



# Air Force Act 1955 (repealed)

1955 CHAPTER 19 3 and 4 Eliz 2

## PART IV

### BILLETING AND REQUISITIONING OF VEHICLES

#### *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**

#### **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 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.

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- (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 the purpose specified in the order or for any other purpose connected with the needs of any of Her Majesty's forces.
- (2) While men of the air force reserve are called out on permanent service, 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.

#### **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—

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- (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 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.

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- (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>F1</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
- (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**

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

#### **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>F2</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,

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he shall be guilty of an offence and 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.

- (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

**F2** Words substituted by S.I. 1964/488, Sch. 1 Pt. I

**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

## 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:
- 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,—
- 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
  - vehicles or aircraft furnished or to be furnished in pursuance of a requisitioning order.

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### **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>F4</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].

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#### **Textual Amendments**

**F4** Words repealed (E.W.)(S.) by Road Traffic Act 1960 (c. 16), Sch. 18 Pt. I

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#### **Marginal Citations**

**M1** 1930 c. 43.

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