CHAPTER 20.

An Act to provide, during twelve months, for the discipline and regulation of the Army and the Air Force. [13th April 1938.]

A.D. 1938.

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, 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 eighty-three 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 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

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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-eight 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, 1938.

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 Northern Ireland, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand nine

hundred and thirty-eight to the thirtieth day of April one thousand nine hundred and thirty-nine, 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-eight to the thirty-first day of July one thousand nine hundred and thirty-nine, 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 Schedule to this Act.

AMENDMENTS OF THE ARMY AND AIR FORCE ACTS.

PART I.

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

Amendment of Army Act, s. 136, and Air Force Act, s. 136.

4.—(1) Section one hundred and thirty-six of the Army Act shall be amended by the addition of the following subsection :—

"(2) Notwithstanding anything in any law in force as aforesaid in India or Burma no part of the pay of an officer or soldier of the regular forces shall be attached by direction of a court in satisfaction of any decree or order enforceable against him :

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PART I. —*cont.*

Provided that nothing in this subsection affects any attachment order made by a court in India or Burma in respect of any liability incurred before the end of the year nineteen hundred and thirty-eight."

(2) The reference in subsection (1) of this section to the Army Act shall be deemed to include a reference to the Air Force Act; and the provisions of that subsection 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.

PART II.

AMENDMENTS OF THE ARMY ACT.

Extension of powers as to enlistment of long service recruits.

5.—(1) After section seventy-seven of the Army Act there shall be inserted the following section :—

"77A. A person enlisted under this Act may, if the term of his original enlistment is twelve years, the whole of which is to be served in army service, be enlisted upon the terms that at any time within the three years immediately preceding the expiration of the term of his original enlistment he shall, subject to the veto of the Army Council or other authority mentioned in regulations made in pursuance of this Part of this Act and to such other conditions as are specified in such regulations, have the right at his option to re-engage under section eighty-four of this Act."

(2) Section eighty-three of the Army Act shall be amended by the insertion after paragraph (8) thereof of the following paragraph :—

"(9) A soldier of the regular forces enlisted under section seventy-seven A of this Act with such a right of re-engagement as is mentioned in that section shall be liable at any time to be transferred to any corps, whether in the same arm or branch of the service or not, to which the competent military authority think it desirable to transfer him."

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PART II. —*cont.*

Amendment of Army Act, s. 180.

6. Paragraph (*g*) of subsection (2) of section one hundred and eighty of the Army Act (being an obsolete provision relating to hospital apprentices in India and Burma not appointed by warrant) is hereby repealed.

PART III.

AMENDMENT OF THE AIR FORCE ACT.

Attachment of officers and airmen to Indian and Burma Air Forces.

7. After section one hundred and seventy-nine C of the Air Force Act there shall be inserted the following section :—

"179D.—(1) The Air Council may direct from time to time that any officers or airmen of the regular air force shall, under such conditions as may be prescribed by regulations made by the Air Council and the Governor-General of India or, as the case may be, by the Air Council and the Governor of Burma, be temporarily attached to an air force raised in India or Burma :

Provided that, except while a state of war exists between His Majesty and any foreign power, no officer or airman shall be so dealt with without his consent.

(2) Where an officer or airman has been so attached the members of the force to which he is attached shall, if it is so provided by regulations made as aforesaid, but subject to any exceptions or limitations specified therein, have the like powers of command over him as they would have if they were officers or airmen of the regular air force holding relative rank.

(3) For the purposes of this section the relative rank of members of an air force raised in India or Burma and of officers and airmen of the regular air force shall be such as may be provided by regulations made as aforesaid."

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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