



Army and Air Force Act 1961

1961 CHAPTER 52

*Extension of penal Provisions of Army Act, 1955, to Acts
and Omissions relating to Aircraft and aircraft Material*

31 Extension of section 24 of Army Act, 1955, to offences relating to aircraft

(1) Subsection (1) of section twenty-four of the Army Act, 1955, shall have effect as if, after paragraph (e) thereof, there were inserted the following:—

“or

- (f) gives any false air signal or alters or interferes with any air signal or any apparatus for giving an air signal, or
- (g) when ordered by his superior officer, or otherwise under orders, to carry out any warlike operations in the air fails to use his utmost exertions to carry such orders into effect, or
- (h) causes the capture or destruction by the enemy of any of Her Majesty's aircraft”.

(2) In subsection (2) of the said section twenty-four (which provides for the punishment, with imprisonment or any less punishment provided by the said Act, of persons subject to military law who, without intent to assist the enemy but knowingly and without lawful excuse, do any of the acts specified in paragraphs (a) to (e) of subsection (1) of that section), for the reference to those paragraphs there shall be substituted a reference to paragraphs (a) to (g) of that subsection.

(3) At the end of the said section there shall be added the following subsection:—

- “(3) Any person subject to military law who negligently causes the capture or destruction by the enemy of any of Her Majesty's aircraft shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act”.

32 Extension of section 26 of Army Act, 1955, to offences relating to aircraft

Section twenty-six of the Army Act, 1955 (which provides for the punishment, with imprisonment or any less punishment provided by that Act, of a person subject to military law who, when before the enemy, does either of the acts specified in paragraphs (a) and (b) of subsection (1) thereof in such a manner as to show cowardice or otherwise behaves in such a manner as to show cowardice, or induces other persons so subject to do either of those acts in such a manner or otherwise so to behave) shall have effect as if, after the said paragraph (b), there were inserted the following:—

“or

- (c) does any of the acts specified in paragraphs (f) to (h) of subsection (1) of section twenty-four of this Act”.

33 Extension of section 44 of Army Act, 1955, to aircraft and aircraft material

At the end of section forty-four of the Army Act, 1955 (which provides for the punishment, with imprisonment or any less punishment provided by that Act, of a person subject to military law who commits the offences specified in that section in relation to public or service property) there shall be added the following subsections:—

“(2) Without prejudice to the generality of the foregoing provisions of this section, any person subject to military law who—

- (a) wilfully damages, or is concerned in the wilful damage of, any of Her Majesty's aircraft or aircraft material, or
- (b) by wilful neglect causes damage to, or the loss of, any of Her Majesty's aircraft or aircraft material, or
- (c) without lawful authority disposes of any of Her Majesty's aircraft or aircraft material,

shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

- (3) Any person subject to military law who, during a state of war, wilfully and without proper occasion or negligently causes the sequestration by or under the authority of a neutral state or the destruction in a neutral state of any of Her Majesty's aircraft shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act:

Provided that if he has not acted wilfully or with wilful neglect he shall not be liable to imprisonment for a term exceeding two years”.

34 Extension of section 46 of Army Act, 1955, to aircraft and aircraft material

Section forty-six of the Army Act, 1955 (which provides for the punishment, with imprisonment for a term not exceeding two years or any less punishment provided by that Act, of a person subject to military law who commits any of the miscellaneous offences relating to property specified in paragraphs (a) to (e) thereof) shall have effect as if, after paragraph (a) thereof, there were inserted the following paragraphs:—

- “(aa) by negligence loses or damages any of Her Majesty's aircraft or aircraft material, or
- (ab) is guilty of any act or neglect likely to cause damage to, or the loss of, any of Her Majesty's aircraft or aircraft material, or”.