



Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955

1955 CHAPTER 20 3 and 4 Eliz 2

An Act to continue the Army and Air Force Acts until the appointed day, and to make, with respect to the replacement thereof by new provisions, certain transitional provisions and savings and amendments of other enactments relating to those Acts or otherwise to the armed forces of the Crown; to make permanent certain provisions contained in the said Acts; and to repeal certain enactments relating to the armed forces of the Crown which are rendered unnecessary by the expiry of those Acts or are otherwise obsolete. [6th May 1955]

Modifications etc. (not altering text)

- C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)
- C2 Act amended (women's services) by [Armed Forces Act 1981 \(c. 55, SIF 7:1\), s. 20, Sch. 3 Pt. I para. 1](#)

1 Interim continuation of Army and Air Force Acts.

The Army Act and the Air Force Act shall continue in force until the end of the year nineteen hundred and fifty-six but no longer.

2 Transitional provisions and savings.

The transitional provisions and savings set out in the First Schedule to this Act shall have effect in connection with the expiry of the Army Act and the Air Force Act.

3 Amendment of other enactments.

In connection with the replacement of the Army Act and the Air Force Act by new provisions, the enactments set out in the Second Schedule to this Act shall be amended as provided by that Schedule.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955. (See end of Document for details)

4 Provisions replacing ss.174 and 174A of Army and Air Force Acts.

The provisions set out in the Third Schedule to this Act, being the provisions contained in sections one hundred and seventy-four and one hundred and seventy-four A of the Army Act and of the Air Force Act, shall have permanent effect.

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Modifications etc. (not altering text)

C3 S. 4 extended by [Greater Manchester Act 1981 \(c. ix\), s. 114\(1\)](#)

5 ^{F1}

.....

Textual Amendments

F1 S. 5 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\), Sch. Pt. XI](#)

6 Short title and commencement.

- (1) This Act may be cited as the Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955.
- (2)
This Act, except section one thereof, shall come into operation on the appointed day.
- (3) In this Act the expression “the appointed day” means such day as Her Majesty may by Order in Council appoint.

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SCHEDULES

FIRST SCHEDULE

Section 2.

TRANSITIONAL PROVISIONS AND SAVINGS

- 1 In this Schedule the expression “the old Act” means the Army Act or the Air Force Act, and the expression “the new Act”—
- (a) in relation to the Army Act or persons subject to military law, means the ^{M1}Army Act, 1955, and
 - (b) in relation to the Air Force Act or persons subject to air-force law, means the ^{M2}Air Force Act, 1955.

Marginal Citations

M1 1955 c.18.

M2 1955 c. 19.

- 2 (1) In relation to an offence against any section in Part I of the old Act, sections seventy-one to one hundred and thirty-four and one hundred and thirty-eight to one hundred and forty-two of the new Act, and the rules and regulations made under those sections, shall apply as if the said section had been contained in the new Act and that Act had been in force when the offence was committed, and as if any finding or punishment having effect before the appointed day, and anything done before that day by virtue of or in relation to such a finding or sentence had been come to, awarded or done under the new Act:
Provided that nothing in this sub-paragraph shall render an offence capable of being tried by court-martial or dealt with summarily, if by reason of the time or place of the commission of the offence it could not have been so tried or dealt with under the old Act.
- (2) Notwithstanding anything in the foregoing sub-paragraph, where any proceedings for such an offence as aforesaid have been begun before the appointed day, any step in the proceedings taken after that day shall be deemed to be validly taken if taken in accordance with the old Act and the rules made thereunder.
- (3) In section one hundred and thirty-four of the new Act (which provides against trial for offences already disposed of) references to the new Act or to any provision thereof shall be construed as including respectively references to the old Act and to the corresponding provision thereof.
- 3 Where after the appointed day a person is alleged—
- (a) to have committed an offence continuing over a period beginning before that day and ending thereon or thereafter, or
 - (b) to have committed an offence between two dates falling within such a period,

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and the offence would be one against a provision in Part II of the new Act if that Act had been in force at all material times, he may be proceeded against as if the new Act had so been in force.

- 4 In relation to offences under the old Act triable by civil courts subsection (2) of section thirty-eight of the ^{M3} Interpretation Act, 1889 (which relates to the effect of repeals) shall apply after the expiry of the old Act as if that Act had been repealed.

Marginal Citations
M3 1889 c. 63.

- 5 Any instrument issued before the appointed day which authorises the convening of general courts-martial or district courts-martial shall if in force on that day continue in force thereafter as if issued under the new Act, and may be varied or revoked accordingly.

- 6 Any officer who immediately before the appointed day was authorised under section ninety-four of the old Act to attest soldiers or airmen shall, without prejudice to any subsequent withdrawal of the authorisation, be deemed without further authorisation a recruiting officer for the purposes of Part I of the new Act.

- 7 (1) A person enlisted in pursuance of the old Act, or of the enactments relating to the Royal Marines repealed by this Act, whose term of enlistment is current at the appointed day shall be deemed to have been enlisted under the corresponding provisions of the new Act.

- (2) Anything done under the provisions of the old Act or the said enactments and relating to the varying of a person's terms of enlistment shall, if the doing thereof would have been authorised by any provisions of the new Act if they had been in force when it was done, be deemed to have been done under the last-mentioned provisions.

- (3) Where a person is in army service in consequence of having enlisted before the first day of May, nineteen hundred and fifty-two, then—

- (a) if he was re-engaged in pursuance of section eighty-four of the Army Act as in force before the said date, his re-engagement shall remain effective notwithstanding anything in this Act, and section six of the new Act shall not apply to him;

- (b) ... ^{F2}

- (4) ^{F2}

Textual Amendments
F2 Sch. 1 para. 7(3)(b)(4–7) repealed with saving by S.I. 1967/1018

- 8 (1) If immediately before the appointed day any person is being detained in service under section eighty-seven of the old Act or under the enactments relating to the Royal Marines repealed by this Act, then in calculating for what period he may be retained and his service prolonged under the corresponding provisions of the new Act account shall be taken of the period for which he has been so detained, or his service prolonged, as if during that period he had been retained, or his service prolonged, under the said provisions of the new Act.

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Changes to legislation: There are currently no known outstanding effects for the Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955. (See end of Document for details)

- (2) If immediately before the appointed day a proclamation is in force under section eighty-eight of the old Act, it shall continue in force as if made under the corresponding provisions of the new Act.
- 9 Any order authorising the discharge of a person given before the appointed day by an officer prescribed in that behalf under the old Act shall be treated for the purposes of subsection (3) of section eleven of the new Act as an order of the competent military, or as the case may be, air-force authority.
- 10 Any order under section ninety-one of the old Act in force immediately before the appointed day shall have effect as if it had been made under the corresponding provisions of the new Act.
- 11 The powers conferred by the new Act of restoring forfeited service and remitting forfeitures and deductions shall be exercisable in relation to service forfeited and forfeitures and deductions imposed under the old Act.
- 12 (1) Any forfeiture of, or deduction from, pay having effect under the old Act immediately before the appointed day shall, subject to the last foregoing paragraph, continue to have effect notwithstanding the expiry of the old Act.
- (2) Any order having effect immediately before the appointed day under the provisions of the old Act corresponding with sections one hundred and fifty and one hundred and fifty-one of the new Act shall continue to have effect as if made under the new Act, and section one hundred and fifty-two of the new Act shall apply accordingly.
- 13 Any document made before the appointed day which would have been admissible in evidence under the provisions of the old Act, or those provisions as applied by any other enactment, shall be admissible to the like extent and in the like proceedings notwithstanding that the old Act has ceased to be in force.
- 14 If immediately before the appointed day any declaration or renewal is in force under section one hundred and eighty-nine of the old Act, it shall continue in force as if made under the corresponding provision of the new Act.

SECOND SCHEDULE

Section 3.

ADAPTATION OF ENACTMENTS

1 F3

Textual Amendments

F3 Sch. 2 paras. 1, 7 repealed by Naval Discipline Act 1957 (c. 53), Sch. 6

2 F4

Textual Amendments

F4 Sch. 2 para. 2 repealed by Mental Health (Scotland) Act 1960 (c. 61), Sch. 5

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955. (See end of Document for details)

The Regimental Debts Act, 1893 56 and 57 Vict. c. 5.

- 3 In section twenty-nine after the definition of “prescribed” there shall be inserted — “ the expression “desert” means commit an offence against paragraph (a) of subsection (2) of section thirty-seven of the Army Act, 1955 ”,
and for the words “the Army Act” there shall be substituted the words “ the Army Act, 1955. ”

Modifications etc. (not altering text)

- C4 The text of Sch. 2 paras. 3–5, 8, 9(2), 16, 17 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.

The Uniforms Act, 1894 57 & 58 Vict. c. 45.

- 4 In section four the words “ within the meaning of the Army Act ” shall be omitted.

Modifications etc. (not altering text)

- C5 The text of Sch. 2 paras. 3–5, 8, 9(2), 16, 17 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.

The Criminal Evidence Act, 1898 61 & 62 Vict. c. 36.

- 5 In section six, in subsection (1) after the words “criminal proceedings” there shall be inserted the words “ including proceedings in courts-martial ” and subsection “ (2) ” shall be omitted.

Modifications etc. (not altering text)

- C6 The text of Sch. 2 paras. 3–5, 8, 9(2), 16, 17 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.

- 6 F5

Textual Amendments

- F5 Sch. 2 para. 6 repealed by [Armed Forces Act 1971 \(c. 33\)](#), s. 77(2), [Sch. 4 Pt. II](#)

- 7 F6

Textual Amendments

- F6 Sch. 2 paras. 1, 7 repealed by [Naval Discipline Act 1957 \(c. 53\)](#), [Sch. 6](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955. (See end of Document for details)

The Ferries (Acquisition by Local Authorities) Act, 1919 9 & 10 Geo. 5. c. 75.

8 In section four the words “ and save as provided by the Army Act ” shall be omitted.

Modifications etc. (not altering text)

C7 The text of Sch. 2 paras. 3–5, 8, 9(2), 16, 17 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.

The Visiting Forces (British Commonwealth) Act, 1933 23 & 24 Geo. 5. c. 6

9 (1) The power conferred by subsection (2) of section four to place members of Her Majesty’s military or air forces raised in the United Kingdom at the disposal of the service authorities of another part of the Commonwealth shall not be exercisable in relation to any person without his consent; and the limitation hereinbefore contained shall have effect in substitution for so much of paragraph (ii) of the said subsection (2) as provides that the said power shall be exercisable in relation to those forces subject to anything to the contrary in the conditions applicable to a person’s service.

(2) In subsection (3) of section four the words “ as an officer or soldier ” shall be omitted, for the words from “the Air Force Act” to “airman” there shall be substituted the words “ air-force law ”, and for the words “the Army Act or the Air Force Act” there shall be substituted the words “ the Army Act, 1955, or the Air Force Act, 1955 ”.

Modifications etc. (not altering text)

C8 The text of Sch. 2 paras. 3–5, 8, 9(2), 16, 17 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.

10 F7

Textual Amendments

F7 Sch. 2 paras. 10, 15 repealed by Statute Law (Repeals) Act 1977 (c. 18), s. 1(1), Sch. 1 Pt. I

11–14 F8

Textual Amendments

F8 Sch. 2 paras. 11–14, 18 repealed by Reserve Forces Act 1980 (c. 9, SIF 7:2), s. 157, Sch. 10 Pt. II

15 F9

Textual Amendments

F9 Sch. 2 paras. 10, 15 repealed by Statute Law (Repeals) Act 1977 (c. 18), s. 1(1), Sch. 1 Pt. I

Status: Point in time view as at 01/02/1991.

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The Defamation Act, 1952 15 & 16 Geo. 6. & Eliz. 2. c. 66

- 16 In the Schedule, in paragraph 4, for the words “the Army Act or the Air Force Act” there shall be substituted the words “the Army Act, 1955 or the Air Force Act, 1955”.

Modifications etc. (not altering text)

C9 The text of Sch. 2 paras. 3–5, 8, 9(2), 16, 17 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.

The Visiting Forces Act, 1952 15 & 16 Geo. 6. & 1 Eliz. 2. c. 66.

- 17 (1) The following subsections shall be substituted for subsections (1) to (4) of section thirteen:—

“(1) Subject to the provisions of this section, sections one hundred and eighty-six to one hundred and eighty-eight and one hundred and ninety of the Army Act, 1955 (which relate to the apprehension, custody and delivery into military custody of deserters and absentees without leave from the regular forces) shall within the United Kingdom apply in relation to deserters and absentees without leave from the forces of any country to which this section applies as they apply in relation to deserters and absentees without leave from the regular forces.

(2) The powers conferred by the said sections one hundred and eighty-six and one hundred and eighty-eight, as applied by the last foregoing subsection, shall not be exercised in relation to a person except in compliance with a request (whether specific or general) of the appropriate authority of the country to which he belongs.

(3) In sections one hundred and eighty-seven, one hundred and eighty-eight and one hundred and ninety of the Army Act, 1955, as applied by subsection (1) of this section, references to the delivery of a person into military custody shall be construed as references to the handing over of that person to such authority of the country to which he belongs, at such place in the United Kingdom, as may be designated by the appropriate authority of that country”.

- (2) In section fourteen for the words “the Army Act” there shall be substituted the words “Army Act, 1955 ”

Modifications etc. (not altering text)

C10 The text of Sch. 2 paras. 3–5, 8, 9(2), 16, 17 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.

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Textual Amendments

F10 Sch. 2 paras. 11–14, 18 repealed by Reserve Forces Act 1980 (c. 9, SIF 7:2), s. 157, Sch. 10 Pt. II

THIRD SCHEDULE

Section 4.

PROVISIONS REPLACING SECTIONS 174 AND 174A OF ARMY AND AIR FORCE ACTS

Entertainments under Service direction

- 1 (1) So much of any Act as operates to prohibit as respects particular days, or otherwise to restrict or regulate, the keeping, opening or using of premises for purposes of public entertainment or amusement shall not apply to the use, by authority of a Secretary of State . . . , ^{F11}of any building at a camp, station, or naval establishment, or of any ship, for entertainments or amusements under the direction and control of an officer or committee having official responsibility for such matters.
- (2) For the purposes of this paragraph, the expression “public entertainment or amusement” includes public dancing, singing or music, the public performance of stage plays and the giving of cinematograph exhibitions; and in the case of a building or ship which is used for the giving of cinematograph exhibitions, the keeping or storing of films shall be deemed to be part of the use thereof for the giving of exhibitions.

Textual Amendments

F11 Words repealed by S.I. 1964/488

Modifications etc. (not altering text)

C11 Sch. 3 para. 1 extended by S.I. 1965/1536

C12 Sch. 3 para. 1 extended by Greater Manchester Act 1981 (c. ix), s. 114(1)

2 ^{F12}

Textual Amendments

F12 Sch. 3 para. 2 repealed by Statute Law (Repeals) Act 1977 (c. 18), s. 1(1), Sch. 1 Pt. I

^{F13}FOURTH SCHEDULE

Textual Amendments

F13 Sch. 4 repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

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Status:

Point in time view as at 01/02/1991.

Changes to legislation:

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