



Air Force Act 1955 (repealed)

1955 CHAPTER 19 3 and 4 Eliz 2

PART II

DISCIPLINE AND TRIAL AND PUNISHMENT OF AIR-FORCE OFFENCES

Punishments available to courts-martial

[^{F1}71 Scale of punishments, and supplementary provisions.

(1) The punishments which may be awarded by sentence of a court-martial under this Act are, subject to the following provisions of this section [^{F2}and section 71A below] and to the limitations hereinafter provided on the powers of certain courts-martial, as follows—

- ^{F3}(a)
- (b) imprisonment,
[detention by virtue of a custodial order made under section 71 AA of this Act;]
- ^{F4}(bb)
[order that the convicted person be disqualified from working with children]
- ^{F5}(bc)
 - (c) dismissal with disgrace from Her Majesty's service,
 - (d) dismissal from Her Majesty's service,
 - (e) detention for a term not exceeding two years,
 - (f) forfeiture of seniority for a specified term or otherwise,
 - (g) reduction to the ranks or any less reduction in rank,
 - (h) fine,
 - (i) severe reprimand,
 - (j) reprimand,
 - (k) in the case of an offence which has occasioned any expense, [^{F6}personal injury] loss or damage, stoppages, and
 - (l) such minor punishments as may from time to time be authorised by the Defence Council;

Status: Point in time view as at 15/10/2007. This version of this provision has been superseded.

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and references in this Act to any punishment provided by this Act are, subject to the limitation imposed in any particular case by the addition of the word “less”, references to any one or more of the said punishments.

For the purposes of this Part of this Act a punishment specified in any of the above paragraphs shall be treated as less than the punishments specified in the paragraphs preceding that paragraph and greater than those specified in the paragraphs following it:

[^{F7} Provided that a punishment such as is mentioned in paragraph (e) of this subsection shall not be treated as a less punishment than a punishment such as is mentioned in paragraph (b) or (bb) if the term of detention is longer than the term of imprisonment or, as the case may be, than the term of detention by virtue of the custodial order.]

- (2) Subsection (1) above shall have effect—
- (a) in relation to a convicted person who is an officer, with the omission of paragraphs (e), (g) and (l),
 - (b) in relation to a convicted person who is a warrant officer, with the omission of paragraphs (f) and (l),
 - (c) in relation to a convicted person who is a non-commissioned officer, with the omission of paragraph (f), and
 - (d) in relation to a convicted person who is an airman, with the omission of paragraphs (f), (g), (i), and (j).
- (3) A person [^{F8}who, otherwise than under section 57(2) of this Act, is] sentenced by a court-martial to imprisonment shall also be sentenced either to dismissal with disgrace from Her Majesty’s service or to dismissal from Her Majesty’s service:

Provided that, if the court-martial fail to give effect to this subsection, their sentence shall not be invalid, but shall be deemed to include a sentence of dismissal from Her Majesty’s service.

- (4) A warrant officer or non-commissioned officer [^{F8}who, otherwise than under section 57(2) of this Act, is] sentenced by a court-martial to imprisonment, to dismissal from Her Majesty’s service (whether or not with disgrace), or to detention, shall also be sentenced to be reduced to the ranks:

Provided that, if the court-martial fail to give effect to this subsection, their sentence shall not be invalid, but shall be deemed to include a sentence of reduction to the ranks.

- (5) The amount of a fine that may be awarded by a court-martial—
- (a) except in the case of an offence against section 70 of this Act, shall not exceed the amount of the offender’s pay for twenty-eight days or, where the offence was committed on active service, fifty-six days, and
 - (b) in the said excepted case—
 - (i) where the civil offence constituting an offence against that section is punishable by a civil court in England only on summary conviction, and is so punishable by a fine, shall not exceed the maximum amount of that fine, and
 - (ii) where the said civil offence is punishable by a civil court in England on indictment (whether or not it is also punishable on summary conviction) by a fine, shall not exceed the maximum amount of that fine;

^{F9}]

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- ^{F10}^{F10}(5A) For the purposes of subsection (5) above, a day’s pay shall be taken to be—
- (a) subject to paragraph (b) below, the gross pay which is, or would apart from any forfeiture be, issuable to the offender in respect of the day on which the punishment is awarded;
 - (b) if the offender is a special member of a reserve force, the gross pay which would have been issuable to him in respect of that day if he had been an ordinary member of that reserve force of the same rank.
- ^{F10}(5B) In subsection (5A)(b) above “special member” and “ordinary member” have the same meaning as in the Reserve Forces Act 1996.]
- ^{F11}[(6) Unless the Secretary of State by order provides that this subsection shall no longer apply, the stoppages awarded by a court-martial in respect of any offence occasioning personal injury of which a person is convicted or any other such offence which is taken into consideration in determining sentence shall not exceed such sum as is for the time being specified by an order made by the Secretary of State.
- (7) The power to make an order under subsection (6) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F1** S. 71 substituted for ss. 71-73 by [Armed Forces Act 1971 \(c. 33\)](#), **ss. 36**, 78(4)
- F2** Words inserted by [Armed Forces Act 1976 \(c. 52\)](#) s. 10(3)(b)
- F3** S. 71(1)(a) repealed (11.5.2001) by 2001 c. 19, ss. 38, 39(3)(g), **Sch. 7 Pt. 4**
- F4** S. 71(1)(bb) inserted by [Armed Forces Act 1981 \(c. 55\)](#), **s. 2(3)(a)**
- F5** S. 71(1)(bc) inserted (11.1.2001) by 2000 c. 43, s. 74, **Sch. 7 para. 21**; S.I. 2000/3302, **art. 2(b)**
- F6** Words in s. 71 inserted (1.1.1992) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\)](#), **s. 7(1)(a)**; S.I. 1991/2719, **art. 2**
- F7** Proviso substituted by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), s. 16(1), **Sch. 1 para. 4**
- F8** Words inserted (*retrospectively*) by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), s. 16(1), **Sch. 1 para. 1(1)(a)**
- F9** Words in s. 71(5) omitted (1.1.1999) by virtue of S.I. 1998/3086, **reg. 3(1)**
- F10** S. 71(5A)(5B) inserted (1.1.1999) by S.I. 1998/3086, **art. 3(2)**
- F11** S. 71(6)(7) inserted (1.1.1992) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\)](#), **s. 7(1)(b)**; S.I. 1991/2719, **art. 2**

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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Changes to legislation:

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