



# Air Force Act 1955

1955 CHAPTER 19 3 4 Eliz2

## PART VI

### APPLICATION OF ACT AND SUPPLEMENTAL PROVISIONS

#### *Persons subject to air-force law*

#### **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, the Naval Discipline Act or military law apart from this section or any corresponding provisions of that Act or the 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, the Naval Discipline Act or military law apart from this section or any corresponding provisions of that Act or the 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 except subsection (3) of section twenty-nine, sections thirty-five and thirty-six, sections fifty-five to fifty-eight, and section sixty-eight so far as it relates to that subsection and those sections.

- (3) The said modifications are the following:
  - (a) the punishments which may be awarded by a court-martial shall include a fine, but shall not include any other punishment less than imprisonment;

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*Status: This is the original version (as it was originally enacted).*

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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 ten pounds, 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 has been determined 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 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 the Air Council made for the purposes of this section;
  - (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.
- (4) Any fine awarded by virtue of this section, whether by a court-martial or the appropriate superior authority, shall be recoverable, in the United Kingdom or any colony, as a debt due to Her Majesty.