



Armed Forces Act 1966 (repealed)

1966 CHAPTER 45

PART III

OTHER AMENDMENTS OF LAW RELATING TO ARMED FORCES

Provision applicable alike to Persons subject to ^{M1}Naval Discipline Act 1957, military Law or air-force Law

Marginal Citations

M1 1957 c. 53.

15 Taking into custody persons arrested or likely to be arrested by overseas authorities.

- (1) A person who is subject to service law and is detained in the custody of a civil or service authority of a country outside the United Kingdom in connection with an offence punishable under the law of that country may, if he is handed over by the authority, be taken into naval, military or air force custody under this section in accordance with subsection (3) below and kept in such custody.
- (2) Where a person who is subject to service law is in a country outside the United Kingdom and it appears to an officer not below the rank of lieutenant-commander or a military or air-force officer of corresponding rank or an officer below that rank in command of one of Her Majesty's ships,—
 - (a) that the arrest of that person by a civil or service authority of that country in connection with an offence against the law of that country is imminent; or
 - (b) that, if a request made by a civil or service authority of that country for the arrest, in accordance with a power exercisable by members of Her Majesty's forces, of that person in connection with such an offence is not complied with, that person is likely to be arrested by that authority;

that person—

Status: Point in time view as at 01/04/1997.

*Changes to legislation: There are currently no known outstanding effects for the
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- (i) may be arrested by that officer, irrespective of that officer's rank; or
- (ii) may, if that officer so requires, be arrested in accordance with the next following subsection;

and a person arrested under this section may be kept in naval, military or air-force custody under this section.

- (3) A person may be taken into custody under subsection (1) above or arrested by virtue of subsection (2)(ii) above by a person described in section 45 of the ^{M2}Naval Discipline Act 1957, section 74 of the ^{M3}Army Act 1955 or section 74 of the ^{M4}Air Force Act 1955 who would thereunder have power to arrest him if he had committed an offence under Part I of the said Act of 1957 or against any provision of Part II of the ^{M5}Army Act 1955 or Part II of the ^{M6}Air Force Act 1955; and the powers conferred by this subsection may be exercised either personally or by ordering into naval, military or air force custody or, as the case may be, arrest the person to be taken into custody or arrested or by giving orders for his being taken into custody or arrested.

For the purposes of this subsection a member of one service whom it is proposed should be taken into custody or arrested by a member of another service shall be treated as holding corresponding rank in that other service to the rank held by him.

- (4) For the purpose of trial for, or an investigation into, the offence in connection with which a person is in custody under this section, that person,—
- (a) if he is so in custody by virtue of subsection (1) above, may, at the request of the authority by whom he was handed over in accordance with that subsection, be handed back to that authority; or
 - (b) if he is so in custody by virtue of subsection (2) above, may, at the request of the authority whose apparent intention it was to arrest that person, or, as the case may be, whose request for his arrest was the occasion of his arrest under that subsection, be handed over to that authority.
- (5) A person in custody by virtue of this section may be retained therein notwithstanding his ceasing at any time while he is so retained to be subject to service law.
- (6) The Defence Council may make regulations with respect to all or any of the following matters, that is to say,—
- (a) the manner in which persons may be taken into custody or arrested under this section;
 - (b) the making of reports on the reasons why a person has been so taken into custody or arrested, and on the necessity for the keeping of a person in custody under this section, the persons by whom, the time at which, and the authority to whom such reports are to be made, and, in the case of reports as to the keeping of a person in custody, the frequency with which such reports are to be made;
 - (c) the custody and treatment of persons kept in custody under this section, and their removal from one country to another; and
 - (d) the giving of directions, by such persons as may be specified in or determined under the regulations, with respect to all or any of the matters above mentioned.
- (7) None of the following provisions (which relate to proceedings after arrest of a person under service law) shall apply to a person kept in custody by virtue of this section, that is to say, section 46 of the ^{M7}Naval Discipline Act 1957, sections . . . ^{F1} 75 of the ^{M8}Army Act 1955 and sections . . . ^{F1} 75 of the ^{M9}Air Force Act 1955.

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- (8) This section shall apply to a person to whom—
- (a) any enactment contained in Part I of the ^{M10}Naval Discipline Act 1957 applies by virtue of section 118 of that Act (application to civilians); or
 - (b) Part II of the ^{M11}Army Act 1955 applies by virtue of section 209 of that Act (application to civilians); or
 - (c) Part II of the ^{M12}Air Force Act 1955 applies by virtue of section 209 of that Act (application to civilians),

as it applies to a person subject to the ^{M13}Naval Discipline Act 1957, military law or air-force law, as the case may be, but with the substitution, for the reference to section 45 of the Naval Discipline Act, of a reference to paragraph 3 of Schedule 4 to that Act, for references to section 74 of the ^{M14}Army Act 1955 and section 74 of the ^{M15}Air Force Act 1955, of references to those sections as modified respectively by section 209 of the ^{M16}Army Act 1955 and section 209 of the ^{M17}Air Force Act 1955 and the omission, in subsection (3), of the words from “For the purposes of this subsection” to the end of the subsection.

- (9) In this section—

“civil authority” means a civil authority authorised by law to detain persons;

“corresponding rank” has the same meaning as in the ^{M18}Army Act 1955;

“Her Majesty’s ships” has the same meaning as in the ^{M19}Naval Discipline Act 1957;

“service authority” means a naval, military or air-force authority;

“service law” means the ^{M20}Naval Discipline Act 1957, military law or air-force law;

and any reference to the keeping of a person in custody includes a reference to his being kept under open arrest.

Textual Amendments

F1 Words repealed with savings by [Armed Forces Act 1971 \(c. 33\), s. 78\(4\)\(a\)](#), Sch. 4 Pt. I

Marginal Citations

M2 1957 c. 53.
M3 1955 c. 18.
M4 1955 c. 19.
M5 1955 c. 18.
M6 1955 c. 19.
M7 1957 c. 53.
M8 1955 c. 18.
M9 1955 c. 19.
M10 1957 c. 53.
M11 1955 c. 18.
M12 1955 c. 19.
M13 1957 c. 53.
M14 1955 c. 18.
M15 1955 c. 19.
M16 1955 c. 18.
M17 1955 c. 19.
M18 1955 c. 18.

Status: Point in time view as at 01/04/1997.

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1966 (repealed), Part III. (See end of Document for details)

M19 1957 c. 53.

M20 1957 c. 53.

Command over Her Majesty's Forces

16 Powers of command over Her Majesty's forces. 1700 c. 2.

- (1) Notwithstanding anything in section 3 of the Act of Settlement, Her Majesty may make regulations providing for the vesting of command over Her Majesty's forces, or any part or member thereof, in persons being members of forces of countries outside Her dominions, and as to the extent to which such command is to be exercised.
- (2) In this section "Her Majesty's forces" does not include a force of a Commonwealth country within the meaning of the ^{M21}Naval Discipline Act 1957.
- (3) Nothing in the foregoing provisions of this section shall be taken to affect the powers vested in Her Majesty by virtue of the prerogative of the Crown.

Marginal Citations

M21 1957 c. 53.

*Amendments applicable alike to ^{M22}Army Act 1955,
^{M23}Air Force Act 1955 and Naval Discipline Act 1957*

Marginal Citations

M22 1955 c. 18.

M23 1955 c. 19.

17 Increase in maximum fine awardable to civilians on summary trial under Armed Forces Acts.

- (1) The fine that may be awarded—
 - (a) by virtue of subsection (3)(b) of section 209 of the ^{M24}Army Act 1955 on a summary trial of a person to whom Part II of that Act applies by virtue of that section; and
 - (b) by virtue of subsection (3)(b) of section 209 of the ^{M25}Air Force Act 1955 on a summary trial of a person to whom Part II of that Act applies by virtue of that section; and
 - (c) by virtue of paragraph 4 of Schedule 4 to the ^{M26}Naval Discipline Act 1957 on a summary trial of a person liable to be tried by virtue of section 118 of that Act;
 shall, instead of being a fine not exceeding £10, be one not exceeding [^{F2}level 2 on the standard scale].
- (2) Accordingly, in subsection (3)(b) of section 209 of each of the said Acts of 1955, and in paragraph 4(b) of Schedule 4 to the said Act of 1957, for the words "ten pounds" there shall be substituted the words "twenty-five pounds".

Status: Point in time view as at 01/04/1997.

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1966 (repealed), Part III. (See end of Document for details)

Textual Amendments

- F2** 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](#)

Modifications etc. (not altering text)

- C1** The text of [ss. 12, 17\(2\), 18, 20\(4\)\(a\)\(c\), 23, 24\(2\), 25, 26\(3\), 27\(2\), 28\(4\), 30\(2\), 35, 36, Sch. 3 paras. 1, 3, Sch. 4 \(in part\)](#) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M24** [1955 c. 18.](#)
M25 [1955 c. 19.](#)
M26 [1957 c. 53.](#)

18 Procuring or assisting continuation of desertion or absence without leave.

- (1) Section 192(1) of the ^{M27} Army Act 1955 (which makes it an offence to procure or assist desertion or absence without leave) shall have effect with the substitution, for paragraph (c) (concealing or assisting, in concealing a deserter or assisting his rescue from custody), of the following paragraph:—

“(c) knowing any person to be a deserter or absentee without leave from the regular forces, procures or persuades or assists him to remain such a deserter or absentee, or assists in his rescue from custody”

and section 192(1) of the ^{M28} Air Force Act 1955 (which is the corresponding provision of that Act) shall have effect with the substitution for paragraph (c), of a paragraph in other respects similar to that set out above but modified by the substitution, for the words “regular forces”, of the words “regular air force”.

- (2) Section 97(1) of the Naval Discipline Act 1957 (which makes similar provision to that of section 192(1) of the Army Act 1955) shall have effect with the substitution, for paragraph (c) thereof (concealing or assisting a person who is a deserter or is absent without leave or has improperly left his ship or place of duty, or assisting in his rescue from custody), of the following paragraph:—

“(c) knowing any such person to have committed such an offence, procures or persuades or assists him to remain a deserter, absentee without leave or improperly absent from his ship or place of duty, or assists in his rescue from custody”

Modifications etc. (not altering text)

- C2** The text of [ss. 12, 17\(2\), 18, 20\(4\)\(a\)\(c\), 23, 24\(2\), 25, 26\(3\), 27\(2\), 28\(4\), 30\(2\), 35, 36, Sch. 3 paras. 1, 3, Sch. 4 \(in part\)](#) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M27** [1955 c. 18.](#)
M28 [1955 c. 19.](#)

Status: Point in time view as at 01/04/1997.

*Changes to legislation: There are currently no known outstanding effects for the
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19 Application of Armed Forces Acts to Republic of Ireland.

For the purposes of the ^{M29}Army Act 1955, the ^{M30}Air Force Act 1955 and the ^{M31}Naval Discipline Act 1957, the Republic of Ireland shall not be a foreign country, and references in any of those Acts to foreign powers, aliens and foreign stations shall be construed accordingly; . . . ^{F3}.

Textual Amendments

F3 Words repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Sch. Pt. XI**

Marginal Citations

M29 1955 c. 18.

M30 1955 c. 19.

M31 1957 c. 53.

20 Amendments as to active service.

- (1) The cases in which, where a force is engaged in operations for the protection of life or property, it is, by virtue of section 224(1) of the ^{M32}Army Act 1955 or section 222(1) of the ^{M33}Air Force Act 1955, on active service within the meaning of each of those Acts shall be extended to include, as well as the case where the operations are in a foreign country, one in which they are in any other country outside the United Kingdom.
- (2) The authority by whom under subsections (2), (3) and (4) of the said section 224 or, as the case may be, of the said section 222, declarations may be made with respect to a force's being deemed to be on active service, shall cease to include, in relation to a force in a colony, the Governor of the colony.
- (3) The cases in which, where a force is landed for the purpose of the protection of life and property, it is by section 134 of the ^{M34}Naval Discipline Act 1957 to be deemed to be on active service shall be extended to include, as well as the case where it is landed in a foreign country, one in which it is landed in any other country outside the United Kingdom.
- (4) Accordingly,—
 - (a) in the said section 224(1) and the said section 221(1), for the words “is engaged in a foreign country in operations for the protection of life or property”, there shall be substituted the words “is engaged elsewhere than in the United Kingdom in operations for the protection of life or property”;
 - (b) ^{F4}
 - (c) in the said section 134, for the words “landed in any foreign country”, there shall be substituted the words “landed elsewhere than in the United Kingdom”.

Textual Amendments

F4 S. 20(4)(b) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#) Sch. Pt. XI

Status: Point in time view as at 01/04/1997.

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1966 (repealed), Part III. (See end of Document for details)

Modifications etc. (not altering text)

- C3** The text of ss. 12, 17(2), 18, 20(4)(a)(c), 23, 24(2), 25, 26(3), 27(2), 28(4), 30(2), 35, 36, Sch. 3 paras. 1, 3, Sch. 4 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M32** 1955 c. 18.
M33 1955 c. 19.
M34 1957 c. 53.

Amendments applicable alike to ^{M35} Army Act 1955 and ^{M36} Air Force Act 1955

Marginal Citations

- M35** 1955 c. 18.
M36 1955 c. 19.

21, 22. ^{F5}

Textual Amendments

- F5** Ss. 8(2), 21, 22, 27(1), 32 repealed with savings by [Armed Forces Act 1971 \(c. 33\), s. 78\(4\)\(a\)](#), Sch. 4 Pt. I

23 Power of Defence Council to authorise further officers to deal summarily with charges against certain officers and warrant officers.

- (1) For section 82(2) of the ^{M37} Army Act 1955 (which makes provision as to the authority, therein referred to as the appropriate superior authority, who may deal summarily with charges against officers below the rank of lieutenant-colonel or against warrant officers), except the proviso thereto, there to shall be substituted the following words—

“The following persons may act as appropriate superior authority in relation to a person charged with an offence, that is to say—

- (a) any general officer, flag officer, air officer or brigadier having power to convene general courts-martial; or
- (b) such other general officer, flag officer, air officer or brigadier, or, where the Defence Council in special circumstances so direct, colonel or naval or air force officer of corresponding rank, as may be specified by or under regulations of the Defence Council”

- (2) In section 82(2) of the ^{M38} Air Force Act 1955 (which includes, among the persons who may be specified by or under regulations of the Defence Council to act as appropriate superior authority for dealing summarily with charges against certain officers and against warrant officers, a group captain in a case in which the Defence Council in special circumstances direct) after the words “group captain” there shall be inserted the words “ or naval or military officer of corresponding rank ”.

Status: Point in time view as at 01/04/1997.

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1966 (repealed), Part III. (See end of Document for details)

Modifications etc. (not altering text)

C4 The text of ss. 12, 17(2), 18, 20(4)(a)(c), 23, 24(2), 25, 26(3), 27(2), 28(4), 30(2), 35, 36, Sch. 3 paras. 1, 3, Sch. 4 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M37 1955 c.18.
M38 1955 c. 19

^{F6}24

Textual Amendments

F6 S. 24 repealed (1.4.1997) by 1996 c. 46, s. 35(2), **Sch. 7 Pt. I**; S.I. 1997/304, **art. 2** (with **art. 3(1)**)

25 Jurisdiction of civil courts.

(1) ^{M39} The Army Act 1955 shall have effect with the substitution, for section 133, of the following section:—

(1) Where a person subject to military law—

- (a) has been tried for an offence by a court-martial or has had an offence committed by him taken into consideration by a court-martial in sentencing him, or
- (b) has been charged with an offence under this Act and has had the charge dealt with summarily by his commanding officer or the appropriate superior authority,

a civil court shall be debarred from trying him subsequently for an offence substantially the same as that offence; but except as aforesaid nothing in this Act shall be construed as restricting the jurisdiction of any civil court to try a person subject to this Act for an offence.

(2) For the purposes of this section—

- (a) a person shall not be deemed to have been tried by a court-martial if confirmation is withheld of a finding by the court-martial that he is guilty of the offence, or of a finding by the court-martial that he is not guilty of the offence by reason of insanity ;
- (b) a person shall not be deemed to have had an offence taken into consideration by a court-martial in sentencing him if confirmation of the sentence is withheld or the sentence is quashed;
- (c) a case shall be deemed to have been dealt with summarily by the commanding officer or appropriate superior authority notwithstanding that the finding of that officer or authority has been quashed, or the award of that officer or authority quashed or varied, on the review thereof”

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Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1966 (repealed), Part III. (See end of Document for details)

- (2) The Air Force Act 1955 shall have effect with the substitution, for section 133 thereof, of a section in other respects similar to that set out in subsection (1) above but modified by the substitution, for the words “military law”, of the words “air-force law”.

Modifications etc. (not altering text)

- C5** The text of ss. 12, 17(2), 18, 20(4)(a)(c), 23, 24(2), 25, 26(3), 27(2), 28(4), 30(2), 35, 36, Sch. 3 paras. 1, 3, Sch. 4 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M39** 1955 c. 18

26 Amendments as to trial under Army Act 1955 and Air Force Act 1955 after trial by civil court.

- (1) In section 134(1) of the ^{M40}Army Act 1955—
- (a) the provision whereby a person subject to military law who has been tried for an offence by a competent civil court shall not be liable in respect of that offence to be tried by court martial or to have the case dealt with summarily under that Act shall be extended so that the reference therein to a civil court shall have effect as a reference to such a court in any country;
 - (b) the provision whereby a person subject to military law who has had an offence committed by him taken into consideration by a civil court in sentencing him is not to be liable in respect of that offence to be tried or have the case dealt with as aforesaid shall be restricted so that the reference therein to a civil court shall not include a reference to such a court outside the United Kingdom.
- (2) The foregoing subsection shall have effect in relation to section 134(1) of the ^{M41}Air Force Act 1955 as it has effect in relation to section 134(1) of the ^{M42}Army Act 1955 but with the substitution, for the words “military law”, of the words “air-force law”.
- (3) Accordingly, in section 134(1) of the Army Act 1955, for paragraph (a) there shall be substituted the following paragraphs:—
- “(a) has been tried for an offence by a competent civil court, wherever situated, or a court-martial (whether held under this Act, the Air Force Act 1955 or the Naval Discipline Act 1957), or
 - (aa) has had an offence committed by him taken into consideration when being sentenced by a competent civil court in the United Kingdom or any such court-martial as is referred to in the foregoing paragraph; or”

and in section 134(1) of the Air Force Act 1955, for paragraph (a), there shall be substituted paragraphs similar to those set out above but modified by the substitution, for the words “the Air Force Act 1955”, of the words “the Army Act 1955”.

Modifications etc. (not altering text)

- C6** The text of ss. 12, 17(2), 18, 20(4)(a)(c), 23, 24(2), 25, 26(3), 27(2), 28(4), 30(2), 35, 36, Sch. 3 paras. 1, 3, Sch. 4 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1966 (repealed), Part III. (See end of Document for details)

Marginal Citations

- M40** 1955 c. 18.
M41 1955 c. 19.
M42 1955 c. 18.

27 Amendments relating to Her Majesty’s aircraft, aircraft materials and ships.

(1) . . . ^{F7}

(2) In section 225 of the Army Act 1955 (interpretation), after subsection (1) and in section 223 of the Air Force Act 1955 (interpretation), after subsection (1), there shall be inserted the following subsections:—

“(1A) Any reference in this Act to Her Majesty’s aircraft is a reference to aircraft in the service of Her Majesty, whether belonging to Her Majesty or not, but does not include a reference to aircraft of a Commonwealth force other than aircraft placed at the disposal of Her Majesty for service with any of Her Majesty’s forces, and any reference to aircraft material shall be construed accordingly.

(1B) Any reference in this Act to Her Majesty’s ships is a reference to ships in the service of Her Majesty, whether belonging to Her Majesty or not, but does not include a reference to ships of any Commonwealth force other than ships placed at the disposal of Her Majesty for service with any of Her Majesty’s forces”

Textual Amendments

- F7** Ss. 8(2), 21, 22, 27(1), 32 repealed with savings by [Armed Forces Act 1971 \(c. 33\)](#), s. 78(4)(a), Sch. 4 Pt. I

Modifications etc. (not altering text)

- C7** The text of ss. 12, 17(2), 18, 20(4)(a)(c), 23, 24(2), 25, 26(3), 27(2), 28(4), 30(2), 35, 36, Sch. 3 paras. 1, 3, Sch. 4 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

28 Construction of references to Her Majesty’s forces, and amendment of definitions of “desertion” and “enemy”.

- (1) Any reference in the ^{M43}Army Act 1955 to Her Majesty’s forces shall, except in sections . . . ^{F8} 177 (power of Her Majesty to vest command in members of Her Majesty’s forces), be construed in accordance with the definition in section 225(1) of that Act of Her Majesty’s air forces, military forces, and naval forces, that is to say, except where otherwise provided, as not including a reference to a Commonwealth force as defined in that section.
- (2) In the ^{M44}Army Act 1955, the expression “enemy” shall be extended to include, as well as persons engaged in armed operations against any of Her Majesty’s forces, as provided by the said section 225(1), persons so engaged against any forces co-operating with Her Majesty’s forces.
- (3) Any reference in the foregoing provisions of this section to the ^{M45}Army Act 1955 shall include a reference to the ^{M46}Air Force Act 1955, but those provisions shall, in

Status: Point in time view as at 01/04/1997.

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1966 (repealed), Part III. (See end of Document for details)

their application to the last mentioned Act, have effect with the substitution, for the references to section 225(1), of references to section 223(1), and, for the reference to a soldier, of a reference to an airman.

- (4) Accordingly, in section 225(1) of the Army Act 1955 and section 223(1) of the Air Force Act 1955, in the definition of “enemy”, after the words “any of Her Majesty’s forces” there shall be inserted the words “ or any forces co-operating therewith ”, and at the end of the paragraph beginning with the words “Her Majesty’s air forces” there shall be added the words “ and references to “Her Majesty’s forces”, except in sections 37 and 177, shall be construed accordingly ”.

Textual Amendments

F8 Words repealed with savings by [Armed Forces Act 1971 \(c. 33\)](#), **s. 78(4)(a)**, Sch. 4 Pt. I

Modifications etc. (not altering text)

C8 The text of ss. 12, 17(2), 18, 20(4)(a)(c), 23, 24(2), 25, 26(3), 27(2), 28(4), 30(2), 35, 36, Sch. 3 paras. 1, 3, Sch. 4 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M43 1955 c. 18.

M44 1955 c. 18.

M45 1955 c. 18.

M46 1955 c. 19.

29 **F9**

Textual Amendments

F9 S. 29 repealed by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), s. 16(2), **Sch. 2**

Amendments of^{M47} Army Act 1955 and^{M48} Air Force Act 1955 with respect to Punishment of army N.C.Os.

Marginal Citations

M47 1955 c. 18.

M48 1955 c. 19.

F10³⁰

Textual Amendments

F10 S. 30 repealed (1.4.1997) by [1996 c. 46, s. 35\(2\)](#), **Sch. 7 Pt. I**; S.I. 1997/304, **art. 2** (with art. 3(2))

Status: Point in time view as at 01/04/1997.

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1966 (repealed), Part III. (See end of Document for details)

Amendment applicable to Air Force Act 1955 only

F11 31

Textual Amendments

F11 S. 31 repealed (1.4.1997) by 1996 c. 46, s. 35(2), Sch. 7 Pt. I; S.I. 1997/304, art. 2 (with art. 3(2))

Amendments applicable to ^{M49}Naval Discipline Act 1957 only

Marginal Citations

M49 1957 c. 53.

32 **F12**

Textual Amendments

F12 Ss. 8(2), 21, 22, 27(1), 32 repealed with savings by *Armed Forces Act 1971 (c. 33)*, s. 78(4)(a), Sch. 4 Pt. I

33 **Persons whose duty it is, for purposes of Naval Discipline Act 1957, to sign certificates of arrest or surrender of absentees or deserters.**

Section 110(2) of the ^{M50}Naval Discipline Act 1957 (which requires certificates of arrest of deserters and absentees brought before a court of summary jurisdiction to be signed by a justice of the peace) and section 47(2) thereof (which provides that in proceedings under that Act such a certificate purporting to be signed by a justice of the peace shall be evidence of the matters therein contained) shall, as regards certificates issued after the coming into force of this section, have effect—

- (a) in their application to England and Wales, with the substitution, for references to a justice of the peace, of references to a justice of the peace or the clerk of the court;
- (b) in their application to Scotland, with the substitution, for references to a justice of the peace, of references to the clerk of court;
- (c) in their application to Northern Ireland, with the substitution, for references to a justice of the peace, of references to a resident magistrate or the clerk of the petty sessions for the petty sessions district in which the court sat;
- (d) in their application to the Isle of Man, with the substitution, for references to a justice of the peace, of references to a justice of the peace or the clerk of the court;
- (e) in their application to the Islands of Jersey and Guernsey, with the substitution, for references to a justice of the peace, of references to a magistrate or a person for the time being authorised to act as a magistrate;

Status: Point in time view as at 01/04/1997.

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1966 (repealed), Part III. (See end of Document for details)

- (f) in their application to Alderney, with the substitution, for references to a justice of the peace, of references to the chairman of the Court of Alderney or the person for the time being authorised to act as chairman of that Court;
- (g) in their application to Sark, with the substitution, for references to a justice of the peace, of references to the Seneschal or the Deputy Seneschal;
- (h) in their application to any of the following, that is to say,—
 - (i) a colony;
 - (ii) a territory under Her Majesty’s protection;
 - (iii) a territory for the time being administered by Her Majesty’s Government in the United Kingdom under the trusteeship system of the United Nations;
 - (iv) a country or territory consisting of two or more of any of the following units, namely, colonies, territories under Her Majesty’s protection and territories administered as aforesaid;

with the substitution, for references to a justice of the peace, of references to a magistrate or the official (by whatever designation known) who exercises in the court functions similar to those exercised in England by the clerk of a court of summary jurisdiction.

Marginal Citations

M50 1957 c. 53.

34 F13

Textual Amendments

F13 Ss. 11, 34 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

35 Amendments as to trial by civil court after trial under Naval Discipline Act 1957, and trial under that Act after trial by civil court.

- (1) In subsection (1) of section 129 of the Naval Discipline Act 1957 (which provides that a person subject to as that Act who is acquitted or convicted of an offence on trial thereunder shall not be tried subsequently by a civil court the same offence) and subsection (2) of that section (Which, contains provision whereby the trial under that Act of a person subject thereto is barred where he has been acquitted or convicted by a civil court for the same offence) for the words “for the same offence” there shall be substituted the words “ for tne same, or substantially the same, offence ”.
- (2) The said subsection (2) shall be extended so that the reference to a civil court in the said provision contained therein shall have effect as a reference to such a court in any country, and accordingly after the words “civil court”, in the first place where they occur in that subsection, there shall be inserted the words “ wherever situated ”.

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Modifications etc. (not altering text)

- C9** The text of ss. 12, 17(2), 18, 20(4)(a)(c), 23, 24(2), 25, 26(3), 27(2), 28(4), 30(2), 35, 36, Sch. 3 paras. 1, 3, Sch. 4 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

36 Definition of “Her Majesty’s forces” and amendment of definition of “enemy”.

In section 135(1) of the Naval Discipline Act 1957, after the definition of “Governor” there shall be inserted the following paragraph:—

““Her Majesty’s forces” includes forces raised under the law of a colony but does not include a force of any of Commonwealth country”

- (2) In the said Act of 1957 the expression “enemy” shall be extended to include, as well as persons engaged in armed operations against Her Majesty’s forces, a person so engaged against any forces co-operating with Her Majesty’s forces, and accordingly, in the said section 135(1) in the definition of the expression “enemy”, after the words “Her Majesty’s forces”, there shall be inserted the words “ or any forces co-operating therewith ”.

Modifications etc. (not altering text)

- C10** The text of ss. 12, 17(2), 18, 20(4)(a)(c), 23, 24(2), 25, 26(3), 27(2), 28(4), 30(2), 35, 36, Sch. 3 paras. 1, 3, Sch. 4 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Status:

Point in time view as at 01/04/1997.

Changes to legislation:

There are currently no known outstanding effects for the Armed Forces Act 1966 (repealed), Part III.