



# Armed Forces Act 2006

## 2006 CHAPTER 52

### First Group of Parts Discipline

#### PART 1

#### OFFENCES

#### *Ships and aircraft*

### 31 **Hazarding of ship**

- (1) A person subject to service law commits an offence if he does an act that causes the hazarding of any of Her Majesty's ships and—
  - (a) he intends to cause damage to or the stranding or loss of the ship, and there is no lawful excuse for his act; or
  - (b) he is reckless as to whether he causes damage to or the stranding or loss of the ship.
- (2) A person subject to service law commits an offence if, negligently, he does an act that causes the hazarding of any of Her Majesty's ships.
- (3) For the purposes of this section—
  - (a) "act" includes an omission and references to the doing of an act are to be read accordingly;
  - (b) references to causing include allowing;
  - (c) "Her Majesty's ships" means all ships belonging to or used for the purposes of any of Her Majesty's forces.
- (4) A person guilty of an offence under this section is liable to any punishment mentioned in the Table in section 164, and any sentence of imprisonment imposed in respect of the offence—
  - (a) in the case of an offence under subsection (1), may be for life;
  - (b) in the case of an offence under subsection (2), must not exceed two years.

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### **32 Giving false air signals etc**

- (1) A person subject to service law commits an offence if, without lawful excuse, he intentionally—
  - (a) gives a false air signal; or
  - (b) alters or interferes with an air signal or any equipment for giving an air signal.
- (2) In this section “air signal” means a message, signal or indication given (by any means) for the guidance of aircraft or a particular aircraft.
- (3) A person guilty of an offence under this section is liable to any punishment mentioned in the Table in section 164, and any sentence of imprisonment imposed in respect of the offence may be for life.

### **33 Dangerous flying etc**

- (1) A person subject to service law commits an offence if—
  - (a) he does an act—
    - (i) when flying or using an aircraft, or
    - (ii) in relation to an aircraft or aircraft material,that causes or is likely to cause loss of life or injury to any person; and
  - (b) either—
    - (i) he intends to cause loss of life or injury to any person, and there is no lawful excuse for his act; or
    - (ii) he is reckless as to whether he causes loss of life or injury to any person.
- (2) A person subject to service law commits an offence if, negligently, he does an act—
  - (a) when flying or using an aircraft, or
  - (b) in relation to an aircraft or aircraft material,that causes or is likely to cause loss of life or injury to any person.
- (3) In this section—

“act” includes an omission and the reference to the doing of an act is to be read accordingly;

“aircraft material” includes—

  - (a) parts of and accessories for aircraft (whether or not for the time being in aircraft);
  - (b) armaments in or for use in aircraft;
  - (c) any other equipment or instrument in or for use in aircraft;
  - (d) any equipment for use in connection with the taking-off or landing of aircraft or for detecting the movement of aircraft;
  - (e) any fuel for the propulsion of aircraft; and
  - (f) any lubricant for aircraft or for anything within any of paragraphs (a) to (d).
- (4) A person guilty of an offence under this section is liable to any punishment mentioned in the Table in section 164, and any sentence of imprisonment imposed in respect of the offence—
  - (a) in the case of an offence under subsection (1), may be for life;
  - (b) in the case of an offence under subsection (2), must not exceed two years.

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### **34 Low flying**

- (1) A person subject to service law commits an offence if—
  - (a) he flies an aircraft at a height less than the minimum height, other than—
    - (i) when taking off or landing; or
    - (ii) in any other circumstances prescribed by regulations made by the Defence Council; and
  - (b) he intends to fly, or is reckless as to whether he flies, the aircraft at a height less than the minimum height, or he is negligent.
- (2) If a person flies an aircraft in contravention of subsection (1) on the orders of another person who is in command of the aircraft, that other person is for the purposes of this section to be treated as flying the aircraft.
- (3) In this section “minimum height” means the height prescribed by regulations made by the Defence Council.
- (4) A person guilty of an offence under this section is liable to any punishment mentioned in the Table in section 164, but any sentence of imprisonment imposed in respect of the offence must not exceed two years.

### **35 Annoyance by flying**

- (1) A person subject to service law commits an offence if—
  - (a) he flies an aircraft so as to annoy or be likely to annoy any person;
  - (b) he can reasonably avoid flying the aircraft as mentioned in paragraph (a); and
  - (c) he intends to fly, or is reckless as to whether he flies, the aircraft so as to annoy any person, or he is negligent.
- (2) If a person flies an aircraft in contravention of subsection (1) on the orders of another person who is in command of the aircraft, that other person is for the purposes of this section to be treated as flying the aircraft.
- (3) A person guilty of an offence under this section is liable to any punishment mentioned in rows 3 to 12 of the Table in section 164.

### **36 Inaccurate certification**

- (1) A person subject to service law commits an offence if he makes or signs a relevant certificate without having ensured its accuracy.
- (2) In this section “relevant certificate” means a certificate (including an electronic certificate) relating to—
  - (a) any matter affecting the seagoing or fighting efficiency of any of Her Majesty’s ships;
  - (b) any of Her Majesty’s aircraft;
  - (c) any aircraft material; or
  - (d) any equipment of a description prescribed by regulations made by the Defence Council.
- (3) In subsection (2)—

“Her Majesty’s ships” has the meaning given by section 31;

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“Her Majesty’s aircraft” means all aircraft belonging to or used for the purposes of any of Her Majesty’s forces;

“aircraft material” has the meaning given by section 33.

- (4) A person guilty of an offence under this section is liable to any punishment mentioned in the Table in section 164, but any sentence of imprisonment imposed in respect of the offence must not exceed two years.

### **37 Prize offences by officer in command of ship or aircraft**

- (1) A person subject to service law who, while in command of any of Her Majesty’s ships or aircraft, takes any ship or aircraft as prize commits an offence if he unlawfully fails to ensure that all the ship papers or aircraft papers found on board are sent to a prize court of competent jurisdiction.

- (2) A person subject to service law who, while in command of any of Her Majesty’s ships or aircraft, takes any ship, aircraft or goods as prize commits an offence if he unlawfully fails to ensure that—

- (a) the ship is brought to a convenient port for adjudication;
- (b) the aircraft is brought to a convenient airfield for adjudication; or
- (c) the goods are brought to a convenient port or airfield for adjudication.

- (3) In this section—

“Her Majesty’s ships” and “Her Majesty’s aircraft” have the meanings given (respectively) by sections 31 and 36;

“prize court” means a prize court within the meaning of the Naval Prize Act 1864 (c. 25);

“ship papers” and “aircraft papers” have the meanings given by section 2 of that Act.

- (4) A person guilty of an offence under this section is liable to any punishment mentioned in the Table in section 164, but any sentence of imprisonment imposed in respect of the offence must not exceed two years.

### **38 Other prize offences**

- (1) A person subject to service law commits an offence if—

- (a) he ill-treats a person who is on board a ship or aircraft when it is taken as prize; or
- (b) he unlawfully takes anything in the possession of such a person.

- (2) A person subject to service law commits an offence if he unloads, unpacks or otherwise interferes with any goods that are on board a ship or aircraft which has been taken as prize, unless—

- (a) the goods have been adjudged by a prize court (within the meaning of the Naval Prize Act 1864 (c. 25)) to be lawful prize; or
- (b) the goods are removed for safe keeping or for necessary use by any of Her Majesty’s forces or any force co-operating with them.

- (3) A person subject to service law commits an offence if, without lawful excuse, he unloads, unpacks or otherwise interferes with any goods that are on board a ship or aircraft that has been detained in exercise of a belligerent right or under an enactment.

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- (4) A person guilty of an offence under this section is liable to any punishment mentioned in the Table in section 164, but any sentence of imprisonment imposed in respect of the offence must not exceed two years.