



# Air Force Act 1955 (repealed)

1955 CHAPTER 19 3 and 4 Eliz 2

## PART IV

### BILLETING AND REQUISITIONING OF VEHICLES

#### Textual Amendments applied to the whole legislation

- F1** Act: the provisions of the 1955 Acts providing for findings of courts-martial to be subject to confirmation and to revision at the direction of the confirming officer cease to have effect (1.4.1997 subject to art. 3 of the commencing S.I.) by virtue of 1996 c. 46, s. 15; S.I. 1997/304, arts. 2, 3, **Sch. 2**

#### *Billeting*

#### **154 Billeting requisitions.**

At any time when this section is in operation any officer not below the rank of squadron leader commanding any part of the regular air force in the United Kingdom may issue a billeting requisition requiring the chief officer of police for any area in the United Kingdom specified in the requisition to provide billets at such places in that area, for such numbers of members of Her Majesty's forces and, if the requisition so provides, for such number of vehicles in use for the purpose of Her Majesty's forces, being vehicles of any class specified in the requisition, as may be so specified.

#### **155 Premises in which billets may be provided.**

- (1) Billets, other than for vehicles, may be provided in pursuance of a billeting requisition—
- (a) in any inn or hotel (whether licensed or not) or in any other premises occupied for the purposes of a business consisting of or including the provision of sleeping accommodation for reward;

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- (b) in any building not falling within the last foregoing paragraph, being a building to which the public habitually have access, whether on payment or otherwise, or which is wholly or partly provided or maintained out of rates;
  - (c) in any dwelling, outhouse, warehouse, barn or stables;
- but not in any other premises.

(2) Billets for vehicles may be provided as aforesaid in any building or on any land.

### **156 Provision of billets.**

- (1) Where a billeting requisition has been produced to the chief officer of police for the area specified in the requisition he shall, on the demand of the officer commanding any portion of the regular air force, or on the demand of an officer or airman authorised in writing by such an officer commanding, billet on the occupiers of premises falling within the last foregoing section, being premises at such place in that area as may be specified by the officer or airman by whom the demand is made, such number of persons or vehicles as may be required by that officer or airman, not exceeding the number specified in the requisition.
- (2) Without prejudice to the provisions of the next following section, a chief officer of police shall exercise his functions under this section in such manner as in his opinion will cause least hardship to persons on whom billeting may take place.
- (3) A chief officer of police may to such extent and subject to such restrictions as he thinks proper authorise any constable, or constables of any class, to exercise his said functions on his behalf, and the foregoing provisions of this section shall apply accordingly.

### **157 Billeting schemes.**

- (1) A local authority may make a scheme for the provision of billets in their area in pursuance of billeting requisitions; and where such a scheme is in force the chief officer of police shall so far as the scheme extends exercise his functions under the last foregoing section in accordance with the scheme.
- (2) Any scheme under this section may be revoked by the local authority by whom it was made, or may be varied by that authority by a subsequent scheme under this section.
- (3) Where a local authority make a scheme under this section they shall furnish the chief officer of police for the area to which the scheme relates with a copy of the scheme.
- (4) A scheme under this section shall not come into force until approved by the Minister of Housing and Local Government; and that Minister may require the local authority to revoke any scheme in force under this section and in substitution therefor to submit for his approval a further scheme under this section.

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

**C1** Functions of Minister of Housing and Local Government now exercisable by Secretary of State: [S.I. 1970/1681, art. 2\(1\)](#)

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## **158 Accommodation to be provided and payment therefor.**

- (1) Where persons are billeted in pursuance of a billeting requisition, the occupier of the premises on which they are billeted shall furnish such accommodation (including meals) as the officer or airman demanding the billets may require, not exceeding such accommodation as may be prescribed by regulations of [<sup>F1</sup>the Defence Council] made with the consent of the Treasury.
- (2) Where vehicles are billeted as aforesaid, the occupier of the premises shall furnish standing room for the vehicles.
- (3) Where persons or vehicles have been billeted in pursuance of a billeting requisition they may continue to be billeted, so long as section one hundred and fifty-four of this Act continues in operation, for such period as may be required, and the allotment of billets among the persons or vehicles in question may be varied from time to time.
- (4) The occupier on whose premises any person or vehicle is billeted as aforesaid shall be entitled to receive for the billeting such payment as may be prescribed by regulations of [<sup>F1</sup>the Defence Council] made with the consent of the Treasury:

Provided that no payment shall be required in respect of vehicles billeted otherwise than in a building unless the land on which they are billeted—

- (a) has its surface made up for the passage or parking of vehicles, and
  - (b) is not land where vehicles are normally allowed to stand free of charge irrespective of the person by whom they are owned or driven.
- (5) Subject to the provisions of the next following subsection, payment for billeting—
    - (a) shall be made before the persons billeted finally leave, or the vehicles are finally removed from, the premises where they are billeted; and
    - (b) where the billeting continues for more than seven days, shall be made at least once in every seven days.
  - (6) If for any reason payment for billeting cannot be made, or fully made, as required by paragraph (a) of the last foregoing subsection, there shall be made up with the occupier an account in such form as may be prescribed by [<sup>F1</sup>the Defence Council] of the amount due to him; and—
    - (a) on presentation of the account the local authority for the area in which the premises are situated shall pay to the occupier the amount stated in the account to be due,
    - (b) any sums paid by a local authority under the last foregoing paragraph shall be recoverable by them from [<sup>F1</sup>the Defence Council],
  - (7) In relation to premises of which there is no occupier the foregoing provisions of this section shall apply as if the person entitled to possession thereof were the occupier thereof.

### **Textual Amendments**

**F1** Words substituted by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)

## **159 Appeals against billeting.**

- (1) Any person who—

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- (a) is aggrieved by having an undue number of persons billeted upon him in pursuance of a billeting requisition, or
  - (b) claims that by reason of special circumstances he should be exempted from having persons so billeted on him, either generally or on a particular occasion,
- may apply to a person or persons appointed on behalf of the local authority in accordance with arrangements made by the Minister of Housing and Local Government.
- (2) On any application on the grounds mentioned in paragraph (a) of the last foregoing subsection the person or persons to whom the application is made may direct the billeting elsewhere of such number of the persons billeted as may seem just or may dismiss the application.
  - (3) On any application on the grounds mentioned in paragraph (b) of subsection (1) of this section the person or persons to whom the application is made may grant such exemption as may seem just or may dismiss the application.
  - (4) An application under this section shall not affect billeting pending the determination of the application.

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

- C2** Functions of Minister of Housing and Local Government now exercisable by Secretary of State: [S.I. 1970/1681](#), [art. 2\(1\)](#)

**160 Compensation for damage.**

- (1) Where any damage is caused to any premises by the billeting of persons or vehicles in pursuance of a billeting requisition, the occupier of the premises, or if there is no occupier the person entitled to possession thereof, may recover from [<sup>F2</sup>the Defence Council] compensation of an amount equal to the depreciation caused by the damage in the value of the premises.
- (2) Where any person other than the recipient of compensation under the last foregoing subsection has any interest in the premises, being an interest the value of which is depreciated by the damage, he shall be entitled to recover from the recipient such part of the compensation as may be just.
- (3) A county court shall have jurisdiction to deal with any claim arising under subsection (1) or (2) of this section irrespective of the amount of the claim.

**Textual Amendments**

- F2** Words substituted by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)

**161 Refusal to receive persons billeted, etc.**

Any person who—

- (a) refuses to receive any person billeted upon him in pursuance of a billeting requisition or without reasonable excuse fails to furnish him with the accommodation properly required for him, or

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- (b) gives or agrees to give to any person billeted upon him in pursuance of a billeting requisition any money or reward in lieu of receiving any person or vehicle or of furnishing accommodation properly required for him, or
- (c) obstructs the billeting in his building or on his land of any vehicle,
- shall be liable on summary conviction to a fine not exceeding [<sup>F3</sup>level 3 on the standard scale], or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment.

#### Textual Amendments

- F3** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#) and (N.I.) [S.I. 1984/703 \(N.I.3\)](#), [arts. 5, 6](#)

### 162 Application to civilians employed with air force.

In relation to persons employed with any body of the regular air force and not entitled under the foregoing provisions of this Part of this Act to be billeted, being persons of such descriptions as may be prescribed by regulations of [<sup>F4</sup>the Defence Council], those provisions shall apply as they apply in relation to members of Her Majesty's forces.

#### Textual Amendments

- F4** Words substituted by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)

### 163 Local authority.

For the purposes of this Part of this Act the local authority shall be the council of a . . . <sup>F5</sup>district or . . . <sup>F5</sup>borough or the Common Council of the City of London.

#### Textual Amendments

- F5** Words repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch. 1 Pt. XII](#)

### 164 Suspension of laws against billeting.

While section one hundred and fifty-four of this Act is in operation, so much of any law as prohibits, restricts or regulates quartering or billeting on any inhabitant of the United Kingdom shall not apply to such billeting in pursuance of a billeting requisition.

#### *Requisitioning of vehicles*

### 165 Requisitioning orders.

- (1) At any time when this section is in operation any officer not below the rank of squadron leader commanding any part of the regular air force in the United Kingdom may issue a requisitioning order authorising the requisitioning, from among vehicles in any area

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in the United Kingdom specified in the order, of such vehicles, or such number of vehicles of such description, as may be specified in the order.

- (2) The purposes for which an order under this section may authorise vehicles to be requisitioned shall be such purposes for meeting the needs of any of Her Majesty's forces as may be specified in the order.

## **166 Provision of vehicles.**

- (1) A requisitioning order may be issued to the officer commanding any portion of the regular air force, and that officer, or any officer or airman authorised by him in writing, may give directions for the provision—
- (a) in so far as the requisitioning order authorises the requisitioning of particular vehicles, of all or any of those vehicles.
  - (b) in so far as the order authorises the requisitioning of vehicles of a specified description, of the number of vehicles of that description specified in the order or any lesser number of such vehicles.
- (2) A direction under the last foregoing subsection given as respects any vehicle shall be either—
- (a) a direction given to the person having possession thereof to furnish it immediately at the place where it is, or
  - (b) a direction given to the said person to furnish it at such place within one hundred miles from the premises of the said person and at such time as may be specified by the officer or airman by whom the direction is given:

Provided that no direction shall be given under paragraph (b) of this subsection as respects a vehicle which is neither mechanically propelled nor a trailer normally drawn by a mechanically-propelled vehicle.

- (3) If the officer to whom the requisitioning order was issued, or any officer or airman authorised by him in writing, is satisfied that the said person has refused or neglected to furnish a vehicle in accordance with a direction under any of the provisions of the last foregoing subsection, or has reasonable ground for believing that it is not practicable without undue delay to give a direction to the said person, he may take, or authorise any officer or airman to take, possession of the vehicle; and where possession is taken of a vehicle in pursuance of this subsection this Part of this Act shall with the necessary modifications apply as if the vehicle had been furnished by the person having possession of the vehicle in accordance with a direction to furnish it immediately at the place where it is, and, in particular, payment shall be made therefor as if it had been so furnished.
- (4) The chief officer of police for any area specified in a requisitioning order shall, on a request to that effect made by or on behalf of the officer to whom the order is issued, give instructions for securing that so far as practicable constables will be available, if required, for accompanying officers or airmen requisitioning vehicles in pursuance of the order.

## **167 Period for which vehicles to be furnished.**

- (1) Subject to the provisions of this section, where a vehicle has been furnished in pursuance of a requisitioning order it may be retained, so long as section one hundred and sixty-five of this Act is in operation, for any period for which it is required for

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the purpose specified in the order or for any other purpose connected with the needs of any of Her Majesty's forces.

- (2) While [<sup>F6</sup>a call-out order under section 52 of the Reserve Forces Act 1996 is in force authorising the call out for permanent service of members of the air force reserve], then in so far as a requisitioning order so provides the person by whom any vehicle is to be furnished may be required to furnish it for the purpose of its being purchased on behalf of the Crown.

#### Textual Amendments

**F6** Words in s. 167(2) substituted (1.1.1999) by S.I. 1998/3086, reg. 9(6)

### 168 Payment for vehicles furnished.

- (1) The person by whom a vehicle is furnished in pursuance of a requisitioning order, and is so furnished otherwise than for the purpose of being purchased, shall be entitled to be paid—
- (a) a sum for the use of the vehicle calculated, by reference to the period for which possession of the vehicle is retained, at the rate of payment commonly recognised or generally prevailing in the district at the time at which the vehicle is furnished, or, in default of such a rate, at such rate as may be just,
  - (b) a sum equal to the cost of making good any damage to the vehicle, not being damage resulting in a total loss thereof or damage attributable to fair wear and tear, which may have occurred during the period for which possession of the vehicle is retained and which has not been made good during that period by a person acting on behalf of Her Majesty,
  - (c) if, during the said period, a total loss of the vehicle occurs, a sum equal to the value of the vehicle immediately before the occurrence of the damage which caused the loss.

In paragraph (b) of this subsection and in the Fourth Schedule to this Act references to fair wear and tear shall be construed as references to such fair wear and tear as might have been expected to occur but for the fact that the vehicle was requisitioned.

- (2) The person by whom a vehicle is furnished in pursuance of a requisitioning order for the purpose of being purchased shall be entitled to be paid the value of the vehicle at the time at which it is furnished.
- (3) Where a vehicle is furnished in pursuance of a direction under paragraph (b) of subsection (2) of section one hundred and sixty-six of this Act, then—
- (a) for the purposes of paragraphs (a) and (b) of subsection (1) of this section (if that subsection applies) the period for which possession of the vehicle is retained shall be deemed to begin at the time when the direction is given, and for the purposes of subsection (2) of this section (if that subsection applies) the vehicle shall be deemed to have been furnished at that time;
  - (b) in addition to the payments provided for by subsection (1) or (2) of this section, the person by whom the vehicle is furnished shall be entitled to be paid the amount of any expenditure reasonably incurred by him in complying with the direction.
- (4) Where a direction to furnish a vehicle is given under the said paragraph (b), and after the giving of the direction any damage occurs to the vehicle (whether or not resulting

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in a total loss thereof), then if the damage prevents the furnishing of the vehicle in pursuance of the requisitioning order the foregoing provisions of this section shall apply as if the vehicle had been furnished, and (notwithstanding that it may have been required to be furnished for the purpose of being purchased) had been furnished otherwise than for that purpose, subject however to the following modifications, that is to say—

- (a) paragraphs (a), (b) and (c) of subsection (1) of this section shall have effect as if for the period therein mentioned there were substituted the period beginning with the giving of the direction and ending immediately after the occurrence of the damage,
  - (b) paragraph (b) of the last foregoing subsection shall have effect as if for the words “in complying with” there were substituted the words “by reason of anything done for the purpose of complying with”.
- (5) Where any person (hereinafter referred to as a person interested) other than the person by whom a vehicle is required to be furnished has an interest in the vehicle,—
- (a) the person by whom the vehicle is required to be furnished shall notify any person known to him to be a person interested that the vehicle has been requisitioned.
  - (b) any person interested shall be entitled to recover from the person by whom the vehicle was required to be furnished such part (if any) of the payment received by him for the vehicle as may be just.
- (6) The Fourth Schedule to this Act shall have effect as to the time for the making of payments under this section and as to the determination of disputes arising thereunder.
- (7) Where, during the period for which possession of a vehicle is retained, a total loss of the vehicle occurs, then—
- (a) for the purposes of paragraphs (a) and (b) of subsection (1) of this section and of the Fourth Schedule to this Act the said period shall be deemed to have come to an end immediately after the occurrence of the loss, and
  - (b) no claim shall be made for the return of the vehicle (if it still exists) or for payment in respect thereof other than such as is provided for by subsection (1) of this section.

#### **169 Avoidance of hardship in requisitioning of vehicles.**

In deciding which, of alternative vehicles, is to be specified in an order under section one hundred and sixty-five of this Act, or is to be the subject of a direction under paragraph (b) of subsection (1) of section one hundred and sixty-six thereof, the officer or airman by whom the order is issued or direction given shall act in such manner as in his opinion will cause least hardship.

#### **170 Record and inspection of mechanically propelled vehicles.**

[<sup>F7</sup>The Defence Council] may by regulations require persons having in their possession in the United Kingdom mechanically-propelled vehicles, or trailers normally drawn by mechanically-propelled vehicles, if required so to do by such authority or person as may be specified in the regulations,—

- (a) to furnish to such authority or person as may be so specified a return containing such particulars as to the vehicles as may be required by or under the regulations, and



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- (b) to afford all reasonable facilities for enabling any such vehicles in his possession to be inspected and examined, at such times as may be specified by or under the regulations, by such authority or person as may be so specified.

#### Textual Amendments

**F7** Words substituted by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)

### 171 Enforcement of provisions as to requisitioning.

- (1) If any person—
- (a) fails to furnish any vehicle which he is directed to furnish in pursuance of a requisitioning order, or fails to furnish any such vehicle at the time and place at which he is directed to furnish it, or
  - (b) fails to comply with any regulations of [<sup>F8</sup>the Defence Council] under the last foregoing section, or
  - (c) obstructs any officer or other person in the exercise of his functions under this Part of this Act in relation to the inspection or requisitioning of vehicles,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F9</sup>level 3 on the standard scale], or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment.

- (2) Without prejudice to any penalty under the last foregoing subsection, if any person is obstructed in the exercise of powers of inspection conferred on him by regulations under the last foregoing section, a justice of the peace may, if satisfied by information on oath that the person has been so obstructed, issue a search warrant authorising a constable named therein, accompanied by the said person, to enter the premises in respect of which the obstruction took place at any time between six o'clock in the morning and nine o'clock in the evening and to inspect any vehicles which may be found therein.

#### Textual Amendments

**F8** Words substituted by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)

**F9** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#) and (N.I.) [S.I. 1984/703 \(N.I.3\)](#), [arts. 5, 6](#)

### 172 Application to aircraft and stores.

- (1) Subject to the provisions of this section, the foregoing provisions of this Part of this Act and the provisions of the Fourth Schedule thereto, shall apply to aircraft and stores as they apply to vehicles except that such of those provisions as relate only to mechanically-propelled vehicles and trailers normally drawn thereby shall not apply to stores.
- (2) Where stores are required for, and can be conveyed with, a vehicle or aircraft with respect to which a direction is given under paragraph (b) of subsection (2) of section one hundred and sixty-six of this Act, such a direction may be given as well in relation to the stores as in relation to the vehicle or aircraft, and the said foregoing provisions and Schedule shall apply accordingly:

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Provided that subsection (4) of section one hundred and sixty-eight of this Act shall not apply, but if after the giving of the direction the furnishing of the stores is prevented by damage to them or to the vehicle or aircraft such payment (if any) shall be made in respect of the stores as may be just in all the circumstances.

- (3) Notwithstanding anything in section one hundred and sixty-seven of this Act, stores to be furnished in pursuance of a requisitioning order at any time may be required to be furnished for purchase on behalf of the Crown.
- (4) In this section the expression “stores” means any chattel other than a vehicle or aircraft being a chattel required for, or for use in connection with,—
  - (a) persons or vehicles or aircraft billeted or to be billeted in pursuance of a billeting requisition or otherwise temporarily accommodated or to be so accommodated, or
  - (b) vehicles or aircraft furnished or to be furnished in pursuance of a requisitioning order.

### **173 Liability of Crown for damage by vehicles being delivered for requisitioning.**

The person using a vehicle for the purpose of its being furnished in pursuance of a direction under paragraph (b) of subsection (2) of section one hundred and sixty-six of this Act shall be deemed, as respects any claim in respect of injury or damage to any other person or property, to be so using the vehicle as a servant of the Crown, <sup>F10</sup>and section thirty-five of the <sup>M1</sup>Road Traffic Act 1930 (which relates to insurance against third party risks) shall not apply to the use of a vehicle for the said purpose].

#### **Textual Amendments**

**F10** Words repealed (E.W.)(S.) by [Road Traffic Act 1960 \(c. 16\)](#), [Sch. 18 Pt. I](#)

#### **Marginal Citations**

**M1** [1930 c. 43](#).

### *General*

### **174 Bringing into operation of ss. 154 and 165.**

- (1) Whenever it appears to the Secretary of State that the public interest so requires, he may by order direct that section one hundred and fifty-four or one hundred and sixty-five of this Act, or both those sections, shall come into operation either generally or as respects such area in the United Kingdom as may be specified in the order; and that section or those sections, as the case may be, shall thereupon come into operation and remain in operation so long as the order has effect.
- (2) As soon as may be after either of the said sections has been brought into operation on any occasion, the Secretary of State shall report that fact to Parliament.
- (3) An order under this section shall, subject to any revocation or variation thereof, continue to have effect for the period of one month from the making thereof:

Provided that where, before the expiration of the period for which the order has effect (whether by virtue of the foregoing provisions of this subsection or of this proviso),

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it is resolved by each House of Parliament that the public interest requires that the operation of the order should be extended for such further period as may be specified in the resolution, it shall be extended accordingly.

**175 Regulations and orders.**

- (1) Any power to make regulations conferred by this Part of this Act shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) The power to make orders conferred on the Secretary of State by the last foregoing section shall be exercisable by statutory instrument.

**176 Interpretation of Part IV.**

References in this Part of this Act to airmen shall include references to warrant officers and to non-commissioned officers.

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**Changes to legislation:**

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