



# Armed Forces Act 1971

## 1971 CHAPTER 33

### PART II

#### REVISION OF SERVICE OFFENCES AND PUNISHMENTS

##### *Miscellaneous offences*

### 23 Offences in relation to courts-martial

- (1) Section 57(2) of the Army Act 1955, section 57(2) of the Air Force Act 1955 and section 38(3) of the Naval Discipline Act 1957 (power of courts-martial to deal summarily with offences committed in relation there(a) shall have effect subject to the amendments specified in subsections (2) and (3) below (being amendments enabling a court-martial held in pursuance of either of the said Acts of 1955 so to deal, as can a court-martial held in pursuance of the said Act of 1957, with all such offences, and amendments giving uniform powers of punishment to courts-martial so dealing).
- (2) In the said provisions of the Army Act 1955 and the Air Force Act 1955, the words " paragraph (e) or (f) of " shall be omitted; and, for all the words from " order the offender " to the end there shall be substituted the words " sentence the offender—
  - (a) if he is an officer, to imprisonment for a term not exceeding twenty-one days, or to a fine not exceeding the amount of his pay for twenty-eight days (a day's pay being taken for this purpose as the gross amount which is, or would apart from any forfeiture be, issuable to the offender in respect of the day on which the order is made),
  - (b) in any other case, to imprisonment or detention for such a term as aforesaid, or to such a fine as aforesaid."
- (3) In the said provision in the Naval Discipline Act 1957, for all the words after " sentence " there shall be substituted the words " the offender—
  - (a) if he is an officer, to imprisonment for a term not exceeding twenty-one days, or to a fine not exceeding the amount of his pay for twenty-eight days (a day's pay being taken for this purpose as the gross amount which is, or would apart

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from any forfeiture be, issuable to the offender in respect of the day on which the order is made),

- (b) in any other case, to imprisonment or detention for such a term as aforesaid, or to such a fine as aforesaid."

## 24 **Unauthorised disclosure of information**

- (1) The following provision (being one corresponding to section 34 of the Naval Discipline Act 1957) shall be substituted for section 60 of the Army Act 1955 (injurious disclosures) :—

### **“60 Unauthorised disclosure of information.**

- (1) Any person subject to military law who without lawful authority discloses or purports to disclose, whether orally, in writing, by signal or by any other means whatsoever, information relating to any matter upon which information would or might be useful to an enemy 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 with an offence under this section that he did not know and had no reasonable cause to believe that the information disclosed related to a matter upon which information would or might be directly or indirectly useful to an enemy.”
- (2) The provision set out in subsection (1) above shall also be substituted for section 60 of the Air Force Act 1955, but modified for that purpose by the substitution of " air-force law " for " military law " .

## 25 **False statements on entry into Royal Navy**

The following provision (which reproduces the effect of section 8(2) of the Armed Forces Act 1966, and corresponds with section 61 of the Army Act 1955 and section 61 of the Air Force Act 1955) shall be inserted in the Naval Discipline Act 1957 after section 34:—

### **“34A False statements on entry.**

Any person who, when offering himself to be entered for service in the Royal Navy, has knowingly made a false answer to any question put to him in connection with his entry into such service by, or by the direction of, an officer or other person authorised under regulations made by the Defence Council to enter persons for such service shall, if he has since become and remains subject to this Act, be liable to imprisonment for a term not exceeding three months or any less punishment authorised by this Act.”

## 26 **Falsification of documents**

- (1) Section 62 of the Army Act 1955 and section 62 of the Air Force Act 1955 (falsification etc. of any service report, return, pay list or certificate or other service document) shall each be amended as follows—

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- (a) the word " service " shall be omitted in each place where it occurs before the word " report " , and shall be replaced by the word " official" in each place where it occurs before the word " document " ,
  - (b) in paragraph (c) (with intent to defraud, failing to make any entry), for the word " defraud" there shall be substituted the word " deceive " , and
  - (c) paragraph (d) (aiding and abetting etc.) shall be omitted, together with the word " or " immediately preceding that paragraph.
- (2) The following provision (being one corresponding to the provisions referred to in subsection (1) above as amended by that subsection) shall be substituted for section 35 of the Naval Discipline Act 1957 :—

**“35 Falsification of documents.**

Every person subject to this Act who—

- (a) makes, signs, or makes an entry in, any report, return, pay list or certificate or other official document, being a document or entry which is to his knowledge false in a material particular, or
  - (b) alters any report, return, pay list or certificate or other official document, or alters any entry in such a document, so that the document or entry is to his knowledge false in a material particular, or suppresses, defaces or makes away with any such document or entry which it is his duty to preserve or produce, or
  - (c) with intent to deceive, fails to make an entry in any such document,
- shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.”

**27 Offences against civilian population**

The following provision (being one corresponding to section 63 of the Army Act 1955 and section 63 of the Air Force Act 1955) shall be inserted in the Naval Discipline Act 1957 after section 35:—

**“35A Offences against civilian population.**

Every person subject to this Act who, in any country or territory outside the United Kingdom, commits any offence against the person or property of any member of the civilian population shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.”

**28 Offences against morale**

- (1) The following provision shall be inserted in the Army Act 1955 after section 63:—

**“63A Offences against morale.**

Any person subject to military law who spreads (whether orally, in writing, by signal, or otherwise) reports relating to operations of Her Majesty's forces, of any forces co-operating therewith, or of any part of any of those forces, being reports likely to create despondency or unnecessary alarm, shall,

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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 63, but modified for that purpose by the substitution of " air-force law " for " military law ".
- (3) The said provision shall also be inserted in the Naval Discipline Act 1957 after that inserted in that Act by section 27 above, being numbered as section 35B of that Act, and being modified for that purpose by the substitution 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", and by the omission of " on conviction by court-martial ".

## 29 Scandalous conduct by officers

- (1) The following provision shall be substituted for section 64 of the Army Act 1955 (under which an officer who behaves in a scandalous manner unbecoming the character of an officer and a gentleman is to be cashiered):—

### “64 Scandalous conduct by officers.

Every officer subject to military law who behaves in a scandalous manner unbecoming the character of an officer shall, on conviction by court-martial, be liable to dismissal from Her Majesty's service with or without disgrace.”

- (2) The provision set out in subsection (1) above shall also be substituted for section 64 of the Air Force Act 1955, but modified for that purpose by the substitution of " air-force law " for " military law ".
- (3) Section 36 of the Naval Discipline Act 1957 shall be amended so as to correspond with the said provision, that is to say, by substituting for the words " is guilty of cruelty or of any scandalous, fraudulent or other conduct " the words " behaves in a scandalous manner ".

## 30 Ill-treatment of persons of inferior rank etc.

The following provision (being one corresponding to section 65 of the Army Act 1955 and section 65 of the Air Force Act 1955) shall be inserted in the Naval Discipline Act 1957 after section 36:—

### “36A Ill-treatment of persons of inferior rank etc.

If—

- (a) any officer subject to this Act strikes or otherwise ill-treats any officer subject thereto of inferior rank or less seniority, or any rating so subject, or
- (b) any rating subject to this Act and of or above the rate of leading seaman strikes or otherwise ill-treats any rating subject thereto of inferior rate or less seniority,

he shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.”

### **31 Disgraceful conduct**

Section 37 of the Naval Discipline Act 1957 (disgraceful conduct of an indecent kind) shall be amended so as to correspond with section 66 of the Army Act 1955 and section 66 of the Air Force Act 1955, that is to say, by substituting for the words "disgraceful conduct of an indecent kind" the words "disgraceful conduct of a cruel, indecent or unnatural kind", and for the words "dismissal with disgrace from Her Majesty's service" the words "imprisonment for a term not exceeding two years."

### **32 Attempts, aiding and abetting etc., and inciting**

- (1) Section 68 of the Army Act 1955 (which penalises attempts to commit offences, but does not extend to the offence under section 69 of that Act of conduct etc. to the prejudice of good order and military discipline) and section 68 of the Air Force Act 1955 (which is to the like effect) shall each be amended by inserting, after the words "offence against any of the foregoing provisions of this Part of this Act", the words "or against section 69 below".
- (2) The following provision shall be inserted in the Army Act 1955 after the said section 68:—

#### **“68A Aiding and abetting etc., and inciting.**

- (1) Any person subject to military law who aids, abets, counsels or procures the commission by another person of an offence against any of the foregoing provisions of this Part of this Act, or against section 69 below, or who incites another person to commit any such offence, shall himself be guilty of the offence in question, and shall be liable to be charged, tried and punished accordingly.
- (2) A person may be guilty by virtue of subsection (1) above of an offence against section 62 of this Act whether or not he knows the nature of the document in question.”
- (3) The provision set out in subsection (2) above shall also be inserted in the Air Force Act 1955 after section 68, but modified for that purpose by the substitution of "air-force law" for "military law".
- (4) The said provision shall also be substituted for section 41 of the Naval Discipline Act 1957 (which relates to aiding, abetting, counselling and procuring, but not to incitement), being numbered as section 41 of that Act, and being modified for that purpose—
  - (a) in subsection (1), by the substitution of "person subject to this Act" for "person subject to military law" and the omission of "this Part of" and "or against section 69 below", and
  - (b) in subsection (2), by the substitution of "section 35" for "section 62".

### **33 Conduct to the prejudice of service discipline**

Section 69 of the Army Act 1955 and section 69 of the Air Force Act 1955 (act conduct or neglect to prejudice of good order and military or air force discipline) shall each be amended by omitting the word "act"; and section 39 of the Naval Discipline Act 1957 (act, disorder or neglect to prejudice of good order and naval discipline, being one not described in the foregoing provisions of that Act) shall be amended by substituting the

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word "conduct" for the words "act, disorder", by omitting the words "not described in the foregoing provisions of this Act", and by substituting the words "imprisonment for a term not exceeding two years" for the words "dismissal with disgrace from Her Majesty's service".

### **34 Civil offences**

(1) Section 70 of the Army Act 1955 (trial by court-martial for civil offence) shall be amended—

- (a) by omitting the proviso to subsection (3) (under which, for an offence for which a civil court could not award imprisonment, a court-martial may impose certain service penalties greater than a fine), and
- (b) by adding after subsection (5) the following subsection (which corresponds to section 42(2) of the Naval Discipline Act 1957):—

“(6) A person subject to military law may be charged with an offence against this section notwithstanding that he could on the same facts be charged with an offence against any other provision of this Part of this Act.”

(2) Section 70 of the Air Force Act 1955 shall have effect subject to the like amendments, save that, in the subsection to be added thereto, "air-force law" shall be substituted for "military law".

(3) Section 42(1) of the Naval Discipline Act 1957 (which enables a court-martial under that Act to punish certain civil offences more severely than could a civil court) shall be amended so as to correspond with section 70(3) of the Army Act 1955 and section 70(3) of the Air Force Act 1955 as above amended, that is to say, by substituting the following for paragraph (c):—

- “(c) in the case of any other offence, to such punishment or punishments (being a punishment or punishments authorised by this Act) as could be imposed on the offender on conviction by a civil court of the like offence committed in England, or to any punishment so authorised which is less than the maximum punishment which could be so imposed.”