



Air Force Constitution Act 1917

1917 CHAPTER 51

An Act to make provision for the establishment, administration, and discipline of an Air Force, the establishment of an Air Council, and for purposes connected therewith. [29th November 1917.]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I

ESTABLISHMENT OF AIR FORCE

1 Raising and number of Air Force

It shall be lawful for His Majesty to raise and maintain a force, to be called the Air Force, consisting of such number of officers, warrant officers, non-commissioned officers, and men as may from time to time be provided by Parliament.

2 Government, discipline, and pay of Air Force

- (1) Subject to the provisions of this Act it shall be lawful for His Majesty, by order signified under the hand of a Secretary of State, to make orders with respect to the government, discipline, pay, allowances, and pensions of the Air Force, and with respect to all other matters and things relating to the Air Force, including any matter by this Act authorised to be prescribed or expressed to be subject to orders or regulations.
- (2) The said orders may provide for the formation of men of the Air Force into separate units, and for the formation of such units into corps, and for appointing, transferring, or attaching men of the Air Force to units, and for posting, attaching, and otherwise dealing with such men within the units, and may regulate the appointment, rank, duties, and numbers of the officers and non-commissioned officers of the Air Force.

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- (3) Subject to the provisions of any such order, the Air Council hereinafter constituted may make general or special regulations with respect to any matter with respect to which His Majesty may make orders under this section :

Provided that the administration of pensions, other than service pensions within the meaning of the Ministry of Pensions Act, 1916, shall vest in the Minister of Pensions.

- (4) All orders and general regulations made under this section shall be laid before Parliament as soon as may be after they are made.

3 Transfer and attaching to Air Force of members of Naval and Military Forces

- (1) Any officer, warrant officer, petty officer, non-commissioned officer, or man of any of His Majesty naval or military forces may, with his consent and subject to the approval of the Admiralty or Army Council (as the case may be) be transferred by the Air Council to the Air Force, or attached by the Air Council to the Air Force for the period of the present war or. for a period not exceeding four years :

Provided that—

- (a) any officer, warrant officer, petty officer, non-commissioned officer, or man who at such date as may be fixed by Order in Council belongs or is attached to the Royal Naval Air Service, the Royal Flying Corps or any unit of the naval or military forces engaged in defence against aircraft which is designated by the Admiralty or Army Council for the purpose, may be so transferred or attached without his consent, but if any person so transferred or attached, within three months from the time when he receives notice of such transfer or attachment or such longer period as in any particular case the Air Council may allow, gives notice to his commanding officer that he does not desire to be so transferred or attached, the transfer or attachment shall be annulled without prejudice to the validity of anything which may have been done in the meanwhile ; and
- (b) no person transferred to the Air Force under the provisions of this section shall be liable to serve with the Air Force for any longer period than that for which he would have been liable to serve had he continued in the force from which he was transferred.
- (2) Regulations made by the Air Council may provide that in the case of a person so transferred, the time during which he held a commission or served in the force from which he is transferred shall, for such purposes as may be prescribed, be aggregated with the time during which he holds a commission or serves in the Air Force, and that his entry into or enlistment in the force from which he is transferred shall, for such purposes as may be prescribed, be treated as enlistment into the Air Force.
- (3) Where any person is transferred to the Air Force under this section, then for the purposes of pay, pensions, gratuity, and retired or half-pay, and of any decoration or reward dependent on length of service, any previous service with His Majesty's naval or military forces which would have counted as service towards pay, pension, gratuity, retired or half-pay, or such decoration or reward if he had not been so transferred, shall he deemed to he service with the Air Force towards pay, pension, gratuity, retired or half-pay, or such decoration or reward.
- (4) Where any person is attached to the Air Force under this section, the fact that he is so attached shall not affect any right to any pay, pension, gratuity, retired or half-pay, or such decoration or reward as aforesaid, already earned by him in that branch of His Majesty's naval or military forces to which he belonged at the date on which he was

so attached, and the period during which he is so attached shall, for the purpose of any provisions relating to pay, pensions, gratuity, retired or half-pay, or such decoration or reward, be deemed to be service with that branch of His Majesty's naval or military forces to which he belonged at the date on which he was so attached.

4 Rights of officers

Officers in the Air Force shall enjoy all such powers, rights, immunities, and privileges as are enjoyed by commissioned officers of His Majesty's Navy or Army as such, whether conferred by statute or otherwise, and the acceptance of a commission in the Air Force shall not render a person accepting such a commission incapable of being elected to or sitting or voting in the Commons House of Parliament, and nothing in the Succession to the Crown Act, 1707, or any similar enactment shall extend to any member of the Commons House of Parliament who, being an officer of the Air Force, receives any new or other commission in the Air Force, or receives a commission in His Majesty's Navy or Army, or who, being an officer in His Majesty's Navy or Army, receives a commission in the Air Force.

5 Application of Military Service Acts, &c

- (1) Any men who, by virtue of the Military Service Acts, 1916 and 1917, are deemed to have been enlisted in His Majesty's regular forces and to have been transferred to the reserve, or who having voluntarily enlisted in the regular forces have been so transferred, shall on being called up for service be liable to be transferred to the Air Force.
- (2) There shall be included amongst the exceptions mentioned in the First Schedule to the Military Service Act, 1916, the following:—
Men serving in the Air Force.

6 Air Force Reserve and Auxiliary Force

- (1) It shall be lawful for His Majesty to raise and maintain an Air Force Reserve and an Auxiliary Air Force consisting in each case of such number of officers, warrant officers, noncommissioned officers, and men as may from time to time be provided by Parliament, and to provide for the transfer or attachment to the Auxiliary Air Force, subject to their consent, of officers and men of any unit of the territorial force which at the passing of this Act forms part of the Royal Flying Corps.
- (2) His Majesty may, by Order in Council, apply with the necessary adaptations to the Air Force Reserve, or to the Auxiliary Air Force, or to the officers or men of any such force, any enactment relating to the Army Reserve or to the Territorial Force or to the officers or men of those forces, and such Order in Council shall be laid before both Houses of Parliament.

7 Consequential amendments of Naval Discipline Act and Army Act

The amendments set out in the second column of the tables in Part I. and Part II. of the First Schedule to this Act (being amendments consequential on the establishment of an air force) shall be made in or inserted after the provisions of the Naval Discipline Act and the Army Act respectively mentioned in the first column of those tables, and section two of the Naval Discipline Act, 1917 (which relates, to the printing and

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construction of the Naval Discipline Act), shall apply to the amendments of the Naval Discipline Act made by this Act in like manner as it applies to the amendments thereof made by that Act.

PART II

ESTABLISHMENT OF AIR COUNCIL

8 Establishment of Air Council

- (1) For the purpose of the administration of matters relating to the Air Force and to the defence of the realm by air there shall be established an Air Council consisting of one of His Majesty's Principal Secretaries of State who shall be President of the Air Council and of other members who shall be appointed in such manner and subject to such provisions as His Majesty may, by Order in Council, direct.
- (2) His Majesty may, by Order in Council, fix the date as on which the Air Council is to be established, and make provision with respect to the proceedings of the Air Council and the manner in which the business of the Council is to be distributed among the members thereof.
- (3) On the establishment of the Air Council, the Air Board constituted under the New Ministries and Secretaries Act, 1916, shall cease to exist, and all the powers, duties, rights, liabilities, and property of that Board shall be transferred to the Air Council, but nothing in this subsection shall affect any orders, instructions, or other instruments issued by the Air Board, and all such instruments shall have effect as if issued by the Air Council.
- (4) His Majesty may, by Order in Council, transfer from the Admiralty, or from the Army Council or the Secretary of State for the War Department, to the Air Council or the President of the Air Council such property, rights, and liabilities of the Admiralty or Army Council or Secretary of State as may be agreed between the Air Council and the Admiralty or the Army Council, as the case may be.

9 Staff, remuneration, and expenses

- (1) The Air Council may appoint such secretaries, officers, and servants as the Council may, with the sanction of the Treasury, determine.
- (2) There shall be paid, out of moneys provided by Parliament, to the members of the Air Council, and to the secretaries, officers, and servants of the Council, such salaries or remuneration as the Treasury may determine.

10 Style, seal, and proceedings of Air Council

- (1) The Air Council may sue and be sued, and may for all purposes be described, by that name.
- (2) The Air Council shall have an official seal, which shall be officially and judicially noticed, and that seal shall be authenticated by the signature of the President, or of a secretary, or of some person authorised by the Council to act on behalf of the secretary.

- (3) Every document purporting to be an instrument issued by the Air Council, and to be sealed with the seal of the Council, authenticated in manner provided by this Act, or to be signed by a secretary or any person authorised by the Council to act on behalf of the secretary, shall be received in evidence, and be deemed to be such an instrument without further proof, unless the contrary is shown.
- (4) A certificate signed by the President of the Air Council that any instrument purporting to be made or issued by the Council was so made or issued shall be conclusive evidence of the fact.
- (5) The Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall apply to the Air Council as if that Council were, mentioned in the first column of the schedule to the first-mentioned Act, and as if the President, or a secretary of the Council, or any person authorised by the President to act on behalf of the Council, was mentioned in the second column of that schedule.

11 Provisions as to sitting in Parliament

The number of Principal Secretaries of State and Under Secretaries capable of sitting and voting in the Commons House of Parliament shall be increased to five, and accordingly section four of the Government of India Act, 1858, and section one of the House of Commons (Vacation of Seats) Act, 1864, shall have effect as if the word "five" was substituted for the word "four" wherever that word occurs in those sections:

Provided that nothing in this provision shall affect the operation of section nine of the New Ministries and Secretaries Act, 1916, so long as that section continues in force.

PART III

DISCIPLINE, &C

12 Application of Army Act to Air Force

- (1) The Army Act as in force immediately before the passing of this Act shall, subject to the modifications set out in the Second Schedule to this Act (being amendments required to adapt that act to the circumstances of the Air Force), apply with respect to the Air Force, and shall, as so modified, take effect as a separate Act of the present session of Parliament, and may be printed as a separate Act by the printers to His Majesty and intitled "An Act to provide for the Discipline and Regulation of the Air Force," and that Act may, subject to any modifications, which may from time to time be made therein, be cited as the Air Force Act:

Provided that, for the purposes of section eighty-eight of the Air Force Act (relating to the continuance of men in air-force service in case of emergency), the proclamation issued under section eighty-eight of the Army Act on the outbreak of the present war shall have effect as if it had been issued under the first-mentioned, as well as the last-mentioned, section, and had applied to the Air Force as well as to the Army.

- (2) The Air Force Act shall continue in force only as long as the Army Act continues in force, and during the present war the number of the forces mentioned in the preamble to the Army (Annual) Act shall include the number of the Air Force

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- (3) Where, by any enactment passed after the passing of this Act, any amendments are made in the Army Act the corresponding amendments shall be made in the Air Force Act, subject to such modifications and exceptions as His Majesty in Council may declare to be necessary for adapting the same to the Air Force.
- (4) Where, by any enactment passed after the passing of this Act and for the time being in force, any enactments or words are directed to be substituted in the Army Act or the Air Force Act for any other enactments or words, or to be added to or omitted from the Army Act or the Air Force Act, then all copies of the Air Force Act printed after such direction takes effect shall be printed with the said enactments or words added to the said Act or omitted therefrom, or inserted therein in lieu of any enactments or words for which the same are to be substituted, according as such direction requires, and with the sections and subsections numbered in accordance with such direction, but, as respects amendments to the Army Act, subject to such modifications and exceptions as aforesaid, and the Air Force Act shall be construed as if it had at the time at which such direction takes effect been enacted with such addition, omission, or substitution.
- (5) A reference in any enactment passed after the passing of this Act to the Air Force Act shall, unless the context otherwise requires, be construed to refer to the Air Force Act as amended by any enactment for the time being in force.

13 Application of other Acts

His Majesty may, by Order in Council, apply, with the necessary modifications and adaptations, in relation to the Air Council, the President of the Air Council, and the Air Force, and the officers and men thereof, and Air Force property or institutions, any of the enactments relating to- the Army Council, the Secretary of State for the War Department, the Army, or the officers and soldiers thereof (including enactments conferring any powers, rights, exemption or abatement from taxation or immunities or imposing any duties or disabilities on such officers or soldiers), or to military property or institutions, and every such Order in Council shall be laid before both Houses of Parliament.

PART IV

GENERAL

14 Power to alter and revoke orders

Orders in Council, orders, and regulations made under this Act may be varied and revoked by subsequent Orders in Council, orders, and regulations made in like manner.

15 Short title

This Act may be cited as the Air Force (Constitution) Act, 1917. .

SCHEDULES.

FIRST SCHEDULE

Section 7.

PART I

AMENDMENTS OF THE NAVAL DISCIPLINE ACT

TABLE.

| Section of Act. | Amendments. |
|-----------------|--|
| 21 | <p>For "military or naval forces" there shall be substituted "naval, military, or air forces.</p> <p>" For " military forces " there shall be substituted "military or air forces.</p> <p>After " Secretary of War "there shall be inserted "or the Air Council, as the case may be.</p> <p>" After "regiment " there shall be inserted "or unit."</p> |
| 29 | <p>After "His Majesty's .service" there shall be inserted "or lose or suffer to be lost any aircraft of His Majesty or in His Majesty's service."</p> |
| 53 (6) | <p>After "naval" there shall be inserted "air force."</p> |
| 66 | <p>After " military " there shall be inserted "or belonging to the air force," and for " belong to His Majesty's Navy" there shall be substituted "who is subject to this Act."</p> |
| 87 | <p>After "hereby" there shall be inserted "or by any other Act."</p> |
| 88 | <p>For "land forces " there shall be substituted "land and air forces."</p> |
| 90a | <p>After subsection (1) the following subsection shall be inserted :—</p> <p>“(1A) Where an officer, or non-commissioned officer not below the rank of sergeant, is a member of a body of His Majesty's Air Force acting with any body of His</p> |

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Section of Act.

Amendments.

Majesty's naval forces under such conditions as may be prescribed by regulations made by the Admiralty and Air Council, and such officer or non-commissioned officer is not borne on the books of any of His Majesty's ships in commission, then, for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, he shall, in relation to such body of His Majesty's naval forces as aforesaid, be treated, and may exercise all such powers (other than powers of punishment), as if he were a naval officer, or petty officer, as the case may be.”

In subsection (2) for " so prescribed as aforesaid " there shall be substituted "prescribed by regulations made by the Admiralty and Army Council."

After subsection (2) the following subsection shall be inserted :—

“(2A) Where any naval officer or seaman is a member of a body of His Majesty's naval forces acting with any body of His Majesty's air force under such conditions as may be prescribed by regulations made by the Admiralty and Air Council, then, for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, the officers, and non-commissioned officers not below the rank of sergeant, of such body of the air force shall, in relation to him,' be treated, and may exercise all such powers (other than powers of punishment), as if they were naval officers and petty officers.”

" In subsection (3) "and air-force" shall be inserted after "naval and military."

PART II

AMENDMENTS OF THE ARMY ACT

TABLE.

| Section of Act. | Amendments. |
|-----------------|---|
| 6 (1) (d) | " Soldier when acting as " shall be omitted. |
| 7 | For " any forces belonging to His Majesty's regular, reserve, or auxiliary forces or navy" and for " His Majesty's regular, reserve, or auxiliary forces or navy " (wherever those words occur) there shall be substituted "any of His Majesty's military, naval, or air forces." |
| 13(1) (b) | After " reserve forces " there shall be inserted "or in the air force." |
| 24 (3) | For " military decoration " there shall be substituted "military or air-force decoration." |
| 27(3) | " Navy or air force" shall be substituted for "navy" |
| 31 | In subsections (1), (7), and (8) "aircraft" shall be omitted wherever it occurs, and in subsections (4) and (5) for "vessel or aircraft" "there shall be substituted or vessel." |
| 32 | " Military or air" shall be inserted after "His Majesty's" wherever those words occur. |
| 115 | In subsection (1) "and also of aircraft of every description" shall be omitted; in subsections (3), (6), (7), and (9). "aircraft" shall be omitted wherever it occurs ; and in subsection (6) for "vessels and" there shall be substituted "and vessels." |
| 116 | " Aircraft " shall be omitted. |
| 119 | For "vessel or aircraft" there shall be substituted "or vessel." |
| 121 | " Aircraft." shall be omitted wherever it occurs. |
| 142 | After " naval" there shall be inserted "air force." |
| 152 | After " naval" there shall be inserted "air force." |
| 156 (1) | For " military decorations " there shall be substituted "military or air-force decorations." |

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| Section of Act. | Amendments. |
|-----------------|--|
| 163(1) (b) | After "Admiralty" "or of the Air Council" shall be inserted. |
| 175 | <p>After subsection (1) the following subsection shall be inserted :—</p> <p>“(1A) Any officer of His Majesty's Air Force who is attached to, or seconded for service with, the regular forces, subject, however, to the modifications contained in this Act.”</p> |
| 176 | <p>After subsection (1) the following subsection shall be inserted :—</p> <p>“(1A) All airmen of the Air Force who are attached to the regular forces, subject, however, to the modifications contained in this Act.”</p> |
| 179 | <p>After the section the following section shall be inserted:—</p> <p>“179A Where an officer or airman of the air force is attached to, or seconded for service with, the regular forces, this Act shall apply to him, subject to the following modifications :—</p> <p>(a) a general court-martial for the trial of. any such officer or airman shall not be convened except by His Majesty or by an officer authorised to convene general courts-martial under the Air Force Act (who shall have power to convene such a court-martial for the purpose of this section), except that when such officer or airman while subject to this Act is serving beyond the seas with a body of the regular forces, and in the opinion of the general or other officer commanding that body (such opinion to be stated in the order convening the court and to be conclusive) there is not present any officer authorised under the Air Force Act to convene</p> |

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Section of Act.

Amendments.

- a general court-martial, a general court-martial convened by such general or other officer, if authorised to convene general courts-martial under this Act, may try such officer or airman ;
- (b) a district court-martial for the trial of any such airman may be convened by any officer having authority to convene a district court-martial for the trial of a soldier of the regular forces; ,
- (c) Without prejudice to any power of confirmation the findings and sentences of any general court-martial on any such officer or airman may be confirmed by His Majesty or by an officer authorised under this section to convene the same.
- (d) Anything required or authorised by this Act to be done by, to, or before the Army Council or Judge Advocate-General may as regards any such officer or airman be done by, to, or before the Air Council; and the provisions of this Act shall be construed, so far as respects any such officer or airman, as if " the Air Council" were substituted for "the Army Council" and " Judge Advocate-General " wherever those words occur;
- (e) Anything required or authorised by this Act to be done by, to, or before the Commander-in-Chief of the forces in India, or the general or other officer commanding the forces in any colony or elsewhere, may as regards any such officer or airman be done by, to, or before such officer as

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| Section of Act. | Amendments. |
|-----------------|---|
| 184a | <p>the Air Council may appoint in that behalf, and, if no such appointment is made, by such Commander-in-Chief or general or other officer;</p> <p>(f) (f) if any such officer or airman commits an offence for which he is not amenable under this Act, but for which he can be punished under the Air Force Act, he may be tried and punished for such offence under that Act.”</p> <p>The following subsection shall be inserted after subsection (1): —</p> <p>“(1A) Where an officer or non-commissioned officer of . the Air Force is a member of a body of His Majesty's Air Force acting with any body of His Majesty's military forces under such conditions as may be prescribed by regulations made by the Army Council and the Air Council, then, for the purposes of command and discipline, and for the purposes of the provisions of this Act relating to superior officers, he shall, in relation to such body of His Majesty's military forces as aforesaid, be treated, and have all such powers (other than powers of punishment), as if he were a military officer or non-commissioned officer, as the case may be :</p> <p>Provided that under regulations made by the Army Council and Air Council the officers and airmen of a body of the Air Force acting with any body of His Majesty's military forces on active service, or any of such officers or airmen, may, in such manner and in such circumstances, and subject to such conditions as may be provided by or Under those regulations, be made subject to military law, and in such case they shall be subject thereto in like manner as if they were officers and airmen attached to the Army.”</p> |

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| Section of Act. | Amendments. |
|-----------------|--|
| 190 | <p>In subsection (2) for " so prescribed as aforesaid " there shall be substituted "prescribed by regulations made by the Army Council and 'the Admiralty."</p> <p>After subsection (2) the following subsection shall be inserted :—</p> <p>“(2A) Where any officer or soldier is a member of His Majesty's military forces acting with any body of His Majesty's Air Force under such conditions as may be prescribed by regulations made by the Army Council and Air Council, then, for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, the officers and non-commissioned officers of such body of the Air Force shall, in relation to him, be treated, and have all such powers (other than powers of punishment), as if they were military officers or non-commissioned officers.”</p> <p>In subsection (3) "and air-force" shall be inserted after "naval and military."</p> <p>In subsection (18) " military " shall be omitted.</p> <p>After subsection (40) the following subsection shall be inserted :—</p> <p>“(41) Airman ' has the same meaning as in the Air Force Act.”</p> |

SECOND SCHEDULE

Section 12(1).

PART I

GENERAL MODIFICATIONS

Subject to the specific modifications made in Part II of this Schedule the Army Act shall apply with respect to the Air Force with the substitution of the terms set forth in the second column of the following table or the terms set forth in the first column of that Schedule wherever those terms occur in the Army Act. Table

Status: This is the original version (as it was originally enacted).

| Terms in Army Act. | Substituted Terms. | | | |
|--|---|-----------------|----------------------------|------------------|
| " Army Act" | Air Force Act. | | | |
| " Army Council" | Air Council. | | | |
| " regular forces " | regular air force. | | | |
| " forces" where referring exclusively to the regular forces. | force. | | | |
| " reserve forces," "army reserve," or "army reserve force." | air force reserve. | | | |
| " army service " | air force service. | | | |
| " auxiliary forces" | auxiliary air force. | | | |
| " soldier " | airman. | | | |
| " soldiers " (except in section 102) | airmen. | | | |
| " subject to military law " | subject to this Act. | | | |
| " military " when qualifying " custody," "purposes," "prison," "prisoner," "convict," "reward," "pay," "pen-sion," "allowances," " service," "office," "officer," "escort," "duty," "discipline," "authority" (whether such words are used in the singular or the plural). | air-force. | | | |
| " corps " (except in sections 6 (1) (j), 158 (1), 163 (1) (d) and 181 (5)). | <table border="0"> <tr> <td data-bbox="608 1377 981 1406">{ corps or unit</td> <td data-bbox="981 1377 1353 1467" rowspan="2" style="border-left: 1px solid black; padding-left: 10px;">} as the case may require.</td> </tr> <tr> <td data-bbox="608 1429 981 1458">{ corps or units</td> </tr> </table> | { corps or unit | } as the case may require. | { corps or units |
| { corps or unit | } as the case may require. | | | |
| { corps or units | | | | |
| " battalion | unit. | | | |
| "regimental" when qualifying "money," " goods," " mess " " band," " neces-saries " (except in section 156 (7)), " baggage," " books," " institution," or " stores." | service. | | | |

PART II

SPECIFIC MODIFICATIONS

The provisions of the Army Act mentioned in the first column of the following table shall be modified or excepted as provided in the second column of that table, and new sections shall be inserted as provided in that table. Table

| Section of Army Act. | Modification or Exception. |
|----------------------|--|
| 2 | This section shall be omitted. |
| 3 | " this Act" shall be substituted for "military law." |
| 4 | The following subsections shall be added after subsection (7): "or |
| | (8) Treacherously or shamefully causes the capture or destruction by the enemy of any of His Majesty's aircraft; or |
| | (9) Treacherously gives any false air signal or alters or interferes with any air signal; or |
| | (10) When ordered by his superior officer or otherwise under orders to carry out any warlike operation in the air treacherously or shamefully fails to use his utmost exertions to carry such orders into effect." |
| 5 | The following subsections shall be added after subsection (6): "or |
| | (7) Negligently causes the capture or destruction by the enemy of any of His Majesty's aircraft; or |
| | (8) When ordered by his superior officer or otherwise under orders to carry out any warlike operation in the air negligently or through other default fails to use his utmost exertions to carry the order into effect." |
| 6 | In subsection (1) paragraph (a) shall be omitted. |
| | In subsection (1) (d) " soldier when acting as " shall be omitted. |
| | In subsection (1) the following paragraph shall be added after paragraph (k) :— |
| | “or |
| | (l) Without due authority alters or interferes with any air signal.” |
| | In subsections (1)(h) and (2) (a) " drawing swords, beating drums," and " in action on the march in the field or elsewhere " shall be omitted. |

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| Section of Army Act. | Modification or Exception. |
|----------------------|--|
| 7 | For "any forces belonging to His Majesty's regular, reserve, or auxiliary forces or navy," and for "His Majesty's regular, reserve, or auxiliary forces, or navy " (wherever those words occur) there shall be substituted "any of His Majesty's naval, military, or air forces." |
| 11 | For "general or garrison or other orders" there shall be substituted "general, local, or other orders," and for "army" wherever it occurs there shall be substituted "air force." |
| 13 (1) | In paragraph (a) the following words shall be substituted for the words from the beginning down to and including "actual military service":— "When belonging to the regular air force or to the auxiliary air force when embodied," and "any air force" shall be substituted for "any force." |
| 15 (2) | For " quits the ranks " there shall be substituted "quits his duty or duties." |
| 15 (3) | For "general, garrison or other order" there shall, be substituted "general, local, or other order." |
| 24 (3) | " air-force, naval or military" shall be substituted for "military." |
| 27 (3) | " Army or Navy " shall be substituted for "Navy" wherever it occurs, and " the regular reserve or auxiliary air force" shall be substituted for "the regular forces, reserve forces or auxiliary forces." |
| 32 | " air or military " shall be inserted after "His Majesty's" wherever those words occur. |
| 39 | After this section the following section shall be inserted:— "39A Every person subject to this Act who commits any of the following offences ; that is to say— (a) wilfully or by wilful neglect or negligently damages, destroys, or loses any of His |

| Section of Army Act. | Modification or Exception. |
|----------------------|---|
| 43 | <p>Majesty's aircraft or aircraft material; or</p> <p>(b) is guilty of any neglect likely to cause such damage, destruction, or loss ; or</p> <p>(c) by neglect (whether wilful or otherwise) causes damage to or destruction of any public property by fire; or</p> <p>(d) without lawful authority disposes of any of His Majesty's aircraft or aircraft material; or</p> <p>(e) wilfully or by wilful neglect or negligently causes any danger in flying to the life of any officer or airman of the Air Force; or</p> <p>(f) 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 His Majesty's aircraft,</p> <p>shall, on conviction by court-martial, be liable, if he has acted wilfully or with wilful neglect, to suffer penal servitude, or such less punishment as is in this Act mentioned, and in any case to suffer imprisonment or such less punishment as is in this Act mentioned.”</p> |
| 44 (f) | The words from " or in the case of " to " may appoint" (both inclusive) shall be omitted. |
| 44 (11) | " air force " shall be substituted for "army." "air force decoration" shall be substituted for "military . decoration" and "as applied to the air force" shall be inserted after "Regimental Debts Act, 1893," and " as so applied" shall be inserted after "savings banks" and after " Acts." |
| 44 (13) | The words "under this Act" shall be omitted, and "this Act" shall be substituted for "such law." |
| 45 (2) | " according to the usages of the service " shall be omitted, and at the end of the |

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| 47 | subsection "and includes naval and military custody" shall be inserted. |
| 48 | <p>This section shall be omitted.</p> <p>In subsection (3) " seven " shall be substituted for "nine," and at the end of the section the following subsection shall be inserted:—</p> <p>“(10) If it becomes necessary to convene a court-martial under this Act at any place where in the opinion of the convening officer the necessary number of officers of the air force is not available to form such a court, or where in his opinion such a necessary number could not be made available without serious injury to the interests of the service (such opinion to be expressed in the order convening the court, and to be conclusive), then the said convening officer may, with the consent of the proper naval or military authority, nominate any naval or military officer to preside over the court, or nominate as members of the court any necessary number of naval or military officers in addition to or in lieu of officers of the air force : Provided that no naval or military officer shall be qualified to perform any function in relation to such court-martial unless he is of equal seniority and equivalent rank to that which would have been required by the provisions of this Act if he had been an officer of the air force.”</p> |
| 49 (1) | For " troops," wherever that word occurs, and for " forces " there shall be substituted "the air force." |
| 49 (2) | After " this Act " there shall be inserted "except subsection (10) thereof." |
| 54 (1) | <p>Paragraph (a) shall be omitted.</p> <p>In paragraph (d) for " troops" there shall be substituted "the air force," for- " general or field officer," there shall be substituted "general field or flag officer," and at the end of that paragraph " whether such officer is "</p> |

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| 57 (2) | an officer of the air force or of the naval or military " forces " shall be inserted. In paragraph (a) " or the officer commanding the district " or station where the prisoner subject to such punishment may for the time be" and " and" shall be omitted. Paragraphs (b), (c), and (d) shall be omitted. |
| 60 | The following subsection shall be substituted for subsection (11):— “The committing authority for the purpose of this section " whether in India or a colony, shall be the prescribed " officer.” In paragraph (a) of subsection (12) and paragraph (b) of subsection (13) " prescribed" shall be substituted for "in this section named." Paragraph (6) of subsection (12) shall be omitted. |
| 61 (5) | Paragraph (a) shall be omitted. |
| 64 (3) | Paragraph (b) shall be omitted. |
| 64 (4) | Paragraph (b) shall be omitted. |
| 65 (4) | Paragraphs (a) and (b) and paragraph (c) down to and including the words " In any case " shall be omitted. |
| 65 (5) | Paragraph (a) shall be omitted. |
| 65 (6) | Paragraph (b) shall be omitted. |
| 66 | The words "army or " shall be omitted, and at the end of the section the words "whether such an officer is an officer" of the air force or of the army or navy" shall be inserted. |
| 67 (4) | Paragraphs (b) and (c) and paragraph (d) down to and including the word " whether " shall be omitted. |
| 70 (1) (i) | "by court-martial under this Act shall be substituted for "by military law." |
| 73 (3) | All from "or in the case of India " (inclusive) shall be omitted. |
| 74 (1) | " the air force " shall be substituted for "forces." |
| 82 | Subsection (2) shall be omitted. |
| 83 | This section shall be omitted. |

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| 92 | In subsection (1) " that force" shall be substituted for "those forces" and subsection (3) shall be omitted. |
| 101 | For "first class of the army reserve force" there shall be substituted "air force reserve." |
| 106 (3) | At the end of the subsection there shall be inserted "as respects the army." |
| 108A | In subsection (1) " air force " shall be substituted for "forces" and "military" shall be omitted, and in subsection (6) "air-force" shall be substituted for "Army." |
| 114 (1) | After " carriages and animals," where those words first and secondly occur, there shall be inserted "and aircraft." At the end of the subsection the following proviso shall be inserted :— “Provided that if in any year a list of carriages and animals in made out under section one hundred and fourteen of the Army Act a list of carriages and animals shall not be made out under this section, but the list so made out shall have effect as if it had been made out under this section as well as under the said section of the Army Act.” |
| 114 (1A) | After " carriages or animals," wherever those words occur, there shall be inserted "or aircraft." |
| 114 (4) | " In England and Scotland " and " either the Police authority " or the county association established under the Territorial and Reserve Forces Act, 1907, and in Ireland " shall be omitted. |
| 115 (1) | " military " shall be omitted. |
| 115 (6) | " military " shall be omitted, and for "troops" there shall be substituted "body of the air force." |
| 115(7) | " or an order for the embodiment of the militia" shall be omitted. |
| 115 (8) | " or an order for the embodiment of the militia " shall be omitted. |
| 122 (1) | In paragraphs (b) and (c) " territorial" shall be omitted. |
| 122 (6) | At the end there shall be inserted :— |

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| 130 (5) | Modification or Exception. “it also includes,-in the case of a body of the air force on active service, the officer commanding in chief in the field, whether such officer is an officer of the air force, army, or navy.” At end there shall be inserted :— “Provided that this subsection shall not apply to a person imprisoned in England.” |
| 133 (7) | After "officer commanding-in-chief in the field" there shall be inserted "whether such officer is an air force, military or naval officer." |
| 135 | For " the service" there shall be substituted "the air service." |
| 138 (4) | For " any arms, ammunition, equipment" there shall be substituted "any aircraft or any part thereof, or any" arms, ammunition, aircraft material, or any other " equipment," and for "military decoration" there shall be substituted "air-force decoration." |
| 142 (2) | For "military, naval, or civil authority" there shall be substituted "air force, military, naval, or civil authority," and for " the regular reserve or auxiliary forces " there shall be substituted "the regular reserve or auxiliary air force." |
| 152 | For " military, naval, or civil authority " there shall be substituted "air force, military, naval, or civil authority." |
| 154 (5) | " military " shall be omitted and "air force" shall be substituted for "forces." |
| 155 | The words from " except " to " Forces Act, 1871 " (both inclusive) shall be omitted, and after "1875" there shall be inserted "as applied to the air force." |
| 156 (1) | " air-force, naval, or military decorations" shall be substituted for "military decorations," and " the charge of a unit of the air force" shall be substituted for "regimental charge." |
| 162 (1) | For " military punishment" there shall be substituted "punishment under this Act." |
| 163 (1) | In paragraph (a) "any of" shall be omitted, in paragraph (b) for "Army Council" there |

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| 165 | <p>shall be substituted "Air Council or the Army Council," in paragraph (c) "air-force circulars" shall be substituted for "army circulars," and in paragraph (d) " air-force list " shall be substituted for "army list."</p> <p>The words " of the judge advocate general, or," " such judge " advocate general or his deputy authorised in that " behalf, or by " and " judge advocate general, deputy, " or " shall be omitted.</p> |
| 172(1) | <p>The words " or by the commander-in-chief or adjutant-" general of the forces in India " and " commander-in- -" chief, adjutant-general or " shall be omitted.</p> |
| 175 | <p>Subsections (3), (5), (6), and (9) and in subsection (7) the words from and including " subject to this qualification " to the end of the subsection shall be omitted.</p> <p>The following subsection shall be inserted after subsection (1)—</p> <p>“(1A) Any officer of the naval or military forces of the Crown who is attached, or lent to, or seconded for service with, the air force, subject, however, to the modifications contained iu this Act, and with this exception, that if the members of the body of the air force with which any such naval officer is serving are themselves subject to the Naval Discipline Act he shall remain subject to that Act.”</p> <p>In subsection (2) " any of" shall be omitted.</p> <p>In subsection (3A) "auxiliary air" shall be substituted for "territorial."</p> <p>In subsection (4) for "troops or portion of troops" there shall be substituted "air force or portion of an air force."</p> <p>In subsection (7) " air force " shall be substituted for "troops," and " any of" shall be omitted.</p> <p>In subsection (8) "any part of the air force " shall be substituted for "a force," for " such force" there shall be substituted "such part."</p> <p>In subsection (10) "air force" shall be inserted before "officers."</p> |

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| 176 | <p>In subsection (11) " an air force " shall be substituted for "a force," and for " the regular, reserve, or auxiliary forces " there shall be substituted "the regular, reserve, or auxiliary air force."</p> <p>The following subsection shall be inserted after subsection (1):</p> <p>“(1A) All petty officers, non-commissioned officers, and seamen and soldiers of the naval or military forces of the Crown who are attached or lent to the Air Force, subject, however, to the modifications contained in this Act, and with this exception, that if the members of the body of the air force with which any such petty officer or man of the naval forces is serving are themselves subject to the Naval Discipline Act he shall remain subject to that Act.”</p> <p>In subsection (2) "any of" shall be omitted.</p> <p>In subsection (5) "or the militia reserve force" and paragraph (b) shall be omitted.</p> <p>Subsections (6), (7), (8) shall be omitted.</p> <p>In subsection (6A) " auxiliary air" shall be substituted for "territorial."</p> <p>In subsection (8A) "the regular, reserve, or auxiliary air force" shall be substituted for "the regular, reserve, or auxiliary forces."</p> <p>In subsections (9) and (10) " air force " shall be substituted for "troops," and in subsection (9) " any part of " shall be substituted for "any of," and in subsection (10) the words from and including " subject to this qualification " to the end of the subsection shall be omitted.</p> |
| 177 | <p>For " any force of volunteers, or of militia or any other force " there shall be substituted "any air force."</p> <p>For " His Majesty's forces " there shall be substituted "the part of His Majesty's air force."</p> <p>For the " regular reserve or auxiliary forces " there shall be substituted "the regular, reserve, or auxiliary air force."</p> |

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| 178 | The words " military law in pursuance of " shall be omitted wherever those words occur. |
| 179 | <p>For this section the following sections shall be substituted :—</p> <p>“179 Officers and airmen of the air force during the time they are borne on the books of any of His Majesty's ships in commission (unless made subject to this Act as herein-after provided) shall be subject to the Naval Discipline Act and to the laws for the government of the officers and seamen in His Majesty's Navy, and the rules for the discipline of His Majesty's Navy for the time being, and shall be tried and punished for any offence in the same manner as officers and seamen in His Majesty's Navy :</p> <p>Provided that—</p> <ul style="list-style-type: none"> (a) this provision shall not prevent the application of this Act to any person' dealing with or having any relations with any such officer or airman, or to any such officer or airman if found on shore as a deserter or absentee without leave; (b) if any such officer or airman is employed on land the senior naval officer present may, if it seems to him expedient, order that he shall during such employment be subject to this Act, and while such order is in force he shall be subject to this Act accordingly; (c) if any such officer or airman commits an offence for which he is not amenable to a naval court-martial, but for which he can be punished under this Act, he may be tried and punished for such offence under this Act." <p>179A) Where an officer, petty officer, or seaman of the naval forces</p> |

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when not subject to the Naval Discipline Act, or an officer, non-commissioned officer, or soldier of the military forces, is attached, or lent to, or seconded for service with, the regular Air Force, this Act shall apply to him, subject to the following modifications ;—

- (a) a general court-martial for the trial of any such officer, petty officer, non-commissioned officer, seaman, or soldier shall not be convened except:—
 - (i) in the case of an officer, petty officer, or seaman of the naval forces, by the Admiralty or by an officer authorised by a warrant from the Admiralty in pursuance of this section ;
 - (ii) in the case of an officer, non-commissioned officer, or soldier of the military forces, by His Majesty or by an officer authorised to convene a general court-martial under the Army Act (who shall have power to convene a general court-martial for the purposes of this section);

except that where the officer, petty officer, noncommissioned officer, seaman, or soldier is serving beyond the seas with a body of the regular Air Force, and in the opinion of the general or other officer commanding that body (such opinion to be stated in the order convening the court and to be conclusive) there

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is not present any officer so authorised to convene a general court-martial under this section, a general court-martial convened by such general or other officer, if authorised to convene general courts-martial under this Act, may try such officer, petty officer, non-commissioned officer, seaman, or soldier;

- (b) A district court-martial for the trial of any such petty officer, non-commissioned officer, seaman, or soldier may be convened by any officer having authority to "convene a district court-martial for the trial of an airman of the regular Air Force;
- (c) Any power in relation to the convening of courts-martial, or of authorising an officer to convene courts-martial, or to delegate the powers of convening courts-martial, or of confirming the findings and sentences of courts-martial, or otherwise in relation to courts-martial, which under this Act His Majesty may exercise by any warrant or warrants, may, as respects any such officer, petty officer, or seaman of the naval forces, be exercised in His Majesty's name by a warrant or warrants from the Admiralty; and any such warrant may be addressed to any officer to whom any warrant of His Majesty can be addressed;
- (d) Without prejudice to any power of confirmation, the findings and sentences of any general court-martial on any such officer, petty officer, non-commissioned

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officer, seaman, or soldier may be confirmed in the case of an officer, petty officer, or seaman of the naval forces by the Admiralty, and in the case of an officer, non-commissioned officer, or soldier of the military forces by His Majesty, or in either case by an officer authorised under this section to convene the same ;

- (e) Anything required or authorised by this Act to be done by, to, or before a Secretary of State or the Air Council may as regards any such officer, petty officer, or seaman of the naval forces be done by, to, or before the Admiralty, and the provisions of this Act shall be construed, so far as respects any such officer, petty officer, or seaman, as if "the Admiralty" were substituted for "Secretary of State" and "Air Council" wherever those words occur ;
- (f) Anything required or authorised by this Act to be done by, to, or before the Air Council may, as regards any such officer, non-commissioned officer, or soldier of the military forces, be done by, to, or before the Army Council, and the provisions of this Act shall be construed, so far as respects any such officer, non-commissioned officer, or soldier, as if " Army Council" were substituted for "Air Council" wherever those words occur;
- (g) If any such officer, petty officer, non-commissioned officer, seaman, or soldier commits an offence for

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| 180 | <p data-bbox="995 389 1345 640">which he is not amenable under this Act, but for which he can be punished under the Naval Discipline Act or, as the case may be, the Army Act, he may be tried and punished for such offence under that Act.</p> <p data-bbox="858 667 1334 824">(2) In the application of this section to the Royal Marines, petty officer and seaman of the naval forces shall mean non-commissioned officer and man of the Royal Marines.”</p> |
| 181 | <p data-bbox="804 837 1177 869">Subsection (2) shall be omitted.</p> <p data-bbox="804 891 1345 1366">For "any of His Majesty's auxiliary forces," and " His Majesty's auxiliary forces " there shall be substituted "the auxiliary air force," and for the following expressions, namely: —" territorial force, the battalion of militia or the battalion " or corps of yeomanry or volunteers," " territorial force or militiaman," " territorial force or militia " (wherever those words occur), " territorial force, a battalion of " militia, or a battalion or corps of yeomanry or volunteers, as the case may be," " territorial force, militia, " yeomanry, or volunteers," and " volunteers or the territorial force," there shall be substituted "auxiliary air" force."</p> |
| 182 | <p data-bbox="804 1384 1273 1447">Paragraph (d) of subsection (4) shall be omitted.</p> <p data-bbox="804 1464 1315 1527">In subsection" (1) the words "nor tried by regimental court-martial " shall be omitted.</p> <p data-bbox="804 1545 1177 1576">Subsection (3) shall be omitted.</p> |
| 183 | <p data-bbox="804 1594 1299 1688">In subsection (2) the words from "and in India" to "in Council may appoint " (both inclusive) shall be omitted.</p> <p data-bbox="804 1706 1334 1868">For " general officer " there shall be substituted "general or flag officer," and after " in the field" there shall be inserted "(whether such officer is an officer of the air force, army, or navy)."</p> <p data-bbox="804 1886 1315 1948">In proviso (a) to subsection (4) " air force " shall be substituted for "army."</p> <p data-bbox="804 1966 1327 2022">In proviso (b) the words from " and in India " down to " may appoint" (both inclusive)</p> |

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| 184 | shall be omitted, and "air-force" shall be substituted for "army." |
| | In subsection (1) " other than a regimental court-martial," and in subsection (2) "or by a regimental court-martial" shall be omitted. |
| 184A | " air force" shall be substituted for "military forces" wherever those words occur. |
| | In subsection (1) " or is attached to " shall be omitted, and " an air force officer " shall be substituted for " a military officer "; |
| | The following subsection shall be inserted after subsection (1) -.— |
| | “(1A) Where an officer or non-commissioned officer of the Army is a member of a body of His Majesty's military forces acting with any body of His Majesty's Air Force under such conditions as may be prescribed by regulations made by the Army Council and Air Council, then for the purposes of command and discipline, and for the purposes of the provisions of this Act relating to superior officers he shall, in relation to such body of His Majesty's Air Force as aforesaid, be treated and have all such powers (other than powers of punishment) as if he were an air' force officer or non-commissioned officer, as the case maybe: Provided that under regulations made by the Air Council and Army Council, the officers and soldiers of a body of His Majesty's military forces acting with any body of the Air Force on active service, or any of such officers or soldiers, may, in such manner and in such circumstances and subject to such conditions as may be provided by or under those regulations, be made subject to this Act, and in such case they shall be subject thereto in like manner as if they were officers and soldiers attached to the Air Force.” |
| | In subsection (2) for " naval forces " there shall be substituted "naval or military forces," for " so prescribed as aforesaid " |

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| 187 | <p>there shall be substituted "prescribed by regulations" made by the Air Council and (as the case may be) the " Admiralty or the Army Council and such officer or " airman is not borne on the books of any of His Majesty's " ships in commission," " air force officers" shall be substituted for "military officers," and after the words " such naval body " there shall be inserted the words "or" the officers and non-commissioned officers of such " military body (as the case may be)."</p> <p>In subsection (3) " and air force" shall be inserted after "naval and military."</p> |
| 189 (1) | <p>Subsections (3) and (4) shall be omitted.</p> <p>"warlike operations" shall be substituted for "military operations."</p> |
| 189 (2) | <p>For the words from the beginning of the subsection down to and including the words "commanding such forces" there shall be substituted the words "Where the Governor" of a colony in which any part of His Majesty's air force " is serving, or if part of such force is serving out of His " Majesty's dominions, the General Officer commanding " such part "</p> <p>" force " shall be substituted for "forces" wherever the word occurs, and " it was" shall be substituted for "they were."</p> |
| 189 (3) | <p>"force" shall be substituted for "forces."</p> |
| 190 | <p>Subsections (3), (9), (12), (13), (14), (16) and (22) shall be omitted.</p> <p>In subsection (4) for " His Majesty's forces," wherever those words occur, and for " His Majesty's said forces," there shall be substituted "the air force," and in subsection (5) for "army" there shall be substituted "air-force," and in subsection (8) the words from "and including" to " Royal Malta Artillery" (both inclusive) shall be omitted.</p> <p>The following subsection shall be substituted for subsection (15) :—</p> <p>“(15) The expression ' corps ' means any such body of the air force as may be from time to time declared by Royal Warrant to be a corps for the purpose of this Act, and the expression ' unit'</p> |

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means any such unit of the air force as may be from time to time declared by orders or regulations as to the government of the air force to be a unit for any of the purposes of this Act.”

The following subsection shall be substituted for subsection (17) :—

“(17) The expression ' service' when qualifying institution, necessaries, books, band, mess, money, goods, and other property, means belonging to or connected with the air service or any unit or part of a unit thereof.”

In subsection (18) " military " shall be omitted.

The following new subsections shall be inserted at the end of the section:—

“(41) The expression ' soldier' has the same meaning as in the Army Act.

(42) The expression ' aircraft' includes aeroplanes, balloons, kite balloons, airships, or other machines for flying.

(43) The expression ' aircraft material' includes any engines, fittings, guns, gear, instruments, or apparatus, for use in connection with aircraft and any components and accessories of aircraft and petrol or any other substance used for providing motive power for aircraft and lubricating oil.

(44) The expression ' air signal' means any signal intended , for the guidance of aircraft whether given by flag, ground signal, light, wind-indicator, or in any other manner whatsoever.

(45) The expressions 'the forces ' and ' His Majesty's forces ' include His Majesty's naval, military and air forces.

(46) The expression 'field officer' means any officer above the rank of captain and below the rank of general officer.”

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| Sched. 4 | | " Bn. of the Regiment of " shall be omitted, and for "before-mentioned corps" there shall be substituted "before-mentioned unit." |