



# Army and Air Force Act 1961

1961 CHAPTER 52 9 and 10 Eliz 2

**U.K.**

An Act to continue, and amend, the Army Act, 1955, and the Air Force Act, 1955; to amend the Courts-Martial (Appeals) Act, 1951; to validate the employment of British protected persons in certain military and air forces; and for purposes connected with the matters aforesaid. [27th July 1961]

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

C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

1 ..... <sup>F1</sup> **U.K.**

**Textual Amendments**

F1 [S. 1](#) repealed by [Armed Forces Act 1966 \(c. 45\), s. 1\(5\)](#)

2 ..... <sup>F2</sup> **U.K.**

**Textual Amendments**

F2 [Ss. 2, 4–7](#) repealed by [S.I. 1967/1018](#)

3 ..... <sup>F3</sup> **U.K.**

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Army and Air Force Act 1961 (repealed). (See end of Document for details)*

**Textual Amendments**

**F3** S. 3 repealed by [Armed Forces Act 1966 \(c. 45\)](#), [Sch. 5](#) and [S.I. 1967/1018](#)

**4—7** ..... <sup>F4</sup> **U.K.**

**Textual Amendments**

**F4** Ss. 2, 4–7 repealed by [S.I. 1967/1018](#)

*Air Force Enlistment*

**8—12.** ..... <sup>F5</sup> **U.K.**

**Textual Amendments**

**F5** Ss. 8–12, 14, 15 repealed by [S.I. 1971/510](#)

**13 Provisions as to forfeiture of service in certain cases.** **U.K.**

- (1) Where on conviction by a court-martial any of an airman’s service is forfeited in consequence of subsection (1) of section seventeen of the <sup>M1</sup>Air Force Act, 1955 (forfeiture of service for desertion) . . . <sup>F6</sup>, and the right conferred by subsection (1) of section nine of this Act to determine his service ceased in his case to be exercisable before the day of the sentence, the forfeiture shall not operate to confer on him any further such right under the last-mentioned subsection.
- (2) Where service of any description forfeited as mentioned in the foregoing subsection is restored under subsection (4) of the said section seventeen to a person who, at the time of the restoration, is serving, or subsequently serves, on terms which entitle him to the right conferred by subsection (1) of section nine of this Act, the restoration shall not operate to alter the date on which, by reason of the operation of subsection (2) of the said section seventeen, his air-force service may be determined in pursuance of an exercise of that right.
- (3) Nothing in the said section seventeen shall require a person whose term of enlistment has been extended under paragraph (a) of subsection (2) of section 9 of this Act or paragraph (c) of subsection (1) of section 11 thereof so as to end at a specified time to serve for any period after that time.
- (4) This section shall apply in relation to the forfeiture of service by virtue of section eighty-one of the <sup>M2</sup>Air Force Act, 1955 (forfeiture of service in case of confession of desertion on direction of the [<sup>F7</sup>Defence Council] or officer provided by Queen’s Regulations that offence shall not be tried by court-martial or dealt with summarily) as it applies in relation to forfeiture of service on conviction by a court-martial, subject to the modification that, for any reference to the day of the sentence, there shall be substituted a reference to the day on which the direction under that section was given.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Army and Air Force Act 1961 (repealed). (See end of Document for details)*

**Textual Amendments**

- F6 Words repealed with savings by [Armed Forces Act 1971 \(c. 33\)](#), [s. 78\(4\)\(a\)](#), Sch. 4 Pt. I
- F7 Words substituted by [S.I. 1964/488](#)

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

- C2 Power to repeal s. 13 given by [Armed Forces Act 1966 \(c. 45\)](#), s. 2(2), [Sch. 1](#)
- C3 [S. 13\(1\)\(2\)](#) amended with the substitution for the references to the right conferred by s. 9(1) of this Act of a reference to the right conferred by regulations made under s. 2(1)(c) of [Armed Forces Act 1966 \(c. 45\)](#) by [S.I. 1971/510](#): [S.I. 1971/510](#) revoked by [S.I. 1977/1097](#), [reg. 13](#), [Sch. 2 Pt. 1](#), subject to a saving in [reg. 13\(2\)](#) in relation to persons in air force service immediately before 1.7.1977, (by [S.I. 1985/1820](#), [reg. 18](#), [Sch. 3](#), [S.I. 1977/1097](#) is revoked subject to a saving in [reg. 18\(3\)](#) in relation to persons in air force service immediately before 1.1.1986)

**Marginal Citations**

- M1 [1955 c. 19](#).
- M2 [1955 c. 19](#).

14 ..... F8 **U.K.**

**Textual Amendments**

- F8 [Ss. 8–12, 14, 15](#) repealed by [S.I. 1971/510](#)

15 ..... F9 **U.K.**

**Textual Amendments**

- F9 [Ss. 8–12, 14, 15](#) repealed by [S.I. 1971/510](#)

*Amendment of Provisions as to Enlistment, Service  
and Discharge of Men of the Royal Marines*

16 **Amendment of provisions as to enlistment, service and discharge of men of the Royal Marines.** **U.K.**

The provisions of the First Schedule to this Act shall have effect for the purpose of making amendments in Part I of the Seventh Schedule to the <sup>M3</sup>Army Act, 1955 (enlistment, service and discharge of men of the Royal Marines), being amendments whose object is to enable such men to be re-engaged more than once and amendments of minor detail.

**Marginal Citations**

- M3 [1955 c. 18](#).

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Army and Air Force Act 1961 (repealed). (See end of Document for details)*

17 .....<sup>F10</sup> **U.K.**

**Textual Amendments**  
F10 S. 17 repealed by S.I. 1972/1922, 1955

*Amendments as to Discipline, &c., applicable alike to Army Act, 1955, and Air Force Act, 1955*

18— .....<sup>F11</sup> **U.K.**  
20.

**Textual Amendments**  
F11 Ss. 18–20 repealed by Armed Forces Act 1971 (c. 33), Sch. 4 Pt. I

21 .....<sup>F12</sup> **U.K.**

**Textual Amendments**  
F12 S. 21 repealed by Theft Act 1968 (c. 60), s. 33(2), Sch. 2 Pt. II

22 **Powers of commanding as of the reduction in acting rank.** **U.K.**

Subsection (4) of section seventy-eight of the Army Act, 1955, and subsection (4) of section seventy-eight of the Air Force Act, 1955 (power of commanding officer, where he finds acting warrant officer or non-commissioned officer guilty of an offence and awards no other punishment or no other punishment except stoppages, to order the accused to revert to his permanent rank), shall each be amended by the addition, at the end thereof, of the words “or to assume an acting rank lower than that held by him but higher than his permanent rank”.

**Modifications etc. (not altering text)**  
C4 The text of ss. 22, 25, 26(1)(2), 27, 29(1)(2)(a), 35, 37(2)(3), Sch. 1 para. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not except as specified reflect any amendments or repeals which may have been made prior to 1.2.1991.

23 .....<sup>F13</sup> **U.K.**

**Textual Amendments**  
F13 S. 23 repealed by Armed Forces Act 1971 (c. 33), Sch. 4 Pt. II

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Army and Air Force Act 1961 (repealed). (See end of Document for details)*

24 .....<sup>F14</sup> **U.K.**

**Textual Amendments**

**F14** S. 24 repealed by [Armed Forces Act 1981 \(c. 55, SIF 7:1\)](#), s. 28, [Sch. 5 Pt. II](#)

25 **Power of authority reviewing summary findings and awards.** **U.K.**

In subsection (3) of section one hundred and fifteen of the Army Act, 1955, and in subsection (3) of section one hundred and fifteen of the Air Force Act, 1955 (which subsections enable an authority reviewing a finding on a charge that has been dealt with summarily to quash the finding, and require an award to be quashed where a finding is quashed) the words “and if the finding is quashed the authority shall also quash the award” shall cease to have effect; and after each of the said subsections there shall be inserted the following subsection:—

“(3) If a finding in any proceedings is quashed under the last foregoing subsection and the award made in those proceedings relates only to the findings quashed, the authority shall also quash the award; and if the award relates also to any other findings and it appears to the authority that the award was not warranted by this Act in respect of that other finding, the authority may vary the the award by substituting such punishment or punishments as the authority may think proper, being a punishment or punishments which could have been included in the original award in relation to that other finding, and not being in the opinion of the authority more severe than the punishment or punishments included in the original award”.

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

**C5** The text of ss. 22, 25, 26(1)(2), 27, 29(1)(2)(a), 35, 37(2)(3), Sch. 1 para. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not except as specified reflect any amendments or repeals which may have been made prior to 1.2.1991.

26 **Amendments as to persons qualified to hold inquiries.** **U.K.**

(1) For subsection (2) of section one hundred and thirty five of the Army Act, 1955 (composition of boards of inquiry) there shall be substituted the following subsection:

“(2) A board of inquiry shall consist of a president, who shall be an officer not below the rank of captain or corresponding rank and be subject to military law, the Naval Discipline Act, 1957, or air-force law, and not less than two other members each of whom shall either be a person so subject or be a person not so subject who is in the service of the Crown”,

and for subsection (2) of section one hundred and thirty-five of the Air Force Act, 1955 (which is the corresponding section of that Act) there shall be substituted the following subsection:—

“(2) A board of inquiry shall consist of a president, who shall be an officer not below the rank of flight-lieutenant or corresponding rank and be subject to air-

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Army and Air Force Act 1961 (repealed). (See end of Document for details)*

force law, the Naval Discipline Act, 1957, or military law, and not less than two other members each of whom shall either be a person so subject or be a person not so subject who is in the service of the Crown”.

(2) In subsection (1) of section one hundred and thirty-seven of the Army Act, 1955 (holding of regimental inquiries by persons subject to military law, the Naval Discipline Act, 1957, or air-force law) for the words “by such person or persons subject to military law, the Naval Discipline Act or air-force law as may be specified by or determined under such regulations”, there shall be substituted the words “by such person or persons as may be specified by or determined under such regulations (being, as the case may be, a person who is subject to military law, the Naval Discipline Act, 1957, or air-force law or, not being so subject, is in the service of the Crown, or persons each of whom is so subject or, not being so subject, is in the service)”, and in subsection (1) of section one hundred and thirty-seven of the Air Force Act, 1955 (which is the corresponding section of that Act) for the words “by such person or persons subject to air-force law, the Naval Discipline Act or military law as may be specified by or determined under such regulations” there shall be substituted the words “by such person or persons as may be specified by or determined under such regulations (being, as the case may be, a person who is subject to air-force law, the Naval Discipline Act, 1957, or military law or, not being so subject, is in the service of the Crown, or persons each of whom is so subject or, not being so subject, is in that service)”.

(2)

(3) ..... F15

**Textual Amendments**  
**F15** S. 26(3) repealed by [Armed Forces Act 1981 \(c. 55, SIF 7:1\)](#), s. 28, [Sch. 5 Pt. II](#)

---

**Modifications etc. (not altering text)**  
**C6** The text of ss. 22, 25, 26(1)(2), 27, 29(1)(2)(a), 35, 37(2)(3), Sch. 1 para. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not except as specified reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Other Amendments applicable alike to Army Act, 1955, and Air Force Act, 1955*

**27 Deduction from pay of civil penalties. U.K.**

(1) For section one hundred and forty-six of the Army Act, 1955 (which authorises deduction from pay of any payment made by a military authority towards meeting the whole or part of any fine, penalty, damages, compensation or costs awarded by a sentence or order of a civil court against a person who at the time ;of the sentence or order is a member of the regular forces) there shall be substituted the following section:—

Where a person sentenced or ordered by a civil court (whether within or without Her Majesty’s dominions) to pay a sum by way of fine, penalty, damages, compensation or costs in consequence of being charged before the court with an offence is at the time of the sentence or order, or subsequently

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Army and Air Force Act 1961 (repealed). (See end of Document for details)*

becomes, a member of the regular forces, then if the whole or any part of that sum is met by a payment made by or on behalf of any military authority, the amount of the payment may be deducted from his pay.”.

- (2) For section one hundred and forty-six of the Air Force Act, 1955 (which makes provision corresponding to that of section one hundred and forty-six of the Army Act, 1955) there shall be substituted a section in other respects similar to that set out in the foregoing subsection but modified by the substitution, for the words “regular forces”, of the words “regular air force” and, for the words “military authority”, of the words “air-force authority”.

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

- C7 The text of ss. 22, 25, 26(1)(2), 27, 29(1)(2)(a), 35, 37(2)(3), Sch. 1 para. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not except as specified reflect any amendments or repeals which may have been made prior to 1.2.1991.

## 28 Extension of power to order compensation for loss occasioned by wrongful act or negligence. **U.K.**

- (1) An order may be made under subsection (2) of section one hundred and forty-seven of the <sup>M4</sup>Army Act, 1955 (which empowers the [<sup>F16</sup>Defence Council] or an officer authorised by them, where it appears to them or him that loss of, or damage to, public or service property has been occasioned by a person while a member of the regular forces, to order that person to pay compensation for the loss or damage), notwithstanding that that person is at the time when the order is made no longer a member of the regular forces, and accordingly in the said subsection (2) after the words “the person responsible” (where first occurring) there shall be inserted the words “(whether or not he is a member of the regular forces at the time when the order is made)”.
- (2) The reference in the foregoing subsection to the <sup>M5</sup>Army Act, 1955, shall be deemed to include a reference to the <sup>M6</sup>Air Force Act, 1955, but that subsection shall, in its application to the last-mentioned Act, have effect with the substitution, . . . <sup>F17</sup>, for the words “regular forces”, in each place where they occur, of the words “regular air force”.

#### Textual Amendments

- F16 Words substituted by [S.I. 1964/488](#)  
F17 Words repealed by [S.I. 1964/488](#)

#### Marginal Citations

- M4 1955 c. 18.  
M5 1955 c. 18.  
M6 1955 c. 19.

## 29 Extension of power of enforcement of maintenance order by deduction from pay. **U.K.**

- (1) Section one hundred and fifty of the Army Act, 1955, and section one hundred and fifty of the Air Force Act, 1955 (which authorise deduction from pay of sums payable

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Army and Air Force Act 1961 (repealed). (See end of Document for details)*

by a person under an order of a civil court for the maintenance of a child of his), shall each be amended by the insertion, in subsection (5), after the second paragraph, of the following paragraph:— “ references to a child of a person include references to a child of his wife, and to an illegitimate. . . . .<sup>F18</sup>child of that person or, of his wife,. . . . .<sup>F18</sup>”

(2) Accordingly,—

- (a) . . . . .<sup>F19</sup> in subsection (3), in the proviso, for the words “an order for payment of a sum for or in respect of the maintenance of an illegitimate child or” there shall be substituted the words “an order adjudging a man to be the father of an illegitimate child, and ordering him to pay a sum of money for or in respect of the maintenance of that child or any order varying or reviving such an order, or any order”
- (b) . . . . .<sup>F20</sup>

**Textual Amendments**

**F18** S. 29(1) repealed in part by S.I. 1987/2203 (N.I. 22), art. 72(3), **Sch. 5 Pt. I**

**F19** S. 29(2)(a) repealed in part by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

**F20** S. 29(2)(b) repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

---

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

**C8** The text of ss. 22, 25, 26(1)(2), 27, 29(1)(2)(a), 35, 37(2)(3), Sch. 1 para. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not except as specified reflect any amendments or repeals which may have been made prior to 1.2.1991.

**30 Persons whose duty it is to sign certificates of arrest or surrender of deserters and absentees. U.K.**

Subsection (1) of section one hundred and eighty-nine of the <sup>M7</sup>Army Act, 1955, and subsection (1) of section one hundred and eighty-nine of the <sup>M8</sup>Air Force Act, 1955 (which require certificates of arrest of deserters and absentees brought before a court of summary jurisdiction to be signed by a justice of the peace), shall, as regards certificates issued after the coming into operation of this section, have effect—

- (a) in their application to England and Wales, with the substitution, for references to a justice of the peace, of references to a justice of the peace or the clerk of the court;
- (b) in their application to Scotland, with the substitution, for references to a justice of the peace, of references to the clerk of the court;
- (c) in their application to Northern Ireland, with the substitution, for references to a justice of the peace, of references to a resident magistrate or the clerk of petty sessions for the petty sessions district in which the court sat;
- (d) in their application to the Isle of Man, with the substitution, for references to a justice of the peace, of references to a justice of the peace or the clerk of the court;
- (e) in their application to the islands of Jersey and Guernsey, with the substitution, for references to a justice of the peace, of references to a magistrate or a person for the time being authorised to act as a magistrate;
- (f) in their application to Alderney, with the substitution, for references to a justice of the peace, of references to the chairman of the Court of Alderney or the person for the time being authorised to act as chairman of that Court;



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Army and Air Force Act 1961 (repealed). (See end of Document for details)*

- (g) in their application to Sark, with the substitution, for references to a justice of the peace, of references to the Seneschal or the Deputy Seneschal;
- (h) in their application to a colony, a territory under Her Majesty's protection or a territory for the time being administered by Her Majesty's government in the United Kingdom under the trusteeship system of the United Nations, with the substitution, for references to a justice of the peace, of references to a magistrate or the official (by whatever designation known) who exercises in the court functions similar to those exercised in England by the clerk of a court of summary jurisdiction.

**Marginal Citations**

**M7** 1955 c. 18.

**M8** 1955 c. 19.

*Extension of penal Provisions of Army Act, 1955, to Acts and Omissions relating to Aircraft and aircraft Material*

**31–34** ..... <sup>F21</sup> **U.K.**

**Textual Amendments**

**F21** Ss. 31–34 repealed with savings by [Armed Forces Act 1971 \(c. 33\)](#), s. 78(4), [Sch. 4 Pt. I](#)

*Colonial, &c., Forces*

**35** **Application of Army Act, 1955, and Air Force Act, 1955, to members of force of colony serving outside it.** **U.K.**

In subsection (3) of section two hundred and seven of the Army Act, 1955 (which provides for the application of that Act to a member of a colonial force who is acting with the regular or other military forces in the United Kingdom and for his being subject to military law) and in subsection (3) of section two hundred and seven of the Air Force Act, 1955 (which makes similar provision in the case of persons acting with the regular or other air forces) for the words “in the United Kingdom” there shall be substituted the words “outside that colony”.

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

**C9** The text of ss. 22, 25, 26(1)(2), 27, 29(1)(2)(a), 35, 37(2)(3), Sch. 1 para. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not except as specified reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Army and Air Force Act 1961 (repealed). (See end of Document for details)*

**36 Provision for employment of British protected persons in colonial, &c., military and air forces. 1700 c. 2. U.K.**

- (1) Section three of the Act of Settlement shall not apply, and shall be deemed never to have applied, so as to prevent a British protected person's being employed as an officer, warrant officer or non-commissioned officer of a military or air force raised under the law of a colony, a territory under Her Majesty's protection, a United Kingdom mandated territory or a United Kingdom trust territory.
- (2) In the foregoing subsection the reference to such law as is therein mentioned shall include, in relation to two or more colonies or territories under a central legislature, a reference to law made by that legislature, and "United Kingdom mandated territory" and "United Kingdom trust territory" have the same meanings as in the <sup>M9</sup>British Nationality Act, 1948.

**Marginal Citations**

M9 1948 c. 56.

*Miscellaneous Provisions*

**37 Amendments consequential on creation of ranks of lance-corporal and lance-bombardier. U.K.**

- (1) If provision is made by the Queen's Regulations for the Army for creating the ranks of lance-corporal and lance-bombardier, the following provisions of this section shall come into operation on the day on which the provision so made takes effect.
- (2) The Army Act, 1955, shall be amended as follows:—
  - (a) after subsection (3) of section seventy-eight there shall be inserted the following subsection:—
 

“(3A) Where the accused is a lance-corporal or lance-bombardier, and the commanding officer finds him guilty, the commanding officer may, if he awards no other punishment or no other punishment except stoppages, order the accused to be reduced to the ranks.”;
  - (b) in subsection (6) of section seventy-eight, for the words “the three last foregoing subsections” there shall be substituted the words “the four last foregoing subsections”;
  - (c) in subsection (1) of section two hundred and one (restrictions on reduction in rank of warrant officers and non-commissioned officers), after the words “non-commissioned officer of the regular forces” there shall be inserted the words “(other than a lance-corporal or lance-bombardier)”;
  - (d) in subsection (1) of section two hundred and twenty-five (general provisions as to interpretation), in the definition of “acting rank”, the words “and references to acting non-commissioned officers shall be construed as including references to lance-corporals and lance-bombardiers” shall be omitted.
- (3) After paragraph 3 of the Sixth Schedule to the Air Force Act, 1955 (application of Act to attached members of naval and military forces), there shall be inserted the following paragraph:—

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Army and Air Force Act 1961 (repealed). (See end of Document for details)*

“(3A) Notwithstanding anything in section two hundred and one of this Act, a commanding officer dealing summarily, under section seventy-eight of this Act, with a lance-corporal or lance-bombardier subject to air-force law as aforesaid may, if he finds him guilty and awards no other punishment or no other punishment except stoppages, order him to be reduced to the ranks”.

(3) For sub-paragraph (1) of paragraph 3 of the principal Schedule, there shall be substituted the following sub-paragraph:—

“(1) Any marine may, if approved by the competent authority as a fit person to continue in Her Majesty’s service as a marine, be re-engaged for any period authorised by regulations of the Admiralty”.

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

**C10** The text of ss. 22, 25, 26(1)(2), 27, 29(1)(2)(a), 35, 37(2)(3), Sch. 1 para. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not except as specified reflect any amendments or repeals which may have been made prior to 1.2.1991.

**38 Minor and consequential amendments of enactments and transitional provisions as to punishment. U.K.**

- (1) The enactments specified in the first column of the Second Schedule to this Act shall have effect subject to the amendments respectively specified in relation thereto in the second column of that Schedule, being minor amendments or amendments consequential on the foregoing provisions of this Act.
- (2) The transitional provisions set out in the Third Schedule to this Act shall have effect in connection with the amendments made by this Act in Part II (discipline and trial and punishment of offences) of the <sup>M10</sup>Army Act, 1955, and of the <sup>M11</sup>Air Force Act, 1955.

**Marginal Citations**

**M10** 1955 c. 18.  
**M11** 1955 c. 19.

*Short Title, Construction and Commencement*

**39 Short title, construction and commencement. U.K.**

- (1) This Act may be cited as the Army and Air Force Act, 1961.
- (2) Any reference in an Act passed before the passing of this Act to an enactment contained in the <sup>M12</sup>Army Act, 1955, or the <sup>M13</sup>Air Force Act, 1955, being an enactment amended by this Act, shall, unless the contrary intention appears, be construed as referring to that enactment as so amended.
- (3) Sections two to sixteen, eighteen to thirty-five and thirty-eight of this Act and the Schedules thereto, except so much of the Second Schedule as amends the <sup>M14</sup>Courts-Martial (Appeals) Act, 1951, shall come into operation on the first day of January, nineteen hundred and sixty-two.

---

**Status:** Point in time view as at 01/02/1991.

**Changes to legislation:** There are currently no known outstanding effects for the Army and Air Force Act 1961 (repealed). (See end of Document for details)

---

---

**Marginal Citations**

**M12** 1955 c. 18.

**M13** 1955 c. 19.

**M14** 1951 c. 46.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Army and Air Force Act 1961 (repealed). (See end of Document for details)*

# SCHEDULES

## FIRST SCHEDULE U.K.

Section 16.

### AMENDMENTS OF PART I OF <sup>M15</sup>SEVENTH SCHEDULE TO ARMY ACT, 1955

.....  
**Marginal Citations**

**M15** 1955 c. 18.

1 ..... **F22**

.....  
**Textual Amendments**

**F22** Sch. 1 paras. 1, 3, 6 repealed by S.I. 1964/488

2 In sub-paragraph (4) of paragraph 2 of the principal Schedule, after the words “Royal Marines” where secondly occurring, there shall be inserted the words “with the consent of the competent authority”.

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

**C11** The text of ss. 22, 25, 26(1)(2), 27, 29(1)(2)(a), 35, 37(2)(3), Sch. 1 para. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not except as specified reflect any amendments or repeals which may have been made prior to 1.2.1991.

3 ..... **F23**

.....  
**Textual Amendments**

**F23** Sch. 1 paras. 1, 3, 6 repealed by S.I. 1964/488

4, 5. .... **F24**

.....  
**Textual Amendments**

**F24** Sch. 1 paras. 4, 5, 7(2) repealed by Armed Forces Act 1966 (c. 45), **Sch. 5**

6 ..... **F25**

.....  
**Textual Amendments**

**F25** Sch. 1 paras. 1, 3, 6 repealed by S.I. 1964/488

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Army and Air Force Act 1961 (repealed). (See end of Document for details)*

- 7 (1) Paragraph 2 of this Schedule shall not apply to a marine serving in the Royal Marines at the relevant time . . . <sup>F26</sup>
- (2) . . . . . <sup>F27</sup>
- (3) Any approval given under sub-paragraph (1) of paragraph 3 of the principal Schedule before the relevant time shall have effect as if it were approval given under the sub-paragraph substituted therefor by paragraph 3 of this Schedule, . . . <sup>F26</sup>
- (4) In this paragraph “the relevant time” means the time at which this Schedule comes into operation.

**Textual Amendments**

**F26** Words repealed by [Armed Forces Act 1966 \(c. 45\)](#), **Sch.5**

**F27** [Sch. 1 paras. 4, 5, 7\(2\)](#) repealed by [Armed Forces Act 1966 \(c. 45\)](#), **Sch. 5**

---

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

**C12** Power to repeal Sch. 1 para. 7(1)(3)(4) given by [Armed Forces Act 1966 \(c. 45\)](#), s. 2(2), **Sch. 1**

**C13** “the principal Schedule” means Sch. 7 to [Army Act 1955 \(c. 18\)](#)

SECOND SCHEDULE U.K.

Sections 38 & 39.

MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

<i>Enactment</i>	<i>Amendment</i>
<p>... F28</p> <p>... F28</p> <p>... F28</p> <p>... F29</p>	<p>... F28</p> <p>... F28</p> <p>... F28</p> <p>... F29</p> <p>The Army Act, 1955 (3 &amp; 4 Eliz. 2. c. 18). Subsection (3) of section thirty-seven shall not apply to a person who deserts at a time when he is continued in service under section eight of the Army Act, 1955, or section six of this Act.</p> <p>At the end of subsection (7) of section one hundred and forty-four ther shall be added the words “and the whole or any part of any sum forfeited from an offender’s pay may be recovered by deduction from any such balance”.</p>

---

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Army and Air Force Act 1961 (repealed). (See end of Document for details)*

---

In section one hundred and ninety-eight, in subsection (5), for the words “one of the said service books” there shall be substituted the words “any such book or other document as aforesaid”, and after the words “custody of the book” there shall be substituted the words “or other document”.

In section two hundred and twenty-five, in subsection (1), after the definition of “aircraft material” there shall be inserted the following definition:— ““air signal” means any message, signal or indication given, by any means whatsoever, for the guidance of aircraft or a particular aircraft”, and in the definition of “corps”, for the words “the regular forces” there shall be substituted the words “Her Majesty’s Military forces”.

In the Third Schedule, of paragraph 9 of the first column and paragraph 9 of the second column shall be omitted.

The Air Force Act, 1955 (3 & 4 Eliz. 2. c. 19).

Section seventeen shall not apply to a person who deserts at a time when he is continued in service under section eight of the Air Force Act, 1955, or section twelve of this Act.

Subsection (3) of section thirty-seven shall not apply to a person who deserts at a time when he is continued in service under section eight of the Air Force Act, 1955, or section twelve of this Act

In paragraph (e) of section one hundred and one, after the words “acting as a member thereof” there shall be inserted the words “or is so attending”, and the words “is so attending or” shall be omitted.

At the end of subsection (7) of section one hundred and forty-four there shall be added the words “and the whole or any part of any sum forfeited from an offender’s pay may be recovered by deduction from any such balance”.

In section one hundred and ninety-eight, in subsection (5), for the words “one of the said service books” there shall be substituted the words “any such book or other document as aforesaid”, and after the words “custody of the book” there shall be inserted the words “or other document”.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Army and Air Force Act 1961 (repealed). (See end of Document for details)*

In the Third Schedule, paragraph 9 of the first column and paragraph 9 of the second column shall be omitted.

In the Sixth Schedule, in paragraph 11, the words “this Part of” shall be omitted.

#### Textual Amendments

- F28** [Sch. 2](#): entries relating to Recall of Army and Air Force Pensioners Act 1948, Army Reserve Act 1950 and Air Force Reserve Act 1950 repealed by [Reserve Forces Act 1980 \(c. 9, SIF 7:2\)](#), s. 157, [Sch. 10 Pt. II](#)
- F29** Entry repealed by [Courts-Martial \(Appeals\) Act 1968 \(c. 20\)](#), [Sch. 6](#)

## THIRD SCHEDULE U.K.

Section 38.

### TRANSITIONAL PROVISIONS AS TO PUNISHMENTS

- 1 In relation to a sentence of a court-martial announced before the end of the year nineteen hundred and sixty-one, but falling to be dealt with under section one hundred and ten of the <sup>M16</sup>Army Act, 1955, or of the <sup>M17</sup>Air Force Act, 1955, after that time, subsection (3) of that section shall have effect as if the reference to any punishment or punishments which could have been awarded by the court referred to any punishment or punishments which could have been so awarded had sections eighteen to twenty-six of this Act been in operation when the sentence was announced, and in relation to a finding or sentence of a court-martial announced before that time but falling to be reviewed after that time under section one hundred and thirteen of the <sup>M18</sup>Army Act, 1955, or of the <sup>M19</sup>Air Force Act, 1955, paragraph (c) of subsection (5) of that section shall have effect as if the reference to power conferred by the said subsection (3) referred to power conferred by that subsection as amended by this paragraph.

#### Marginal Citations

- M16** 1955 c. 18.  
**M17** 1955 c. 19.  
**M18** 1955 c. 18.  
**M19** 1955 c. 19.

- 2 In relation to an award made before the time aforesaid in consequence of a charge's having been dealt with summarily but falling to be reviewed under section one hundred and fifteen of the <sup>M20</sup>Army Act, 1955, or of the <sup>M21</sup>Air Force Act, 1955, after that time, subsections (3A) and (4) of that section shall each have effect as if the reference to a punishment or punishments which could have been included in the original award referred to a punishment or punishments which could have been so included had sections eighteen to twenty-six of this Act been in operation when the award was made.



---

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Army and Air Force Act 1961 (repealed). (See end of Document for details)*

---

---

**Marginal Citations**

**M20** 1955 c. 18.

**M21** 1955 c. 19.

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Army and Air Force Act 1961 (repealed).