CHAPTER 3.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and Air Force. [26th April 1923.]

WHEREAS the raising or keeping of a standing army within the United Kingdom in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of land forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of one hundred and seventy thousand eight hundred, including those to be employed at the depôts in the United Kingdom for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions:

And whereas under the Air Force (Constitution) Act, 1917, His Majesty is entitled to raise and maintain the air force, and it is judged necessary that the whole number of such force should consist of thirty-three thousand, including those employed as aforesaid, but exclusive of the numbers serving as aforesaid, and the provisions of the Air Force Act are due to expire at the same dates as the provisions of the Army Act: 7 & 8 Geo. 5. c. 51.

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet, nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law or to the Air Force Act, in their duty, that an exact discipline be observed and that persons belonging to the said forces who mutiny or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military or air force discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

And whereas the Army Act and the Air Force Act will expire in the year one thousand nine hundred and twenty-three on the following days:—

(*a*) in Great Britain and Ireland, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and

(*b*) elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of July:

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Army and Air Force (Annual) Act, 1923.

Army Act and Air Force Act to be in force for specified times.

2.—(1) The Army Act and the Air Force Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament (that is to say):—

(*a*) Within Great Britain and Ireland, the Channel Islands, and the Isle of Man, from the thirtieth day of April, one thousand nine hundred and twenty-three, to the thirtieth day of April, one thousand nine hundred and twenty-four, both inclusive; and

(*b*) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July, one thousand nine hundred and twenty-three, to the thirty-first day of July, one thousand nine hundred and twenty-four, both inclusive.

(2) The Army Act and the Air Force Act, while in force, shall apply to persons subject to military law or to the Air Force Act, as the case may be, whether within or without His Majesty's dominions.

(3) A person subject to military law or to the Air Force Act shall not be exempted from the provisions of the Army Act or Air Force Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the numbers hereinbefore mentioned.

Prices in respect of billeting.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act or the Air Force Act the prices specified in the Schedule to this Act.

AMENDMENTS OF ARMY AND AIR FORCE ACTS.

PART I.—AMENDMENTS OF ARMY ACT.

Amendment of s. 57.

4. The following amendments shall be made in subsection (2) of section fifty-seven of the Army Act (which relates to the commutation and remission of sentences):—

(1) In paragraph (*a*) the words "offenders in whatever place they may for the time being be" shall be substituted for the words "persons undergoing sentence in any place whatever," and the word "offender" shall be substituted for the words "prisoner subject to such punishment".

(2) In paragraphs (*b*), (*c*), and (*d*) the words "offenders who are for the time being" shall be substituted for the words "persons undergoing sentences".

Amendment of ss. 76 and 82.

5.—(1) In section seventy-six of the Army Act (which prescribes the limit of original enlistment), the words "or classes of cases" shall be inserted after the word "cases"; the words "a boy" shall be substituted for the words "any boy"; and the words "in a particular corps" shall be omitted.

(2) At the end of subsection (2) of section eighty-two of the Army Act (which relates to appointments to corps) the following proviso shall be inserted:

"Provided that in the case of a boy enlisted for general service before attaining the age of eighteen, he need not be appointed to a particular corps until he attains that age."

Amendment of s. 122.

6. The following words shall be added at the end of subsection (6) of section one hundred and twenty-two of the Army Act (which defines "qualified officer" for the purposes of the Act so far as it relates to convening and confirming findings and sentences of general courts martial):

"it also includes, in the case of a body of His Majesty's military forces when serving beyond the seas, the officer not below the rank of field officer or corresponding rank commanding that body or the command within which they are serving, whether such officer is an officer of the navy, army, or air force."

Amendment of s. 179.

7. The following paragraph shall be inserted after paragraph (19) of section one hundred and seventy-nine of the Army Act (which contains the modifications of that Act with respect to the Royal Marines):

"(19A.) For the purposes of the attestation of men of the Royal Marines the expression 'officer' in section ninety-four of this Act includes an officer of the Royal Navy."

PART II.

AMENDMENTS OF AIR FORCE ACT.

Renumbering of s. 46A.

8. Section 46A. of the Air Force Act shall hereafter be numbered 47.

Amendment of s. 57.

9. In subsection (2) of section fifty-seven of the Air Force Act (which relates to the commutation and remission of sentences) the words "offenders in whatever place they may for the time being be" shall be substituted for the words "persons undergoing sentence in any place whatever."

Amendment of s. 89.

10. The following paragraph shall be inserted at the end of section eighty-nine of the Air Force Act (which

provides for the transfer of airmen to the reserve in certain cases)—

> "Where an airman of the regular air force was, before attaining the age of eighteen, enlisted for the whole term of his original enlistment in air-force service, the Air Council may, within six years after he attained that age, give him notice that he may be transferred to the reserve when he is within two years of the end of the period of his air-force service in the terms of his original enlistment, and when such a notice has been given the competent air-force authority may at any time within the said two years by order transfer him to the reserve in manner aforesaid."

Amendment of s. 122.

11. In subsection (6) of section one hundred and twenty-two of the Air Force Act (which defines "qualified officer" for the purposes of the Act so far as it relates to convening and confirming findings and sentences of general courts martial), for the words "on active service, "the officer commanding in chief in the field," there shall be substituted the words "when serving beyond "the seas, the officer not below the rank of squadron "leader or corresponding rank commanding that body "or the command within which they are serving."

PART III.

AMENDMENTS OF ARMY ACT APPLICABLE ALSO TO THE AIR FORCE ACT.

Amendment of s. 44.

12. In proviso (5) to section forty-four of the Army Act (which prescribes the scale of punishment by courts martial) after the word "flogging" there shall be inserted the words "or attachment to a fixed object."

Amendments of ss. 46, 47, 138, and 182 with reference to warrant officers.

13.—(1) In subsection (1) of section forty-six of the Army Act (which relates to the power of a commanding officer) after the words "field officer" there shall be inserted the words "or of a warrant officer."

(2) The following amendments shall be made in section forty-seven of the Army Act (which relates to the power to deal summarily with charges against officers):—

(*a*) In subsection (1) after the words "field officer" there shall be inserted the words "or against a warrant officer."

(*b*) In subsection (2) after the word "awarding" there shall be inserted the words "in the case of an officer"; and after the words "or reprimand" there shall be inserted:—

"and in the case of a warrant officer one or more of the following punishments—

"(*a*) Forfeiture in the prescribed manner of seniority of rank;

"(*b*) Severe reprimand or reprimand;

"(*c*) Any deduction authorised by this Act to be made from his ordinary pay."

(*c*) In subsection (3) for the words "officer charged" and "officer" there shall be substituted the word "accused."

(*d*) In subsection (4) for the words "accused officer" there shall be substituted the word "accused."

(3) After the words "such offence" in subsection (3), and after the words "his commanding officer" in subsection (4) of section one hundred and thirty-eight of the Army Act (which relates to penal stoppages from the ordinary pay of soldiers), there shall be inserted the words "or by the authority dealing summarily with a charge under section forty-seven of this Act."

(4) The following paragraph shall be added at the end of subsection (2) of section one hundred and eighty-two of the Army Act (which contains special provisions as to warrant officers):—

"or

"(*c*) to the punishments prescribed in that behalf under section forty-seven of this Act by the authorities referred to in that section."

Amendment of s. 145.

14.—(1) The following amendment shall be made in subsection (2) of section one hundred and forty-five of the Army Act (which relates to the liability of a soldier to maintain his wife and children):—After the words "in respect of a wife or children" wherever they occur there shall be inserted the words "whether legitimate or illegitimate" and the words "in respect of a bastard child, three shillings" "in respect of a bastard child, two shillings" and "and in respect of a bastard child, one shilling and sixpence" shall be omitted.

(2) For the first paragraph of subsection (3) of the said section there shall be substituted the following paragraph:—

"Where a proceeding is instituted against a soldier of the regular forces under any Act, or at common law, for the purpose of enforcing against him any such liability as above in this section mentioned, then—

(*a*) if at the date of service of the process the soldier is quartered out of the jurisdiction of the court, or, (where the proceeding is before a court of summary jurisdiction), out of the petty sessional division in which the proceeding is instituted, the process shall be served on his commanding officer, and such service shall not be valid unless there be left therewith, in the hands of the commanding officer, a sum of money (to be adjudged as costs incurred in obtaining the order or decree, if any order or decree is made against the soldier) of a sufficient amount to enable him to attend the hearing of the case and return to his quarters, and such sum may be expended by the commanding officer for that purpose;

(*b*) in any other case the process may be served either on the commanding officer or on the soldier, provided that where the process is served on the soldier, a copy thereof shall be sent by the court by which it is issued to the commanding officer by registered post as soon as possible after the process is served, and in any case at least four days before the day fixed for the hearing of the case:

"Provided that no proceedings in this section mentioned shall be valid against a soldier of the regular forces if his commanding officer certifies that the soldier is under orders for service beyond the seas, and that in his opinion it will not be possible for the soldier to attend the hearing and return to his quarters in sufficient time to enable him to embark for such service. Every such certificate shall be sent to the court and shall be final and conclusive."

Application of Act in relation to mandated territories.

15. After section one hundred and eighty-seven of the Army Act the following section shall be inserted—

"187A. This Act shall apply in relation to any territory in respect of which a mandate on behalf

of the League of Nations has been accepted by His Majesty in like manner as it applies in relation to a British protectorate."

Application to Air Force.

16. References in this Part of this Act to the Army Act shall be deemed to include references to the Air Force Act, and those provisions shall, in their application to the air force, have effect subject to any of the general modifications set out in Part I. of the Second Schedule to the Air Force (Constitution) Act, 1917, which apply, and also with the substitution of a reference to "squadron leader" for the reference to "field officer."

Section 3.

SCHEDULE.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where meals furnished.	Tenpence per night for the first soldier and eightpence per night for each additional soldier.
Breakfast as specified in Part I. of the Second Schedule to the Army and Air Force Acts.	Sevenpence each.
Dinner as so specified - - - -	Tenpence.
Supper as so specified - - - -	Fourpence.
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Tenpence per night for the first soldier and eightpence per night for each additional soldier.
Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	One shilling and ninepence per day.
Stable room without forage - - -	Sixpence per day.
Lodging and attendance for officer -	Three shillings per night.

Note.—An officer shall pay for his food.