual Amendments

- F1** S. 133 substituted by [Armed Forces Act 1966 \(c. 45\), s. 25\(2\)](#)
- F2** Words in s. 133(1) substituted (1.1.1992) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\), s. 26\(1\), Sch. 2 para. 5\(2\)](#); S.I. 1991/2719, [art. 2](#)
- F3** S. 133(2)(a) repealed (1.4.1997) by 1996 c. 46, s. 35(2), [Sch. 7 Pt. II](#); S.I. 1997/304, [art. 2](#) (with [art. 3](#), [Sch. 2](#))
- F4** Words in s. 133(2)(b) repealed (1.4.1997) by 1996 c. 46, s. 35(2), [Sch. 7 Pt. II](#); S.I. 1997/304, [art. 2](#) (with [art. 3](#), [Sch. 2](#))
- F5** Words added by [Armed Forces Act 1981 \(c. 55\), s. 5\(4\)\(a\)](#)
- F6** Words in s. 133(2)(c) inserted (2.10.2000) by 2000 c. 4, s. 25, [Sch. 3 para. 21\(a\)](#); S.I. 2000/2366, [art. 2](#) (with transitional provisions in [art. 2](#), [Sch. para. 14](#))
- F7** Words in s. 133(2)(c) substituted (2.10.2000) by 2000 c. 4, s. 25, [Sch. 3 para. 21\(b\)](#); S.I. 2000/2366, [art. 2](#) (with transitional provisions in [art. 3](#), [Sch. para. 14](#))

### Modifications etc. (not altering text)

- C1** S. 133 extended with modifications by [Armed Forces Act 1976 \(c. 52\), Sch. 3 paras. 1\(2\), 16](#)

### 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](#)

**Status:**

Point in time view as at 01/10/2001. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Air Force Act 1955 (repealed), Section 133.