



Army and Air Force Act 1961

1961 CHAPTER 52

*Amendments as to Discipline, &c, applicable
alike to Army Act, 1955, and Air Force Act, 1955*

18 Change of circumstances for award of field punishment and forfeiture of pay

(1) The circumstances in which field punishment may be awarded to a warrant officer, non-commissioned officer, soldier or airman by sentence of a court-martial under the Army Act, 1955, or the Air Force Act, 1955, for an offence and the punishment of forfeiture of pay may be so awarded or may, under either Act, be awarded by a commanding officer to a soldier or airman for an offence shall, instead of being that the offence was committed on active service (as provided, in the case of field punishment, by subsection (1) of section seventy-three of each of those Acts and, in the case of forfeiture of pay, by paragraph (b) of subsection (2) of section seventy-two thereof and paragraph (c) of subsection (3) of section seventy-eight thereof), be that the offender is on active service at the time at which the sentence of the court is announced or, as the case may be, the commanding officer's award is made; and forfeiture of pay shall, when awarded by sentence of a court-martial, instead of being treated for the purposes of Part II of each of those Acts as less than severe reprimand or reprimand (which are specified in paragraph (i) of the said subsection (2)) be so treated as greater than those punishments but less than the punishments specified in paragraphs (a) to (h) of that subsection.

(2) Accordingly.—

(a) the said Acts shall each be amended as follows:—

(i) in subsection (2) of section seventy-two, after paragraph (e) thereof, there shall be inserted the following paragraph:—

“(ee) where the offender is on active service on the day of the sentence, field punishment for a period not exceeding ninety days”;

(ii) in the said subsection (2), after paragraph (h) thereof, there shall be inserted the following paragraph:—

“(hh) where the offender is on active service on the day of the sentence, forfeiture of pay for a period beginning

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with the day of the sentence and not exceeding ninety days”;

and paragraph (j) shall be omitted;

(iii) in subsection (6) of (the said section seventy-two, for the words " or detention ", there shall be substituted the words " detention or field punishment " ;

(iv) for subsection (8) of the said section seventy-two, there shall be substituted the following subsection:—

“(8) Where an offender is on active service when sentence of a court-martial is announced, forfeiture of pay may be awarded in addition to field punishment and, in a case where he is a warrant officer or non-commissioned officer, severe reprimand or reprimand may be awarded in addition to forfeiture of pay”;

(v) subsection (1) of section seventy-three shall be omitted;

(b) subsection (3) of section seventy-eight of the Army Act, 1955, shall be amended as follows:—

(i) after paragraph (a) thereof, there shall be inserted the following paragraph:—

“(aa) if the accused is a soldier who is on active service on the day of the sentence, forfeiture of pay for a period beginning with the day of the sentence and not exceeding twenty-eight days”;

(ii) paragraph (c) shall be omitted ; and

(c) subsection (3) of section seventy-eight of the Air Force Act, 1955, shall be amended as follows:—

(i) after paragraph (a) thereof, there shall be inserted the following paragraph:—

“(aa) if the accused is an airman Who is on active service on the day of the sentence, forfeiture of pay for a period beginning with the day of the sentence and not exceeding twenty-eight days”;

(ii) paragraph (c) shall be omitted.