

CHAPTER 18.

An Act to provide, during twelve months, for the discipline and regulation of the Army and the Air Force. [25th April 1940.]

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 such number as His Majesty may deem necessary:

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 such number as His Majesty may deem necessary: 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

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 forty 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, 1940.

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 forty to the thirtieth day of April one thousand nine hundred and forty-one, 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 forty to the thirty-first day of July one thousand nine hundred and forty-one, both inclusive.

(2) Notwithstanding anything in subsection (1) of section fifteen of the Army and Air Force (Annual) Act, 1932, the amendments of the Army Act and of the Air Force Act made by this Act shall come into operation in all places as from the thirtieth day of April nineteen hundred and forty. 22 & 23 Geo. 5. c. 22.

(3) 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.

AMENDMENTS OF THE ARMY AND AIR FORCE ACTS.

Amendment of Army Act and Air Force Act in relation to certain Dominions.

3.—(1) For section one hundred and eighty-seven C of the Army Act (which relates to the application of the Act to the Commonwealth of Australia, the Dominion of New Zealand, and Newfoundland), and for section one hundred and eighty-seven C of the Air Force Act (which contains corresponding provisions relating to the application of that Act), respectively, there shall be substituted the following section :—

"187C.—(1) Notwithstanding that the Parliament of a Dominion to which this subsection applies may not have adopted sections two to four of the Statute of Westminster, 1931, any law of the Dominion, whenever passed, for regulating the government and discipline of the forces of the Dominion, and persons attached to or accompanying those forces, shall (except in so far as a contrary intention is expressed therein or is necessarily to be inferred therefrom) extend to the members of those forces and to those persons without as well as within the Dominion, and the 22 & 23 Geo. 5. c. 4.

provisions of this Act (other than the provisions of this section) shall not extend or be deemed to extend to that Dominion as part of the law thereof except in so far as the provisions of this Act are applied by a law of the Dominion.

The Dominions to which this subsection applies are the Commonwealth of Australia and the Dominion of New Zealand.

(2) The provisions of this Act shall apply in relation to, and in relation to forces raised in, Newfoundland as they apply in relation to, and in relation to forces raised in, a colony."

23 & 24 Geo. 5. c. 6.

(2) Subsection (2) of section seven of the Visiting Forces (British Commonwealth) Act, 1933, shall cease to apply to the Commonwealth of Australia and the Dominion of New Zealand.

Amendments of ss. 43, 68 and 183 of Army Act.

4.—(1) In section forty-three of the Army Act (which relates to the mode of complaint by a soldier) for the words " the prescribed general officer or brigadier " there shall be substituted the words " such officer, being either a general officer or brigadier or an air officer, as may be prescribed."

(2) In paragraph (*h*) of subsection (2) of section sixty-eight of the Army Act (which defines the expression " competent military authority ") for the words " prescribed officer ", where they first occur, there shall be substituted the words " such officer (whether of the army or air force) as may be prescribed ", and for the words " prescribed officer ", in both places where they subsequently occur, there shall be substituted the words " such prescribed officer as aforesaid ".

(3) Paragraph (2) of section one hundred and eighty-three of the Army Act (which contains special provisions as to non-commissioned officers) shall have effect subject to the following amendments :—

(*a*) after the words " the officer commanding the forces " and " the officer commanding-in-chief in the field ", respectively, there shall be inserted the words " (whether that officer is an officer of the army or air force) ";

(*b*) for the word " major-general " there shall be substituted the words " general officer or air officer, as the case may be "; and

(*c*) after the word "brigadier" there shall be inserted the words "or any air officer".

Amendment of ss. 43 and 68 of Air Force Act.

5.—(1) In section forty-three of the Air Force Act (which relates to the mode of complaint by an airman) for the words "the prescribed officer" there shall be substituted the words "such officer (whether of the air force, army or navy) as may be prescribed".

(2) In paragraph (*h*) of subsection (2) of section sixty-eight of the Air Force Act (which defines the expression "competent air-force authority") for the words "prescribed officer", where they first occur, there shall be substituted the words "such officer (whether of the air force, army or navy) as may be prescribed", and for the words "prescribed officer", in both places where they subsequently occur, there shall be substituted the words "such prescribed officer as aforesaid".

Printing of Army Act or Air Force Act not to affect enactments or regulations modifying the Act otherwise than by verbal amendment. 2 & 3 Geo. 6. c. 62.

6. Nothing in subsection (3) of section fifteen of the Army and Air Force (Annual) Act, 1932 (which provides that, where the Army Act or the Air Force Act is amended by substituting, adding or omitting enactments or words, the Act shall be printed, and be construed as if it had been enacted, with those additions, omissions or substitutions) shall affect the continued operation of any enactment, or any regulation made under the Emergency Powers (Defence) Act, 1939, modifying the Army Act or the Air Force Act otherwise than by the addition, omission or substitution of enactments or words.

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FOR
SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament