

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

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ARRANGEMENT OF SECTIONS

Section

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2. Transitional provisions and savings.
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CHAPTER 20

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

[6th May, 1955]

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:—

1. The Army Act and the Air Force Act shall continue in force until the end of the year nineteen hundred and fifty-six but no longer. **Interim continuation of Army and Air Force Acts.**
2. The transitional provisions and savings set out in the First Schedule to this Act shall have effect in connection with the expiry of the Army Act and the Air Force Act. **Transitional provisions and savings.**
3. In connection with the replacement of the Army Act and the Air Force Act by new provisions, the enactments set out in the Second Schedule to this Act shall be amended as provided by that Schedule. **Amendment of other enactments.**

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

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

Repeals.

5.—(1) The annual Acts continuing the Army Act or the Air Force Act, and passed during the period beginning with the year eighteen hundred and eighty-two and ending with the year nineteen hundred and fifty-four, are hereby repealed so far as still in force.

(2) The enactments specified in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Short title
and com-
mencement.

6.—(1) This Act may be cited as the Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955.

(2) This Act, except section one thereof, shall come into operation on the appointed day.

(3) In this Act the expression “the appointed day” means such day as Her Majesty may by Order in Council appoint.

SCHEDULES

FIRST SCHEDULE

Section 2.

TRANSITIONAL PROVISIONS AND SAVINGS

1. In this Schedule the expression "the old Act" means the Army Act or the Air Force Act, and the expression "the new Act"—

(a) in relation to the Army Act or persons subject to military law, means the Army Act, 1955, and

(b) in relation to the Air Force Act or persons subject to air-force law, means the Air Force Act, 1955.

2.—(1) In relation to an offence against any section in Part I of the old Act, sections seventy-one to one hundred and thirty-four and one hundred and thirty-eight to one hundred and forty-two of the new Act, and the rules and regulations made under those sections, shall apply as if the said section had been contained in the new Act and that Act had been in force when the offence was committed, and as if any finding or punishment having effect before the appointed day, and anything done before that day by virtue of or in relation to such a finding or sentence, had been come to, awarded or done under the new Act:

Provided that nothing in this sub-paragraph shall render an offence capable of being tried by court-martial or dealt with summarily, if by reason of the time or place of the commission of the offence it could not have been so tried or dealt with under the old Act.

(2) Notwithstanding anything in the foregoing sub-paragraph, where any proceedings for such an offence as aforesaid have been begun before the appointed day, any step in the proceedings taken after that day shall be deemed to be validly taken if taken in accordance with the old Act and the rules made thereunder.

(3) In section one hundred and thirty-four of the new Act (which provides against trial for offences already disposed of) references to the new Act or to any provision thereof shall be construed as including respectively references to the old Act and to the corresponding provision thereof.

3. Where after the appointed day a person is alleged—

(a) to have committed an offence continuing over a period beginning before that day and ending thereon or thereafter, or

(b) to have committed an offence between two dates falling within such a period,

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

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

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

1ST SCH.
—cont.

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

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

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

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

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

(b) if he was not so re-engaged the said section six shall apply to him subject to the provisions of the next following sub-paragraph, and if, immediately before the appointed day, he fell to be treated by virtue of section eleven of the Army and Air Force (Annual) Act, 1952, as having enlisted for a term of twenty-two years, his notice and the approval of the competent military authority under that section shall be deemed to be a notice and consent given under the said section six.

(4) Where the said section six applies to a person who enlisted before the first day of May, nineteen hundred and fifty-two, then if his enlistment took place at the end of a period of relevant service it shall be treated for the purposes of that section as having taken place at the beginning of that period or on the date of his attaining the age of eighteen years, whichever is the later:

Provided that if his notice under the said section six so requires, his enlistment shall not be so treated but in that case he shall not exercise the right conferred by subsection (1) of section five of the new Act.

(5) In the last foregoing sub-paragraph the expression "period of relevant service" means continuous service of any one or more of the following descriptions, that is to say, army service, whole-time service in the Territorial Army or whole-time service in the Auxiliary Territorial Service.

(6) Where a person's enlistment took place at the end of a period of whole-time service in the Auxiliary Territorial Service that service shall be deemed to be included in the references to service in section eight of the new Act.

(7) Where a person to whom the proviso to sub-paragraph (4) of this paragraph applies deserts after completing the service comprised in the term which, if he had not given a notice under section six of the new Act, would have been his term of enlistment, no part of that service shall be included in any direction given in respect of the desertion under subsection (3) of section thirty-seven or subsection (2) of section eighty-one of that Act.

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

(2) If immediately before the appointed day a proclamation is in force under section eighty-eight of the old Act, it shall continue in force as if made under the corresponding provisions of the new Act.

9. Any order authorising the discharge of a person given before the appointed day by an officer prescribed in that behalf under the old Act shall be treated for the purposes of subsection (3) of section eleven of the new Act as an order of the competent military, or as the case may be, air-force authority.

10. Any order under section ninety-one of the old Act in force immediately before the appointed day shall have effect as if it had been made under the corresponding provisions of the new Act.

11. The powers conferred by the new Act of restoring forfeited service and remitting forfeitures and deductions shall be exercisable in relation to service forfeited and forfeitures and deductions imposed under the old Act.

12.—(1) Any forfeiture of, or deduction from, pay having effect under the old Act immediately before the appointed day shall, subject to the last foregoing paragraph, continue to have effect notwithstanding the expiry of the old Act.

(2) Any order having effect immediately before the appointed day under the provisions of the old Act corresponding with sections one hundred and fifty and one hundred and fifty-one of the new Act shall continue to have effect as if made under the new Act, and section one hundred and fifty-two of the new Act shall apply accordingly.

13. Any document made before the appointed day which would have been admissible in evidence under the provisions of the old Act, or those provisions as applied by any other enactment, shall be admissible to the like extent and in the like proceedings notwithstanding that the old Act has ceased to be in force.

14. If immediately before the appointed day any declaration or renewal is in force under section one hundred and eighty-nine of the old Act, it shall continue in force as if made under the corresponding provision of the new Act.

SECOND SCHEDULE

ADAPTATION OF ENACTMENTS

The Naval Discipline Act

29 & 30 Vict. c. 109.

1.—(1) For section eighty-one there shall be substituted the following section:—

“Imprison-
ment and
Detention
Rules.

81.—(1) The Admiralty may make rules with respect to all or any of the matters referred to in subsection (1) of section one hundred and twenty-two of the Army Act, 1955, as modified by the following provisions of this section, and accordingly that section as so modified shall apply as if it were herein re-enacted.

(2) The said modifications are—

- (a) for references to the Secretary of State there shall be substituted references to the Admiralty,
- (b) for references to military custody there shall be substituted references to naval custody,
- (c) for references to military sentences of imprisonment and detention there shall be substituted references to sentences of imprisonment or detention passed under this Act,
- (d) for references to military establishments there shall be substituted references to any establishment under the control of the Admiralty where persons may be required to serve sentences of imprisonment or detention passed under this Act,
- (e) for references to persons subject to military law there shall be substituted references to persons subject to this Act,
- (f) for references to sentences of imprisonment or detention awarded under this Act there shall be substituted references to sentences of imprisonment or detention awarded under the Army Act, 1955.

(3) Rules made under this section may contain such incidental and supplementary provisions as appear to the Admiralty to be requisite for the purposes of the rules”.

but any rules in force immediately before the appointed day under the said section eighty-one shall continue in force and have effect as if they had been made under the section hereinbefore set out.

(2) In section eighty-six, after the definition of “Admiralty” there shall be inserted the following definition:—

“‘Commonwealth force’ means any of the armed forces of Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa, India, Pakistan or Ceylon”.

(3) In section eighty-seven, after the words “belonging to” there shall be inserted the words “or attached to”, and at the end of that section there shall be added the following subsections:—

“(2) In this section the expression “attached” means attached by virtue of section one hundred and seventy-nine of the Army Act, 1955, or of the Air Force Act, 1955.

(3) The modifications set out in the Schedule to this Act shall have effect in the case of persons who are subject to this Act by virtue of being so attached as aforesaid.”

(4) For section ninety A there shall be substituted the following section:—

“Powers of command of members of cooperating military or air forces.

90A.—(1) In so far as powers of command depend on rank, a member of any of Her Majesty’s military or air forces (other than a Commonwealth force) who—

(a) is acting with, or

(b) is a member of a body of any of those forces which is acting with,

any body of Her Majesty’s naval forces shall have the like such powers as a member of Her Majesty’s naval forces of corresponding rank; and for the purposes of the provisions of this Act relating to superior officers any such member of the said military or air forces shall be treated as if he were a member of Her Majesty’s naval forces of corresponding rank.

(2) In this section the expression ‘corresponding rank’ in relation to any military or air-force rank means such naval rank or rating as may be declared by order of the Admiralty to correspond therewith.”

(5) After section ninety A there shall be inserted the following sections:—

“Exercise of powers of naval provost marshals by military or air-force provost marshals.

90AA.—(1) An order made by the Admiralty and the Army Council may authorise military provost marshals, and an order made by the Admiralty and the Air Council may authorise air-force provost marshals, to exercise, in such area in the United Kingdom or elsewhere as may be specified in the order, the powers of naval provost marshals in relation to persons subject to this Act.

(2) Any power exercisable by virtue of this section by a military provost marshal or air-force provost marshal shall be exercisable also by any person legally exercising authority under him or on his behalf:

Provided that nothing in this subsection shall authorise the arrest of an officer otherwise than on the order of another officer.

(3) In this section the expression ‘military provost marshal’ includes any officer appointed to exercise the functions conferred on provost officers by or under the Army Act, 1955 and the expression ‘air-force provost marshal’ includes any officer appointed to exercise the functions conferred on provost officers by or under the Air Force Act, 1955.

2ND SCH.
—cont.Attachment
of members
of naval
forces to
military or
air forces.

90AB.—(1) Any person in or belonging to Her Majesty's navy may be attached temporarily to any of Her Majesty's military or air forces (other than a Commonwealth force).

(2) Regulations made by the appropriate service authorities may prescribe circumstances in which persons in or belonging to Her Majesty's navy shall be deemed to be attached to any of Her Majesty's military or air forces (other than a Commonwealth force), as the case may be, under the last foregoing subsection.

(3) In this section the expression "appropriate service authorities" means—

(a) in relation to attachment to any of Her Majesty's military forces, the Admiralty and the Army Council,

(b) in relation to attachment to any of Her Majesty's air forces, the Admiralty and the Air Council,

(4) A person shall not cease to be subject to this Act by reason only of attachment in pursuance of this section."

(6) At the end there shall be added the following Schedule :

" SCHEDULE

APPLICATION OF ACT TO ATTACHED MEMBERS OF
MILITARY AND AIR FORCES

PART I

*Application of Act to Attached Members of Military
Forces*

1. In relation to a member of any of Her Majesty's military forces (other than a Commonwealth force) who is subject to this Act, the following provisions shall have effect.

2. References to dismissal with disgrace from Her Majesty's service shall be construed as references to cashiering (in the case of an officer) or discharge with ignominy (in the case of a warrant officer, non-commissioned officer or soldier), references to forfeiture of seniority as an officer as mentioned in paragraph (6) of section fifty-two of this Act shall be construed as references to forfeiture, in such manner as may be prescribed by regulations of the Admiralty, of seniority of rank, either in the army or in the corps to which the offender belongs or in both, and references to disrating shall be construed as references to reduction to the ranks or any less reduction in rank.

3. The functions of the Admiralty under paragraph (1) of section fifty-three of this Act may be exercised by the Army Council, and the reference in paragraph (3) of that section to the Admiralty shall include a reference to the Army Council.

4. References to any rank or rating shall include references to any military rank declared by order of the Admiralty to correspond with the first-mentioned rank or rating.

2ND SCH.
—cont.

PART II

Application of Act to Attached Members of Air Forces

5. In relation to a member of any of Her Majesty's air forces (other than a Commonwealth force) who is subject to this Act the following provisions shall have effect.

6. References to dismissal with disgrace from Her Majesty's service shall be construed as references to cashiering (in the case of an officer) or discharge with ignominy (in the case of a warrant officer, non-commissioned officer or airman), references to forfeiture of seniority as an officer as mentioned in paragraph (6) of section fifty-two of this Act shall be construed as references to forfeiture, in such manner as may be prescribed by regulations of the Admiralty, of seniority of rank, and references to disrating shall be construed as references to reduction to the ranks or any less reduction in rank.

7. The functions of the Admiralty under paragraph (1) of section fifty-three of this Act may be exercised by the Air Council, and the reference in paragraph (3) of that section to the Admiralty shall include a reference to the Air Council.

8. References to any rank or rating shall include references to any air-force rank declared by order of the Admiralty to correspond with the first-mentioned rank or rating."

The Naval Enlistment Act, 1884 47 & 48 Vict. c. 46.

2. For section three there shall be substituted the following section:—

“Discharge of seamen of unsound mind.” 3. Section sixteen of the Army Act, 1955 (which relates to the discharge of a soldier of unsound mind) shall apply in like manner as if it were herein re-enacted with the substitution—

(a) for references to a soldier of the regular forces of references to a person in the naval service of Her Majesty; and

(b) for references to the Army Council of references to the Admiralty.”

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

3. In section twenty-nine after the definition of “prescribed” there shall be inserted—

“the expression ‘desert’ means commit an offence against paragraph (a) of subsection (2) of section thirty-seven of the Army Act, 1955”,

and for the words “the Army Act” there shall be substituted the words “the Army Act, 1955.”

2ND SCH.
—cont.

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

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

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

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

The Naval Billeting, &c. Act, 1914
4 & 5 Geo. 5. c. 70.

6.—(1) In subsection (1) of section one for the reference to a requisition of emergency there shall be substituted a reference to a requisitioning order.

(2) For the purposes of Part IV of the Army Act, 1955 a billeting requisition or requisitioning order issued by virtue of the said subsection (1) shall have effect as if issued under section one hundred and fifty-four of that Act (which relates to billeting) or section one hundred and sixty-five thereof (which relates to the requisitioning of vehicles and other chattels) but in relation to requisitions and orders issued under the said subsection (1) the said Part IV and the Fourth Schedule to that Act shall have effect subject to such adaptations as the Admiralty may by regulations prescribe, being adaptations appearing to the Admiralty necessary for adapting the said Part IV and Schedule to the naval forces.

(3) Sections forty-seven and forty-eight of the Army Act, 1955 (which relate to offences in connection with billeting and requisitioning) shall with the necessary modifications apply as respects billeting and requisitioning under the said Part IV as applied as aforesaid and to persons subject to the Naval Discipline Act, subject to the modification that as applied to such persons they shall have effect as if offences thereunder were triable under that Act and punishable with imprisonment not exceeding two years or such punishment inferior in degree as is mentioned in section fifty-two of that Act.

(4) Subsection (2) of section one shall cease to have effect.

The Navy (Pledging of Certificates, &c.) Act, 1914
4 & 5 Geo. 5. c. 89.

7. For section one there shall be substituted the following section—
“Application 1. Sections one hundred and ninety-five and one hundred and ninety-six of the Army Act, 1955 (which among provisions of other things provide for the punishment of the illegal acquisition from soldiers of military stores and the acceptance of certain documents as security for debts) shall apply in relation to persons serving in the naval forces of the Crown with such adaptations as the Admiralty may by regulations prescribe, and any such regulations may extend the said section one hundred and ninety-six so as to make it applicable to any certificate relating to the service of any person serving in the naval forces of the Crown.”

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

2ND SCH.
—cont.

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

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

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

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

The National Service Act, 1948
11 & 12 Geo. 6. c. 64.

10. In the Second Schedule, in paragraph (a) of the proviso to paragraph 1 for the words “the Air Force Act” there shall be substituted the words “air-force law.”

The Recall of Army and Air Force Pensioners Act, 1948
12, 13 & 14 Geo. 6. c. 8.

11. In section two, in subsection (2) for the words from “beginning with” to the end of the section there shall be substituted—

“hereinafter mentioned:

Provided that any such person shall, if on his recall he so requires, be so enlisted for the said period in accordance with section two of the Army Act, 1955, or of the Air Force Act, 1955, as the case may require, and thereupon he shall not be deemed to have been enlisted by virtue of the foregoing provisions of this subsection.

(3) The period hereinbefore referred to is the period beginning with the time as from which a person is recalled for service under this Act and ending with such date as Her Majesty may by Order in Council declare to be the end of the emergency which was the occasion of the calling-out on permanent service of men of the reserve in question ; and nothing in 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 prejudice the operation of the foregoing provisions of this section”.

2ND SCH.
—cont.*The Auxiliary and Reserve Forces Act, 1949*

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

12. In section nine, in paragraph (b) of subsection (5) the words from “in accordance with” to “Royal Marines Act, 1948” shall be omitted.

The Army Reserve Act, 1950

14 Geo. 6. c. 32.

13.—(1) For the words “the Army Act” wherever those words occur there shall be substituted the words “the Army Act, 1955”:

Provided that references to transfer to the reserve in pursuance of the Army Act shall be construed as references to transfer to the reserve in pursuance either of the Army Act or of the Army Act, 1955.

(2) In section three the following subsections shall be substituted for subsections (2) and (3):—

“(2) Subject to the provisions of this Act and save as is otherwise prescribed, a man enlisting in the army reserve shall be attested in the same manner as a recruit in the regular forces, and the following provisions of the Army Act, 1955, that is to say,—

- (a) section two and the First Schedule (which relate to the mode of enlistment and attestation);
- (b) section eighteen (which relates to the validity of attestation and enlistment);
- (c) section nineteen (which makes recruits punishable for false answers); and
- (d) so much of section one hundred and ninety-eight as relates to the attestation paper or a document purporting to be a copy thereof being evidence,

shall apply in like manner as if they were re-enacted in this Act, with the substitution for the expression ‘soldier’ of the expression ‘man’ and for the expression ‘regular forces’ of the expression ‘army reserve’.

(3) A man enlisting in the army reserve may be attested by a regular officer, and the provisions of the Army Act, 1955, mentioned in the last foregoing subsection, together also with section sixty-one (which relates to false answers on enlistment), shall in their application to the army reserve be construed as if the expression ‘recruiting officer’ included any regular officer.”

(3) For section seven there shall be substituted the following section:—

“Appointment to corps of men called out on permanent service. 7. A man of the army reserve on being called out on permanent service may be appointed to any corps; and subsection (3) of section three of the Army Act, 1955, shall apply to such men so called out as it applies to soldiers of the regular forces.”

(4) In section eight, in subsection (3) the words from “and any” to the beginning of the proviso shall be omitted, and at the end of the section there shall be added the following subsection:—

“(4) Sections nine and thirteen of the Army Act, 1955, so far as they relate to discharge, shall apply to men of the army reserve called out on permanent service as they apply to soldiers of the regular forces, and nothing in the last foregoing subsection shall prejudice the operation of the said sections nine and thirteen as applied by this subsection.”

(5) In subsection (1) of section twelve for the words from “a soldier” to “however” there shall be substituted the words “in pursuance of the proviso to subsection (2) of section twelve of the Army Act, 1955, a soldier of the regular forces is transferred to the reserve outside the United Kingdom he shall serve therein subject”.

(6) After section twelve there shall be inserted the following section:—

“Discharge of persons of unsound mind. 12A. Section sixteen of the Army Act, 1955 shall apply to men of the army reserve while subject to military law as it applies to soldiers of the regular forces”.

(7) In section fourteen for the words “section twelve” and “section fifteen” wherever they occur there shall be substituted respectively the words “section thirty-seven” and “section thirty-eight”; and in subsection (5) of that section for the words “Section one hundred and fifty-four” there shall be substituted the words “The provisions of sections one hundred and eighty-six to one hundred and ninety”, for the words “it applies” there shall be substituted the words “they apply”, and for the words “that section” there shall be substituted the words “those provisions”.

(8) In section fifteen, in subsection (3) for the words “paragraph (3) of section one hundred and fifty-three of the Army Act” there shall be substituted the words “paragraph (c) of subsection (1) of section one hundred and ninety-two of the Army Act, 1955”.

(9) In section eighteen, for subsections (2) and (3) there shall be substituted the following subsections:—

“(2) Sections two hundred and twenty and two hundred and twenty-one of the Army Act, 1955 (which relate to the jurisdiction of courts and the disposal of summary fines) shall apply for the purposes of offences under this Act.

(3) Notwithstanding anything contained in any other Act, the minimum fixed by this Act for the amount of any fine or the term of any imprisonment shall be duly observed by courts of summary jurisdiction and shall not be reduced by way of mitigation or otherwise; but where the said minimum exceeds the maximum which such a court has power to inflict (whether by reason of its constitution or by reason of the place where it is sitting) the said maximum shall be deemed, in proceedings before that court, to be substituted for the minimum fixed by this Act”.

and in subsection (4) the words from “or an offence” to “personation” shall be omitted.

(10) In section twenty in subsection (1) for the words “court of inquiry under section seventy-two” there shall be substituted the

2ND SCH.
—cont.

words “board of inquiry under section one hundred and thirty-five”; and for the words “that section” there shall be substituted the words “section one hundred and thirty-six of that Act”.

(11) In section twenty-one in subsection (1) for the words “one hundred and sixty-three” there shall be substituted the words “one hundred and ninety-eight” and at the end of the subsection there shall be inserted the words “and subsection (3) of section one hundred and eighty-nine of that Act (which relates to evidence in cases of desertion and absence without leave) shall apply to proceedings under this Act for offences contrary to subsection (1) or (2) of section fourteen of this Act”, and in subsection (2) for the words “one hundred and sixty-four” there shall be substituted the words “one hundred and ninety-nine”.

(12) In section twenty-two in subsection (1) for the words “one hundred and forty-three” there shall be substituted the words “one hundred and eighty-four”.

(13) In section twenty-eight for the words “Part II of the Army Act” there shall be substituted the words “Part I of the Army Act, 1955”, and after the definition of “prescribed” there shall be inserted—

“‘soldier’ includes a warrant officer and a non-commissioned officer”;

and subsection (3) shall be omitted.

The Air Force Reserve Act, 1950

14 Geo. 6. c. 33.

14.—(1) For the words “the Air Force Act” wherever those words occur, except in the phrase “subject to the Air Force Act”, there shall be substituted the words “the Air Force Act, 1955”:

Provided that references to transfer to the reserve in pursuance of the Air Force Act shall be construed as references to transfer to the reserve in pursuance either of the Air Force Act or of the Air Force Act, 1955.

(2) In section three the following subsections shall be substituted for subsections (2) and (3):—

“(2) Subject to the provisions of this Act and save as is otherwise prescribed, a man enlisting in the air force reserve shall be attested in the same manner as a recruit in the regular air force, and the following provisions of the Air Force Act, 1955, that is to say,—

- (a) section two and the First Schedule (which relate to the mode of enlistment and attestation);
- (b) section eighteen (which relates to the validity of attestation and enlistment);
- (c) section nineteen (which makes recruits punishable for false answers); and
- (d) so much of section one hundred and ninety-eight as relates to the attestation paper or a document purporting to be a copy thereof being evidence,

shall apply in like manner as if they were re-enacted in this Act, with the substitution for the expression ‘airman’ of the expression ‘man’ and for the expression ‘regular air force’ of the expression ‘air force reserve’.

(3) A man enlisting in the air force reserve may be attested by a regular officer and the provisions of the Air Force Act, 1955, mentioned in the last foregoing subsection, together also with section sixty-one (which relates to false answers on enlistment), shall in their application to the air force reserve be construed as if the expression 'recruiting officer' included any regular officer."

(3) Section seven shall be omitted.

(4) In section eight, in subsection (3) the words from "and any" to the beginning of the proviso shall be omitted, and at the end of the section there shall be added the following subsection:—

"(4) Sections nine and thirteen of the Air Force Act, 1955, so far as they relate to discharge, shall apply to men of the air force reserve called out on permanent service as they apply to airmen of the regular air force, and nothing in the last foregoing subsection shall prejudice the operation of the said sections nine and thirteen as applied by this subsection."

(5) In subsection (1) of section twelve for the words from "an airman" to "however" there shall be substituted the words "in pursuance of the proviso to subsection (2) of section twelve of the Air Force Act, 1955, an airman of the regular air force is transferred to the reserve outside the United Kingdom he shall serve therein subject".

(6) After section twelve there shall be inserted the following section:—

"Discharge of persons of unsound mind. 12A. Section sixteen of the Air Force Act, 1955, shall apply to men of the air force reserve while subject to air-force law as it applies to airmen of the regular air force."

(7) In section fourteen for the words "section twelve" and "section fifteen" wherever they occur there shall be substituted respectively the words "section thirty-seven" and "section thirty-eight"; in subsection (3) for the words "subject thereto" there shall be substituted the words "subject to air-force law"; and in subsection (5) for the words "Section one hundred and fifty-four" there shall be substituted the words "The provisions of sections one hundred and eighty-six to one hundred and ninety", for the words "it applies" there shall be substituted the words "they apply", and for the words "that section" there shall be substituted the words "those provisions".

(8) In section fifteen, in subsection (3) for the words "paragraph (3) of section one hundred and fifty-three of the Air Force Act" there shall be substituted the words "paragraph (c) of subsection (1) of section one hundred and ninety-two of the Air Force Act, 1955".

(9) In section seventeen, in paragraph (c) of subsection (1) and in subsection (2) for the words "subject to the Air Force Act" there shall be substituted the words "subject to air-force law".

(10) In section eighteen, for subsections (2) and (3) there shall be substituted the following subsections:—

"(2) Sections two hundred and eighteen and two hundred and nineteen of the Air Force Act, 1955 (which relate to the jurisdiction of courts and the disposal of summary fines) shall apply for the purposes of offences under this Act.

2ND SCH.
—cont.

(3) Notwithstanding anything contained in any other Act, the minimum fixed by this Act for the amount of any fine or the term of any imprisonment shall be duly observed by courts of summary jurisdiction and shall not be reduced by way of mitigation or otherwise; but where the said minimum exceeds the maximum which such a court has power to inflict (whether by reason of its constitution or by reason of the place where it is sitting) the said maximum shall be deemed, in proceedings before that court, to be substituted for the minimum fixed by this Act”,

and in subsection (4) the words from “or an offence” to “personation” shall be omitted.

(11) In section twenty, in subsection (1), for the words “subject to the Air Force Act” in each place where they occur there shall be substituted the words “subject to air-force law”, for the words “court of inquiry under section seventy-two” there shall be substituted the words “board of inquiry under section one hundred and thirty-five”, and for the words “that section” there shall be substituted the words “section one hundred and thirty-six of that Act”.

(12) In section twenty-one, in subsection (1) for the words “one hundred and sixty-three” there shall be substituted the words “one hundred and ninety-eight”, and at the end of the subsection there shall be inserted the words “and subsection (3) of section one hundred and eighty-nine of that Act (which relates to evidence in cases of desertion and absence without leave) shall apply to proceedings under this Act for offences contrary to subsection (1) or (2) of section fourteen of this Act”, and in subsection (2) for the words “one hundred and sixty-four” there shall be substituted the words “one hundred and ninety-nine” and for the words “subject to that Act” and the words “subject to the said Act” there shall be substituted the words “subject to air-force law”.

(13) In section twenty-two, in subsection (1) for the words “one hundred and forty-three” there shall be substituted the words “one hundred and eighty-four”.

(14) In section twenty-seven for the words “Part II of the Air Force Act” there shall be substituted the words “Part I of the Air Force Act, 1955”, and after the definition of “prescribed” there shall be inserted—

“ ‘airman’ includes a warrant officer and a non-commissioned officer ” ;

and subsection (4) shall be omitted.

The Courts-Martial (Appeals) Act, 1951.

14 & 15, Geo. 6. c. 46.

15.—(1) In section three, for paragraph (b) of subsection (3) there shall be substituted:—

“(b) in the case of a conviction by an army court-martial, the Army Council; and

(c) in the case of a conviction by an air force court-martial, the Air Council”,

and the proviso to that subsection shall be omitted.

(2) In section six, in subsection (4) for the words “section one hundred and thirty of the Army Act or section one hundred and thirty of the Air Force Act” there shall be substituted the words “section one hundred and sixteen of the Army Act, 1955, or section one hundred and sixteen of the Air Force Act, 1955,” and for the words “on a special finding” there shall be substituted the words “on a finding”; and in subsection (5) for the words “the Army Act or the Air Force Act” there shall be substituted the words “the Army Act, 1955, or the Air Force Act, 1955”.

(3) Section fifteen shall be omitted.

(4) In section seventeen, for paragraphs (a) to (c) there shall be substituted the following paragraphs—

“(a) section eighty-one of the Naval Discipline Act;

(b) section one hundred and twenty-one or one hundred and twenty-two of the Army Act, 1955;

(c) section one hundred and twenty-one or one hundred and twenty-two of the Air Force Act, 1955.”

(5) In section twenty-four, for the words “the Army Act” and “the Air Force Act” wherever they occur there shall be substituted respectively the words “the Army Act, 1955” and “the Air Force Act, 1955”, in subsection (2) after the word “expression” there shall be inserted the word “on”, for the words “section one hundred and ninety” there shall be substituted, where they first occur, the words “section two hundred and twenty-four” and, where they last occur, the words “section two hundred and twenty-two”, and subsection (3) shall be omitted.

(6) Notwithstanding anything in sub-paragraph (1) of this paragraph, a petition presented to the Secretary of State shall be treated for the purposes of section three as duly presented if the finding of the court-martial was promulgated before the appointed day; and nothing in the last foregoing sub-paragraph shall affect the application of the Act to courts-martial held before that day.

The Defamation Act, 1952

15 & 16 Geo. 6. & 1 Eliz. 2. c. 66.

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

The Visiting Forces Act, 1952

15 & 16 Geo. 6. & 1 Eliz. 2. c. 67.

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

“(1) Subject to the provisions of this section, sections one hundred and eighty-six to one hundred and eighty-eight and one hundred and ninety of the Army Act, 1955 (which relate to the apprehension, custody and delivery into military custody of deserters and absentees without leave from the regular forces)

2ND SCH.
—cont.

shall within the United Kingdom apply in relation to deserters and absentees without leave from the forces of any country to which this section applies as they apply in relation to deserters and absentees without leave from the regular forces.

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

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

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

The Auxiliary Forces Act, 1953

1 & 2 Eliz. 2. c. 50.

18.—(1) For the words “ the Army Act ” and, save as hereinafter provided, “ the Air Force Act ” wherever they occur there shall be substituted respectively the words “ the Army Act, 1955 ” and “ the Air Force Act, 1955 ”.

(2) In section twelve, the proviso to subsection (2) shall be omitted, and in subsection (3) for the words “ section thirty-three ” there shall be substituted the words “ section sixty-one “ and for the words “ justice of the peace ” there shall be substituted the words “ recruiting officer ”.

(3) After section eighteen there shall be inserted the following section :—

“ Discharge
of persons
of unsound
mind.

18A. Section sixteen of the Army Act, 1955 shall apply to men of the Territorial Army while subject to military law as it applies to soldiers of the regular forces, and section sixteen of the Air Force Act, 1955 shall apply to men of the Royal Auxiliary Air Force while subject to air-force law as it applies to airmen of the regular air force.”

(4) In section twenty-seven, in subsection (1) for the words “ section twelve ” there shall be substituted the words “ section thirty-seven ”, and for the words “ section fifteen ” there shall be substituted the words “ section thirty-eight ”, in subsection (3) for the words “ section one hundred and fifty-four ” there shall be substituted the words “ sections one hundred and eighty-six to one hundred and ninety ”,

in subsection (4) for the words “ paragraph (3) of section one hundred and fifty-three ” there shall be substituted the words “ paragraph (c) of subsection (1) of section one hundred and ninety-two ”.

(5) Section thirty shall be omitted.

(6) In section thirty-one in subsection (5) for the words preceding paragraph (a) there shall be substituted the following words—

“ Section two hundred and twenty of the Army Act, 1955, and section two hundred and eighteen of the Air Force Act, 1955, shall apply to offences under this Act relating to an officer or man of the Territorial Army or the Royal Auxiliary Air Force respectively, and the following provisions shall have effect as regards fines recoverable on summary conviction for any such offence, that is to say ”,

and in paragraph (b) the words “ or in the said sections one hundred and sixty-six to one hundred and sixty-eight ” shall be omitted, and subsection (7) shall be omitted.

(7) In section thirty-two for the words “ the Air Force Act ” in the first and third places where they occur there shall be substituted the words “ air-force law ”, and for the words “ court of inquiry under section seventy-two ” there shall be substituted the words “ board of inquiry under section one hundred and thirty-five ”.

(8) In section thirty-four, in subsection (1) for the words “ section one hundred and sixty-three ” there shall be substituted the words “ section one hundred and ninety-eight ”, and at the end of the subsection there shall be inserted the words “ and subsection (3) of section one hundred and eighty-nine of that Act (which relates to evidence in cases of desertion and absence without leave) shall apply to proceedings under this Act for offences contrary to subsection (1) of section twenty-seven of this Act ”; in subsection (2) for the words “ section one hundred and sixty-four ” there shall be substituted the words “ section one hundred and ninety-nine ”, and in subsection (3) for the words “ the Air Force Act ” there shall be substituted the words “ the Air Force Act, 1955, and air-force law ”.

(9) In section thirty-seven for the words “ section one hundred and forty-three ” there shall be substituted the words “ section one hundred and eighty-four ”.

(10) At the end of section forty-eight there shall be added the following subsection:—

“ (2) All fines imposed in proceedings taken before a magistrate’s court in Northern Ireland shall, notwithstanding anything in paragraph (ii) of subsection (5) of section twenty of the Administration of Justice Act (Northern Ireland), 1954, be dealt with in the manner provided by that section ”.

2ND SCH. (11) For the Second Schedule there shall be substituted the follow-
—cont. ing Schedule:—

“ SECOND SCHEDULE

APPLICATION OF PROVISIONS OF ARMY ACT, 1955, AND OF AIR
FORCE ACT, 1955, RELATING TO ENLISTMENT

1. The provisions of the Army Act, 1955, and of the Air Force Act, 1955 referred to in subsection (2) of section twelve of this Act are the following, that is to say—

section two and the First Schedule (which relate to the mode of enlistment and attestation),

section eighteen (which relates to the validity of attestation and enlistment),

section nineteen (which makes recruits punishable for false answers), and

so much of section one hundred and ninety-eight as relates to the attestation paper or a document purporting to be a copy thereof being evidence.

2. The modifications of the Army Act, 1955, referred to in subsection (2) of section twelve of this Act are the following, that is to say—

for references to the regular forces there shall be substituted references to the Territorial Army,

for references to a soldier there shall be substituted references to a man of the Territorial Army,

and the references in section eighteen to the receipt of pay shall be omitted.

3. The modifications of the Air Force Act, 1955, referred to in subsection (2) of section twelve of this Act are the following, that is to say—

for references to the regular air force there shall be substituted references to the Royal Auxiliary Air Force,

for references to an airman there shall be substituted references to a man of the Royal Auxiliary Air Force.

and the references in section eighteen to the receipt of pay shall be omitted.”

THIRD SCHEDULE

Section 4.

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

Entertainments under Service direction

1.—(1) So much of any Act as operates to prohibit as respects particular days, or otherwise to restrict or regulate, the keeping, opening or using of premises for purposes of public entertainment or amusement shall not apply to the use, by authority of a Secretary of State or the Admiralty, of any building at a camp, station, or naval establishment, or of any ship, for entertainments or amusements under the direction and control of an officer or committee having official responsibility for such matters.

(2) For the purposes of this paragraph, the expression "public entertainment or amusement" includes public dancing, singing or music, the public performance of stage plays and the giving of cinematograph exhibitions; and in the case of a building or ship which is used for the giving of cinematograph exhibitions, the keeping or storing of films shall be deemed to be part of the use thereof for the giving of exhibitions.

Licences of canteens in Northern Ireland

2. In Northern Ireland when a person holds a canteen under the authority of a Secretary of State or the Admiralty, it shall be lawful for any resident magistrate to grant any certificate for the time being required to enable such person to obtain the grant, transfer or renewal of, and to hold, any excise licence for the sale of any intoxicating liquor, without regard to the time of year, and without regard to the requirements as to notices or otherwise of any Act for the time being in force affecting such certificates; and excise licences may, upon production of such certificates, be granted to such persons accordingly.

FOURTH SCHEDULE

Section 5.

ENACTMENTS (OTHER THAN ANNUAL ACTS) REPEALED

Session and Chapter	Short title	Extent of repeal
10 & 11 Vict. c. 63.	The Royal Marines Act, 1847.	The whole Act so far as still in force.
20 Vict. c. 1.	The Royal Marines Act, 1857.	The whole Act so far as still in force.
29 & 30 Vict. c. 109.	The Naval Discipline Act.	In section eighty-five, the words from "as regards the United Kingdom" to "as regards" and the words from "this Act shall be in force and" to the end of the section; the Schedule.

4TH SCH.
—cont.

Session and Chapter	Short title	Extent of repeal
47 & 48 Vict. c. 31.	The Colonial Prisoners Removal Act, 1884.	In section sixteen, subsection (1).
47 & 48 Vict. c. 55.	The Pensions and Yeomanry Pay Act, 1884.	In section three, subsection (2).
51 & 52 Vict. c. 31.	The National Defence Act, 1888.	Section five.
53 & 54 Vict. c. 42.	The Reserve Forces Act, 1890.	The whole Act so far as still in force.
56 & 57 Vict. c. 5.	The Regimental Debts Act, 1893.	In section eleven the words "Medals and," in section twenty-three the words from "or is delivered up" to "or otherwise".
57 & 58 Vict. c. 45.	The Uniforms Act, 1894	In section four the words "within the meaning of the Army Act".
61 & 62 Vict. c. 36.	The Criminal Evidence Act, 1898.	In section six, subsection (2).
4 & 5 Geo. 5. c. 26.	The Army (Supply of Food, Forage and Stores) Act, 1914.	The whole Act.
4 & 5 Geo. 5. c. 70.	The Naval Billeting, &c. Act, 1914.	In section one, subsection (2).
5 & 6 Geo. 5. c. 26.	The Army (Amendment) Act, 1915.	The whole Act so far as still in force.
5 & 6 Geo. 5. c. 58.	The Army (Amendment) No. 2 Act, 1915.	The whole Act so far as still in force.
7 & 8 Geo. 5. c. 51.	The Air Force (Constitution) Act, 1917.	In section seven, the words "and Part II" and the words "and the Army Act respectively"; section twelve; in the First Schedule, Part II; the Second Schedule.
9 & 10 Geo. 5. c. 75.	The Ferries (Acquisition by Local Authorities) Act, 1919.	In section four, the words "and save as provided by the Army Act".
11 & 12 Geo. 5. c. 37.	The Territorial Army and Militia Act, 1921.	Section three, and the First Schedule.
14 & 15 Geo. 5. c. 15.	The Auxiliary Air Force and Air Force Reserve Act, 1924.	In section three, paragraph (3).
2 & 3 Geo. 6. c. 88.	The Royal Marines Act, 1939.	The whole Act.
10 & 11 Geo. 6. c. 4.	The Royal Marines Act, 1946.	The whole Act.
10 & 11 Geo. 6. c. 30.	The Indian Independence Act, 1947.	In section twelve, subsection (2) and in subsection (4) the words "(2) and" and the words from "and in particular" to "that Schedule"; the Third Schedule.
11 & 12 Geo. 6. c. 7.	The Ceylon Independence Act, 1947.	Section two.
11 & 12 Geo. 6. c. 10.	The Emergency Laws (Miscellaneous Provisions) Act, 1947.	In the Second Schedule, paragraph 2.

Session and Chapter	Short title	Extent of repeal
11 & 12 Geo. 6. c. 21.	The Army and Air Force (Women's Service) Act, 1948.	In section three, in subsection (1), the words from "the provisions of the Army Act" to the second "and", the word "other" where it first occurs, and the words from "including enactments" to "aforesaid".
11 & 12 Geo. 6. c. 25.	The Royal Marines Act, 1948.	Section two.
12, 13 & 14 Geo. 6. c. 96.	The Auxiliary and Reserve Forces Act, 1949.	In section nine, in paragraph (b) of subsection (5), the words from "in accordance with" to "Royal Marines Act, 1948"; in the First Schedule, the entries relating to the Army Act and the Air Force Act.
14 Geo. 6. c. 32.	The Army Reserve Act, 1950.	In section eighteen, in subsection (4) the words from "or an offence" to "personation"; in section twenty-eight, subsection (3).
14 Geo. 6. c. 33.	The Air Force Reserve Act, 1950.	Section seven; in section eighteen in subsection (4) the words from "or an offence" to "personation"; in section twenty-seven, subsection (4).
14 & 15 Geo. 6. c. 46.	The Courts-Martial (Appeals) Act, 1951.	In section three the proviso to subsection (3); section fifteen; in section twenty-four, subsection (3).
15 Geo. 6. c. 8.	The Home Guard Act, 1951.	In section one, the proviso to subsection (2) and subsection (6); in section four, in subsection (2), the words from "and" to "thereto"; the Schedule.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.	The Magistrates' Courts Act, 1952.	In the Fourth Schedule, the entries relating to the Army Act.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 67.	The Visiting Forces Act, 1952.	In section thirteen, subsections (5) and (7).
1 & 2 Eliz. 2. c. 50.	The Auxiliary Forces Act, 1953.	In section twelve the proviso to subsection (2); section thirty; in section thirty-one, in subsection (5) the words from "or in" to "sixty-eight", and subsection (7).

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Naval Discipline Act	29 & 30 Vict. c. 109.
Army Act	44 & 45 Vict. c. 58.
Naval Enlistment Act, 1884	47 & 48 Vict. c. 46.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Regimental Debts Act, 1893	56 & 57 Vict. c. 5.
Uniforms Act, 1894	57 & 58 Vict. c. 45.
Criminal Evidence Act, 1898	61 & 62 Vict. c. 36.
Naval Billeting, &c. Act, 1914	4 & 5 Geo. 5. c. 70.
Navy (Pledging of Certificates, &c.) Act, 1914 Air Force Act	4 & 5 Geo. 5. c. 89.
Ferries (Acquisition of Local Authorities) Act, 1919.	9 & 10 Geo. 5. c. 75.
Visiting Forces (British Commonwealth) Act, 1933.	23 & 24 Geo. 5. c. 6.
Royal Marines Act, 1948	11 & 12 Geo. 6. c. 25.
National Service Act, 1948	11 & 12 Geo. 6. c. 64.
Recall of Army and Air Force Pensioners Act, 1948.	12, 13 & 14 Geo. 6. c. 8.
Auxiliary and Reserve Forces Act, 1949	12, 13 & 14 Geo. 6. c. 96.
Army Reserve Act, 1950	14 Geo. 6. c. 32.
Air Force Reserve Act, 1950... ..	14 Geo. 6. c. 33.
Courts-Martial (Appeals) Act, 1951	14 & 15 Geo. 6. c. 46.
Army and Air Force (Annual) Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 24.
Defamation Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 66.
Visiting Forces Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 67.
Auxiliary Forces Act, 1953	1 & 2 Eliz. 2. c. 50.
Army Act, 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act, 1955	3 & 4 Eliz. 2. c. 19.

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