



Armed Forces Act 1971

1971 CHAPTER 33

PART II

REVISION OF SERVICE OFFENCES AND PUNISHMENTS

Malingering, drunkenness and disorderly conduct

14 Malingering

Section 42(1)(c) of the Army Act 1955 (under which the injuring of another person can constitute malingering only if he is a person subject to military law), section 42(1)(c) of the Air Force Act 1955 (under which the person injured must be subject to air-force law), and section 27(1) of the Naval Discipline Act 1957 (under which malingering does not include injury to others) shall be amended as follows:—

- (a) in the said sections 42(1)(c), the words " service law " shall be substituted for the words " military law " or, as the case may be, " air-force law ", and
- (b) in the said section 27(1), after the words " with that intent" there shall be inserted the words " if he injures another person subject to service law at the instance of that other person and with intent thereby to render that other person unfit for service ".

15 Drunkenness

(1) Section 43 of the Army Act 1955 and section 43 of the Air Force Act 1955 shall each be amended—

- (a) by omitting the proviso to subsection (1) (under which the maximum term of imprisonment for drunkenness is reduced from two years to six months in the case of an offence committed by a warrant officer, non-commissioned officer, soldier or airman who is neither on active service nor on duty), and
- (b) by substituting in subsection (2) (under which one test of drunkenness is whether a person is unfit to be entrusted with his duty or any duty he may be called upon to perform) for the words " he may be called upon to perform " the words " he might reasonably expect to be called upon to perform ".

Status: This is the original version (as it was originally enacted).

- (2) Section 28 of the Naval Discipline Act 1957 shall be amended so as to correspond with the provisions referred to in subsection (1) above as amended by that subsection, that is to say, by inserting after the word " might " the words " reasonably expect to ".

16 Disorderly conduct

- (1) The following provision shall be inserted in the Army Act 1955 after section 43:—

“Disorderly conduct

43A Fighting, threatening words etc.

Any person subject to military law who, without reasonable excuse—

- (a) fights with any other person, whether subject to military law or not, or
- (b) uses threatening, abusive, insulting or provocative words or behaviour likely to cause a disturbance,

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) The provision set out in subsection (1) above shall also be inserted in the Air Force Act 1955 after section 43, but modified for that purpose by the substitution throughout of " air-force law " for " military law ".
- (3) Section 13 of the Naval Discipline Act 1957 shall be amended so as to correspond with the said provision, that is to say, by inserting the words " without reasonable excuse " at the end of the words preceding paragraph (a), and by omitting the words " or quarrels " after the word " fights " in that paragraph.