



Armed Forces Act 1981

1981 CHAPTER 55

PART III

MISCELLANEOUS

Amendments of the Services Acts relating to evidence and proceedings thereunder

18

- (1) Section 153 of the Army Act 1955^{M1} and the Air Force Act 1955^{M2} and section 101 of the Naval Discipline Act 1957 (which make provision for the service of process in maintenance proceedings) shall be amended as provided in this section.
- (2) In the said sections 153—
 - (a) in subsection (1), for the words “either on him or” there shall be substituted the word “on” ;
 - (b) in subsection (3) for the word “then” there shall be substituted the words “the service of the process shall be of no effect” and the words from “the service of the process” onwards shall be omitted ; and
 - (c) after subsection (3), there shall be inserted the following subsection—

“(3A) Where any such process as is mentioned in subsection (1) of this section is to be served in the United Kingdom or elsewhere and the defendant will be required to appear in person at the hearing, the service of the process shall be of no effect if his commanding officer certifies to the court by which the process was issued that the defendant is absent without leave or has deserted and remains in desertion.”.
- (3) In the said section 101—
 - (a) subsection (2) (which permits service on the Secretary of the Defence Council) shall be omitted ;
 - (b) in subsection (4), for the words from “it is certified” to “section” there shall be substituted the words “his commanding officer certifies” and for the

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words “in opinion of that officer” there shall be substituted the words “in the commanding officer’s opinion” ; and

(c) after subsection (4), there shall be inserted the following subsection—

“(4A) Where any such process is to be served in the United Kingdom or elsewhere and the defendant will be required to appear in person at the hearing, the service of that process shall be of no effect if his commanding officer certifies to the court by which the process was issued that the defendant is absent without leave or has deserted and remains in desertion.”.

Modifications etc. (not altering text)

C1 The text of ss. 2, 3, 4(2), 5, 6(1)(2)(3)(c)(4)(5)(6), 7, 8, 10–12, 15, 16, 18, 19, 20(3), 21–23, 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M1 1955 c. 18.

M2 1955 c. 19.

19 Officers who can take affidavits and declarations abroad.

(1) The enactments specified in this section (which empower certain officers to take affidavits and declarations outside the United Kingdom) shall be amended as follows.

(2) In section 10 of the Emergency Laws (Miscellaneous Provisions) Act 1953 ^{M3}—

(a) in subsection (1), after the words “or relative rank” there shall be inserted the words “or is of the rank of lieutenant and is specially appointed for the purposes of this section” ; and

(b) after subsection (1), there shall be inserted the following subsection—

“(1A) An officer of the rank of lieutenant shall not be appointed to take affidavits and declarations under subsection (1) above unless he is a barrister, solicitor or advocate.”.

(3) In section 204 of the Army Act 1955 ^{M4}, in subsection (1), for the words “of a rank not below that of major” there shall be substituted the words “who is of or above the rank of major or is of the rank of captain and is a member of the legal corps of those forces”.

(4) In section 204 of the Air Force Act 1955 ^{M5}, in subsection (1), for the words “of a rank not below that of squadron leader” there shall be substituted the words “who is of or above the rank of squadron leader or is the rank of flight lieutenant and is a member of the legal branch of that force”.

Modifications etc. (not altering text)

C2 The text of ss. 2, 3, 4(2), 5, 6(1)(2)(3)(c)(4)(5)(6), 7, 8, 10–12, 15, 16, 18, 19, 20(3), 21–23, 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M3 1953 c. 47.

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M4 1955 c. 18.

M5 1955 c. 19.

20 Women’s services: statutory assimilation and application thereto of certain enactments.

- (1) Parts I and II of Schedule 3 to this Act shall have effect for the purpose of completing the assimilation for all purposes of the statute law of the women’s services administered by the Defence Council with the military, naval and air forces of the Crown in or with which their members serve.
- (2) Part III of that Schedule shall have effect for the purpose of applying to the members of Queen Alexandra’s Royal Naval Nursing Service and the Women’s Royal Naval Service provisions of the ^{M6}Armed Forces Act 1966 applicable to ratings in the Royal Navy relating to discharge from service and to false statements made on entry into service.
- (3) The Reserve Forces Act 1980 ^{M7} shall have effect, and be deemed always to have had effect, with the substitution, in section 156(3) (application of the Act to women as to men), for the words “so far as it relates to the military and air forces” of the words “except so much of it as relates to the Royal Fleet Reserve and Royal Marines Reserve”.

Modifications etc. (not altering text)

- C3** The text of ss. 2, 3, 4(2), 5, 6(1)(2)(3)(c)(4)(5)(6), 7, 8, 10–12, 15, 16, 18, 19, 20(3), 21–23, 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M6 1966 c. 45.

M7 1980 c. 9.

21 Clarification of the meaning in the Naval Discipline Act 1957 of “marine forces” and “naval reserve forces”.

In section 132 of the Naval Discipline Act 1957 ^{M8} (which defines certain expressions for the purposes of that Act), for subsections (7) and (8) there shall be substituted the following subsections—

- “(7) In this Act “the marine forces” means the Royal Marines, the Royal Marines Reserve and the Royal Fleet Reserve so far as it consists of warrant officers, non-commissioned officers and marines who have served in the Royal Marines.
- (8) In this Act “naval reserve forces” means—
- (a) the Royal Naval Reserve including officers of reserve to the Royal Navy and including the Royal Fleet Reserve except so far as it consists of warrant officers, non-commissioned officers and marines who have served in the Royal Marines, and
 - (b) any reserve of Queen Alexandra’s Royal Naval Nursing Service or the Women’s Royal Naval Service.”

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Modifications etc. (not altering text)

C4 The text of ss. 2, 3, 4(2), 5, 6(1)(2)(3)(c)(4)(5)(6), 7, 8, 10–12, 15, 16, 18, 19, 20(3), 21–23, 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M8 1957 c. 53.

22 Members of the armed forces are “employees” for the purposes of the Patents Act 1977.

- (1) The Patents Act 1977 ^{M9} shall have effect, and be deemed always to have had effect, with the following amendments (being amendments to secure that members of the armed forces are “employees” for the purposes of that Act).
- (2) In section 42(4), at the end of the definition of “Crown employee”, there shall be added the words “or a person serving in the naval, military or air forces of the Crown.”.
- (3) In section 130(1), at the end of the definition of “employee, there shall be added the words “or a person who serves (or served) in the naval, military or air forces of the Crown”.

Modifications etc. (not altering text)

C5 The text of ss. 2, 3, 4(2), 5, 6(1)(2)(3)(c)(4)(5)(6), 7, 8, 10–12, 15, 16, 18, 19, 20(3), 21–23, 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M9 1977 c. 37.

23 Inquiries : persons affected who must be given a opportunity to be present and represented.

- (1) section 135(4) of the Army Act 1955 ^{M10} and the Air Force Act 1955 ^{M11} (which require rules for boards of inquiry to secure to witnesses and other persons affected the right to be present and represented) shall be amended by the insertion after the words “other person” of the words “to whom this subsection applies” and the addition at the end of the following paragraph—

“This subsection, so far as it applies to persons other than witnesses who may be affected by the findings, applies to persons of the following descriptions only, that is to say—

- (a) persons who are subject to military law, air-force law or the Naval Discipline Act 1957 ;
- (b) persons who, though not so subject, are in the service of the Crown and may be so affected in character or professional reputation ; and
- (c) persons who, though not so subject, are employed by the Civil Aviation Authority in or in connection with the provision by the

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Authority of air navigation services and may be so affected in character or professional reputation.”

- (2) section 26(3) of the Army and Air Force Act 1961^{M12} (whose effect is reproduced by the provision made by subsection (1) above) is hereby repealed.

Modifications etc. (not altering text)

C6 The text of ss. 2, 3, 4(2), 5, 6(1)(2)(3)(c)(4)(5)(6), 7, 8, 10–12, 15, 16, 18, 19, 20(3), 21–23, 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M10 1955 c. 18.
M11 1955 c. 19.
M12 1961 c. 52.

24 Abolition of the office of Accountant General of the Navy.

- (1) The office of Accountant General of the Navy is hereby abolished and the functions of that office shall become functions of the Secretary of State.
- (2) Accordingly the enactments specified in this subsection which refer to that office shall be amended as follows—
- (a) in sections 6 and 8 of the Naval Agency and Distribution Act 1864^{M13} (registration of certain instruments in the Accountant General’s Office) for the words “in the office of the Accountant General of the Navy” there shall be substituted the words “with the Secretary of State” ; and
 - (b) in section 47 of the Greenwich Hospital Act 1865^{M14} (Accountant General to prepare for audit the accounts of the hospital’s property) for the words “The Accountant general of the Navy” there shall be substituted the words “The Secretary of State”.

Modifications etc. (not altering text)

C7 The text of ss. 2, 3, 4(2), 5, 6(1)(2)(3)(c)(4)(5)(6), 7, 8, 10–12, 15, 16, 18, 19, 20(3), 21–23, 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M13 1864 c. 24.
M14 1865 c. 89.

25 Naval prize cash balance not to include percentage deduction.

The percentage of the proceeds of all prizes, grants, bounty money and other money distributable among the officers and crew of Her Majesty’s ships of war which is directed by section 17 of the^{M15}Naval Agency and Distribution Act 1864 to be carried to and form part of the naval prize cash balance shall cease to be so dealt with and shall instead be distributable in the same way as the respective sums from which it would otherwise have been deducted.

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Marginal Citations

M15 [1864 c. 24.](#)

26 Payment of military pensions.

The ^{M16}Army Pensions Act 1914 (which requires pensions in respect of military service, whether payable under statute or the prerogative, to be paid in advance) shall cease to have effect except in relation to pensions which have been granted before the passing of this Act and which are, at the date of its passing, paid in advance in accordance with that Act.

Marginal Citations

M16 [1914 c. 83.](#)

27 Naval and marine pay and pensions: no further publication in London Gazette.

Orders in Council made under the ^{M17}Naval and Marine Pay and Pensions Act 1865 (which regulate the payment of such pay and pensions) shall cease to be published in the London Gazette.

Marginal Citations

M17 [1865 c. 73.](#)

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