



# Armed Forces Act 1971

## 1971 CHAPTER 33

### PART II

#### REVISION OF SERVICE OFFENCES AND PUNISHMENTS

*Mutiny, insubordination, etc.*

#### **7 Mutiny**

A person taking part in a mutiny, or inciting another person to take part in a mutiny, shall not be liable to suffer death by reason only that the mutiny is one involving the use of violence or the threat of the use of violence, and accordingly—

- (a) in section 31(1)(a) of the Army Act 1955 and section 31(1)(a) of the Air Force Act 1955, the words " involving the use of violence or the threat of the use of violence, or " shall be omitted, and
- (b) section 9(1)(a) of the Naval Discipline Act 1957 shall cease to have effect.

#### **8 Insubordinate behaviour, and disobedience to lawful commands**

- (1) Section. 33 of the Army Act 1955 and section 33 of the Air Force Act 1955 (insubordinate behaviour) shall each be amended by substituting the following for the proviso to subsection (1) (which limits imprisonment to two years for offences not committed on active service and not involving violence)—

“Provided that it shall be a defence for any person charged under this subsection to prove that he neither knew nor had reasonable cause to believe that the person in relation to whom the offence is alleged to have been committed was his superior officer.”

- (2) The following provision shall be substituted for section 34 of the Army Act 1955 (disobedience to particular orders) and also, but with the substitution of " air-force law " for " military law ", for section 34 of the Air Force Act 1955:—

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*Status: This is the original version (as it was originally enacted).*

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**“34 Disobedience to lawful commands.**

Any person subject to military law who, whether wilfully or through neglect, disobeys any lawful command (by whatever means communicated to him) shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.”

- (3) The following provisions shall be substituted for sections 11 and 12 of the Naval Discipline Act 1957 (striking a superior officer, and disobedience or threatening a superior officer):—

**“11 Insubordinate behaviour.**

Every person subject to this Act who—

- (a) strikes or otherwise uses violence to, or offers violence to, his superior officer, or
- (b) uses threatening or insubordinate language to, or behaves with contempt to, his superior officer,

shall be liable to imprisonment or any less punishment authorised by this Act:

Provided that it shall be a defence for any person charged under this section to prove that he neither knew nor had reasonable cause to believe that the person in relation to whom the offence is alleged to have been committed was his superior officer.

**12 Disobedience to lawful commands.**

Any person subject to this Act who, whether wilfully or through neglect, disobeys any lawful command (by whatever means communicated to him) shall be liable to imprisonment or any less punishment authorised by this Act.”

**9 Obstruction of provost officers etc.**

- (1) Section 35 of the Army Act 1955 and section 35 of the Air Force Act 1955 (obstructing or refusing to assist any person known to be a provost officer, or to be a person exercising authority under or on behalf of a provost officer) shall each be amended by—

- (a) substituting for the words from " any person known " to " or to be a person " the words " any provost officer, or any person ", and
- (b) inserting the following proviso at the end—

“Provided that it shall be a defence for any person charged under this section to prove that he neither knew nor had reasonable cause to believe that the person in relation to whom the offence is alleged to have been committed was a provost officer or, as the case may be, a person legally exercising authority under or on behalf of a provost officer.”

- (2) Section 14 of the Naval Discipline Act 1957 (wilfully obstructing or wilfully refusing to assist any provost officer, or any person exercising authority under or on behalf of a provost officer) shall be amended by omitting the word " wilfully " in both places

where it occurs, and by inserting at the end a proviso similar in all respects to that set out in subsection (1)(b) above.

## **10 Disobedience to standing orders etc.**

- (1) Section 36 of the Army Act 1955 (disobedience to standing orders or other routine orders of a continuing nature made for any formation, unit, body of troops etc.) shall be amended by substituting, in subsection (2), for the words " body of troops " the words " body of Her Majesty's forces ".
- (2) Section 36 of the Air Force Act 1955 (which is to the like effect) shall be amended by substituting, in subsection (2), for the words " body of the air force " the words " body of Her Majesty's forces ".
- (3) The following provision (being one corresponding to the provisions referred to in subsections (1) and (2) above as amended by those subsections) shall be inserted in the Naval Discipline Act 1957 as section 14A:—

### **“14A Disobedience to standing orders.**

- (1) Every person subject to this Act who contravenes or fails to comply with any provision of orders to which this section applies, being a provision known to him or which he might reasonably be expected to know, shall be liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.
- (2) This section applies to standing orders or other routine orders of a continuing nature made for any formation or unit or body of Her Majesty's forces, or for any command or other area, garrison or place, or for any ship, vessel, train or aircraft.”