1960 No. 1053

The Visiting Forces (Royal Australian Air Force) Order, 1960

Made - - - - 23*rd June*, 1960
Coming into Operation 1*st July*, 1960

At the Court at Buckingham Palace, the 23rd day of June, 1960

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by Section 4 of the Visiting Forces (British Commonwealth) Act, 1933(a), as amended by the Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955(b), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Visiting Forces (Royal Australian Air Force) Order, 1960, and shall come into operation on the first day of July, 1960.

2. The Interpretation Act, 1889(c), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The Visiting Forces (Royal Australian Air Force) Order, 1943(d), is hereby revoked.

4. In relation to members of the air force of Her Majesty raised in the Commonwealth of Australia who by virtue of Section 4 of the Visiting Forces (British Commonwealth) Act, 1933, as amended by the Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955, are attached temporarily to Her Majesty's air forces raised in the United Kingdom, the Air Force Act, 1955(e), shall apply with the following exceptions and subject to the following adaptations and modifications, that is to say—

(1) Sub-section (1) of Section 24 shall have effect as if for the words—

"shall, on conviction by court-martial, be liable to suffer death or any other punishment provided by this Act."

there were substituted the words—

"shall be liable, on conviction by court-martial of the offence of abandoning or delivering up any place or post which it is his duty to defend, to suffer death or any other punishment provided by this Act, and on conviction by court-martial of any other offence specified in this sub-section, to imprisonment or any less punishment provided by this Act."

(a) 23 & 24 Geo. 5. c. 6. (b) 3 & 4 Eliz. 2. c. 20. (c) 52 & 53 Vict. c. 63.
(d) S.R. & O. 1943/750 (Rev. XXIII, p. 363: 1943 I, p. 980). (e) 3 & 4 Eliz. 2. c. 19.

(2) Subsection (1) of Section 31 shall have effect as if for the words—

"shall, on conviction by court-martial, be liable to suffer death or any other punishment provided by this Act."

there were substituted the words—

"shall be liable, on conviction by court-martial of the offence specified in paragraph (*a*) of this subsection to suffer death or any other punishment provided by this Act, and on conviction by court-martial of the offence specified in paragraph (*b*) of this subsection, to imprisonment or any less punishment provided by this Act."

(3) Section 32 shall have effect as if paragraph (i) and the words "in any other case", in paragraph (ii) were omitted.

(4) Subsection (3) of Section 70 (as amended by subsection (2) of Section 9 of the Homicide Act, 1957(a)), shall have effect as if paragraph (*a*) and the words "in any other case", in paragraph (*b*) were omitted and after the word "punishments" where that word first occurs there were inserted the words "other than death".

(5) Section 112 shall have effect as if in subsection (2) after the words "by a court-martial" there were inserted the following:—

"shall not be carried into effect unless approved by the Governor General of the Commonwealth of Australia in Council and"

and after the word "approved" there were inserted the word "also", and as if subsection (3) were omitted.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Visiting Forces (Royal Australian Air Force) Order, 1943, modified certain provisions of the Air Force Act in relation to members of the Royal Australian Air Force attached temporarily to the Royal Air Force. This Order substitutes appropriate modifications of the Air Force Act, 1955.