



# Armed Forces Act 1971

## 1971 CHAPTER 33

### PART II

#### REVISION OF SERVICE OFFENCES AND PUNISHMENTS

*Misconduct in action and other offences arising out of military etc. service*

**<sup>F12</sup> Misconduct in action, assisting the enemy, obstructing operations, etc.**

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**Textual Amendments**

**F1** Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

**<sup>F13</sup> Prize offences.**

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**Textual Amendments**

**F1** Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

**<sup>F14</sup> Offences by or in relation to sentries, persons on watch etc.**

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*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1971, Part II. (See end of Document for details)*

**Textual Amendments**

**F1** Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))

**F15 Failure to attend for duty, neglect of duty etc.**

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**Textual Amendments**

**F1** Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))

**F16 Looting**

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**Textual Amendments**

**F1** Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))

*Mutiny, insubordination, etc.*

**F17 Mutiny**

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**Textual Amendments**

**F1** Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))

**F18 Insurbodinate behaviour, and disobedience to lawful commands.**

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**Textual Amendments**

**F1** Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))

**F19 Obstruction of provost officers etc.**

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*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1971, Part II. (See end of Document for details)*

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**Textual Amendments**

**F1** Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

**<sup>F1</sup>10 Disobedience to standing orders etc.**

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**Textual Amendments**

**F1** Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

*Desertion, absence without leave, etc.*

**<sup>F1</sup>11 Desertion.**

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**Textual Amendments**

**F1** Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

**<sup>F1</sup>12 Absence without leave.**

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**Textual Amendments**

**F1** Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

**<sup>F1</sup>13 Failure to report or apprehend deserters or absentees.**

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**Textual Amendments**

**F1** Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

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*Malingering, drunkenness and disorderly conduct*

**<sup>F1</sup>14 Malingering.**

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**Textual Amendments**

- F1** Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

**<sup>F1</sup>15 Drunkenness.**

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**Textual Amendments**

- F1** Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

**<sup>F1</sup>16 Disorderly conduct.**

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**Textual Amendments**

- F1** Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

*Offences relating to service etc. property*

**<sup>F1</sup>17 Service etc. property: damage, loss, misapplication and waste.**

[<sup>F1</sup>(1) The following provisions shall be substituted for sections 44 to 46 of the Army Act 1955:—

**“ Damage to, and loss of, public or service property etc.**

- (1) Any person subject to military law who—
- (a) wilfully damages or causes the loss of, or service is concerned in the wilful damage or loss property of, any public or service property, or any etc. property belonging to another person so subject, or
  - (b) by wilful neglect causes or allows damage to, or the loss of, any public or service property or property so belonging,
- shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.
- (2) Any person subject to military law who—

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*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1971, Part II. (See end of Document for details)*

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- (a) by any negligent act or omission causes or allows damage to, or the loss of, any public or service property, or
  - (b) is guilty of any wilful or negligent act or omission which is likely to cause damage to, or the loss of, any such property,
- shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

#### **Damage to, loss of, Her Majesty's aircraft or aircraft material.**

- (1) Without prejudice to the generality of section 44 above, a person subject to military law shall be guilty of an offence against this section if he—
  - (a) wilfully damages or causes the loss of, or is material. concerned in the wilful damage or loss of, any of Her Majesty's aircraft or aircraft material, or
  - (b) by wilful neglect causes or allows damage to, or the loss of, any of Her Majesty's aircraft or aircraft material, or
  - (c) without lawful authority disposes of any of Her Majesty's aircraft or aircraft material, or
  - (d) by any negligent act or omission causes or allows damage to, or the loss of, any of Her Majesty's aircraft or aircraft material, or
  - (e) is guilty of any wilful or negligent act or omission which is likely to cause damage to, or the loss of, any of Her Majesty's aircraft or aircraft material, or
  - (f) during a state of war, wilfully and without proper occasion, or negligently, causes the sequestration by or under the authority of a neutral state, or the destruction in a neutral state, of any of Her Majesty's aircraft.
- (2) A person guilty of an offence against this section shall, on conviction by court-martial, be liable—
  - (a) if his offence consisted in an act or omission falling within paragraph (a), (b) or (c) of subsection (1), or if it consisted in an act or omission falling within paragraph (f) of that subsection and it is proved that he acted wilfully or with wilful neglect, to imprisonment or any less punishment provided by this Act;
  - (b) in any other case, to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

#### **Misapplication and waste of public or service property.**

Any person subject to military law who misapplies or wastefully expends any public or service property shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

#### **Offences relating to issues and decorations.**

- (1) Any person subject to military law makes away with (whether by pawning, selling, destroying or in any other way), or loses, or by negligence damages or allows to be damaged—

*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1971, Part II. (See end of Document for details)*

- (a) any clothing, arms, ammunition or other equipment issued to him for his use for military purposes, or
  - (b) any military, air-force or naval decoration granted to him,
- shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

(2) It shall be a defence for a person charged under this section with losing any property that he took reasonable steps for its care and preservation.”]

(2) The provisions set out in subsection (1) above shall also be substituted for sections 44 to 46 of the Air Force Act 1955, but modified for that purpose by the substitution throughout of “air-force law” for “military law” and, in the provision to become section 46 of that Act, of “air-force purposes” for “military purposes” and “air-force, military or naval decoration” for “military, air-force or naval decoration”.

(3) The provisions set out in subsection (1) above and numbered there as sections 44, 44A and 45 shall also be substituted for sections 29 and 30 of the Naval Discipline Act 1957, being numbered as sections 29, 29A and 30 of that Act respectively, and being modified for that purpose by the substitution throughout of “person subject to this Act” for “person subject to military law” and of “punishment authorised by this Act” for “punishment provided by this Act”, by the substitution, in the provision to become section 29A, of “29” for “44”, and by the omission throughout of “on conviction by court-martial”.

**Textual Amendments**

**F1** Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

*Billeting offences*

**F1 18 Billeting offences.**

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**Textual Amendments**

**F1** Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

*Navigation and flying offences etc.*

**F1 19 Loss or hazarding of ship.**

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*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1971, Part II. (See end of Document for details)*

**Textual Amendments**

- F1** Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))

**<sup>F1</sup>20 Inaccurate certification of ships and aircraft.**

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**Textual Amendments**

- F1** Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))

**<sup>F1</sup>21 Low flying and annoyance by flying.**

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**Textual Amendments**

- F1** Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))

*Offences relating to, and by, persons in custody*

**<sup>F1</sup>22 Permitting escape, resisting arrest, and escaping.**

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**Textual Amendments**

- F1** Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))

*Miscellaneous offences*

**<sup>F1</sup>23 Offences in relation to courts-martial.**

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**Textual Amendments**

- F1** Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))

*Changes to legislation: There are currently no known outstanding effects  
 for the Armed Forces Act 1971, Part II. (See end of Document for details)*

**F<sup>1</sup>24    Unauthorised disclosure of information.**

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**Textual Amendments**

**F1**    Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

**F<sup>1</sup>25    False statements on entry into Royal Navy.**

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**Textual Amendments**

**F1**    Ss. 2-25 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

**F<sup>2</sup>26    .....**

**Textual Amendments**

**F2**    S. 26 repealed (31.1.1997) by [1995 c. 38](#), s. 15(2), [Sch. 2](#) (with ss. 6(4)(5), 14); [S.I. 1996/3217](#), [art. 2](#)

**F<sup>3</sup>27    Offences against civilian population.**

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**Textual Amendments**

**F3**    Ss. 27-48 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

**F<sup>3</sup>28    Offences against morale.**

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**Textual Amendments**

**F3**    Ss. 27-48 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

**F<sup>3</sup>29    Scandalous conduct by officers.**

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*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1971, Part II. (See end of Document for details)*

**Textual Amendments**

**F3** Ss. 27-48 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

**F<sup>3</sup>30 Ill-treatment of persons of inferior rank etc.**

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**Textual Amendments**

**F3** Ss. 27-48 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

**F<sup>3</sup>31 Disgraceful conduct.**

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**Textual Amendments**

**F3** Ss. 27-48 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

**F<sup>3</sup>32 Attempts, aiding and abetting etc., and inciting.**

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**Textual Amendments**

**F3** Ss. 27-48 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

**F<sup>3</sup>33 Conduct to the prejudice of service discipline.**

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**Textual Amendments**

**F3** Ss. 27-48 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

**F<sup>3</sup>34 Civil offences.**

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*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1971, Part II. (See end of Document for details)*

**Textual Amendments**

**F3** Ss. 27-48 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

*Abolition of certain offences*

**F335 Abolition of certain offences.**

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**Textual Amendments**

**F3** Ss. 27-48 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

*Punishments*

**F336 Punishments for army and air-force offences dealt with courts-martial.**

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**Textual Amendments**

**F3** Ss. 27-48 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

**F337 Punishments for army and air-force offences dealt with summarily.**

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**Textual Amendments**

**F3** Ss. 27-48 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

**F338 Punishments for naval offences.**

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**Textual Amendments**

**F3** Ss. 27-48 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1971, Part II. (See end of Document for details)*

**F<sup>3</sup>39 Imprisonment and detention: consecutive terms.**

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**Textual Amendments**

**F3** Ss. 27-48 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

**F<sup>3</sup>40 Detention for army and air-force offences: limitation of total period.**

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**Textual Amendments**

**F3** Ss. 27-48 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

*Other provisions*

**F<sup>3</sup>41 Time for trial of offences under s. 42 of Naval Discipline Act 1957.**

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**Textual Amendments**

**F3** Ss. 27-48 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

**F<sup>3</sup>42 Naval offences by civilians.**

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**Textual Amendments**

**F3** Ss. 27-48 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

**F<sup>3</sup>43 Consequential and minor, amendments.**

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**Textual Amendments**

**F3** Ss. 27-48 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Armed Forces Act 1971, Part II.