

*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** There are currently no known outstanding effects for the Armed Forces Act 1976, Cross Heading: Army Act 1955 and Air Force Act 1955. (See end of Document for details)

## SCHEDULES

### SCHEDULE 9

#### MISCELLANEOUS AMENDMENTS

##### Modifications etc. (not altering text)

- C1** The text of ss. 2, 5(1), 9–12, 15, 16, 18, 20, 22(5)(6), Schs. 1, 2, and 4–10 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

##### *Army Act 1955 and Air Force Act 1955*

- 3 In section 86 of the <sup>M1</sup> Army Act 1955 and section 86 of the <sup>M2</sup> Air Force Act 1955 (officers having power to convene courts-martial) subsection (4) (which is inconsistent with amendments made to subsection (1) by the <sup>M3</sup> Armed Forces Act 1971) shall cease to have effect.

##### Marginal Citations

- M1** 1955 c. 18.  
**M2** 1955 c.19.  
**M3** 1971 c. 33.

- 4 The following section shall be inserted after section 198 of each of those Acts:—

##### **“198A Provision as to age.**

Where the age of any person at any time is material for the purposes of any provision of this Act regulating the powers of a court-martial, his age at the material time shall be deemed to be or to have been that which appears to the court, after considering any available evidence, to be or to have been his age at that time.”

- 5 The following paragraphs shall be substituted for paragraph (a) of subsection (3) of section 209 of each of those Acts (application to civilians):—

“(a) on a trial—

- (i) a court-martial may award the punishments specified in paragraphs (a), (b) and (h) of section 71(1) above, except that section 71(5)(a) above shall not apply to the amount of a fine ;
- (ii) a Standing Civilian Court established under the Armed Forces Act 1976 may award any punishment authorised for such courts by section 8 of that Act ; and

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- (iii) a court-martial or Standing Civilian Court may make any order authorised by Schedule 5A below;
- (aa) any such order shall be treated as a punishment for the purposes of this Act ;
- (ab) paragraph 15 of Schedule 5A below shall have effect in substitution for the words in section 71(1) above from “and references in this Act” to the end ;”.
- 6 The following subsection shall be inserted after subsection (3) of each of those sections:—
- “(3A) In their application to any area for which Standing Civilian Courts are established under the Armed Forces Act 1976—
- (a) section 75(2) above shall have effect as if references to the assembling of a court-martial for a person’s trial included references to his being brought before a Standing Civilian Court;
- (b) section 103(1) above shall have effect—
- (i) as if the words “with respect to the hearing by courts-martial of appeals pursuant to paragraph 18 of Schedule 3 to the Armed Forces Act 1976 against finding and sentences of Standing Civilian Courts established under that Act” were inserted after the word “authorities”; and
- (ii) as if the words “and may prescribe modifications of sections 76, 77, 79 and 80 above in relation to charges which may be tried by Standing Civilian Courts and which are brought against persons whom such courts may try” were added at the end; and
- (c) subsection (3) above shall have effect in relation to charges which may be tried by Standing Civilian Courts and which are brought against persons whom such courts may try, but without prejudice to its effect in relation to other charges, as if the following paragraph were substituted for paragraph (e):—
- (e) sections 76, 77, 79 and 80 above shall apply as they apply to officers and warrant officers, subject to such modifications consequential on the establishment of Standing Civilian Courts as may be prescribed by Rules of Procedure and by any order under paragraph 12 of Schedule 3 to the Armed Forces Act 1976 ;”.
- 7 The following subsections shall be substituted for subsection (4) of each of those sections. -
- “(4) A fine awarded against any person by virtue of this section by a court-martial, a Standing Civilian Court or the appropriate superior authority, and a sum which an order under paragraph 11 of Schedule 5A below requires any person to pay shall be recoverable, in the United Kingdom or any colony, as a debt due to Her Majesty.
- (4A) The registration of a financial penalty enforcement order under section 133A above shall not affect the power of recovery in a colony conferred by subsection (4) above.
- (4B) Section 199 above shall apply to persons such as are mentioned in subsection (1) or (2) above, is it applies to persons subject to military law.”.

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- 8 Section 215 of the <sup>M4</sup> Army Act 1955 and section 213 of the <sup>M5</sup> Air Force Act 1955 (application to Northern Ireland) shall have effect subject to the following amendments:—
- (a) in subsection (7), for the words “Minister of Home Affairs” there shall be substituted the words “Department of Health and Social Services” and for the words from “county inspector” onwards there shall be substituted the words “chief superintendent of the Royal Ulster Constabulary or any other officer having a rank equivalent to chief superintendent”; and
  - (b) in subsection (8) for the words from “six” onwards there shall be substituted the words “75 of the Road Traffic Act (Northern Ireland) 1970 or any corresponding enactment for the time being in force in Northern Ireland”.

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**Marginal Citations**

**M4** 1955 c. 18.

**M5** 1955 c. 19.

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**Textual Amendments**

**F1** Sch. 9 para. 9 repealed (with saving) by Armed Forces Act 1981 (c. 55, SIF 7:1), s. 28(2), **Sch. 5 Pt. I**

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