



Armed Forces Act 1966

1966 CHAPTER 45

An Act to continue the Army Act 1955 and the Air Force Act 1955; to amend those Acts and the Naval Discipline Act 1957; to make fresh provision as to the engagement of persons for service in the Royal Navy, regular army and regular air force and as to the discharge and prolongation of service of ratings of the Royal Navy; to make provision as to the transfer to the reserve of such ratings; to provide for the taking into service custody in certain circumstances of persons overseas and subject to service law; and for purposes connected with the matters aforesaid. [21st December 1966]

BE IT ENACTED by the Queen'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

CONTINUANCE OF ARMY ACT 1955 AND AIR FORCE ACT 1955

1 Continuance of Army Act 1955 and Air Force Act 1955.

- (1) The Army Act 1955 and the Air Force Act 1955 shall, instead of expiring at the end of the year 1966, continue in force until the end of the year 1967 and shall then, unless continued in force in accordance with the following provisions of this section, expire.
- (2) Subject to the provisions of the next following subsection, Her Majesty may from time to time by Order in Council provide that the Army Act 1955 or, as the case may be, the Air Force Act 1955 shall continue in force for a period of twelve months beyond the day on which it would otherwise expire.
- (3) No Order in Council shall be made under the last foregoing subsection so as to continue either of the said Acts beyond the end of the year 1971.

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- (4) No recommendation shall be made to Her Majesty in Council to make an order under subsection (2) above unless a draft thereof has been laid before Parliament and approved by resolution of each House of Parliament.
- (5) Section 1 of the Army and Air Force Act 1961 shall be repealed at the end of the year 1966.

PART II

AMENDMENTS OF LAW AS TO ENTRY, ENLISTMENT AND TERMS OF SERVICE IN REGULAR FORCES

Terms and Conditions of Service

2 **Power of Defence Council to make regulations as to engagement of persons in regular forces.**

- (1) The Defence Council may, for the purpose of regulating the terms for which persons entering the Royal Navy and enlisting in the regular army or regular air force may be entered or enlisted and the conditions of service therein, by regulation make provision for all or any of the following purposes, that is to say.—
- (a) specifying the duration of any such term, whether by reference to a number of years or another criterion or a number of years and another criterion;
 - (b) requiring any such term to be one of full-time service, or to be in part full-time service and in part service with a reserve force;
 - (c) enabling a person to determine his full-time service at any time for which provision is made under the regulations, or to transfer at any such time to a reserve force;
 - (d) restricting a person, in consideration of the acceptance by him of any benefit or advantage, from exercising any such right as is referred to in the last foregoing paragraph;
 - (e) enabling a person entered or enlisted for a term of service of a description specified in the regulations to obtain treatment as if he had entered or enlisted for a term of service of a different description;
 - (f) enabling a person to extend the term of his service, whether full-time or in a reserve force, or both;
 - (g) enabling a person to continue in service after completion of the term of his service;
 - (h) enabling a person in a reserve force to re-enter on full time service,
- and the exercise of any right conferred on a person by virtue of any of the foregoing paragraphs may be made subject to such conditions as may be specified in the regulations.
- (2) Regulations under this section may make different provision for different cases, and, in particular, for entry into the Royal Navy, enlistment in the regular army and enlistment in the regular air force, and may, to such extent as appears to the Defence Council to be consequential on the provisions of the regulations, repeal, in the case of the enactments specified in columns 1 and 2 of Schedule 1 to this Act, all or any of the provisions specified in column 3 of that Schedule, and make such other consequential provisions

and such incidental or transitional provisions as appear to them necessary or expedient for the purposes of the regulations.

- (3) In relation to a person entered in naval service or enlisted in the regular army or the regular air force before the coming into effect of a regulation made under this section, no provision of the regulation shall be so framed so as, except with the consent of that person, to vary or revoke a right to which he is entitled by or under any Act of Parliament (including this Act) relating to entry in the Royal Navy or enlistment in the regular army or regular air force or conditions of service therein, not being a right exercisable only with the approval or consent of another person or an authority, or to impose on him an obligation to which he is not already subject.
- (4) Regulations under this section shall be made by statutory instrument, and—
 - (a) except in the case of a statutory instrument containing regulations whereby provision is made for repealing or amending an enactment, a statutory instrument containing regulations made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament; and
 - (b) in the said excepted case, a draft of the statutory instrument shall be laid before Parliament.

Provisions relating to the Royal Navy

3 Application of sections 4 to 10.

The seven next following sections shall have effect for the purpose of putting into effect in relation to the Royal Navy provisions similar to those having effect in relation to the regular army and the regular air force by virtue of sections 2(3) to (5), 9, 10, 11, 12, 18, 19 and 61 of the Army Act 1955 and the Air Force Act 1955, the provisions so put into effect, so far as they relate to the discharge and prolongation of service of ratings, and statements on entry in the Royal Navy, replacing the provisions of section 1 of the Naval Enlistment Act 1835 (so far as they so relate) and sections 9 and 16 of the Naval Enlistment Act 1853.

4 Postponement, in certain cases, of discharge or transfer, to Royal Fleet Reserve of ratings. .

- (1) Where at the time at which, apart from this section, a rating would be entitled to be discharged, or would fall to be transferred to the Royal Fleet Reserve, either—
 - (a) a state of war exists between Her Majesty and a foreign power; or
 - (b) warlike operations are in preparation or in progress; or
 - (c) men of the Royal Naval Reserve are called into actual service,

he may be retained in service in the Royal Navy for such period as is hereinafter mentioned, and his service may be prolonged accordingly.

An exercise, by virtue of paragraph (b) above, of the power conferred by this subsection shall be reported to Parliament forthwith.

- (2) No person shall be retained in service in the Royal Navy by virtue of this section later than the expiration of twelve months after the date on which, apart from this section, he would be entitled to be discharged.

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- (3) Subject to the provisions of the last foregoing subsection, any person who, apart from this section, would be entitled to be discharged may be retained in service in the Royal Navy for such period as the competent authority may order.
- (4) Subject as aforesaid, a rating who, apart from this section, would fall to be transferred to the Royal Fleet Reserve may be retained in service in the Royal Navy for such period, ending not later than twelve months after the date on which, apart from this section, he would fall to be transferred to the Royal Fleet Reserve, as the competent authority may order, or for any period or further period during which men of the Royal Naval Reserve continue called into actual service.
- (5) If, while a person is being retained in service in the Royal Navy by virtue of this section, it appears to the competent authority that his service can be dispensed with, he shall be entitled to be discharged or transferred to the Royal Fleet Reserve as the case may require.
- (6) Where, at the time at which under the foregoing provisions of this section, a person is entitled to be discharged or transferred to the Royal Fleet Reserve, a state of war exists between Her Majesty and a foreign power, he may, by declaration made before his commanding officer in a form prescribed by regulations of the Defence Council, agree to continue in service in the Royal Navy while such a state of war exists; and, if the competent authority approve, he may continue accordingly as if the period for which his term of service could be prolonged under the foregoing provisions of this section were a period continuing so long as a state of war exists:

Provided that, if it is so specified in the declaration, he shall be entitled to be discharged or transferred to the Royal Fleet Reserve as the case may require at the expiration of three months notice given by him to such officer as aforesaid.
- (7) References in this section to transfer of a person to the Royal Fleet Reserve shall be construed as references to his being entered in the Royal Fleet Reserve where he is so entered in pursuance of a liability to serve therein after the completion of his term of service in the Royal Navy, being a liability incurred under the terms of his engagement to serve in the Royal Navy; and, in relation to ratings serving outside the United Kingdom, references in this section to being entitled to be transferred to the Royal Fleet Reserve shall be construed as references to being entitled to be sent to the United Kingdom with all convenient speed for the purpose of being transferred to that Reserve.
- (8) References in this section to discharge shall not include references to discharge of a rating from the Royal Navy where on such discharge he is, under the terms of his engagement, liable to serve in the Royal Fleet Reserve after the completion of his term of service in the Royal Navy.
- (9) References in this section to men of the Royal Naval Reserve being called into actual service are references to their being called into actual or permanent service under the authority of an order of Her Majesty made on its appearing to Her that national danger is imminent or a great emergency has arisen, or into actual service under section 10(1) of the Auxiliary and Reserve Forces Act 1949.
- (10) The powers conferred by the foregoing provisions of this section shall not be exercisable at any time in relation to a person who at that time is retained in naval service by virtue of section 1 of the Naval Enlistment Act 1835 or section 9 of the Naval Enlistment Act 1853.

5 Continuation of service in Royal Navy in imminent national danger.

- (1) If it appears to Her Majesty that national danger is imminent or that a great emergency has arisen, She may by order, signified under the hand of the Secretary of State, provide that ratings who would otherwise fall to be transferred to the Royal Fleet Reserve shall continue in service in the Royal Navy; and thereupon the last foregoing section shall apply to such persons as it applies while men of the Royal Naval Reserve are called into actual service.
- (2) Where an order is made under subsection (1) above, the occasion thereof shall forthwith be communicated to Parliament.
- (3) An order in force under subsection (1) above may be revoked by an order of Her Majesty signified as therein mentioned.
- (4) Subsection (7) of section 4 above shall have effect in relation to this section as it does in relation to the said section 4.

6 Discharge of ratings.

- (1) Every rating, upon becoming entitled to be discharged, shall be discharged with all convenient speed but until discharged shall remain subject to the Naval Discipline Act 1957.
- (2) Where a rating entered for service in the Royal Navy in the United Kingdom is, when entitled to be discharged, serving out of the United Kingdom, then—
 - (a) if he requires to be discharged in the United Kingdom, he shall be sent there free of cost with all convenient speed and shall be discharged on his arrival there or, if he consents to his discharge being delayed, within six months from his arrival; but
 - (b) if at his request he is discharged at the place where he is serving, he shall have no claim to be sent to the United Kingdom or elsewhere.
- (3) Every rating shall, on his discharge, be given a certificate of discharge containing such particulars as may be prescribed by regulations of the Defence Council.
- (4) A rating who is discharged in the United Kingdom shall be entitled to be conveyed free of cost from the place where he is discharged to the place at which he was entered for service in the Royal Navy or to any place at which he intends to reside and to which he can be conveyed at no greater cost.
- (5) Subsection (8) of section 4 above shall have effect in relation to this section as it does in relation to the said section 4.

7 Transfer of ratings to reserve.

- (1) Every rating, upon falling to be transferred to the Royal Fleet Reserve, shall be so transferred, but until so transferred shall remain subject to the Naval Discipline Act 1957.
- (2) Where a rating, when falling to be transferred to the Royal Fleet Reserve, is serving out of the United Kingdom, he shall be sent to the United Kingdom free of cost with all convenient speed and shall be transferred to that reserve on his arrival there, or if he consents to his transfer being delayed, within six months from his arrival:

Provided that if he so requests he may be transferred to the Royal Fleet Reserve without being required to return to the United Kingdom.

- (3) A rating who is transferred to the Royal Fleet Reserve in the United Kingdom shall be entitled to be conveyed free of cost from the place where he is transferred to the place at which he was entered for service in the Royal Navy or to any place at which he intends to reside and to which he can be conveyed at no greater cost, but he shall not be entitled to be conveyed to a place outside the United Kingdom.
- (4) Subsection (7) of section 4 above shall have effect in relation to this section as it does in relation to the said section 4.

8 False statements on entry into Royal Navy.

- (1) If a person offering himself to be entered for service in the Royal Navy knowingly makes a false answer to any question put to him in connection with his entry into such service by, or by the direction of, an officer or other person authorised under regulations made by the Defence Council to enter persons for such service, he shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20.
- (2) Where a person guilty of an offence under the foregoing subsection becomes subject to the Naval Discipline Act 1957, the provisions of that Act shall, so long as he remains subject to it, have effect in relation to him as if an offence under the foregoing subsection were also an offence under Part I of that Act punishable with imprisonment for a term not exceeding three months or any less punishment authorised by that Act.

9 Consents to entry of young persons into Royal Navy.

- (1) A person under the appropriate minimum age shall not be entered for service in the Royal Navy unless consent to his being so entered has been given in writing—
 - (a) if he is living with both or one of his parents, by the parents or parent;
 - (b) if he is not living with both or one of his parents, but a person (whether a parent or not) whose whereabouts are known or can after reasonable inquiry be ascertained has parental rights and powers in respect of him, by that person ;
 - (c) if there is no such person as is mentioned in paragraph (b) above or if after reasonable inquiry it cannot be ascertained whether there is any such person, by any person in whose care (whether in law or in fact) he may be.
- (2) Where an officer or other person authorised under regulations made by the Defence Council to enter persons for naval service is satisfied, by the production of a certified copy of an entry in the register of births or by any other evidence appearing to him to be sufficient, that a person offering himself to be entered for such service has or has not attained the appropriate minimum age, that person shall be deemed for the purposes of this section to have attained, or, as the case may be, not to have attained that age; and a document purporting to be a certificate signed by the said officer or other person stating that he is satisfied as aforesaid shall be evidence, until the contrary is proved, that he is so satisfied.
- (3) In this section the expression " appropriate minimum age " means the age of seventeen years and six months, except that, in such classes of case as may be prescribed by regulations of the Defence Council, it means the age of seventeen years.

10 Validity of entry into Royal Navy.

- (1) Where a person has signified acceptance of his being entered for service in the Royal Navy and has thereafter received pay as a rating, but there was a failure to comply in his case with any requirement of, or made by virtue of, this Part of this Act as to entry for service in the Royal Navy, or there exists any other ground on which, apart from this subsection, the validity of his entry could be called in question, then—
 - (a) if, within three months beginning with the date on which he signified his acceptance, he claims that his entry is invalid by reason of any such failure to comply or on any such other ground, the claim shall be submitted as soon as may be to the Defence Council, and if the claim is well founded, the Defence Council shall cause him to be discharged from the Royal Navy with all convenient speed and to be released from any liability under his entry to serve in a reserve force;
 - (b) subject to the provisions of the foregoing paragraph, he shall be deemed, as from the expiration of the said three months, to have been validly entered for service in the Royal Navy notwithstanding any such failure to comply or other ground ;
 - (c) notwithstanding any such failure to comply or other ground, he shall be deemed to be a rating until the end of the said period of three months or, if he is discharged before the end of that period, until his discharge.
- (2) In the case of a person who, when he signified such acceptance, was under the appropriate minimum age, paragraph (a) of the foregoing subsection shall have effect as if for the words " he claims " there were substituted the words " he, or a person whose consent to the entry was required under section 9 above who did not duly consent, claims ".
- (3) In this section the expression " appropriate minimum age " has the meaning assigned thereto by section 9 above.
- (4) Nothing in the foregoing provisions of this section shall be construed as prejudicing the determination of any question as to the term for which a person was entered or as preventing the discharge of a person who has not claimed his discharge.

11 Cesser of certain obsolete enactments.

The enactments specified in Schedule 2 to this Act, being enactments which to the extent specified in column 3 of that Schedule have, by lapse of time or otherwise, become obsolete or unnecessary, shall cease to have effect to the extent so specified.

Provisions relating to Army and Air Force

12 Continuation of army and air-force service in imminent national danger.

- (1) The Army Act 1955 shall have effect with the substitution, for section 10 (power of Her Majesty by proclamation to order continuation of army service in imminent national danger) of the following section:—
 - (1) If it appears to Her Majesty that national danger is imminent or that a great emergency has arisen, She may by order, signified under the hand of the Secretary of State, provide that soldiers who would otherwise fall to be transferred to the reserve shall continue in army service; and thereupon the

last foregoing section shall apply to such soldiers as it applies while men of the reserve are called out on permanent service.

- (2) Where an order has been made under subsection (1) above, the occasion thereof shall forthwith be communicated to Parliament.
 - (3) An order in force under subsection (1) above may be revoked by order of Her Majesty signified as therein mentioned".
- (2) The Air Force Act 1955 shall have effect with the substitution, for section 10 thereof, of a section in other respects similar to that set out in subsection (1) above but modified by the substitution for the word " soldiers " , wherever occurring, of the word "airmen" and for the words "army service of the words " air force service " .

13 Amendment of provisions as to discharge and transfer to reserve of men of the Royal Marines.

- (1) The provisions of Schedule 3 to this Act shall have effect for the purpose of making amendments in Part I of Schedule 7 to the Army Act 1955 (enlistment, service and discharge of men of the Royal Marines), being amendments whose effect is to apply to the Royal Marines, in place of paragraph 4(2) of the said Schedule 7 (which enables the commanding officer of a man of the Royal Marines serving abroad to prolong his term of service) and paragraph 4(4) thereof (which enables Her Majesty by proclamation to extend the period of service of such men for five years) the provisions, with necessary modifications, of sections 9 and 10 of the Army Act 1955, and in place of paragraph 5(3) and (4) of the said Schedule 7 (which relate to the discharge and transfer to the Royal Fleet Reserve of such men) the provisions, with necessary modifications, of sections 11(2) and (5) and 12(2) and (3) of the Army Act 1955.
- (2) The powers conferred by virtue of the provisions applied by the foregoing subsection in place of the said paragraphs 4(2) and 4(4) shall not be exercisable at any time in relation to a person who at that time is retained in service in the Royal Marines by virtue of the said paragraphs.

Interpretation of Part II

14 Interpretation of Part II.

- (1) In this Part of this Act—
 - " rating " means a member of the Royal Navy of or below the rate of chief petty officer;
 - " commanding officer " , in relation to a person, means such officer having powers of command over that person as may be determined by or under regulations of the Defence Council;
 - " competent authority " means the Defence Council or an officer prescribed by regulations of the Defence Council to act for the purposes of this Part of this Act.
- (2) Regulations of the Defence Council may prescribe different officers to act as competent authority for different purposes of this Part of this Act.

PART III

OTHER AMENDMENTS OF LAW RELATING TO ARMED FORCES

*Provision applicable alike to Persons subject to Naval
Discipline Act 1957, military Law or air-force Law*

15 Taking into custody persons arrested or likely to be arrested by overseas authorities.

- (1) A person who is subject to service law and is detained in the custody of a civil or service authority of a country outside the United Kingdom in connection with an offence punishable under the law of that country may, if he is handed over by the authority, be taken into naval, military or air force custody under this section in accordance with subsection (3) below and kept in such custody.
- (2) Where a person who is subject to service law is in a country outside the United Kingdom and it appears to an officer not below the rank of lieutenant-commander or a military or air-force officer of corresponding rank or an officer below that rank in command of one of Her Majesty's ships.—
- (a) that the arrest of that person by a civil or service authority of that country in connection with an offence against the law of that country is imminent; or
- (b) that, if a request made by a civil or service authority of that country for the arrest, in accordance with a power exercisable by members of Her Majesty's forces, of that person in connection with such an offence is not complied with, that person is likely to be arrested by that authority ;
- that person—
- (i) may be arrested by that officer, irrespective of that officer's rank; or
- (ii) may, if that officer so requires, be arrested in accordance with the next following subsection ;
- and a person arrested under this section may be kept in naval, military or air-force custody under this section.
- (3) A person may be taken into custody under subsection (1) above or arrested by virtue of subsection (2)(ii) above by a person described in section 45 of the Naval Discipline Act 1957, section 74 of the Army Act 1955 or section 74 of the Air Force Act 1955 who would thereunder have power to arrest him if he had committed an offence under Part I of the said Act of 1957 or against any provision of Part II of the Army Act 1955 or Part II of the Air Force Act 1955 ; and the powers conferred by this subsection may be exercised either personally or by ordering into naval, military or air force custody or, as the case may be, arrest the person to be taken into custody or arrested or by giving orders for his being taken into custody or arrested.

For the purposes of this subsection a member of one service whom it is proposed should be taken into custody or arrested by a member of another service shall be treated as holding corresponding rank in that other service to the rank held by him.

- (4) For the purpose of trial for, or an investigation into, the offence in connection with which a person is in custody under this section, that person.—
- (a) if he is so in custody by virtue of subsection (1) above—may, at the request of the authority by whom he was handed over in accordance with that subsection, be handed back to that authority ; or

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- (b) if he is so in custody by virtue of subsection (2) above, may, at the request of the authority whose apparent intention it was to arrest that person, or, as the case may be, whose request for his arrest was the occasion of his arrest under that subsection, be handed over to that authority.
- (5) A person in custody by virtue of this section may be retained therein notwithstanding his ceasing at any time while he is so retained to be subject to service law.
- (6) The Defence Council may make regulations with respect to all or any of the following matters, that is to say.—
- (a) the manner in which persons may be taken into custody or arrested under this section ;
 - (b) the making of reports on the reasons why a person has been so taken into custody or arrested, and on the necessity for the keeping of a person in custody under this section, the persons by whom, the time at which, and the authority to whom such reports are to be made, and, in the case of reports as to the keeping -of a person in custody, the frequency with which such reports are to be made;
 - (c) the custody and treatment ,of persons kept in custody under this section, and their removal from one country to another; and
 - (d) the giving of directions, by such persons as may be specified in or determined under the regulations, with respect to all or any of the matters above mentioned.
- (7) None of the following provisions (which relate to proceedings after arrest of a person under service law) shall apply to a person kept in custody by virtue of this section, that is to say, section 46 of the Naval Discipline Act 1957, sections 53 and 75 of the Army Act 1955 and sections 53 and 75 of the Air Force Act 1955.
- (8) This section shall apply to a person to whom—
- (a) any enactment contained in Part I of the Naval Discipline Act 1957 applies by virtue of section 118 of that Act (application to civilians); or
 - (b) Part II of the Army Act 1955 applies by virtue of section 209 of that Act (application to civilians); or
 - (c) Part II of the Air Force Act 1955 applies by virtue of section 209 of that Act (application to civilians),

as it applies to a person subject to the Naval Discipline Act 1957, military law or air-force law, as the case may be, but with the substitution, for the reference to section 45 of the Naval Discipline Act, of a reference to paragraph 3 of Schedule 4 to that Act, for references to section 74 of the Army Act 1955 and section 74 of the Air Force Act 1955, of references to those sections as modified respectively by section 209 of the Army Act 1955 and section 209 of the Air Force Act 1955, and the omission, in subsection (3), of the words from " For the purposes of this subsection " to the end of the subsection.

- (9) In this section—
- " civil authority " means a civil authority authorised by law to detain persons ;
 - " corresponding rank " has the same meaning as in the Army Act 1955;
 - " Her Majesty's ships " has the same meaning as in the Naval Discipline Act 1957 ;
 - " service authority " means a naval, military or air-force authority;

" service law " means the Naval Discipline Act 1957, military law or air-force law ;
and any reference to the keeping of a person in custody includes a reference to his being kept under open arrest.

Command over Her Majesty's Forces

16 Powers of command over Her Majesty's forces.

- (1) Notwithstanding anything in section 3 of the Act of Settlement, Her Majesty may make regulations providing for the vesting of command over Her Majesty's forces, or any part or member thereof, in persons being members of forces of countries outside Her dominions, and as to the extent to which such command is to be exercised.
- (2) In this section " Her Majesty's forces " does not include a force of a Commonwealth country within the meaning of the Naval Discipline Act 1957.
- (3) Nothing in the foregoing provisions of this section shall be taken to affect the powers vested in Her Majesty by virtue of the prerogative of the Crown.

*Amendments applicable alike to Army Act 1955,
Air Force Act 1955 and Naval Discipline Act 1957*

17 Increase in maximum fine awardable to civilians on summary trial under Armed Forces Acts.

- (1) The fine that may be awarded—
 - (a) by virtue of subsection (3)(b) of section 209 of the Army Act 1955 on a summary trial of a person to whom Part II of that Act applies by virtue of that section; and
 - (b) by virtue of subsection (3)(b) of section 209 of the Air Force Act 1955 on a summary trial of a person to whom Part II of that Act applies by virtue of that section; and
 - (c) by virtue of paragraph 4 of Schedule 4 to the Naval Discipline Act 1957 on a summary trial of a person liable to be tried by virtue of section 118 of that Act; shall, instead of being a fine not exceeding £10, be one not exceeding £25.
- (2) Accordingly, in subsection (3)(b) of section 209 of each of the said Acts of 1955, and in paragraph 4(b) of Schedule 4 to the said Act of 1957, for the words "ten pounds" there shall be substituted the words " twenty-five pounds ".

18 Procuring or assisting continuation of desertion or absence without leave.

- (1) Section 192(1) of the Army Act 1955 (which makes it an offence to procure or assist desertion or absence without leave) shall have effect with the substitution, for paragraph (c) (concealing or assisting in concealing a deserter or assisting his rescue from custody), of the following paragraph:—
 - “(c) knowing any person to be a deserter or absentee without leave from the regular forces, procures or persuades or assists him to remain such a deserter or absentee, or assists in his rescue from custody”,

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and section 192(1) of the Air Force Act 1955 (which is the corresponding provision of that Act) shall have effect with the substitution for paragraph (c), of a paragraph in other respects similar to that set out above but modified by the substitution, for the words " regular forces " , of the words " regular air force

- (2) Section 97(1) of the Naval Discipline Act 1957 (which makes similar provision to that of section 192(1) of the Army Act 1955) shall have effect with the substitution, for paragraph (c) thereof (concealing or assisting a person who is a deserter or is absent without leave or has improperly left his ship or place of duty, or assisting in his rescue from custody), of the following paragraph:—

“(c) knowing any such person to have committed such an offence, procures or persuades or assists him to remain a deserter, absentee without leave or improperly absent from his ship or place of duty, or assists in his rescue from custody”.

19 Application of Armed Forces Acts to Republic of Ireland.

For the purposes of the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957, the Republic of Ireland shall not be a foreign country, and references in any of those Acts to foreign powers, aliens and foreign stations shall be construed accordingly; and section 219 of the Army Act 1955 (which applies that Act to the Republic of Ireland as it applies to a foreign country), and section 217 of the Air Force Act 1955 and section 128 of the Naval Discipline Act 1957 (which are the provisions of those Acts corresponding to the said section 219) shall accordingly cease to have effect.

20 Amendments as to active service.

- (1) The cases in which, where a force is engaged in operations for the protection of life or property, it is, by virtue of section 224(1) of the Army Act 1955 or section 222(1) of the Air Force Act 1955, on active service within the meaning of each of those Acts shall be extended to include, as well as the case where the operations are in a foreign country, one in which they are in any other country outside the United Kingdom.
- (2) The authority by whom under subsections (2), (3) and (4) of the said section 224 or, as the case may be, of the said section 222, declarations may be made with respect to a force's being deemed to be on active service, shall cease to include, in relation to a force in a colony, the Governor of the colony.
- (3) The cases in which, where a force is landed for the purpose of the protection of life and property, it is by section 134 of the Naval Discipline Act 1957 to be deemed to be on active service shall be extended to include, as well as the case where it is landed in a foreign country, one in which it is landed in any other country outside the United Kingdom.
- (4) Accordingly.—
- (a) in the said section 224(1) and the said section 222(1), for the words "is engaged in a foreign country in operations for the protection of life or property ", there shall be substituted the words " is engaged elsewhere than in the United Kingdom in operations for the protection of life or property ";
 - (b) in the said section 224 and the said section 222, the following shall cease to have effect, that is to say, in subsection (8), paragraph (a), and, in paragraph (b), the words " not in a colony ", and subsection (9);

- (c) in the said section 134, for the words " landed in any foreign country ", there shall be substituted the words " landed elsewhere than in the United Kingdom ".

Amendments applicable alike to Army Act 1955 and Air Force Act 1955

21 Substitution of fine by way of punishment for forfeiture of sums from pay.

- (1) The following provisions of this section shall have effect for the purpose of substituting, for the punishment for which provision was made by section 19 of the Army and Air Force Act 1961 consisting in forfeiture of sums from the pay of persons found guilty under the Army Act 1955 or the Air Force Act 1955 (which Acts are hereafter referred to in this section as " the Acts ") of offences, the punishment of a fine, and of making connected amendments.
- (2) Sections 71 (punishment of officers), 72 (punishment of other ranks), 78 (mode of dealing with charge against non-commissioned officer, soldier or airman on commanding officer's investigation) and 79 (mode of dealing with charge against officer or warrant officer after commanding officer's investigation) of each of the Acts as amended by the said Act of 1961 shall have effect with the substitution, for the words " forfeiture of a sum from pay " , wherever they occur, of the word " fine " .
- (3) The amount of a fine that may be awarded by a court-martial under either of the Acts by way of punishment for an offence—
- (a) except in the case of an offence against section 70 (civil offences) of either of them, shall not exceed the amount of the offender's pay for twenty-eight days; and
- (b) in the said excepted case—
- (i) where the civil offence constituting the offence against that section is punishable by a civil court in England only on summary conviction and is so punishable by a fine, shall not exceed the maximum amount of that fine ;
- (ii) where the said civil offence is punishable by a civil court in England on indictment (whether or not it is also punishable on summary conviction) by a fine, shall not exceed the maximum amount of that fine.
- (4) The amount of a fine that may be awarded by way of punishment for an offence where, under either of the Acts, a charge is dealt with summarily—
- (a) except in the case of an offence against the said section 70, shall not exceed the amount of the offender's pay for fourteen days ; and
- (b) in the said excepted case—
- (i) in any case, shall not exceed the amount mentioned in the foregoing paragraph;
- (ii) where the civil offence constituting the offence against that section is punishable by a civil court in England only on summary conviction and is so punishable by any fine of a maximum amount less than the amount so mentioned, shall not exceed that maximum ;
- (iii) where the said civil offence is punishable by a civil court in England on indictment by a fine of a maximum amount less than the amount

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so mentioned (whether or not it is also punishable on summary conviction) shall not exceed that maximum.

- (5) A warrant officer, non-commissioned officer and soldier shall cease to be liable, as provided by section 43(1) of the Army Act 1955, on conviction by court-martial of drunkenness to a fine in addition to any other punishment, and the limitation of five pounds thereby imposed on the amount of the fine to which he is liable on such conviction shall cease to have effect; and the reference in the foregoing provisions of this subsection to the Army Act 1955 shall be deemed to include a reference to the Air Force Act 1955, but those provisions shall, in their application to the last-mentioned Act, have effect with the substitution, for the word " soldier " , of the word " airman " .
- (6) For the purposes of this section a day's pay shall, as regards a person found guilty of an offence, be deemed to be the gross pay that is, or would (apart from any forfeiture) be, issuable to that person in respect of the day on which punishment is awarded in respect of the offence.
- (7) In accordance with the foregoing provisions of this section, the following enactments shall cease to have effect, that is to say:—
 - in each of the Acts, in section 43, the words from " and in the case of a warrant officer " to " five pounds " , and the words " with or without a fine " ;
 - in each of the Acts, in section 72(2), paragraph (k) (by virtue of which the punishment for drunkenness by a fine is authorised);
 - in each of the Acts, in section 78(3), paragraph (d) (by virtue of which the punishment for drunkenness by a fine not exceeding two pounds is authorised);
 - in the said Act of 1961, section 19(6) and (7) (which relate to the amount of the punishment that may be inflicted by way of forfeiture of sums from pay).
- (8) Nothing in the foregoing provisions of this section shall be taken as affecting the amount of the fine that may be awarded by virtue of subsection (3) (a) or (b) of section 209 of the Army Act 1955 to a person to whom Part II of that Act applies by virtue of that section, or that may be awarded by virtue of subsection (3)(a) or (b) of section 209 of the Air Force Act 1955 to a person to whom Part II of that Act applies by virtue of that section.

22 Extension of power to award sentence of dismissal from service and renaming of " discharge with ignominy " .

- (1) A court-martial shall have power under section 72 of the Army Act 1955 and section 72 of the Air Force Act 1955 (punishment of other ranks) to award a sentence of dismissal from Her Majesty's service not only, as provided by subsection (2)(d) of each of those sections, in the case of a warrant officer, but also in the case of a non-commissioned officer and, under the said section 72 of the Army Act 1955, in the case of a soldier and, under section 72 of the Air Force Act 1955, in the case of an airman; and, notwithstanding subsection (4) of each of those sections, such a sentence may be awarded in addition to any sentence the court has power to award by way of imprisonment or detention.
- (2) The punishment described in section 72(2)(c) of each of the said Acts as " discharge with ignominy from Her Majesty's service " shall henceforth be known as " dismissal with disgrace from Her Majesty's service " .
- (3) Accordingly.—
 - (a) the said Acts shall each be amended as follows:—

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- (i) in section 72(2) (scale of punishments), in paragraph (d), the words " in the case of a warrant officer " shall cease to have effect;
 - (ii) for any reference, except in paragraph 1(3) of Schedule 6 (application of military or air-force law to attached members of any forces) to discharge with ignominy from Her Majesty's service there shall be substituted a reference to dismissal with disgrace from Her Majesty's service;
 - (iii) in the said paragraph 1 (3) the words " or discharge with ignominy" shall cease to have effect;
- (b) the Army Act 1955 shall be amended as follows:—
- (i) for section 72(5) there shall be substituted the following subsection:
—
“(5) A warrant officer, non-commissioned officer or soldier sentenced by a court-martial to imprisonment may in addition thereto be sentenced to dismissal with disgrace from Her Majesty's service or to dismissal from Her Majesty's service”;
 - (ii) after the said section 72(5) there shall be inserted the following subsection:—
“(5A) A warrant officer, non-commissioned officer or soldier sentenced by a court-martial to dismissal from Her Majesty's service may in addition be sentenced to detention”;
- (c) the Air Force Act 1955 shall be amended as follows:—
- (i) for section 72(5) there shall be substituted the following subsection:
—
“(5) A warrant officer, non-commissioned officer or airman sentenced by a court-martial to imprisonment may in addition thereto be sentenced to dismissal with disgrace from Her Majesty's service, or to dismissal from Her Majesty's service”;
 - (ii) after the said section 72(5) there shall be inserted the following subsection:—
“(5A) A warrant officer, non-commissioned officer or airman sentenced by a court-martial to dismissal from Her Majesty's service may in addition be sentenced to detention”;
- (d) in the Naval Discipline Act 1957, in paragraph 1 of Schedule 2 (application of Act to attached military and air forces) paragraph (b) shall cease to have effect.

23 Power of Defence Council to authorise further officers to deal summarily with charges against certain officers and warrant officers.

- (1) For section 82(2) of the Army Act 1955 (which makes provision as to the authority, therein referred to as the appropriate superior authority, who may deal summarily with charges against officers below the rank of lieutenant-colonel or against warrant officers), except the proviso thereto, there shall be substituted the following words—

“The following persons may act as appropriate superior authority in relation to a person charged with an offence, that is to say.—

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- (a) any general officer, flag officer, air officer or brigadier having power to convene general courts-martial ; or
- (b) such other general officer, flag officer, air officer or brigadier, or, where the Defence Council in special circumstances so direct, colonel or naval or air force officer of corresponding rank, as may be specified by or under regulations of the Defence Council”;

(2) In section 82(2) of the Air Force Act 1955 (which includes, among the persons who may be specified by or under regulations of the Defence Council to act as appropriate superior authority for dealing summarily with charges against certain officers and against warrant officers, a group captain in a case in which the Defence Council in special circumstances direct) after the words " group captain " there shall be inserted the words " or naval or military officer of corresponding rank " .

24 Qualification for membership of court-martial.

- (1) The requirement imposed by each of the following provisions of the Army Act 1955, namely, sections 87(2) (qualification of officer for membership of general court-martial), 88(2) (qualification of officer for membership of district court-martial) and 90(3) (qualification of naval or air force officer in certain circumstances for membership of a court-martial) that, to be a member of a court-martial, an officer must have held a commission in any of the armed forces of the Crown for any period shall be construed as a requirement that he must have held a commission for that period in any of Her Majesty's naval, military or air forces within the meaning of the said Act, and the similar requirement imposed by each of the corresponding provisions of the Air Force Act 1955 shall be similarly construed.
- (2) Accordingly, sections 87(2), 88(2) and 90(3) of each of the said Acts shall have effect with the substitution, for the words " any of the armed forces of the Crown " , wherever they occur, of the words " any of Her Majesty's naval, military or air forces " .

25 Jurisdiction of civil courts.

- (1) The Army Act 1955 shall have effect with the substitution, for section 133, of the following section:—
- (1) Where a person subject to military law—
- (a) has been tried for an offence by a court-martial or has had an offence committed by him taken into consideration by a court-martial in sentencing him, or
 - (b) has been charged with an offence under this Act and has had the charge dealt with summarily by his commanding officer or the appropriate superior authority,
- a civil court shall be debarred from trying him subsequently for an offence substantially the same as that offence; but except as aforesaid nothing in this Act shall be construed as restricting the jurisdiction of any civil court to try a person subject to this Act for an offence.
- (2) For the purposes of this section—
- (a) a person shall not be deemed to have been tried by a court-martial if confirmation is withheld of a finding by the court-martial that he is guilty of the offence, or of a finding by the court-martial that he is not guilty of the offence by reason of insanity;

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- (b) a person shall not be deemed to have had an offence taken into consideration by a court-martial in sentencing him if confirmation of the sentence is withheld or the sentence is quashed;
 - (c) a case shall be deemed to have been dealt with summarily by the commanding officer or appropriate superior authority notwithstanding that the finding of that officer or authority has been quashed, or the award of that officer or authority quashed or varied, on the review thereof”.
- (2) The Air Force Act 1955 shall have effect with the substitution, for section 133 thereof, of a section in other respects similar to that set out in subsection (1) above but modified by the substitution, for the words " military law " , of the words " air-force law " .

26 Amendments as to trial under Army Act 1955 and Air Force Act 1955 after trial by civil courts.

- (1) In section 134(1) of the Army Act 1955—
- (a) the provision whereby a person subject to military law who has been tried for an offence by a competent civil court shall not be liable in respect of that offence to be tried by court martial or to have the case dealt with summarily under that Act shall be extended so that the reference therein to a civil court shall have effect as a reference to such a court in any country;
 - (b) the provision whereby a person subject to military law who has had an offence committed by him taken into consideration by a civil court in sentencing him is not to be liable in respect of that offence to be tried or have the case dealt with as aforesaid shall be restricted so that the reference therein to a civil court shall not include a reference to such a court outside the United Kingdom.
- (2) The foregoing subsection shall have effect in relation to section 134(1) of the Air Force Act 1955 as it has effect in relation to section 134(1) of the Army Act 1955 but with the substitution, for the words " military law " , of the words " air-force law " .
- (3) Accordingly, in section 134(1) of the Army Act 1955, for paragraph (a) there shall be substituted the following paragraphs :—
- “(a) has been tried for an offence by a competent civil court, wherever situated, or a court-martial (whether held under this Act, the Air Force Act 1955 or the Naval Discipline Act 1957), or
 - (aa) has had an offence committed by him taken into consideration when being sentenced by a competent civil court in the United Kingdom or any such court-martial as is referred to in the foregoing paragraph ;
or”
- and in section 134(1) of the Air Force Act 1955, for paragraph (a), there shall be substituted paragraphs similar to those set out above but modified by the substitution, for the words " the Air Force Act 1955 " , of the words " the Army Act 1955 " .

27 Amendments relating to Her Majesty's aircraft, aircraft material and ships.

- (1) In section 24 of the Army Act 1955, and in section 24 of the Air Force Act 1955, subsection (1)(h) (by virtue of which it is an offence cognizable by court-martial to cause, with intent to assist the enemy, the capture or destruction by the enemy of any of Her Majesty's aircraft) and subsection (3) (which makes it an offence so cognizable negligently to cause the capture or destruction by the enemy of any of Her Majesty's

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aircraft) shall each have effect with the insertion, after the words " Her Majesty's aircraft " , of the words " or the aircraft of any force co-operating with Her Majesty's forces " .

- (2) In section 225 of the Army Act 1955 (interpretation), after subsection (1) and in section 223 of the Air Force Act 1955 (interpretation), after subsection (1), there shall be inserted the following subsections:—

“(1A) Any reference in this Act to Her Majesty's aircraft is a reference to aircraft in the service of Her Majesty, whether belonging to Her Majesty or not, but does not include a reference to aircraft of a Commonwealth force other than aircraft placed at the disposal of Her Majesty for service with any of Her Majesty's forces, and any reference to aircraft material shall be construed accordingly.

(1B) Any reference in this Act to Her Majesty's ships is a reference to ships in the service of Her Majesty, whether belonging to Her Majesty or not, but does not include a reference to ships of any Commonwealth force other than ships placed at the disposal of Her Majesty for service with any of Her Majesty's forces”.

28 Construction of references to Her Majesty's forces and amendment of definitions of " desertion " and " enemy " .

- (1) Any reference in the Army Act 1955 to Her Majesty's forces shall, except in sections 37(2)(b) (desertion to include joining Her Majesty's forces without release from previous engagement) and 177 (power of Her Majesty to vest command in members of Her Majesty's forces), be construed in accordance with the definition in section 225(1) of that Act of Her Majesty's air forces, military forces, and naval forces, that is to say, except where otherwise provided, as not including a reference to a Commonwealth force as defined in that section.
- (2) In the Army Act 1955, the expression "enemy" shall be extended to include, as well as persons engaged in armed operations against any of Her Majesty's forces, as provided by the said section 225(1), persons so engaged against any forces co-operating with Her Majesty's forces.
- (3) Any reference in the foregoing provisions of this section to the Army Act 1955 shall include a reference to the Air Force Act 1955, but those provisions shall, in their application to the last mentioned Act, have effect with the substitution, for the references to section 225(1), of references to section 223(1), and, for the reference to a soldier, of a reference to an airman.
- (4) Accordingly, in section 225(1) of the Army Act 1955 and section 223(1) of the Air Force Act 1955, in the definition of "enemy " , after the words " any of Her Majesty's forces " there shall be inserted the words " or any forces co-operating therewith " , and at the end of the paragraph beginning with the words " Her Majesty's air forces " there shall be added the words " and references to ' Her Majesty's forces' , except in sections 37 and 177, shall be construed accordingly " .

29 Additional alternative offences of which an accused may be convicted by court-martial. ' .

- (1) Schedule 3 to the Army Act 1955 (by virtue of which an accused charged with an offence specified in column 1 of the Schedule may be found guilty of an offence

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specified in relation thereto in column 2 of the Schedule) shall have effect with the following amendments, that is to say, the insertion after the paragraphs numbered 1 therein, of the following:—

“1A. Striking a person on guard duty.	1A. Using force against a person on guard duty, otherwise than by striking him”,
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and the addition at the end of the Schedule of the following:—

“13. Being an officer subject to military law, striking a person who is an officer so subject of inferior rank or less seniority or a warrant officer, non-commissioned officer or soldier so subject.	13. Ill-treating such a person otherwise than by striking him.
14. Being a warrant officer or non-commissioned officer subject to military law, striking a person so subject, being a warrant officer or a non-commissioned officer of inferior rank or less seniority or a soldier.	14. Ill-treating such a person otherwise than by striking him”.

- (2) Schedule 3 to the Air Force Act 1955 (which makes provision corresponding to Schedule 3 to the Army Act 1955) shall have effect with amendments in other respects similar to those mentioned in the foregoing subsection, but modified by the substitution, for the words " military law " , wherever occurring, of the words " air-force law ", and for the word " soldier", wherever occurring, of the word " airman " .
- (3) The foregoing provisions of this section shall not have effect in relation to an offence with which a person is charged if the acts by virtue of which he is so charged occurred before the coming into operation of this section.

*Amendments of Army Act 1955 and Air Force Act
1955 with respect to Punishment of army N.C.Os*

30 Power of commanding officer as to reduction in rank of N.C.Os.

- (1) The power of punishment conferred on a commanding officer by section 78(4) of the Army Act 1955 (which enables a commanding officer on investigating a charge against an acting warrant officer or non-commissioned officer to order the accused to revert to his permanent rank or to assume an acting rank lower than that held by him but higher than his permanent rank) shall, where the permanent rank of the accused is that of lance-corporal or lance-bombardier, include power to order the accused to forfeit his acting rank and to be reduced to the ranks; and the power of punishment conferred on a commanding officer by section 78(4) of the Air Force Act 1955 (which is the corresponding section of that Act) shall, in its application to members of Her Majesty's military forces subject for the time being to air-force law, be similarly extended.
- (2) Accordingly.—
 - (a) section 78(4) of the Army Act 1955 shall have effect with the addition, after the words added by section 22 of the Army and Air Force Act 1961, of the words " or, where his permanent rank is that of lance-corporal or lance-bombardier, to forfeit his acting rank and be reduced to the ranks ";

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- (b) in Schedule 6 to the Air Force Act 1955, after paragraph 3A, there shall be inserted the following paragraph:—

“3B In relation to a person subject to air-force law as aforesaid, section 78(4) of this Act shall have effect with the addition, after the words added by section 22 of the Army and Air Force Act 1961, of the words ' or, where his permanent rank is that of lance-corporal or lance-bombardier, to forfeit his acting rank and be reduced to the ranks ’”.

Amendment applicable to Air Force Act 1955 only

31 Power to deal summarily with charges against officers of rank of squadron leader.

The rank specified in section 77(1) of the Air Force Act 1955 as that below which an officer must be for an authority to deal summarily in accordance with Part II of that Act with a charge against him shall, instead of being that of squadron leader, be that of wing commander; and accordingly, in the said section 77(1), for the words " squadron leader", there shall be substituted the words " wing commander ".

Amendments applicable to Naval Discipline Act 1957 only

32 Fines by way of punishment for ratings and alteration of maximum amount of fines.

- (1) The punishments that may be awarded by virtue of subsection (1) of section 43 of the Naval Discipline Act 1957 to a person convicted of an offence under Part I of that Act, being a rating within the meaning of that Act, shall, notwithstanding subsection (3) of that section (which excludes a fine from the punishments so awardable) include a fine; and disrating (specified in paragraph (k) of the said subsection (1)), shall, instead of being treated, for the purposes of the said Part I, as less than a fine, be so treated as greater than that punishment but less than the punishments specified in paragraphs (a) to (h) of that subsection.
- (2) The amount of a fine that may be awarded under the said Act of 1957 by way of punishment for an offence, except in the case of an offence under section 42 of that Act (civil offences), shall not exceed the amount of the offender's gross pay for twenty-eight days ; and in the said excepted case—
- (a) the amount of a fine that may be so awarded by a court-martial under that Act—
- (i) where the civil offence constituting the offence under that section is punishable by a civil court in England only on summary conviction and is so punishable by a fine, shall not exceed the maximum amount of that fine ;
- (ii) where the said civil offence is punishable by a civil court in England on indictment (whether or not it is also punishable on summary conviction) by a fine, shall not exceed the maximum amount of that fine;
- (b) the amount of a fine that may be so awarded where under that Act the offence is tried summarily—

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- (i) in any case, shall not exceed the amount of the offender's gross pay for twenty-eight days ;
 - (ii) where the civil offence constituting the offence is punishable by a civil court in England only on summary conviction and is so punishable by a fine of a maximum amount less than the amount mentioned in the foregoing sub-paragraph, shall not exceed that maximum;
 - (iii) where the said civil offence is punishable by a civil court in England on indictment by a fine of a maximum amount less than the amount so mentioned (whether or not it is also punishable on summary conviction) shall not exceed that maximum.
- (3) For the purposes of the foregoing subsection, the gross pay for a day of a person found guilty of an offence shall be deemed to be the gross pay that is, or would (apart from any forfeiture) be, issuable to that person in respect of the day on which -punishment is awarded in respect of that offence.
- (4) Accordingly, the said Act of 1957 shall be amended as follows:—
- (a) in the said section 43(1), after paragraph (h) there shall be inserted the following paragraph :—
 - “(hh) disrating”;and paragraph (k) shall cease to have effect;
 - (b) in the said section 43(3), for the reference to paragraph (k) of section 43(1), there shall be substituted a reference to paragraph (hh) thereof, and the reference to paragraph (i) thereof shall cease to have effect;
 - (c) in section 44(6) the words " shall not exceed the amount of the offender's basic pay for thirty days, and " shall cease to have effect.

33 Persons whose duty it is, for purposes of Naval Discipline Act 1957, to sign certificates of arrest or surrender of absentees or deserters.

Section 110(2) of the Naval Discipline Act 1957 (which requires certificates of arrest of deserters and absentees brought before a court of summary jurisdiction to be signed by a justice of the peace) and section 47(2) thereof (which provides that in proceedings under that Act such a certificate purporting to be signed by a justice of the peace shall be evidence of the matters therein contained) shall, as regards certificates issued after the coming into force of this section, have effect—

- (a) in their application to England and Wales, with the substitution, for references to a justice of the peace, of references to a justice of the peace or the clerk of the court;
- (b) in their application to Scotland, with the substitution, for references to a justice of the peace, of references to the clerk of court;
- (c) in their application to Northern Ireland, with the substitution, for references to a justice of the peace, of references to a resident magistrate or the clerk of the petty sessions for the petty sessions district in which the court sat;
- (d) in their application to the Isle of Man, with the substitution, for references to a justice of the peace, of references to a justice of the peace or the clerk of the court;
- (e) in their application to the Islands of Jersey and Guernsey, with the substitution, for references to a justice of the peace, of references to a magistrate or a person for the time being authorised to act as a magistrate;

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- (f) in their application to Alderney, with the substitution, for references to a justice of the peace, of references to the chairman of the Court of Alderney or the person for the time being authorised to act as chairman of that Court;
- (g) in their application to Sark, with the substitution, for references to a justice of the peace, of references to the Seneschal or the Deputy Seneschal;
- (h) in their application to any of the following, that is to say.—
 - (i) a colony;
 - (ii) a territory under Her Majesty's protection;
 - (iii) a territory for the time being administered by Her Majesty's Government in the United Kingdom under the trusteeship system of the United Nations;
 - (iv) a country or territory consisting of two or more of any of the following units, namely, colonies, territories under Her Majesty's protection and territories administered as aforesaid ;

with the substitution, for references to a justice of the peace, of references to a magistrate or the official (by whatever designation known) who exercises in the court functions similar to those exercised in England by the clerk of a court of summary jurisdiction.

34 Amendment as to application to civilians of Naval Discipline Act 1957.

In section 118(2) of the Naval Discipline Act 1957 (by virtue of which certain provisions of that Act are applied to certain civilians who are within the limits of the command of an officer commanding any of Her Majesty's naval forces outside the United Kingdom or any colony) the words " or any colony " shall cease to have effect.

35 Amendments as to trial by civil court after trial under Naval Discipline Act 1957, and trial under that Act after trial by civil court.

- (1) In subsection (1) of section 129 of the Naval Discipline Act 1957 (which provides that a person subject to that Act who is acquitted or convicted of an offence on trial thereunder shall not be tried subsequently by a civil court for the same offence) and subsection (2) of that section (which, contains provision whereby the trial under that Act of a person subject thereto is barred where he has been acquitted or convicted by a civil court for the same offence) for the words " for the same offence " there shall be substituted the words " for the same, or substantially the same, offence ".
- (2) The said subsection (2) shall be extended so that the reference to a civil court in the said provision contained therein shall have effect as a reference to such a court in any country, and accordingly after the words " civil court", in the first place where they occur in that subsection, there shall be inserted the words " wherever situated ".

36 Definition of " Her Majesty's forces " and amendment of definition of " enemy ".

- (1) In section 135(1) of the Naval Discipline Act 1957, after the definition of " Governor " there shall be inserted the following paragraph:—
 - “ Her Majesty's forces ' includes forces raised under the law of a colony but does not include a force of any Commonwealth country”.

- (2) In the said Act of 1957 the expression " enemy " shall be extended to include, as well as persons engaged in armed operations against Her Majesty's forces, a person so engaged against any forces co-operating with Her Majesty's forces, and accordingly, in the said section 135(1) in the definition of the expression "enemy ", after the words "Her Majesty's forces", there shall be inserted the words " or any forces co-operating therewith

PART IV

GENERAL

37 Minor and consequential amendments, repeals and transitional provisions.

- (1) The enactments specified in Schedule 4 to this Act shall have effect subject to the amendments specified in relation thereto in that Schedule, being minor amendments or amendments consequential on the foregoing provisions of this Act.
- (2) The enactments specified in Schedule 5 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.
- (3) The savings and transitional provisions set out in Schedule 6 to this Act shall have effect.

38 Short title, construction and commencement.

- (1) This Act may be cited as the Armed Forces Act 1966.
- (2) Any reference in this Act to the United Kingdom (except in sections 20(4) and 26(3)) shall be construed as including a reference to the Channel Islands and the Isle of Man.
- (3) Except so far as the context otherwise requires, any reference in this Act to any other enactment is a reference to that enactment as amended by or under any subsequent enactment, including an enactment contained in this Act.
- (4) Any reference in an Act passed before the passing of this Act to an enactment contained in the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957, being an enactment amended by this Act, shall, unless the contrary intention appears, be construed as referring to that enactment as so amended.
- (5) This Act, except section 1 and this section, shall come into force on such date as the Secretary of State may by order made by statutory instrument appoint, and different dates may be appointed under this section for different provisions of this Act or for different purposes.

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SCHEDULES

SCHEDULE 1

Section 2.

ENACTMENTS SUBJECT TO REPEAL BY REGULATIONS.

Chapter	Short Title	Provision subject to Repeal
3 & 4 Eliz. 2. c. 18.	The Army Act 1955.	Sections 4 to In Schedule 7, paragraphs 2, 3 and 4(2) and (3).
3 & 4 Eliz. 2. c. 20.	The Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955.	In Schedule 1, in paragraph 7, sub-paragraphs (3)(b) and (4) to (7).
5 & 6 Eliz. 2. c. 50.	The Army (Conditions of Enlistment) Act 1957.	In section 1, subsections (2) and (3); in subsection (4), the words from the beginning to " date of his attestation "; and subsections (7), (8) and (9).
9 & 10 Eliz. 2. c. 52.	The Army and Air Force Act 1961.	Section 2. In section 3, subsections (2) and (3); and, in subsection (4), the words from the beginning to "from the relevant date ". Sections 4 to 15. In Schedule 1, paragraph 2; in paragraph 7, in sub-paragraph (1), the words from the beginning to "at the relevant time"; in sub-paragraph (3), the words from the beginning to " paragraph 3 of this Schedule"; and sub-paragraph (4).

SCHEDULE 2

Section 11.

OBSOLETE, &C, ENACTMENTS CEASING TO HAVE EFFECT.

Chapter	Short Title	Extent to which Enactments are to cease to have Effect
5 & 6 Will. 4. c. 24.	The Naval Enlistment Act 1835.	Sections 8 and 9.
16 & 17 Vict. c. 69.	The Naval Enlistment Act 1853.	Sections 4, 7, 8, 10 and 12.
47 & 48 Vict. c. 46.	The Naval Enlistment Act 1884.	Section 2(3).

SCHEDULE 3

Section 13.

AMENDMENTS OF PART I OF SCHEDULE 7 TO THE ARMY ACT 1955.

1 For paragraph 4 of Schedule 7 to the Army Act 1955 there shall be substituted the following paragraphs :—

- “4 (1) The provisions of this and the two next following paragraphs shall have effect as to the prolongation of service of a marine.
- (2) Where a marine serving in the Royal Marines will, at the end of a period for which he has been re-engaged, have completed not less than twenty-two years' service in the Royal Marines after attaining the age of eighteen years, he may, at any time during the last twelve months of that period, give notice to his commanding officer that he wishes to continue in Her Majesty's service as a marine, and thereupon, if the competent authority approves, he may be continued in such service, but may at any time terminate it by not less than three months' notice given by him to his commanding officer.
- (3) In the case of a marine serving in the Royal Marines on the 1st January 1962 on a second engagement, the last foregoing sub-paragraph shall have effect with the substitution, for the words from the beginning to " give notice " , of the words " A marine completing the period for which under his second or subsequent engagement, he is required to serve in the Royal Marines may give notice”
- “4A (1) Where, at the time at which, apart from this paragraph, a marine serving in the Royal Marines would be entitled to be discharged, or would fall to be transferred to the Royal Fleet Reserve, either—
- (a) a state of war exists between Her Majesty and any foreign power; or
- (b) warlike operations are in preparation or in progress ; or
- (c) men of the Royal Fleet Reserve are called into actual service ; or
- (d) he is serving outside the United Kingdom,
- he may be retained in service in the Royal Marines for such period as is hereinafter mentioned, and his service may be prolonged accordingly.

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An exercise, by virtue of paragraph (b) above, of the power conferred by this sub-paragraph shall be reported to Parliament forthwith.

- (2) No person shall be retained in service in the Royal Marines by virtue of this paragraph later than the expiration of twelve months after the date on which, apart from this paragraph, he would be entitled to be discharged.
- (3) Subject to the provisions of the last foregoing subparagraph, any person who, apart from this paragraph, would be entitled to be discharged may be retained in service in the Royal Marines for such period as the competent authority may order.
- (4) Subject as aforesaid, a person who, apart from this paragraph, would fall to be transferred to the Royal Fleet Reserve may be retained in service in the Royal Marines for such period, ending not later than twelve months after the date on which apart from this paragraph he would fall to be transferred to the Royal Fleet Reserve, as the competent authority may order, or for any further period during which men of the Royal Fleet Reserve continue called into actual service.
- (5) If while a person is being retained in service in the Royal Marines by virtue of this paragraph it appears to the competent authority that his service can be dispensed with, he shall be entitled to be discharged or transferred to the Royal Fleet Reserve as the case may require.
- (6) Where, at the time at which under the foregoing provisions of this paragraph a person is entitled to be discharged or transferred to the Royal Fleet Reserve, a state of war exists between Her Majesty and any foreign power, he may, by a declaration made before his commanding officer in a form prescribed by regulations of the Defence Council, agree to continue in service in the Royal Marines while such a state of war exists ; and, if (the competent authority approve, he may continue accordingly as if the period for which his term of service could be prolonged under the foregoing provisions of this paragraph were a period continuing so long as a state of war exists:

Provided that, if it is so specified in the declaration, he shall be entitled to be discharged or transferred to the Royal Fleet Reserve, as the case may require, at the expiration of three months' notice given by him to his commanding officer.
- (7) In relation to marines serving outside the United Kingdom, references in this paragraph to being entitled to be transferred to the Royal Fleet Reserve shall be construed as references to being entitled to be sent to the United Kingdom with all convenient speed for the purpose of being transferred to that Reserve.
- (8) References in this paragraph to men of the Royal Fleet Reserve being called into actual service are references to their being called into actual or permanent service under the authority of an order of Her Majesty made on its appearing to Her that national danger is imminent or a great emergency has arisen, or into actual service under section 10(1) of the Auxiliary and Reserve Forces Act 1949.

- 4B (1) If it appears to Her Majesty that national danger is imminent or that a great emergency has arisen, She may by order, signified under the hand of the Secretary of State, provide that marines serving in the Royal Marines who would otherwise fall to be transferred to the Royal Fleet Reserve shall continue in service in the Royal Marines ; and thereupon the last foregoing paragraph shall apply to such persons as it applies while men of the Royal Fleet Reserve are called into actual service.
- (2) Where an order is made under sub-paragraph (1) above, the occasion thereof shall forthwith be communicated to Parliament.
- (3) An order in force under sub-paragraph (1) above may be revoked by an order of Her Majesty signified as therein mentioned "."
- 2 Sections 11(2) and (5) and 12(2) and (3) of the Army Act 1955 shall apply to non-commissioned officers and marines serving in the Royal Marines in place of paragraph 5(3) and (4) of Schedule 7 to the Army Act 1955 with the substitution, for any reference to the reserve, of a reference to the Royal Fleet Reserve; and accordingly the said paragraph 5(3) and (4) shall cease to have effect and, after the said paragraph 5, there shall be inserted the following paragraph:—
- “5A Section 12(2) and (3) shall have effect, in relation to marines serving in the Royal Marines, with the substitution, for any reference to the reserve, of a reference to the Royal Fleet Reserve”.
- 3 In accordance with the foregoing provisions of this Schedule, for paragraph 1 of the said Schedule 7 there shall be substituted the following paragraph:—
- “1 The provisions of the six following paragraphs shall have effect in substitution for sections 4 to 10, 11(1), (3) and (4), 12(1) and 13”.

SCHEDULE 4

Section 37.

MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS.

The Seamen's and Soldiers' False Characters Act 1906

(6 Edw. 7. c. 5)

For section 3 there shall be substituted the following section:—

- “3. If a person offering himself to be entered for service in any of the naval reserve forces knowingly makes a false answer to any question put to him in connection with his entry into such service by, or by the direction of, any officer or other person authorised under regulations made by the Defence Council to enter persons for such service, he shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds”.

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

The Recall of Army and Air Force Pensioners Act 1948

(12, 13 & 14 Geo. 6. c. 8)

The reference in section 2(3) to the provisions of the Army Act 1955 or the Air Force Act 1955 as to the term for which a person may be enlisted shall be construed as including a reference to the corresponding provisions of section 2 of this Act and regulations made thereunder.

The Auxiliary and Reserve Forces Act 1949

(12, 13 & 14 Geo. 6. c. 96)

The reference in section 9(5)(a) to regulations under section 4(1) of the Naval Forces Act 1903 shall be construed as including a reference to regulations made under section 2 of this Act.

The Army Reserve Act 1950

(14 Geo. 6. c. 32)

The following references, that is to say.—

- (a) any reference which, by virtue of the Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955 and the Army and Air Force Act 1961, is to be construed as a reference to a transfer to the army reserve in pursuance either of the Army Act or of the Army Act 1955 or of the Army and Air Force Act 1961 ;
- (b) the reference in the paragraph substituted for paragraph (b) of section 6(1) by section 3 of the Navy, Army and Air Force Reserves Act 1964 to transfer to the army reserve in pursuance of the Army Act 1955 or the Army and Air Force Act 1961,

shall be construed as referring also to transfer to that reserve in pursuance of regulations having effect under section 2 of this Act.

The Air Force Reserve Act 1950

(14 Geo. 6. c. 33)

The following references, that is to say.—

- (a) any reference which, by virtue of the Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955 and the Army and Air Force Act 1961, is to be construed as a reference to a transfer to the air force reserve in pursuance either of the Air Force Act or of the Air Force Act 1955 or of the Army and Air Force Act 1961 ;
- (b) the reference in the paragraph substituted for paragraph (b) of section 6(1) by section 3 of the Navy, Army and Air Force Reserves Act 1964 to transfer to the air force reserve in pursuance of the Air Force Act 1955 or the Army and Air Force Act 1961,

shall be construed as referring also to transfer to that reserve in pursuance of regulations having effect under section 2 of this Act.

The Army Act 1955

(3 & 4 Eliz. 2. c. 18)

For the words " minimum age for man's service ", wherever they occur, there shall be substituted the words " appropriate minimum age ".

In section 14, in subsection (1)(b), for the words " a proclamation under section ten ", there shall be substituted the words " an order under section ten " ; and, in subsection (2), the reference

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to enlistment in accordance With the provisions of Part I of the Army Act 1955 shall include a reference to enlistment under the provisions of regulations having effect under section 2 of this Act.

Section 59 shall cease to have effect.

For section 209(3)(a) there shall be substituted the following paragraph:—

“(a) the punishments that may be awarded by a court-martial shall not include any punishment less than imprisonment, except a fine”.

In section 214, after subsection (4), there shall be inserted the following subsection:—

“(4A) In section 150, at the end of subsection (5), there shall be added the words ' and to any sum awarded as inlying expenses in a decree of affiliation and aliment ’”.

The Air Force Act 1955
(3 & 4 Eliz. 2. c. 19)

For the words "minimum age for man's service ", wherever they occur, there shall be substituted the words " appropriate minimum age ".

In section 14, in subsection (1)(b), for the words " a proclamation under section ten " , there shall be substituted the words " an order under section ten " ; and, in subsection (2), the reference to enlistment in accordance with the provisions of Part I of the Air Force Act 1955 shall include a reference to enlistment under the provisions of regulations having effect under section 2 of this Act.

Section 59 shall cease to have effect.

For section 209(3)(a) there shall be substituted the following paragraph:—

“(a) the punishments that may be awarded by a court-martial shall not include any punishment less than imprisonment except a fine”.

In section 212, after subsection (4), there shall be inserted the following subsection:—

“(4A) In section 150, at the end of subsection (5), there shall be added the words ' and to any sum awarded as inlying expenses in a decree of affiliation and aliment ’”.

The Naval Discipline Act 1957
(5 & 6 Eliz. 2. c. 53)

In section 24, in paragraph (b), after the words " any of Her Majesty's forces " there shall be inserted the words " or any forces co-operating therewith " .

Section 123(2) shall cease to have effect.

In section 126(3), the words " to a justice of the peace" shall cease to have effect.

In Schedule 2, paragraph 4 shall cease to have effect.

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The Army and Air Force Act 1961

(9 & 10 Eliz. 2. c. 52)

For the words " minimum age for man's service ", wherever they occur, there shall be substituted the words " appropriate minimum age ".

The Navy, Army and Air Force Reserves Act 1964

(1964 c. 11)

In section 2, in subsection (1), the reference to a person's having enlisted under section 2 of the Army and Air Force Act 1961 shall include a reference to his having enlisted in pursuance of regulations made under section 2 of this Act; and in subsection (4), the reference to the provisions of the Army and Air Force Act 1961 as to the term for which a person may be enlisted shall be construed as including a reference to the corresponding provisions of section 2 of this Act and regulations made thereunder.

SCHEDULE 5

Section 37.

REPEALS.

Chapter	Short Title	Extent of Repeal
5 & 6 Will, 4. c. 24.	The Naval Enlistment Act 1835.	Sections 1, 8 and 9.
16 & 17 Vict. c. 69.	The Naval Enlistment Act 1853.	Sections 4, 7 to 10, 12 and 16.
47 & 48 Vict. c. 46.	The Naval Enlistment Act 1884.	Section 2.
3 Edw. 7. c. 6.	The Naval Forces Act 1903.	Section 4.
3 & 4 Eliz. 2. c. 18.	The Army Act 1955.	In section 43(1), the words from " and in the case of a warrant officer " to " five pounds ", and the words " with or without a fine". Section 59. In section 72(2), in paragraph (d), the words " in the case of a warrant officer ", and paragraph (k). Section 78(3)(d). In section 144(7), the words from " and the whole or any part" to the end of the section. Section 219.

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Chapter	Short Title	Extent of Repeal
3 & 4 Eliz. 2. c. 19.	The Air Force Act 1955.	<p>In section 224, in subsection (8), paragraph (a) and, in paragraph (b), the words "not in a colony"; and subsection (9).</p> <p>In Schedule 6, in paragraph 1(3), the words " or discharge with ignominy ".</p> <p>In Schedule 7, paragraph 5(3) and (4).</p> <p>In section 43(1), the words from " and in the case of a warrant officer " to " five pounds ", and the words " with or without a fine".</p> <p>Section 59.</p> <p>In section 72(2), in paragraph (d), the words " in the case of a warrant officer " and paragraph (k).</p> <p>Section 78(3)(d).</p> <p>In section 144(7), the words from " and the whole or any part " to the end of the section.</p> <p>Section 217.</p> <p>In section 222, in subsection (8), paragraph (a) and, in paragraph (b), the words "not in a colony"; and subsection (9).</p> <p>In Schedule 6, in paragraph 1(3), the words " or discharge with ignominy ".</p>
5 & 6 Eliz. 2. c. 50.	The Army (Conditions of Enlistment) Act 1957.	<p>In section 1, subsection (1); in subsection (4), the words from " and regulations " to the end of the subsection; and subsections (5) and (6).</p>
5 & 6 Eliz. 2. c. 53.	The Naval Discipline Act 1957.	<p>In section 43, in subsection (1), paragraph (k), and, in subsection (3), the symbol " (i) ".</p> <p>In section 44(6), the words " shall not exceed the amount</p>

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

Chapter	Short Title	Extent of Repeal
9 & 10 Eliz. 2. c. 52.	The Army and Air Force Act 1961.	<p>of the offender's basic pay for thirty days, and " .</p> <p>In section 118(2), the words " or any colony " .</p> <p>Section 123(2).</p> <p>In section 126(3), the words " to a justice of the peace " .</p> <p>Section 128.</p> <p>In Schedule 2, paragraphs 1(b) and 4.</p> <p>In Schedule 5, the entry relating to the Naval Enlistment Act 1853.</p> <p>In section 3, subsection (1); in subsection (4), the words from " and regulations " to the end of the subsection; and subsections (5) and (6).</p> <p>Section 19(6) and (7).</p> <p>In Schedule 1, paragraphs 4 and 5, and, in paragraph 7, in sub-paragraph (1), the words from " and sub-paragraph (1) " to the end of the sub-paragraph; sub-paragraph (2) and, in sub-paragraph (3), the words from " and any approval " to the end of the sub-paragraph.</p> <p>In Schedule 2, in the entry relating to the Army Act 1955 and in that relating to the Air Force Act 1955, the paragraph beginning " At the end of subsection (7) of section one hundred and forty-four " .</p>

SCHEDULE 6

Section 37.

TRANSITIONAL PROVISIONS.

- 1 Regulations made under or in pursuance of an enactment repealed by this Act which are in force at the commencement of section 2 of this Act shall, in so far as they could be made under that section, have effect as if so made.

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- 2 Any approval given under paragraph 4(3) of Schedule 7 to the Army Act 1955 before the time when paragraph 1 of Schedule 3 to this Act comes into operation shall have effect as if it were approval given under paragraph 4(2) of the said Schedule 7 set out in the said Schedule 3.
- 3 (1) In relation to a sentence of a court-martial under the Army Act 1955 or the Air Force Act 1955 announced before the date of commencement of a section to which this paragraph applies, but falling to be dealt with under section 110 of either of the said Acts on or after that date, subsection (3) of the said section 110 shall have effect as if the reference to any punishment or punishments which could have been awarded by the court referred to any punishment or punishments which could have been so awarded had the said section to which this paragraph applies been in operation when the sentence was announced.
- (2) In relation to a finding or sentence of such a court-martial announced before the date aforesaid but falling to be reviewed on or after that date under section 113 of either of the said Acts, subsection 5(c) of that section shall have effect as if the reference to power conferred by the said subsection (3) referred to power conferred by that subsection as amended by this paragraph.
- (3) In relation to a finding of such a court-martial that a person is not guilty of an offence by reason of insanity, being a finding announced before the date of commencement of a section to which this paragraph applies but falling on or after that date to be dealt with under section 110 of either of the said Acts or reviewed under section 113 thereof, section 116(6) of each of the said Acts shall have effect as if the reference therein to the powers of sentencing which the court would have had referred to the powers which the court would have had if the said section to which this paragraph applies had been in operation when the finding was announced.
- (4) This paragraph applies to sections 21 and 22 of this Act.
- 4 In relation to an award made before the date of commencement of section 21 of this Act in consequence of a charge's having been dealt with summarily under either of the said Acts but falling to be reviewed under section 115 of either of the said Acts on or after that date, subsections (3a) and (4) of the said section 115 shall have effect as if the reference to a punishment or punishments which could have been included in the original award referred to a punishment or punishments which could have been so included had the said section 21 been in operation when the award was made.
- 5 (1) In relation to a sentence awarded in respect of a finding of guilty under Part II of the Naval Discipline Act 1957 before the date of commencement of section 32 of this Act, but falling to be dealt with under section 72 of the said Act of 1957 on or after that date, subsection (1)(d) of the said section 72 shall have effect as if the reference to a sentence which could lawfully have been awarded referred to a sentence which could lawfully have been awarded had the said section 32 been in operation when the sentence was announced.
- (2) In relation to a finding under Part II of the said Act of 1957 that a person is not guilty of an offence by reason of insanity, being a finding announced before the date of commencement of the said section 32 but falling on or after that date to be reviewed under section 70(1) of the said Act of 1957, section 71(5) of that Act shall have effect as if the reference to the powers of sentencing which the court would have had referred to the powers the court would have had if the said section 32 had been in operation when the finding was announced.

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- 6 If a person is, at the coming into force of section 4 of this Act, retained in service in the Royal Navy by virtue of section 1 of the Naval Enlistment Act 1835 or section 9 of the Naval Enlistment Act 1853, the repeal of those sections shall not, without prejudice to the provisions of section 38(2) of the Interpretation Act 1889, operate so as to put an end to his being retained by virtue of that section or to affect the period for which he is liable thereunder so to be retained.
- 7 If paragraph 1 of Schedule 3 to this Act comes into force during the prolongation of service of a person in the Royal Marines by virtue of paragraph 4(2) or (4) of Schedule 7 to the Army Act 1955, the repeal of those paragraphs by this Act shall not, without prejudice to the provisions of section 38(2) of the Interpretation Act 1889, operate so as to put an end to the prolongation or to affect the period thereof.
- 8 If the amendment to section 14(1)(b) of the Army Act 1955 made by Schedule 4 to this Act comes into force during the prolongation of a service of a person by virtue of section 10 of the Army Act 1955, then, without prejudice to the provisions of section 38(2) of the Interpretation Act 1889, the said section 14(1)(b) shall have effect as if the reference therein to an order under section 10 of the Army Act 1955 included a reference to a proclamation thereunder.
- 9 If the amendment to section 14(1)(b) of the Air Force Act 1955 made by Schedule 4 to this Act comes into force during the prolongation of a service of a person by virtue of section 10 of the Air Force Act 1955, then, without prejudice to the provisions of section 38(2) of the Interpretation Act 1889, the said section 14(1)(b) shall have effect as if the reference therein to an order under section 10 of the Air Force Act 1955 included a reference to a proclamation thereunder.