Table of Statutes referred to in this Act

Short Title	Session and Chapter
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Police (Property) Act, 1897	60 & 61 Vict. c. 30.
Armed Forces (Conditions of Service) Act, 1939...	2 & 3 Geo. 6. c. 68.
Naval and Marine Forces (Temporary Release from Service) Act, 1940	4 & 5 Geo. 6. c. 4.
Naval Forces (Extension of Service) Act, 1944 ...	7 & 8 Geo. 6. c. 13.
National Service Act, 1948	11 & 12 Geo. 6. c. 64.
Reinstatement in Civil Employment Act, 1950 ...	14 & 15 Geo. 6. c. 10.

CHAPTER 24

Army and Air Force (Annual) Act, 1951

ARRANGEMENT OF SECTIONS

Section
1. Short title.
2. Army Act and Air Force Act to be in force for specified times.

AMENDMENTS OF THE ARMY AND AIR FORCE ACTS

3. Application of Army Act and Air Force Act to the Federation of Malaya.
4. Amendments of Army Act and Air Force Act with respect to affirmations in lieu of oaths.
5. Amendments of s. 91 of Army Act and Air Force Act.
6. Amendment of s. 85 of Army Act.
7. Amendments of provisions of Army Act relating to service property, &c.
8. Amendment of s. 183 of Army Act.

SCHEDULE.—Provisions of the Army Act and the Air Force Act wherein "affirmation" is to be substituted for "declaration".

An Act to provide, during twelve months, for the discipline and regulation of the Army and the Air Force. [26th April 1951.]

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 five hundred and twenty-seven thousand:

And whereas it is adjudged necessary that a body of air forces should be continued for the purposes aforesaid, and that the whole number of such forces should consist of two hundred and seventy thousand:

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 fifty-one 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:—

1. This Act may be cited as the Army and Air Force (Annual) Act, 1951. Short title.

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:— Army Act and Air 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, nineteen hundred and fifty-one, to the thirtieth day of April, nineteen hundred and fifty-two, both inclusive; and

(*b*) elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July, nineteen hundred and fifty-one, to the thirty-first day of July, nineteen hundred and fifty-two, 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 the 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.

AMENDMENTS OF THE ARMY AND AIR FORCE ACTS

Application of Army Act and Air Force Act to the Federation of Malaya.

3.—(1) After section one hundred and eighty-seven AA of the Army Act there shall be inserted the following section:—

" 187AB.—(1) The provisions of this section shall have effect for the purpose of the application of this Act to the Federation of Malaya.

(2) References in this Act to a colony shall be construed as including references to the Federation of Malaya.

(3) In the following provisions of this Act, namely, the provisions relating to crimes and punishments, paragraphs (*b*) and (*j*) of subsection (1) of section one hundred and sixty-three, section one hundred and eighty-four and paragraph (17) of section one hundred and ninety, references to His Majesty's forces, His Majesty's naval forces, His Majesty's military forces and His Majesty's air forces shall be construed as including respectively references to forces raised in the Federation of Malaya, naval forces so raised, military forces so raised and air forces so raised.

(4) In the following provisions of this Act, namely, the provisions relating to crimes and punishments, sections fifty-seven and one hundred and fifty-eight and paragraph (*a*) of subsection (1) of section one hundred and sixty-three, references to His Majesty's service shall be construed as including references to the naval, military or air force service of the Federation of Malaya."

(2) After section one hundred and eighty-seven AA of the Air Force Act there shall be inserted a section in other respects similar to the section hereinbefore set out but modified by the substitution, in subsection (3), for the words " section one hundred and eighty-four and paragraph (17) of section one hundred and ninety", of the words " and section one hundred and eighty-four ".

Amendments of Army Act and Air Force Act with respect to affirmations in lieu of oaths.

4.—(1) Section fifty-two of the Army Act and section fifty-two of the Air Force Act shall each have effect with the substitution, for subsection (4) thereof (which specifies the circumstances in which, for purposes connected with a court-martial, a person may make a solemn declaration instead of taking an oath) of the following subsection:—

> " (4) If a person by this Act required either as a member of, or person in attendance on, or witness before, a court-martial to take an oath, objects to being sworn, and states as the ground of his objection either that he has no religious belief or that the taking of an oath is contrary to his religious belief, he shall be permitted to make a solemn affirmation in the prescribed form instead of taking an oath.";

and accordingly, in the provisions of the Army Act and the Air Force Act specified in the Schedule to this Act, for the word " declaration " there shall be substituted the word " affirmation ", and paragraph (28) of section one hundred and ninety of each of those Acts shall have effect with the omission of the words " or declaration ", in both places where they occur, and of the words " or declare ".

(2) In subsections (5) and (6) of section seventy of the Army Act, and in subsections (5) and (6) of section seventy of the Air Force Act (which make provision for the taking on oath of evidence before courts of inquiry and on the investigation of charges) after the words " on oath ", wherever they occur, there shall be inserted the words " or solemn affirmation ", and after the words " administer oaths ", wherever they occur, there shall be inserted the words " and take affirmations ".

(3) Section one hundred and twenty-six of the Army Act and section one hundred and twenty-six of the Air Force Act (which penalize persons not subject to military law or the Air Force Act who misconduct themselves before courts-martial) shall each have effect with the substitution, for sub-paragraph (i) of paragraph (*b*) of subsection (1) thereof, of the following sub-paragraph:—

> " (i) Refuses to take an oath or make a solemn affirmation legally required by a court-martial to be taken or made; or ".

Amendments of s. 91 of Army Act and Air Force Act.

5.—(1) In paragraph (*a*) of subsection (3) of section ninety-one of the Army Act (which makes provision, as respects soldiers of unsound mind who have homes in Northern Ireland, for their reception into hospitals in Northern Ireland on the application of the Army Council or an officer deputed by them) for the words " apply for the soldier's reception into that hospital ", there shall be substituted the words " by order direct that the soldier shall be received into that hospital ", and in paragraph (*a*) of subsection (3) of section ninety-one of the Air Force Act

(which makes corresponding provision as respects airmen of unsound mind who have homes in Northern Ireland) for the words " apply for the airman's reception into that hospital ", there shall be substituted the words " by order direct that the airman shall be received into that hospital ".

(2) In subsection (4) of section ninety-one of the Army Act and in subsection (4) of section ninety-one of the Air Force Act, for the words from " and an application under paragraph (*a*) of subsection (3) of this section ", to the end of the subsection, there shall be substituted the words " and an order under paragraph (*a*) of subsection (3) of this section shall have the like effect, and the like proceedings shall be taken thereon, as if it were an order made by a judicial authority under subsection (2) of section sixteen of the Mental Health Act (Northern Ireland), 1948 ".

Amendment of s. 85 of Army Act.

6.—(1) For section eighty-five of the Army Act there shall be substituted the following section:—

" 85.—(1) A soldier of the regular forces who has completed the prescribed period (which shall not be less than fifteen years) of continuous service from the date of his original term of enlistment may give notice to his commanding officer of his desire to continue in His Majesty's service in the regular forces, after the completion of twenty-two years' service, for such period, not exceeding five years, as may be specified in the notice; and, if the competent military authority approve, he may, after the completion of twenty-two years' service, be continued as a soldier of the regular forces for the period specified in the notice, in all respects as if his term of service were still unexpired.

(2) Where a soldier of the regular forces will, at the end of his original term of enlistment, have completed not less than twenty-two years' service, and will have completed that service otherwise than by virtue of having, during that term, been re-engaged under section eighty-four of this Act, he may, at any time during the last twelve months of that term, give notice to his commanding officer of his desire to continue in His Majesty's service in the regular forces, after the end of that term, for such period, not exceeding five years, as may be specified in the notice; and, if the competent military authority approve, he may, after the end of that term, be continued as a soldier of the regular forces, for the period specified in the notice, in all respects as if his original term of enlistment were still unexpired.

(3) A soldier of the regular forces for the time being continued in service under subsection (1) or (2) of this section may, within the prescribed period immediately preceding the date on which the period for which he is so continued will end, give notice to his commanding officer of his desire to continue further in His Majesty's service after that date for

such period, not exceeding five years, as may be specified in the notice; and if the competent military authority approve, he may, after that date, be further continued as a soldier of the regular forces, for the period specified in the notice, in all respects as if the term for which he was previously continued in service were still unexpired.

(4) The last preceding subsection shall apply to soldiers of the regular forces continued in service thereunder as it applies to such soldiers continued in service under subsection (1) or (2) of this section.

(5) A soldier of the regular forces continued in service under this section may, notwithstanding that he is so continued, claim his discharge at the expiration of the period of three months beginning with the date on which he gives to his commanding officer notice of his wish to be discharged.

(6) References in this section to periods of service shall, except so far as the context otherwise requires, be construed as including references to periods served in the reserve, but as not including—

(*a*) periods of whole-time or part-time service within the meaning of Part I of the National Service Act, 1948; or

(*b*) in relation to a soldier to whom an order made under the proviso to section seventy-six of this Act applies or has applied, any period during which he was under eighteen years of age.

(7) In this section the expression 'prescribed' means prescribed by regulations made by the Army Council."

(2) Where, before the thirtieth day of April, nineteen hundred and fifty-one, a soldier of the regular forces has duly given notice, under the section of the Army Act replaced by the foregoing provisions of this section, of his desire to continue in His Majesty's service in the regular forces, then, if the competent military authority for the purposes of Part II of that Act has, before that day, approved his continuance in service or approves it on or after that day, he may be continued in service, and shall have the like right to claim his discharge, in all respects as if that section of the Army Act had not been so replaced.

Amendments of provisions of Army Act relating to service property, &c.

7.—(1) For the purpose of substituting the word "service" for the word "regimental" and the words "regimental or garrison", wherever that word or those words occur in the Army Act in qualification of institution, necessaries, books, band, mess or property, the provisions of that Act hereinafter specified shall be amended as follows:—

(*a*) in section seventeen and paragraph (4) of section one hundred and thirty-seven, for the words "public, regimental or garrison property", there shall be substituted the words "public or service property";

(*b*) in paragraph (4) of section eighteen and paragraph (4) of section twenty-four, for the words " any regimental band, regimental or garrison mess, or regimental or garrison institution ", there shall be substituted the words " any service mess or band or to any service institution ";

(*c*) in paragraph (1) of section twenty-four, paragraph (1) of section twenty-six, subsection (1) of section seventy-two, subsection (2) of section seventy-three, subsection (1) of section one hundred and twelve, paragraph (4) of section one hundred and thirty-eight, proviso (1) to subsection (5) of section one hundred and forty-four, subsection (1) of section one hundred and forty-five and paragraphs (*g*) and (*h*) of subsection (1) of section one hundred and sixty-three, for the word " regimental " there shall be substituted the word " service ", and in subsection (1) of section one hundred and fifty-six, for the word " regimental ", where it first occurs, there shall be substituted the word " service ".

(2) Where a charge sheet framed in respect of an offence under any of the provisions of the Army Act mentioned in the foregoing subsection contains the word " regimental " or the word " garrison " or the words " regimental or garrison " it shall have effect as if there were substituted therefor the word " service ".

(3) In subsection (1) of section one hundred and fifty-six of the Army Act, for the words " stores in regimental charge " there shall be substituted the words " stores in the charge of a body of His Majesty's military forces (other than Dominion forces) ".

(4) For paragraph (17) of section one hundred and ninety of the Army Act there shall be substituted the following paragraph:—

" (17) The expression 'service', when qualifying institution, necessaries, books, band, mess or property, means belonging to, or connected with, His Majesty's military forces (other than Dominion forces) or any body of His Majesty's military forces (other than Dominion forces)."

Amendment of s. 183 of Army Act.

8. Paragraphs (*a*) and (*b*) of the proviso to section one hundred and eighty-three of the Army Act (which preclude the reduction to the ranks of an instructor, Army Educational Corps, but empower the Army Council to dismiss such an instructor) are hereby repealed.

SCHEDULE

Section 4.

PROVISIONS OF THE ARMY ACT AND THE AIR FORCE ACT WHEREIN "AFFIRMATION" IS TO BE SUBSTITUTED FOR "DECLARATION"

Provisions in which substitution is to be made	*Subject matter*
Paragraph (2) of section twenty-eight.	Penalization of persons subject to military law or the Air Force Act who refuse to be sworn or to make a solemn declaration.
Section twenty-nine ...	Penalization of persons so subject who give false evidence.
Subsection (6) of section forty-six.	Right of a soldier or airman to demand that, where a charge against him is to be dealt with summarily, the evidence against him shall be taken on oath or solemn declaration.
Subsection (4) of section forty-seven.	Right of an officer below the rank of lieutenant-colonel or squadron-leader, and of a warrant officer, to make the like demand where a charge against him is to be dealt with summarily.
Subsection (1) of section seventy-two.	Requirement that, where a soldier or airman has been absent without leave for twenty-one days, a court of inquiry shall be assembled to inquire into the matter on oath or solemn declaration.
Subsection (2) of section one hundred and twenty-six.	Penalization of persons not subject to military law or the Air Force Act who give false evidence before a court-martial.