



# Air Force Act 1955 (repealed)

1955 CHAPTER 19 3 and 4 Eliz 2

## PART VI

### APPLICATION OF ACT AND SUPPLEMENTAL PROVISIONS

#### *Supplemental provisions*

#### **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” [F1 means a person who may act as an appropriate superior authority by virtue of] subsection (2) of section eighty-two of this Act;

[F2 . . .

“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;

[F3 “Commonwealth force” means any of the naval, military or air forces of Canada, the Commonwealth of Australia, New Zealand, [F4 South Africa,] India, [F5 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 [F6 or Saint Christopher and Nevis] [F7 or Brunei or Maldives] [F8 or Namibia [F9 or Cameroon or Mozambique]]]

“constable” includes any person (whether within or outside the United Kingdom) having powers corresponding with those of a constable [F10 but does not include a provost officer or a person exercising authority under or on behalf of a provost officer];

“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;

[F11 “court administration officer” and “the court administration officer” have the meanings assigned to them by section 84A of this Act;]

“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;

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“enemy” includes all persons engaged in armed operations against any of Her Majesty’s forces [<sup>F12</sup>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 <sup>F13</sup>, but where two or more colonies or the parts of any colony are under local 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;

[<sup>F14</sup>“handles” has the same meaning as in the <sup>M1</sup>Theft Act 1968];

“Her Majesty’s air forces”, “Her Majesty’s military forces” or “Her Majesty’s naval forces”<sup>F15</sup>, except where otherwise expressly provided, does not include any Commonwealth force [<sup>F16</sup>and references to “Her Majesty’s forces”, except in sections <sup>F17</sup> 177, shall be construed accordingly];

[<sup>F18</sup>“hospital order” has the meaning assigned to it by section 116A(6) of this Act;]

[<sup>F19</sup>“the judge advocate”, in relation to a court-martial, has the meaning assigned to it by section 84B(1) of this Act;]

[<sup>F20</sup>“judicial officer” means a person appointed under section 75L of this Act;]

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;

[<sup>F21</sup>“the prosecuting authority” has the meaning assigned to it by section 83A(1) of this Act;]

“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 <sup>M2</sup>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 <sup>M3</sup>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;

[<sup>F22</sup>“the relevant time” in relation to a person arrested under section 74 of this Act, means the time of the arrest;]

[<sup>F18</sup>“restriction order” has the meaning assigned to it by section 116A(6) of this Act;]

[<sup>F23</sup>“the Royal Air Force Police” includes the Provost Marshal of the Royal Air Force and any officer appointed to exercise the functions conferred by or under this Act on provost officers;]

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F24 . . .

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

[<sup>F25</sup>“service law” means air-force law, military law or the <sup>M4</sup>Naval Discipline Act 1957;]

[<sup>F26</sup>“service property” includes property belonging to an association established, or having effect as if established, under section 110 of the Reserve Forces Act 1996 or to the Navy, Army and Air Force Institutes.]

“ship” includes any description of vessel;

[<sup>F27</sup>“steals” has the same meaning as in the <sup>M5</sup>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 <sup>F28</sup>. . . .

[<sup>F29</sup>“the summary appeal court” means the court established by section 83ZA of this Act;]

[<sup>F18</sup>“supervision order” has the meaning assigned to it by section 116A(6) of this Act;]

[<sup>F30</sup>(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.

(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].

[<sup>F31</sup>(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.]

[<sup>F32</sup>(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 [<sup>F33</sup>section 10 of the <sup>M6</sup>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 [<sup>F34</sup>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.

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## Textual Amendments

- F1** Words in the definition of “appropriate superior authority” substituted (1.4.1997) by 1996 c. 46, s. 5, **Sch. 1 Pt. IV para. 84(a)**; S.I. 1997/304, **art. 2** (with art. 3, Sch. 2)
- F2** S. 223(1): definition of “arrest” repealed (2.10.2000) by 2000 c. 4, ss. 10, 27, Sch. 1 para. 5(2)(a), **Sch. 4**; S.I. 2000/2366, **art. 2** (with transitional provisions in art. 3, Sch. para. 14)
- F3** 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)**
- F4** Words in the definition of “Commonwealth force” in s. 223(1) inserted (23.3.1995) by 1995 c. 3, s. 1, **Sch. para. 3**
- F5** Word inserted (*retrospectively*: 1.10.1989) by Pakistan Act 1990 (c. 14, SIF 26:30), s. 1, **Sch. para. 3**
- F6** Words added by S.I. 1983/882, **art. 5, Sch. para. 1**
- F7** Words added by **Brunei and Maldives Act 1985 (c. 3, SIF 26:9A)**, s. 1, **Sch. para. 4**
- F8** 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))
- F9** S. 223(1): words in the definition of “Commonwealth force” inserted (7.1.2003) by 2002 c. 39, **Sch. 2 para. 1(b)**
- F10** S. 223(1): words in the definition of “constable” inserted (1.10.2001) by 2001 c. 19, s. 34, **Sch. 6 Pt. 6 para. 49(b)**; S.I. 2001/3234, **art. 2**
- F11** Definition of “court administration officer” in s. 223(1) inserted (1.4.1997) by 1996 c. 46, s. 5, **Sch. 1 Pt. IV para. 84(b)**; S.I. 1997/304, **art. 2** (with art. 3, Sch. 2)
- F12** Words inserted by **Armed Forces Act 1966 (c. 45), s. 28(1)(2)(4)**
- F13** Words repealed by **Zanzibar Act 1963 (c. 55), Sch. 3**
- F14** Definition inserted by **Theft Act 1968 (c. 60), s. 33(2), Sch. 2 Pt. II**
- F15** Words repealed with saving by **Armed Forces Act 1981 (c. 55), Sch. 5 Pt. I**
- F16** Words added by **Armed Forces Act 1966 (c. 45), s. 28(1)(2)(4)**
- F17** Words repealed by **Armed Forces Act 1976 (c. 52), Sch. 10**
- F18** Words in s. 223(1) inserted (31.3.2005) by **Domestic Violence, Crime and Victims Act 2004 (c. 28), s. 60, Sch. 3 para. 2** (with Sch. 12 para. 8); S.I. 2005/579, art. 3(b)
- F19** Definition of “the judge advocate” in s. 223(1) inserted (1.4.1997) by 1996 c. 46, s. 5, **Sch. 1 Pt. IV para. 84(c)**; S.I. 1997/304, **art. 2** (with art. 3, Sch. 2)
- F20** S. 223(1): definition of “judicial officer” inserted (2.10.2000) by 2000 c. 4, s. 10, **Sch. 1 para. 5(2)(b)**; S.I. 2000/2366, **art. 2** (with transitional provisions in art. 3, Sch. para. 14)
- F21** Definition of “the prosecuting authority” in s. 223(1) inserted (1.4.1997) by 1996 c. 46, s. 5, **Sch. 1 Pt. IV para. 84(c)**; S.I. 1997/304, **art. 2** (with art. 3, Sch. 2)
- F22** S. 223(1): definition of “the relevant time” inserted (2.10.2000) by 2000 c. 4, s. 10, **Sch. 1 para. 5(2)(c)**; S.I. 2000/2366, **art. 2** (with transitional provisions in art. 3, Sch. para. 14)
- F23** S. 223(1): definition of “the Royal Air Force Police” inserted (1.10.2001) by 2001 c. 19, s. 34, **Sch. 6 Pt. 6 para. 47**; S.I. 2001/3234, **art. 2**
- F24** Definition of “Rules of Procedure” in s. 223(1) repealed (1.4.1997) by 1996 c. 46, ss. 5, 35(2), Sch. 1 Pt. IV para. 84(e), **Sch. 7 Pt. I**; S.I. 1997/304, **art. 2** (with art. 3, Sch. 2)
- F25** Definition inserted by **Armed Forces Act 1971 (c. 33), s. 78(4), Sch. 1 para. 1(11)**
- F26** Definition of “service property” in s. 223(1) substituted (1.1.1999) by S.I. 1998/3086, **reg. 7**
- F27** Definition substituted by **Theft Act 1968 (c. 60), s. 33(2), Sch. 2 Pt. II**
- F28** 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.**
- F29** S. 223(1): definition of “the summary appeal court” inserted (2.10.2000) by 2000 c. 4, s. 25, **Sch. 3 para. 23**; S.I. 2000/2366, **art. 2** (with transitional provisions in art. 3, Sch. para. 14)
- F30** S. 223(1A)(1B) inserted by **Armed Forces Act 1966 (c. 45), s. 27(2)**

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- F31** S. 223(1C) inserted (*retrospectively*) by Armed Forces Act 1986 (c. 21, SIF 7:1), s. 16(1), **Sch. 1 para. 10(1)**
- F32** S. 223(2) ceases to have effect (1.1.1999) by virtue of S.I. 1998/3086, **reg. 9(1)**
- F33** Words substituted by Reserve Forces Act 1980 (c. 9), s. 157(1), **Sch. 9 para. 6(a)**
- F34** 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)**

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

- C1** S. 223(2) excluded by Reserve Forces Act 1980 (c. 9), **s. 83**

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**Marginal Citations**

- M1** 1968 c. 60.  
**M2** 1955 c. 18.  
**M3** 1917 c. 51.  
**M4** 1957 c. 53.  
**M5** 1968 c. 60.  
**M6** 1980 c. 9.

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**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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