

SCHEDULES

FIRST SCHEDULE

Section 16.

AMENDMENTS OF PART I OF SEVENTH SCHEDULE TO ARMY ACT, 1955

- 1 In the following provisions of the Seventh Schedule to the Army Act, 1955 (hereafter in this Schedule referred to as "the principal Schedule "), namely—
 - (a) heads (a) and (b) of sub-paragraph (2) of paragraph 2 ;
 - (b) heads (a) and (b) of sub-paragraph (3) of that paragraph ; and
 - (c) sub-paragraph (7) of paragraph 5 ;for the words " by order of the Admiralty " there shall be substituted the words " by regulations of the Admiralty ".
- 2 In sub-paragraph (4) of paragraph 2 of the principal Schedule, after the words " Royal Marines", where secondly occurring, there shall be inserted the words " with the consent of the competent authority ".
- 3 For sub-paragraph (1) of paragraph 3 of the principal Schedule, there shall be substituted the following sub-paragraph:—

“(1) Any marine may, if approved by the competent authority as a fit person to continue in Her Majesty's service as a marine, be re-engaged for any period authorised by regulations of the Admiralty”.
- 4 (1) In sub-paragraph (2) of paragraph 4 of the principal Schedule, for the word " second " there shall be substituted the words " a subsequent " and for the words " two years " there shall be substituted the words " one year ".
- (2) In sub-paragraph (3) of the said paragraph 4, for the words from the beginning to " give notice ", there shall be substituted the words " Where a marine serving in the Royal Marines will, at the end of a period for which he has been re-engaged, have completed not less than twenty-two years' service in the Royal Marines after attaining the age of eighteen years, he may at any time during the last twelve months of that period give notice ", and for the words " his commanding officer or other competent authority " there shall be substituted the words " the competent authority ".
- 5 (1) In sub-paragraph (4) of paragraph 5 of the principal Schedule, for the words " if he so elects and Obtains the consent of his commanding officer and, through his commanding officer, the consent of the proper authority of the country where he is ", there shall be substituted the words " if, through his commanding officer, he obtains the consent of the competent authority and that of the proper authority of the country where he is ".
- (2) Sub-paragraph (6) of the said paragraph 5 shall cease to have effect.
- 6 At the end of paragraph 10 of the principal Schedule there shall be added the words " and the expression ' competent authority ' means the Admiralty or an officer authorised by regulations of the Admiralty to act for the purposes of this Part of this Schedule ".

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

- 7 (1) Paragraph 2 of this Schedule shall not apply to a marine serving in the Royal Marines at the relevant time and sub-paragraph (1) of paragraph 4 of this Schedule shall not apply to a marine whose service expired before that time.
- (2) In the case of a marine serving in the Royal Marines at the relevant time on a second engagement—
- (a) sub-paragraph (2) of paragraph 4 of this Schedule (except in so far as it substitutes the competent authority for the commanding officer or other competent authority) shall not apply; but
- (b) sub-paragraph (3) of paragraph 4 of the principal Schedule shall have effect as if, for the words " his second engagement ", there were substituted the words " (his second, or a subsequent, engagement) ".
- (3) Any approval given under sub-paragraph (1) of paragraph 3 of the principal Schedule before the relevant time shall have effect as if it were approval given under the sub-paragraph substituted therefor by paragraph 3 of this Schedule, and any approval given under sub-paragraph (3) of paragraph 4 of the principal Schedule before that time shall have effect as if it were approval given under that sub-paragraph as amended by sub-paragraph (2) of paragraph 4 of this Schedule.
- (4) In this paragraph " the relevant time " means the time at which this Schedule comes into operation.

SECOND SCHEDULE

Sections 38 & 39.

MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

<i>Enactment</i>	<i>Amendment</i>
<p>The Recall of Army and Air Force Pensioners Act, 1948 (12, 13 & 14 Geo. 6. c. 8).</p>	<p>The reference in subsection (3) of section two (as amended by the Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955) to the provisions of the Army Act, 1955, or the Air Force Act, 1955, as to the term for which a person may be enlisted shall be construed as including a reference to the corresponding provisions of this Act.</p>
<p>The Army Reserve Act, 1950 (14 Geo. 6. c. 32).</p>	<p>Any reference which, by virtue of the Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955, is to be construed as a reference to transfer to the army reserve in pursuance either of the Army Act or of the Army Act, 1955, shall be construed as referring also to transfer to that reserve in pursuance of this Act.</p>
<p>The Air Force Reserve Act, 1950 (14 Geo. 6. c. 33).</p>	<p>Any reference which, by virtue of the Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955, is to be construed as a reference to transfer to the air force reserve in pursuance either of the</p>

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

<i>Enactment</i>	<i>Amendment</i>
The Courts-Martial (Appeals) Act, 1951 (14 & 15 Geo. 6. c. 46).	<p>Air Force Act or of the Air Force Act, 1955, shall be construed as referring also to transfer to that reserve in pursuance of this Act.</p> <p>In section eighteen, for the words " any proceedings with respect to the revision of the finding or sentence of the court-martial in pursuance of subsection (2) of section fifty-four of the Army Act or subsection (2) of section fifty-four of the Air Force Act " there shall be substituted the words " any proceedings with respect to the revision of the finding of the court-martial in pursuance of section one hundred and nine of the Army Act, 1955, or section one hundred and nine of the Air Force Act, 1955 ".</p>
The Army Act, 1955 (3 & 4 Eliz. 2. c. 18).	<p>Subsection (3) of section thirty-seven shall not apply to a person who deserts at a time when he is continued in service under section eight of the Army Act, 1955, or section six of this Act.</p> <p>At the end of subsection (7) of section one hundred and forty-four there shall be added the words " and the whole or any part of any sum forfeited from an offender's pay may be recovered by deduction from any such balance ".</p> <p>In section one hundred and ninety-eight, in subsection (5), for the words " one of the said service books " there shall be substituted the words " any such book or other document as aforesaid ", and after the words " custody of the book" there shall be substituted the words " or other document ".</p>
	<p>In section two hundred and twenty-five, in subsection (1), after the definition of " aircraft material" there shall be inserted the following definition:—</p> <p style="padding-left: 40px;">“ air signal ' means any message, signal or indication given, by any means whatsoever, for the guidance of aircraft or a particular aircraft”,</p> <p>and in the definition of " corps ", for the words " the regular forces " there shall be substituted the words " Her Majesty's military forces ".</p>
	<p>In the Third Schedule, paragraph 9 of the first column and paragraph 9 of the second column shall be omitted.</p>

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

<i>Enactment</i>	<i>Amendment</i>
<p>The Air Force Act, 1955 (3 & 4 Eliz. 2. c. 19).</p>	<p>Section seventeen shall not apply to a person who deserts at a time when he is continued in service under section eight of the Air Force Act, 1955, or section twelve of this Act.</p> <p>Subsection (3) of section thirty-seven shall not apply to a person who deserts at a time when he is continued in service under section eight of the Air Force Act, 1955, or section twelve of this Act.</p> <p>In paragraph (e) of section one hundred and one, after the words " acting as a member thereof " there shall be inserted the words " or is so attending " , and the words " is so attending or " shall be omitted.</p> <p>At the end of subsection (7) of section one hundred and forty-four there shall be added the words " and the whole or any part of any sum forfeited from an offender's pay may be recovered by deduction from any such balance ".</p> <p>In section one hundred and ninety-eight, in subsection (5), for the words " one of the said service books" there shall be substituted the words " any such book or other document as aforesaid " , and after the words " custody of the book " there shall be inserted the words " or other document ".</p> <p>In the Third Schedule, paragraph 9 of the first column and paragraph 9 of the second column shall be omitted.</p> <p>In the Sixth Schedule, in paragraph 11, the words " this Part of" shall be omitted.</p>

THIRD SCHEDULE

Section 38.

TRANSITIONAL PROVISIONS AS TO PUNISHMENTS

- 1 In relation to a sentence of a court-martial announced before the end of the year nineteen hundred and sixty-one, but falling to be dealt with under section one hundred and ten of the Army Act, 1955, or of the Air Force Act, 1955, after that time, subsection (3) of that section shall have effect as if the reference to any punishment or punishments which could have been awarded by the court referred to any punishment or punishments which could have been so awarded had sections eighteen to twenty-six of this Act been in operation when the sentence was announced, and in relation to a finding or sentence of a court-martial announced before that time but falling to be reviewed after that time under section one hundred

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

and thirteen of the Army Act, 1955, or of the Air Force Act, 1955, paragraph (c) of subsection (5) of that section shall have effect as if the reference to power conferred by the said subsection (3) referred to power conferred by that subsection as amended by this paragraph.

- 2 In relation to an award made before the time aforesaid in consequence of a charge's having been dealt with summarily but falling to be reviewed under section one hundred and fifteen of the Army Act, 1955, or of the Air Force Act, 1955, after that time, subsections (3A) and (4) of that section shall each have effect as if the reference to a punishment or punishments which could have been included in the original award referred to a punishment or punishments which could have been so included had sections eighteen to twenty-six of this Act been in operation when the award was made.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Act of Settlement	12 & 13 Will. 3. c. 2.
British Nationality Act, 1948	11 & 12 Geo. 6. c. 56.
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.
Adoption Act, 1950	14 Geo. 6. c. 26.
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 Act, 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act, 1955	3 & 4 Eliz. 2. c. 19.
Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955	3 & 4 Eliz. 2. c. 20.
Army (Conditions of Enlistment) Act, 1957	5 & 6 Eliz. 2. c. 50.
Naval Discipline Act, 1957	5 & 6 Eliz. 2. c. 53.
Adoption Act, 1958	7 & 8 Eliz. 2. c. 5.