



Air Force Act 1955 (repealed)

1955 CHAPTER 19 3 and 4 Eliz 2

PART VI

APPLICATION OF ACT AND SUPPLEMENTAL PROVISIONS

Supplemental provisions

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 [^{F1}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

Status: Point in time view as at 23/03/1995. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Air Force Act 1955 (repealed), Section 222. (See end of Document for details)

(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 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—

^{F2}(a)

(b) in relation to any force ^{F3} . . . , 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.

^{F4}(9)

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

Textual Amendments

- F1** Words substituted by [Armed Forces Act 1966 \(c. 45\), s. 20](#)
- F2** [S. 222\(8\)\(a\)](#) repealed by [Armed Forces Act 1966 \(c. 45\), ss. 20, 37\(3\), Sch. 5](#)
- F3** Words repealed by [Armed Forces Act 1966 \(c. 45\), ss. 20, 37\(3\), Sch. 5](#)
- F4** [S. 222\(9\)](#) repealed by [Armed Forces Act 1966 \(c. 45\), ss. 20, 37\(3\), Sch. 5](#)

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](#)

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