

CHAPTER 26.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and the Air Force. [29th April 1937.]

A.D. 1937.

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 sixty-eight thousand nine hundred, exclusive of the numbers actually serving in India or Burma:

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 seventy thousand, exclusive of the numbers serving as aforesaid: 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

A.D. 1937. 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 be 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 thirty-seven on the following days:—

(*a*) In Great Britain and Northern 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, 1937.

Army Act and Air **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:—

Force Act to be in force for specified times.

(*a*) Within Great Britain and Northern Ireland, the Channel Islands, and the Isle of Man, from the thirtieth day of April, one thousand nine hundred and thirty-seven, to the thirtieth day of April, one thousand nine hundred and thirty-eight, 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 thirty-seven, to the thirty-first day of July, one thousand nine hundred and thirty-eight, 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 section one hundred and six of the Army Act or the Air Force Act the prices specified in the First Schedule to this Act.

AMENDMENTS OF THE ARMY AND AIR FORCE ACTS.

PART I.

AMENDMENTS OF THE ARMY ACT APPLICABLE ALSO (SUBJECT TO MODIFICATIONS) TO THE AIR FORCE ACT.

Amendments of Army Act, s. 108A.

4. The following amendments shall be made in section one hundred and eight A of the Army Act (which relates to billeting in cases of emergency):—

(i) for paragraph (*c*) of subsection (3) there shall be substituted the following paragraph:—

"(*c*) The accommodation to be furnished under this section by keepers of victualling

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PART I. —*cont.*

houses and occupiers of other buildings shall, as the officer demanding billets may in each case require, be either such accommodation as is specified in section one hundred and six of this Act and the Schedule therein referred to (as modified by the next succeeding paragraph), or accommodation of a more limited character, and the prices to be paid therefor shall be such as may be fixed for different kinds of buildings and different classes of accommodation by regulations made by the Army Council with the consent of the Treasury"; and

56 & 57 Vict. c. 66.

(ii) at the end of subsection (4) there shall be inserted the words "Section one of the Rules "Publication Act, 1893 (which requires notice "to be given of a proposal to make certain "statutory rules) shall not apply to any such "regulations."

Minor amendments of Army Act.

5. The amendments specified in the second column of Part I of the Second Schedule to this Act (being consequential or other minor amendments) shall be made in the provisions of the Army Act specified in the first column of the said Part of the said Schedule.

Application of Part I to Air Force Act.

6. References in the two last preceding sections, and in Part I of the Second Schedule to this Act, to the Army Act shall be deemed to include references to the Air Force Act, and the provisions of the said sections, and of the said Part of the said Schedule, shall in their application to the Air Force Act 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 to the following special modification, namely, that for the expression "military forces" (where that expression occurs in Part I of the Second Schedule to this Act) there shall be substituted the expression "air forces."

PART II.

OTHER AMENDMENTS.

Amendments of Army Act, s. 90 (2), (4).

7.—(1) In subsection (2) of section ninety of the Army Act (which relates to discharge in the case of a time-expired soldier who arrives in the United Kingdom

after foreign service), after the words " and on his arrival be discharged " there shall be inserted the words—

" Provided that the competent military authority may, with the consent of the soldier, delay his discharge, so however that he be discharged within three months from his arrival ";

And for the words " If such soldier " there shall be substituted the words " (2A) If a soldier to whom the last preceding subsection applies ".

(2) In subsection (4) of the said section (which relates to transfer to the reserve in the case of a soldier entitled to be so transferred who arrives in the United Kingdom after foreign service), after the words " and on his arrival shall be transferred to the reserve " there shall be inserted the words—

" Provided that the competent military authority may, with the consent of the soldier, delay his transfer to the reserve, so however that he be transferred to it within three months from his arrival."

Amendment of Air Force Act, s. 78 (1).

8. The power of the Air Council under subsection (1) of section seventy-eight of the Air Force Act to permit an airman of the regular air force to enter the reserve at any time while he is in air-force service during the term of his original enlistment may be exercised also at any time while the airman is in air-force service during a term for which he has extended the term of his original enlistment or has re-engaged, and accordingly, in paragraph (*a*) of the said subsection (1) after the words " original enlistment " there shall be inserted the words " or of any term for which he has extended the term of " his original enlistment under paragraph (*c*) of this " subsection or has re-engaged under paragraph (*b*) of " subsection (1) of section eighty-four of this Act."

Minor amendments of Army and Air Force Acts.

9. The amendments specified in the second column of Parts II and III respectively of the Second Schedule to this Act (being consequential or other minor amendments) shall be made in the provisions of the Army Act, or, as the case may be, of the Air Force Act, specified in the first column of the said Parts of the said Schedule :

Provided that, notwithstanding anything in subsection (1) of section fifteen of the Army and Air Force

22 & 23 Geo. 5. c. 22.

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PART II. —*cont.*

(Annual) Act, 1932, the amendment of subsection (2) of section fifty-seven of the Army Act shall come into operation in all places on the thirty-first day of July, one thousand nine hundred and thirty-seven.

Amendments of Army and Air Force Acts consequential on the separation of Burma and Aden from India.

10. The adaptations and modifications made in the Army and Air Force Acts by the Government of India (Adaptation of Acts of Parliament) Order, 1937, and the Aden Colony Order, 1936, shall have effect as if they were amendments made by this Act, and the statutory provision for the re-printing of the Army and Air Force Acts with amendments made therein by any subsequent Act shall apply in relation to those adaptations and modifications accordingly.

SCHEDULES.

FIRST SCHEDULE.

Section 3.

PRICES IN RESPECT OF BILLETING.

Accommodation to be provided.	Maximum price.
Lodging and attendance for a soldier where meals furnished.	Tenpence a night for the first soldier and eightpence a night for each additional soldier.
Breakfast as specified in Part I of the Second Schedule to the Army Act.	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 a night for the first soldier and eightpence a night for each additional soldier.
Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw a day for each horse.	Two shillings and threepence a day.
Stable room without forage - - -	Sixpence a day.
Lodging and attendance for an officer -	Three shillings a night.

Note.—An officer shall pay for his food.

In the application of this Schedule to the Air Force, references to the Air Force Act and to an airman shall be substituted for references to the Army Act and to a soldier.

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SECOND SCHEDULE.

Sections 5, 6 and 9.

CONSEQUENTIAL AND OTHER MINOR AMENDMENTS.

PART I.

AMENDMENTS OF THE ARMY ACT APPLICABLE ALSO, SUBJECT TO MODIFICATIONS, TO THE AIR FORCE ACT.

Sections.		
s. 57	-	For the words "(3) Provided that the power given by this section" there shall be substituted the words "Provided that the power given by this subsection".
s. 72	-	In subsection (1) after the words "clothing of the soldier" there shall be inserted the words "or in "any public property issued to him for his use or "entrusted to his care for military purposes".
s. 106	-	In subsection (3) for the words "this Act" there shall be substituted the words "this section".
s. 108A	-	In paragraph (*b*) of subsection (3), for the words "subsection (7)" there shall be substituted the words "paragraph (7)".
s. 115	-	In subsection (9), for the words from the beginning to "that Act" there shall be substituted the words "Regulations made under Part I or, as the "case may be, Part IA of the Territorial and "Reserve Forces Act, 1907, as it applies to the "military forces, may assign to an association "established thereunder," and for the words "a county association" there shall be substituted the words "the association".
Schedule I.		The words "India or" shall be omitted.

PART II.

AMENDMENTS OF THE ARMY ACT.

Sections.		
s. 57	-	In subsection (2), the words "or the officer com- "manding the district or station where the offender "may for the time be" and the words from "and (*b*) As respects" to "in such place" shall be omitted.
s. 155	-	The words "(except the Army Purchase Com- "missioners and persons acting under their "authority by virtue of the Regulation of the "Forces Act, 1871)" shall be omitted.

Sections.

s. 172 - In subsection (1) the words " or Adjutant-General " and " Adjutant-General " shall be omitted.

s. 190 - In paragraph (8), the words " and the Royal Malta Artillery " shall be omitted.

PART III.

AMENDMENT OF THE AIR FORCE ACT.

s. 106 - In subsection (3), the words " as respects the Army " shall be omitted.

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