

ACT 105
ARMED FORCES ACT, 1962

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ACT 105

ARMED FORCES ACT, 1962¹(1)

AN ACT to provide for the raising and maintenance of the Army, Navy and Air Force, for related matters and for the repeal of certain enactments relating to the existing forces and other defence matters.

PART ONE

Organisation

1. Raising of Armed Forces

There shall be maintained, pursuant to article 210 of the Constitution, and in accordance with this Act and with the Regulations the Armed Forces consisting of the Army, the Navy and the Air Force and any other services for which provision is made by Parliament.

2. Composition of each Force

(1) The Army, the Navy, and the Air Force shall each consist of

- (a) a Regular Force,
- (b) a Regular Reserve, and
- (c) if a Volunteer Force and a Volunteer Reserve are maintained under section 5, that Volunteer Force and Volunteer Reserve.

(2) Each Regular Force, Regular Reserve, Volunteer Force and Volunteer Reserve shall consist of units and any other elements and shall be under the immediate supervision and control of officers, as may be prescribed.2(2)

3. Composition of Regular Force

Each Regular Force shall consist of

- (a) officers commissioned by the President under the Constitution, and
- (b) soldiers enrolled in accordance with the Regulations,

for the purpose of rendering continuous service during the period of their engagement.3(3)

4. Composition of Regular Reserve

Each Regular Reserve shall consist of officers whom the President has transferred to the Reserve and soldiers who have been transferred to the Reserve in accordance with the terms of their enrolment.

5. Composition of Volunteer Force and Volunteer Reserve

(1) There may be raised and maintained in accordance with this Act and the Regulations, the Armed Forces Volunteer Force consisting of units or elements that the President may consider necessary for the purpose of rendering service under this Act.

(2) There may be organised and maintained for the Armed Forces a Volunteer Reserve consisting of officers and soldiers of the Volunteer Forces or of any other unit of the Armed Forces as are transferred to those Reserves by order of the President.

6. Full-time service and active service

(1) A Regular Force officer and soldier of the Regular Force shall be on continuing, full-time military service and is liable at all times to be employed on active service.

(2) The President may order, in the prescribed manner, the whole or a part of a Regular Reserve or Volunteer Force or Volunteer Reserve to be on continuing full-time military service.

(3) When the order is made that the Reserve or Force or part of the Reserve or Force shall be on that service, then during the service the Reserve or Force or part of the Reserve or Force is liable at all times to be employed on active service.

(4) Where the whole or a part of a Regular Reserve or Volunteer Force or Volunteer Reserve is ordered under subsection (2) to be on continuing full-time military service, the officers and soldiers of that Force, Reserve, or part of the Reserve or Force shall, during the period of the service, be considered for all purposes, except otherwise ordered for any other purpose, to be a part of the corresponding Regular Force.

(5) The officers and soldiers ordered to be on continuing full-time military service under subsection (2) shall remain on that service until the President orders the termination of the service.⁴⁽⁴⁾

7. Reserve and Volunteer Forces on training

The whole or a part of a Regular Reserve or Volunteer Force or Volunteer Reserve may be called out for training in accordance with Regulations made in that behalf.

8. Commander-in-Chief

(1) The President is, by virtue of clause (1) of article 57 of the Constitution, the Commander-in-Chief of the Armed Forces.

(2) The President shall, acting in consultation with the Council of State, appoint an officer of the Armed Forces to be known as the Chief of Defence Staff.

(3) The Chief of Defence Staff is responsible, subject to the control and direction of the Armed Forces Council on matters of policy, for the administration, operational control and command of the Armed Forces.

(4) The President, acting in accordance with the advice of the Armed Forces Council

(a) may appoint officers of the Armed Forces who shall be given the command that the Armed Forces Council shall determine; and

(b) may grant commissions to officers of the Armed Forces.

(5) The President shall, acting in consultation with the Council of State, appoint the Army Chief of Staff, the Chief of Naval Staff and the Chief of Air Staff.

(6) The Army Chief of Staff, the Chief of Naval Staff and the Chief of Air Staff shall, subject to the Regulations, be charged with the control and administration of the Army, the Navy and the Air Force respectively.

(7) Subject to clause (4) of article 212 of the Constitution, the President may, subject to the conditions determined by the President delegate any of the President's functions under this section to a member of the Armed Forces.

(8) The Chief of Defence Staff and each of the Chiefs of Staff referred to in subsections (5) and (6), may, subject to a direction given or to the Regulations made by the Armed Forces Council in accordance with article 215 of the Constitution, delegate to an officer under that Chief's command any of the Chief's functions, other than the function of delegation, that the Chief may consider expedient.⁵⁽⁵⁾

9. Employment of civilians

Civilian employees may be appointed in the prescribed numbers, for the prescribed purposes, in the prescribed manner and under the prescribed conditions of service.

10. Board of inquiry

(1) The President or a person authorised in that behalf by the President or a prescribed person may, where the President or that person thinks it expedient that information on a matter connected with the government discipline, administration or functions of the Armed Forces or affecting an officer or a soldier of the Forces is necessary, convene a board of inquiry for investigating and reporting on the matter.

(2) The board of inquiry shall be constituted, and its procedure shall be governed, in accordance with the Regulations.

11. Armed Forces Council

(1) In accordance with article 211 of the Constitution, the Armed Forces Council consists of

- (a) the President or the nominee of the President, as the chairman,
- (b) the Ministers responsible for Defence, Foreign Affairs and Internal Affairs,
- (c) the Chief of Defence Staff, the Service Chiefs and a senior warrant officer or its equivalent in the Armed Forces, and
- (d) two other persons appointed by the President acting in consultation with the Council of State.

(2) The Armed Forces Council shall advise the President on matters of policy relating to defence and strategy including the role of the Armed Forces, military budgeting and finance, administration and the promotion of officers above the rank of Lieutenant-Colonel or its equivalent.

(3) The Armed Forces Council may, subject to the conditions that it considers fit, delegate any of its functions under this Act by directions in writing to a committee or a member of the Council.6(6)

PART TWO

Code of Service Discipline and Offences

12. Persons subject to the Code of Service Discipline

(1) The following persons, are subject to the Code of Service Discipline:

- (a) an officer and a soldier of each Regular Force;
- (b) an officer and a soldier of each Regular Reserve, Volunteer Force and Volunteer Reserve when that officer or soldier is
 - (i) undergoing drill or training whether in uniform or not,
 - (ii) in uniform,
 - (iii) on duty,
 - (iv) on continuing, full-time military service,
 - (v) on active service,
 - (vi) in or on a vessel, vehicle or an aircraft of the Armed Forces, or in or on defence

establishment or work for defence,

- (vii) serving with a unit or any other element of a Regular Force, or
- (viii) present, whether in uniform or not, at a drill or training of a unit or any other element of the Armed Forces;
- (c) subject to the exceptions, adaptations and modifications that the Council, with the prior approval of the President, may by regulations prescribe, a person who, pursuant to this Act, is attached or seconded as an officer or a soldier to one of the Armed Forces;
- (d) a person, not otherwise subject to the Code who
 - (i) is serving in the position of an officer or a soldier of a force raised and maintained out of the Republic and commanded by an officer of the Armed Forces;
 - (ii) accompanies a unit or any other element of the Armed Forces that is on service in a place;
 - (iii) in respect of a service offence committed or alleged to have been committed by that person, is in civil custody or in service custody; or
 - (iv) while serving with the Armed Forces under an engagement, has agreed to be subject to the Code.

(2) A person who is subject to the Code under subsection (1) at the time of the alleged commission by that person of a service offence is liable to be charged, dealt with and tried in respect of that offence under the Code, although that person may have, since the commission of that offence, ceased to be a person mentioned in that subsection.

(3) Where a person who has committed a service offence, ceases to be a person mentioned in subsection (1), that person shall, for the purposes of the Code, be deemed to have the status and rank which that person held immediately prior to the time when that person ceased to be a person mentioned in that subsection.

(4) Subsection (3) applies for the period during which under the Code that person is liable to be charged, dealt with and tried.

(5) Subject to subsection (6), a person who is alleged to have committed a service offence may be charged, dealt with and tried only within the Armed Force in which that person was commissioned or enrolled.

(6) A person who,

- (a) while attached or seconded to an Armed Force, other than the Armed Force in which that person was commissioned or enrolled, or
- (b) while embarked on a vessel or an aircraft of an Armed Force other than the Armed Force in which that person was commissioned or enrolled,

is alleged to have committed an offence, may be charged, dealt with and tried within that other Force as if that person belonged to that other Force, or within the Force in which that person was commissioned or enrolled.

(7) A person serving in the circumstances specified in paragraph (d) of subsection (1) while so serving, is alleged to have committed a service offence, may be charged, dealt with and tried within the Armed Force in which that person's commanding officer is serving.

(8) For the purposes of this section, but subject to the prescribed limitations, a person accompanies a unit or any other element of the Armed Forces which is on service if that person

- (a) participates with that unit or any other element in the carrying out of any of its movements, manoeuvres, duties in aid of the civil power, duties in a disaster, or warlike operations;
- (b) is accommodated or provided with rations at that person's own expense or otherwise by that unit or any other element in a country or at a place designated by the President;
- (c) is a dependent outside of an officer or any soldier serving the Republic with that unit or any other element; or
- (d) is embarked on a vessel or an aircraft of that unit or any other element.

13. Aiding or abetting commission of offence

(1) In addition to the person who commits an offence, any other person who

- (a) does or omits to do an act for the purpose of aiding another person to commit the offence,
- (b) attempts to commit or abets a person in the commission of the offence, or
- (c) counsels or procures a person to commit the offence,

commits an offence and on conviction, is liable to the same punishment as the person found guilty of committing that offence.

(2) A person who, with an intent to commit an offence, does an act or omits to do an act for the purpose of accomplishing that person's object, commits the offence of an attempt to commit the offence intended, whether under the circumstances it was possible to commit the offence or not.

(3) Where two or more persons form an intention in common to carry out an unlawful purpose and to assist each other, and any one of them, in carrying out the common purpose, commits an offence, each of them who knew or ought to have known that the commission of the offence would be a probable consequence of carrying out the common purpose commits that offence.

14. Offences by persons in command when in action

(1) A person in command of a vessel, an aircraft, a defence establishment, a unit or any other element of the Armed Forces commits an offence, if that person

- (a) when under orders to carry out an operation of war or on coming into contact with an enemy who it is that person's duty to engage, does not use the utmost exertion to bring into action the officers and soldiers under that person's command or that person's ship, vessel, aircraft, or that person's other material,
- (b) being in action, does not, during the action according to that person's rank, encourage the officers and soldiers under that person's command to fight courageously,
- (c) when capable of making a successful defence, surrenders to the enemy person's ship, vessel, aircraft, defence establishment, material unit or any other element of an Armed Force,
- (d) when in action, improperly withdraws from the action,
- (e) improperly fails to pursue an enemy or to consolidate a position gained,
- (f) improperly fails to relieve or assist a known friend to the utmost of that person's power, or

- (g) when in action, improperly forsakes station held by that person.
- (2) A person convicted of an offence under subsection (1)
- (a) shall suffer death if that person acted treasonably,
 - (b) is liable to suffer death or to a lesser punishment provided by this Act if that person acted from cowardice, or
 - (c) is liable in any other case, to dismissal with disgrace from the Armed Forces or to a lesser punishment provided by this Act.

15. Offences by a person in the presence of enemy

- (1) A person subject to the Code commits an offence if that person
- (a) improperly delays or discourages an action against the enemy;
 - (b) goes over to the enemy;
 - (c) when ordered to carry out an operation of war, fails to use the utmost exertion to carry the order into effect;
 - (d) improperly abandons or delivers up a defence establishment, garrison, place, material, post or guard;
 - (e) assists the enemy with material;
 - (f) improperly casts away or abandons a material in the presence of the enemy;
 - (g) improperly does or omits to do anything that results in the capture by the enemy of persons or the capture or destruction by the enemy of material;
 - (h) when on watch in the presence or vicinity of the enemy, leaves his post before that person is regularly relieved or sleeps or is drunk;
 - (i) behaves before the enemy in a manner that shows cowardice; or
 - (j) does or omits to do anything with intent to imperil the success of any of the Armed Forces or of any forces co-operating with the Armed Forces.
- (2) A person convicted of an offence under subsection (1)
- (a) shall suffer death, if that person acted treasonably;
 - (b) is liable to suffer death or to a lesser punishment provided by this Act, if the offence was committed in action; or
 - (c) is liable to imprisonment for life or to a lesser punishment provided by this Act, if the offence was committed otherwise than in action.

16. Offences relating to security

- (1) A person subject to the Code commits an offence, if that person
- (a) improperly holds communication with or gives intelligence to the enemy;
 - (b) without authority discloses, in whatever manner, information relating to the numbers, position, material, movements, preparations for operations of any of the Armed Forces or of any forces co-operating with the Armed Forces;

- (c) without authority discloses, in whatever manner, an information relating to a cryptographic system, aid, process, procedure, publication or document of any of the Armed Forces or of any forces co-operating with the Armed Forces;
 - (d) makes known the parole, watchword, password, countersign or identification signal to a person not entitled to receive it;
 - (e) gives a parole, watchword, password, countersign or identification signal different from that which that person received;
 - (f) without authority alters or interferes with an identification or any other signal;
 - (g) improperly occasions false alarms;
 - (h) when acting as sentry or lookout, leaves his post before that person is regularly relieved or sleeps or is drunk;
 - (i) forces a safeguard or forces or strikes a sentinel;
 - (j) does or omits to do anything with intent to prejudice the security of the Armed Forces or any forces co-operating with the Armed Forces.
- (2) A person convicted of an offence under subsection (1)
- (a) shall suffer death, if that person acted treasonably; or
 - (b) is liable, in any other case, to imprisonment for life or to a lesser punishment provided by this Act.

17. Offences relating to prisoners of war

- (1) A person subject to the Code commits an offence if that person
- (a) by want of due precaution, or through disobedience of orders or wilful neglect of duty, is made a prisoner of war,
 - (b) having been made a prisoner of war, fails to rejoin the Armed Forces when able to do so, or
 - (c) having been made a prisoner of war, serves with or aids the enemy.
- (2) A person convicted of an offence under subsection (1)
- (a) shall suffer death, if that person acted treasonably, or
 - (b) is liable, in any other case, to imprisonment for life or to a lesser punishment provided by this Act.

18. Offences relating to operations

- (1) A person subject to the Code commits an offence if that person
- (a) acts violently towards a person who is bringing material to any of the Armed Forces or to any forces co-operating with the Armed Forces;
 - (b) irregularly detains material being conveyed to a unit or any other element of the Armed Forces or of any forces co-operating with the Armed Forces;
 - (c) irregularly appropriates to the unit or any other element of the Armed Forces with which that person is serving, material being conveyed to any other unit or element of those Forces or of

any forces co-operating with the Armed Forces;

- (d) without orders from that person's superior officer, improperly destroys or damages property;
 - (e) breaks into a house or any other place in search of plunder;
 - (f) does an unlawful act against the property or person or an inhabitant or a resident of a country in which that person is serving;
 - (g) steals from, or with intent to steal, searches the person of any other person killed or wounded, in the course of warlike operations;
 - (h) steals money or property that has been left exposed or unprotected in consequence of warlike operations; or
 - (i) takes otherwise than for the service of the Republic, money or property abandoned by the enemy.
- (2) A person convicted of an offence under subsection (1)
- (a) is liable to imprisonment for life or to a lesser punishment provided by this Act, if the offence was committed on active service, or
 - (b) is liable, in any other case, to dismissal with disgrace from the Armed Forces or to a lesser punishment provided by this Act.

19. Mutiny with violence

A person who joins in a mutiny that is accompanied by violence commits an offence and on conviction is liable to suffer death or to a lesser punishment provided by this Act.

20. Mutiny without violence

A person who joins in a mutiny that is not accompanied by violence commits an offence and on conviction is liable to imprisonment for life or to a lesser punishment provided by this Act and, in the case of a ringleader of the mutiny, to suffer death or to a lesser punishment provided by this Act.

21. Offences connected with mutiny

A person who

- (a) causes or conspires with any other person to cause a mutiny,
- (b) endeavours to persuade any other person to join in a mutiny,
- (c) being present, does not use utmost endeavours to suppress a mutiny, or
- (d) while being aware of an actual or intended mutiny, does not without delay inform that person's superior officer of the mutiny,

commits an offence and on conviction is liable to imprisonment for life or to a lesser punishment provided by this Act.

22. Disobedience of lawful command

A person who disobeys a lawful command of a superior officer commits an offence and on conviction is liable to imprisonment for life or to a lesser punishment provided by this Act.

23. Violence to a superior officer

A person who strikes or draws or lifts up a weapon against, or uses, or offers violence against a superior officer commits an offence and on conviction is liable to imprisonment for life or to a lesser punishment provided by this Act.

24. Insubordinate behaviour

A person who uses threatening or insulting language to, or behaves with contempt towards, a superior officer commits an offence and on conviction is liable to dismissal with disgrace from the Armed Forces or to a lesser punishment provided by this Act.

25. Quarrels and disturbances

A person who quarrels or fights with any other person who is subject to the Code or who uses provoking words or gestures towards that other person tending to cause a quarrel or disturbance, commits an offence and on conviction is liable to a term of imprisonment not exceeding two years or to a lesser punishment provided by this Act.

26. Disorder

(1) A person subject to the Code commits an offence if that person

- (a) being involved in a quarrel, fray or disorder, refuses to obey an officer, though of inferior rank, who orders that person into arrest, or strikes or uses threatening language towards the officer;
- (b) strikes or uses or threatens any other person in whose custody that person is placed, whether or not that other person is a superior officer and whether or not that other person is subject to the Code;
- (c) resists an escort whose duty it is to apprehend that person or to have that person in charge; or
- (d) breaks out of the barracks, station, camp, quarters or ship.

(2) A person convicted of an offence under subsection (1) is liable to a term of imprisonment not exceeding two years or to a lesser punishment provided by this Act.

27. Desertion

(1) A person who deserts commits an offence and on conviction

- (a) is liable to imprisonment for life or to a lesser punishment provided by this Act, if that person committed the offence on active service or when under orders for active service; or
- (b) is liable in any other case, to a term of imprisonment not exceeding five years or to a lesser punishment provided by this Act.

(2) For the purposes of this Act a person deserts if that person

- (a) being on, or having been warned, for active service or any other important service, is absent without authority with the intention of avoiding that service;
- (b) having been warned that that person's vessel is under sailing orders, is absent without authority, with the intention of missing that vessel;

- (c) is absent without authority from that person's unit or formation or from the place where that person's duty requires that person to be, with the intention of not returning to that unit, formation or place;
- (d) is absent without authority from that person's unit or formation or from the place where that person's duty requires that person to be and during the absence decides not to return to that unit, formation or place; or
- (e) while absent with authority from that person's unit or formation or the place where that person's duty requires that person to be, with the intention of not returning to that unit, formation or place does an act, or omits to do anything, the natural and probable consequence of which act or omissions is to preclude that person's return to that unit, formation or place at the time required.

(3) A person who is absent without authority for a continuous period of six months or more shall, unless the contrary is proved, be presumed for the purposes of this Act, to have deserted.

28. Connivance at desertion

A person who,

- (a) while being aware of the desertion or intended desertion of a person from any of the Armed Forces, does not without reasonable excuse inform that person's superior officer, or
- (b) fails to take the steps in that person's power to cause the apprehension of a person known by that person to be a deserter,

commits an offence and on conviction is liable to a term of imprisonment not exceeding two years or to a lesser punishment provided by this Act.

29. Absence without leave

(1) A person who is absent without leave commits an offence and on conviction is liable to a term of imprisonment not exceeding two years or to a lesser punishment provided by this Act.

(2) A person is absent without leave if that person

- (a) leaves without authority, or is absent from that person's unit, formation or place where that person's duty requires that person to be, or
- (b) having been authorised to be absent from that person's unit, formation or the place where that person's duty requires that person to be, fails to return to that unit, formation or place at the expiration of the period for which the absence was authorised.

30. False statement in respect of leave

A person who knowingly makes a false statement for the purpose of prolonging that person's leave of absence commits an offence and on conviction is liable to a term of imprisonment not exceeding two years or to a lesser punishment provided by this Act.

31. Abuse of inferiors

A person subject to the Code who strikes or otherwise ill-treats a person in the Armed Forces, who by reason of rank or appointment is subordinate to that person commits an offence and on conviction is liable to a term of imprisonment not exceeding two years or to a lesser punishment provided by this Act.

32. Scandalous conduct by officers

(1) An officer who behaves in a scandalous manner unbecoming of an officer commits an offence and on conviction shall be dismissed from the Armed Forces with or without disgrace.

(2) A person in the Armed Forces who behaves in a cruel or disgraceful manner commits an offence and on conviction is liable to a term of imprisonment not exceeding five years or to a lesser punishment provided by this Act.

33. Drunkenness

(1) A person in the Armed Forces who is drunk, whether or not on duty, commits an offence and on conviction is liable to a term of imprisonment not exceeding two years or to a lesser punishment provided by this Act.

(2) For the purposes of subsection (1), a person is drunk if, due to the influence of alcohol or a drug, whether alone or in combination with any other substances, that person

- (a) is unfit to be entrusted with a duty which that person might be called on to perform, or
- (b) behaves in a disorderly manner or in a manner likely to bring discredit to the Armed Forces.

34. Malingering or maiming

(1) A person subject to the Code commits an offence if that person

- (a) malingers or feigns disease or produces disease or infirmity;
- (b) aggravates, or delays the cure of a disease or an infirmity by forces or misconduct or wilful disobedience of orders; or
- (c) deliberately causes a personal injury or wilfully maims or injures any other person who is in the Armed Forces, or of any forces co-operating with the Armed Forces, whether at the instance of that person or not, with intent to render that person or the other person unfit for service, or causes any other person to maim or injure that person with intent to be rendered unfit for service.

(2) A person convicted of an offence under subsection (1)

- (a) is liable to imprisonment for life or to a lesser punishment provided by this Act, or
- (b) is liable, in any other case, to a term of imprisonment not exceeding five years or to a lesser punishment provided by this Act,

if the offence is committed on active service or when under orders for active service, or in respect of a person on active service or orders for active service.

35. Unnecessary detention of person in custody

A person subject to the Code who unnecessarily detains any other person subject to the Code under arrest or confinement without bringing that other person to trial, or fails to bring that other person's case before the proper authority for investigation, commits an offence and on conviction is liable to a term of imprisonment not exceeding two years or to a lesser punishment provided by this Act.

36. Interference with lawful custody

A person subject to the Code who

- (a) without authority sets free or authorises or otherwise facilitates the setting free of any other person in custody,
- (b) negligently or wilfully allows a person who is committed to that person's charge to escape or whom it is that person's duty to guard or keep in custody, or
- (c) assists any other person in escaping or in attempting to escape from that person's custody,

commits an offence and on conviction is liable to a term of imprisonment not exceeding seven years or to a lesser punishment provided by this Act.

37. Escape from custody

A person subject to the Code who, being under arrest or confinement or in prison or otherwise in lawful custody, escapes, commits an offence and on conviction is liable to a term of imprisonment not exceeding two years or to a lesser punishment provided by this Act.

38. Obstruction of police duties

A person subject to the Code who

- (a) resists or wilfully obstructs an officer or a soldier in the performance of a duty pertaining to the arrest, custody or confinement of any other person subject to the Code, or
- (b) when called on, refuses or neglects to assist an officer or a soldier in the discharge of a duty,

commits an offence and on conviction is liable to a term of imprisonment not exceeding two years or to a lesser punishment provided by this Act.

39. Obstruction of civil power

A person subject to the Code who neglects or refuses to deliver over an officer or a soldier to the civil power, pursuant to a warrant in that behalf, or to assist in the lawful apprehension of an officer or soldier accused of an offence punishable by a civil court commits an offence and on conviction is liable to a term of imprisonment not exceeding two years or to a lesser punishment provided by this Act.

40. Offences in relation to convoys

An officer who, while serving in one of the ships or vessels of the Navy involved in the convoying and protection of another ship or vessel,

- (a) fails to defend a ship, vessel or the goods under convoy,
- (b) refuses to fight in the defence of a ship or vessel in that officer's convoy when it is attacked, or
- (c) cowardly abandons or exposes a ship or vessel in the officer's convoy to hazards,

commits an offence and on conviction is liable to suffer death or to a lesser punishment provided by this Act.

41. Losing, stranding or hazarding vessels

A person who wilfully or negligently or through any other default loses, strands or hazards or suffers

to be lost, stranded or hazarded any of the ships or other vessels of the Armed Forces, commits an offence and on conviction is liable to dismissal with disgrace from the Armed Forces or to a lesser punishment provided by this Act.

42. Wrongful acts in relation to aircraft

- (1) A person commits an offence if that person
 - (a) in the use of, or in relation to an aircraft or an aircraft material, wilfully or negligently or by neglect of or contrary to orders, instructions or the Regulations does an act or omits to do anything, which act or omission causes or is likely to cause loss of life or bodily injury to any other person;
 - (b) wilfully or negligently or by neglect of or contrary to orders, instructions or the Regulations does an act or omits to do anything, which act or omission results or is likely to result in damage to or destruction or loss of an aircraft or an aircraft material of the Armed Forces or of forces co-operating with the Armed Forces; or
 - (c) during a state of war, wilfully or negligently causes the sequestration by or under the authority of a neutral state or the destruction in a neutral state of any of the aircraft of the Armed Forces or of any forces co-operating with the Armed Forces.
- (2) A person convicted of an offence under subsection (1)
 - (a) is liable to imprisonment for life or to a lesser punishment provided by this Act, if that person acted wilfully; or
 - (b) is liable in any other case to a term of imprisonment not exceeding two years or to a lesser punishment provided by this Act.

43. Low flying

A person subject to the Code who flies an aircraft at a height less than the prescribed minimum commits an offence and on conviction is liable to a term of imprisonment not exceeding two years or to a lesser punishment provided by this Act.

44. Inaccurate certificate

A person who signs an inaccurate certificate in relation to an aircraft or an aircraft material, unless it is proved that reasonable steps were taken to ensure that it was accurate, commits an offence and on conviction is liable to a term of imprisonment not exceeding two years or to a lesser punishment provided by this Act.

45. Disobedience of captain's orders

(1) A person subject to the Code who, when in an aircraft, disobeys a lawful command given by the captain of the aircraft in relation to the flying or handling of the aircraft or affecting the safety of the aircraft, whether or not the captain is subject to the Code, commits an offence and on conviction is liable to imprisonment for life or to a lesser punishment provided by this Act.

- (2) For the purposes of subsection (1)
 - (a) a person of whatever rank is, when in an aircraft, under the command, as respects the matters relating to the flying or handling of the aircraft or affecting the safety of the aircraft, of the captain of the aircraft, whether or not the captain is subject to the Code; and

- (b) if the aircraft is a glider and is being towed by another aircraft, the captain of the glider is, so long as that captain's glider is being towed, under the command, as respects the matters relating to the flying or handling of the glider or affecting the safety of the glider, of the captain of the towing aircraft, whether or not the captain of the towing aircraft is subject to the Code.

46. Disturbances in billets

(1) A person subject to the Code commits an offence if that person

- (a) ill-treats, by violence, extortion or making disturbances, in billets or otherwise, an occupant of a house in which that person or any other person is billeted or of any premises in which accommodation for material of the Armed Forces is provided; or
- (b) fails to comply with the Regulations in respect of the payment of the just demands of the person on whom that person or an officer or a soldier under command is or has been billeted or the occupant of premises on which a material is or has been accommodated.

(2) A person convicted of an offence under subsection (1) is liable to a term of imprisonment not exceeding two years or to a lesser punishment provided by this Act.

47. Offences in relation to documents

A person who

- (a) wilfully or negligently makes a false statement or entry in a document made or signed by that person which is required for the purposes of this Act or the Regulations, or who, being aware of the falsity of a statement or entry in a document, orders the making or signing of the statement or document,
- (b) when signing a document required for the purposes of this Act, leaves blank a material part for which that person's signature is a requirement, or
- (c) with intent to injure a person or with intent to deceive, suppresses, defaces, alters or makes away with a document or file kept, made or used for a purpose,

commits an offence and on conviction is liable to a term of imprisonment not exceeding three years or to a lesser punishment provided by this Act.

48. Conspiracy

A person who conspires with any other person, whether or not the other person is subject to the Code, to commit an offence under the Code, commits an offence and is liable to a term of imprisonment not exceeding seven years or to a lesser punishment provided by this Act.

49. Causing fires

A person who wilfully or negligently or by neglect of or contrary to orders, instructions or the Regulations does an act or omits to do anything, which act or omission causes, or is likely to cause fire to occur in a material, defence establishment or work for defence, commits an offence and on conviction is liable

- (a) to imprisonment for life or to a lesser punishment provided by this Act, or
- (b) in any other case, to a term of imprisonment not exceeding two years or to a lesser

punishment provided by this Act.

50. Unauthorised use of vehicles

A person of the Armed Forces who

- (a) uses a vehicle for an unauthorised purpose, or
- (b) uses a vehicle contrary to orders, instructions or the Regulations,

commits an offence and on conviction is liable to a term of imprisonment not exceeding two years or to a lesser punishment provided by this Act.

51. Destruction, loss or improper disposal

A person subject to the Code who

- (a) wilfully destroys or damages, loses by neglect, improperly sells or wastefully expends a public property, non-public property or property of any of the Armed Forces, or of any forces co-operating with the Armed Forces, or
- (b) sells, pawns, or otherwise disposes of a cross, a medal, an insignia or any other decoration,

commits an offence and on conviction is liable to a term of imprisonment not exceeding two years or to a lesser punishment provided by this Act.

52. Stealing

(1) A person subject to the Code who

- (a) steals or fraudulently misapplies property, or
- (b) receives property knowing it to have been stolen or fraudulently misapplied,

commits an offence and on conviction is liable to a term of imprisonment not exceeding seven years or to a lesser punishment provided by this Act.

(2) In subsection (1), “stealing” has the same meaning as provided in the Criminal Offences Act, 1960 (Act 29).7(7)

53. False accusation

A person subject to the Code who

- (a) makes a false accusation against any officer or a soldier, knowing the accusation to be false, or
- (b) when seeking redress in a matter in which that person has suffered a personal oppression, an injustice, any other ill-treatment or, having any other cause for grievance, knowingly makes a false statement affecting the character of an officer or a soldier which that person knows to be false or knowingly, in respect of the redress so sought, suppresses a material fact,

commits an offence and on conviction is liable to a term of imprisonment not exceeding two years or to a lesser punishment provided by this Act.

54. Conduct prejudicial to good order and discipline

(1) Any act, conduct, disorder or neglect to the prejudice of good order and discipline is an offence

and a person convicted of that offence is liable to dismissal with disgrace from the Armed Forces or to a lesser punishment provided by this Act.

(2) A person shall not be charged under subsection (1) with an offence for which special provision is made in this Act, but the conviction of a person so charged shall not be invalid by reason only of the charge being in contravention of this subsection, unless it appears that an injustice has been done to the person charged by reason of the contravention, but the responsibility of an officer for that contravention is not affected by the validity of the conviction.

(3) An act or omission constituting an offence under section 13, or a contravention by a person of

- (a) a provision of this Act,
- (b) a provision of the Regulations or orders or instructions published for the general information and guidance of the Armed Force to which that person belongs, or to which that person is attached or seconded; or
- (c) any general, garrison, unit, station, standing, local or other orders,

is an act, conduct, disorder or neglect to the prejudice of good order and discipline.

(4) An attempt to commit an offence prescribed in a provision of this Act, unless the attempt is in itself an offence punishable under that provision, is an act, a conduct, disorder or neglect to the prejudice of good order and discipline.

(5) Subsection (3) or (4) does not affect the generality of subsection (1).

55. Miscellaneous offences

(1) A person subject to the Code commits an offence if that person

- (a) connives at the exaction of an exorbitant price for property purchased or rented by a person supplying property or services to the Armed Forces;
- (b) improperly demands or accepts compensation, consideration or personal advantage in respect of the performance of a military duty or in respect of a matter relating to the Armed Forces;
- (c) receives directly or indirectly, whether personally or by or through a member of that person's family or person under that person's control, or for that person's benefit, a gift, loan, promise, compensation or consideration, in money or otherwise, from any other person, for assisting or favouring any other person in the transaction of a business relating to any of the Armed Forces, or to any forces co-operating with the Armed Forces or to a mess, an institute or canteen operated for the use and benefit of members of the Armed Forces;
- (d) demands or accepts compensation, consideration or personal advantage for escorting a vessel entrusted to that person's care;
- (e) being in command of a vessel or an aircraft, takes or receives on board goods or merchandise which that person is not authorised to take or receive on board; or
- (f) commits an act of a fraudulent nature not expressly specified in the Code.

(2) A person convicted of an offence under subsection (1) is liable to a term of imprisonment not exceeding two years or to a lesser punishment provided by this Act.

56. Conviction for related or less serious offences

(1) A person charged with desertion may be found guilty of attempting to desert or of being absent

without leave.

(2) A person charged with attempting to desert may be found guilty of being absent without leave.

(3) A person charged with an offence specified in section 23, may be found guilty of any other offence specified in that section.

(4) A person charged with an offence specified in section 24, may be found guilty of any other offence specified in that section.

(5) A person charged with a service offence may, on failure of proof of an offence having been committed under circumstances involving a higher punishment, be found guilty of the same offence as having been committed under circumstances involving a lesser punishment.

(6) Where a person is charged with an offence under section 78 and the charge is one which, if that person had been tried by a civil court in the Republic for that offence, that person might have been found guilty of any other offence, that person may be found guilty of that other offence.

PART THREE

Trial and Punishment of Service Offences

57. Arrest generally

(1) A person who has committed, is found committing, is suspected of being about to commit, or is suspected of or charged under this Act with having committed a service offence, may be placed under arrest.

(2) A person authorised to effect an arrest under this Act or under the Regulations may use reasonable force as is necessary for that purpose.

58. Powers of officers and soldiers relating to arrest

(1) An officer may, without a warrant, in the circumstances mentioned in section 57 arrest or order the arrest of

- (a) a soldier,
- (b) an officer of equal or lower rank, or
- (c) an officer of a higher rank,

who is engaged in a quarrel or fray or in any other disorder.

(2) A soldier may, without a warrant, in the circumstances mentioned in section 57, arrest or order the arrest of

- (a) a soldier of lower rank, or
- (b) a soldier of equal or higher rank,

who is engaged in a quarrel or fray or in any other disorder.

(3) An order given under subsection (1) or subsection (2) shall be obeyed although the person giving the order and the person to whom and the person in respect of whom the order is given do not belong to the same Force, unit or any other element of the Armed Forces.

(4) A person who is not an officer or a soldier, but who was subject to the Code at the time of the alleged commission of a service offence, may without a warrant be arrested or ordered to be arrested by a person designated for that purpose by a commanding officer.

59. Appointment and powers of specially appointed personnel

An officer or a soldier appointed under the Regulations for the purposes of this section

- (a) shall detain or arrest without a warrant a person who is subject to the Code, regardless of the rank or status of that person, who has committed, is found committing, is suspected of being about to commit, or is suspected of or charged under this Act with having committed a service offence; and
- (b) may exercise any other powers for carrying out the Code as may be prescribed.

60. Custody of person arrested

(1) A person arrested under this Part may be placed in civil custody or service custody or be taken to the unit or formation with which, or in which, that person is serving or to any other unit or formation of the Armed Forces, and reasonable force that is necessary for the purposes of this section may be used.

(2) An officer or a soldier commanding a guard, guardroom or safeguard or an officer or a soldier appointed under section 59 shall receive and keep a person who is under arrest pursuant to this Act and who is committed to the custody of that officer or soldier.

(3) An officer, a soldier or any other person who commits a person into custody shall deliver, at the time of the committal or as soon as practical within twenty-four hours after the committal, to the officer or soldier into whose custody that person is committed, an account in writing, signed by that officer or soldier, in which is stated the reason why the person so committed is to be held in custody.

(4) An officer or a soldier who, pursuant to subsection (2), receives a person committed to the custody of that officer or soldier shall, as soon as practical within twenty-four hours after the receipt, give in writing to the officer or soldier whose duty it is to report, the name of that person and an account of the offence alleged to have been committed by that person so far as is known and the name and rank of the officer, soldier or other person by whom the person so committed was placed in custody, accompanied by the account in writing which has been submitted pursuant to subsection (3).

61. Report of delay of trial

(1) Where a person triable under the Code is placed under arrest for a service offence and remains in custody for eight days without a summary trial having been held or a court-martial for that person's trial having been ordered to assemble, a report stating the necessity for further delay shall be made by that person's commanding officer to the authority who is empowered to convene a court-martial for the trial of that person, and a similar report shall be forwarded in the same manner every eighth day until a summary trial is held or a court-martial is ordered to assemble.

(2) A person held in custody in the circumstances mentioned in subsection (1) who is continuously so held for a period of twenty-eight days without summary trial having been held or a court-martial having been ordered to assemble, is entitled to send to the President at the expiration of that period or to any other authority that the President may appoint in writing for that purpose, a petition to be freed from custody or for the disposal of the case.

(3) A person held in custody in the circumstances mentioned in subsection (2) shall be freed when a

period of ninety days continuous custody from the time of that person's arrest has expired, unless a summary trial is held or a court-martial is ordered to assemble.

(4) A person who has been freed from custody pursuant to subsection (3) shall not be subject to re-arrest for the offence with which that person was originally charged, except on the written order of an authority that has power to convene a court-martial for that person's trial.

(5) This section is subject to the operation of article 19 of the Constitution.

62. Reporting alleged charge to a disciplinary board

(1) Before an allegation against a person in respect of the commission of a service offence is proceeded with, the allegation shall be reported in the form of a charge to a disciplinary board which shall be appointed by the commanding officer of that person.

(2) Where the disciplinary board is satisfied that the charge should not be proceeded with, it shall dismiss the charge, otherwise the charge shall be proceeded with under this Act as expeditiously as the circumstances may permit.⁸⁽⁸⁾

63. Summary trial of subordinate officers

(1) A subordinate officer or soldier below the rank of warrant officer may be tried summarily by a disciplinary board consisting of the commanding officer as the chairman or an officer not below the rank of Army captain or its equivalent appointed by the commanding officer as the chairman and one officer and three soldiers.

(2) A disciplinary board may try an accused person by summary trial if all of the following conditions are satisfied:

- (a) the accused person is a subordinate officer or a soldier below the rank of warrant officer;
- (b) having regard to the gravity of the offence, the disciplinary board considers that its powers of punishment are adequate;
- (c) the disciplinary board is not precluded from trying the accused person by reason of the accused person's election, under the Regulations, to be tried by a court-martial; and
- (d) the offence is not one which, under the Regulations, the disciplinary board is precluded from trying.

(3) Except as otherwise provided in this Act, a disciplinary board at a summary trial may pass a sentence in which any one or more of the following punishments may be included:

- (a) detention for a period not exceeding ninety days subject to the following provisions:
 - (i) a punishment of detention imposed by a disciplinary board on a petty officer, non-commissioned officer or leading rating shall not be carried into effect until approved by an approving authority and only to the extent so approved, and
 - (ii) where a disciplinary board imposes more than thirty days' detention, the portion in excess of thirty days shall be effective only if approved by, and to the extent approved by, an approving authority;
- (b) reduction in rank, which shall be effective if approved by, and to the extent approved by, an approving authority;
- (c) forfeiture of seniority;

- (d) severe reprimand;
- (e) reprimand;
- (f) a fine not exceeding basic pay for one month;
- (g) stoppages; and
- (h) a prescribed minor punishment.

(4) A punishment specified in subsection (3) is a punishment less than a punishment preceding it in the order specified.

(5) In subsection (3), “**approving authority**” means an officer

- (a) not below the rank of commodore, brigadier or air commodore, or
- (b) not below the naval rank of captain or below the rank of colonel or group captain designated by the President or a person authorised in that behalf by the President as an approving authority for the purposes of this subsection.

(6) Where the chairman of a disciplinary board is an officer, other than a commanding officer, the disciplinary board shall not impose a punishment other than

- (a) detention not exceeding fourteen days,
- (b) severe reprimand,
- (c) reprimand,
- (d) a fine not exceeding basic pay for fourteen days, or
- (e) any other prescribed minor punishment.

(7) In a summary trial by a disciplinary board, the evidence shall be taken on oath if the board so directs or the accused person so requests and the board shall inform the accused person of the right of the accused person to make that request.

(8) The punishments that are specified in the Regulations as requiring approval before they may be imposed by a disciplinary board, shall not be imposed unless approval is obtained.⁹⁽⁹⁾

64. Summary trial of officers below the rank of commander

(1) An officer below the rank of commander, lieutenant-colonel or wing commander or a warrant officer, charged with a service offence may be tried summarily by a disciplinary board consisting of the superior commander as the chairman and two other officers; but where the accused person is a warrant officer the board shall consist of the superior commander as chairman and two warrant officers.

(2) A disciplinary board may on hearing or without hearing the evidence dismiss a charge, if it considers that it should not be proceeded with; otherwise the charge shall be proceeded with as expeditiously as the circumstances may permit.

(3) Except as otherwise provided in this Act, a disciplinary board at a summary trial may pass a sentence in which any one or more of the following punishments may be included:

- (a) forfeiture of seniority;
- (b) severe reprimand;
- (c) reprimand; and

(d) fine.

(4) A disciplinary board shall not try an accused person who by reason of an election under the Regulations is entitled to be tried by a court-martial.

(5) The evidence of an accused person tried by summary trial under this section shall be taken on oath if the disciplinary board so directs or the accused person so requests and the Board shall inform the accused person of the right of the accused person to make that request.10(10)

Court-martial

65. Convening authorities

(1) The Council or any other authority that is authorised in that behalf by the Council may convene a general court-martial or a disciplinary court-martial.

(2) An authority convening a court-martial under subsection (1) may appoint as members of the court-martial officers of the Army, the Navy, or the Air Force or officers of any Navy, Army or Air Force who are attached, seconded or loaned to the Armed Forces, and two soldiers where the accused person is a soldier.11(11)

66. Members of general court-martial

(1) A general court-martial shall consist of not less than five officers and not more than the prescribed number of officers, but where the accused person is a soldier a general court-martial shall include two soldiers.12(12)

(2) The president of a general court-martial shall be an officer not below the naval rank of captain or the rank of colonel or group captain and shall be appointed by the authority convening the general court-martial or by an officer empowered by that authority to appoint the president.

(3) Where the accused person is not below the rank of commodore, brigadier or air commodore, the president of a general court-martial shall be an officer not below the rank of the accused person, and the other members of the court-martial shall be officers not below the naval rank of captain or the rank of colonel or group captain.

(4) Where the accused person is of the naval rank of captain or of the rank of colonel or group captain, the members of a general court-martial, other than the president, shall be officers not below the rank of commander, lieutenant-colonel or wing commander.

(5) Where the accused person is a commander, lieutenant-colonel or wing commander, at least two of the members of a general court-martial, exclusive of the president, shall be officers not below the rank of the accused person.

67. Jurisdiction of general court-martial

A general court-martial may try a person subject to the Code who is alleged to have committed a service offence.

68. Judge advocate

The Chief Justice may appoint a person to officiate as judge advocate at a general court-martial.

69. Ineligibility to serve on general court-martial

A person shall not sit as a member of a general court-martial if that person is,

- (a) the officer who convened the court-martial;
- (b) the prosecutor;
- (c) a witness for the prosecution;
- (d) the commanding officer of the accused person;
- (e) a provost officer;
- (f) an officer or a soldier who is under the age of twenty-one years;
- (g) an officer below the rank of naval lieutenant, the Army rank of captain or, Air Force rank of flight-lieutenant or in the case of a soldier, a soldier below the rank of the accused person; or
- (h) a person who, prior to the court-martial, participated in an investigation in respect of the matters upon which a charge against the accused person is founded.¹³⁽¹³⁾

70. Members of disciplinary court-martial

(1) A disciplinary court-martial shall consist of not less than three officers and not more than the prescribed number of officers, except that where the accused person is a soldier a disciplinary court shall include two soldiers.¹⁴⁽¹⁴⁾

(2) The president of a disciplinary court-martial shall be appointed by the authority convening the disciplinary court-martial or by an officer empowered by that authority to appoint the president.

(3) The president of a disciplinary court-martial shall be an officer not below the rank of lieutenant-commander, major or squadron-leader or the prescribed higher rank.

71. Jurisdiction of disciplinary court-martial

Subject to a limitation prescribed in the Regulations, a disciplinary court-martial may try a person subject to the Code who is alleged to have committed a service offence.

72. Punishment by disciplinary court-martial

A disciplinary court-martial shall not pass a sentence including a punishment higher in the scale of punishments than dismissal with disgrace from the Armed Forces or higher than any other prescribed punishment, but the punishment shall not be higher in the scale of punishments than dismissal with disgrace from the Armed Forces.

73. Judge advocate of disciplinary court

The Chief Justice may appoint a person to officiate as a judge advocate at a disciplinary court-martial.¹⁵⁽¹⁵⁾

74. Judge Advocate-General

(1) Despite anything in sections 68 and 73, the Commander-in-Chief may, after consultation with the Chief Justice, appoint a person to be known as the Judge Advocate-General of the Armed Forces to

officiate generally at a court-martial as judge advocate and to perform any other function that the Commander-in-Chief may assign to the Judge Advocate-General.

(2) The conditions of service of the Judge Advocate-General shall be the same as those applicable to the Justices of the High Court or of the Court Appeal.

(3) The remuneration of the Judge Advocate-General shall be paid out of the funds of the Armed Forces.

75. Ineligibility to serve on disciplinary court-martial

A person shall not sit as a member of a disciplinary court-martial, if that person is

- (a) the officer who convened the court-martial;
- (b) the prosecutor;
- (c) a witness for the prosecution;
- (d) the commanding officer of the accused person;
- (e) a provost officer;
- (f) an officer or a soldier who is under the age of twenty-one years;
- (g) a soldier below the rank of the accused person where the accused person is a soldier;
- (h) a person who, prior to the court-martial, participated in an investigation in respect of the matters on which a charge against the accused person is founded.¹⁶⁽¹⁶⁾

76. Observance of principles of civil court

Except as otherwise provided in this Act and in the Regulations, the rules of evidence and procedure for a court-martial shall, as far as practicable, be the same as those observed in proceedings before a civil court.

77. Offences in respect of service tribunals

(1) A person commits an offence if that person

- (a) duly summoned or ordered to attend as a witness before a service tribunal, defaults in attending;
- (b) refuses to take an oath or make a solemn affirmation lawfully required by a service tribunal to be taken or made;
- (c) refuses to produce a document in that person's power or control lawfully required by a service tribunal to be produced by that person;
- (d) refuses as a witness to answer a question to which a service tribunal may lawfully require an answer;
- (e) uses insulting or threatening language before or causes an interruption or a disturbance in the proceedings of a service tribunal; or
- (f) does or omits to do an act before a service tribunal which act or omission if done or made before a civil court would constitute a contempt of that court.

(2) A person convicted of an offence under subsection (1) is liable to a term of imprisonment not

exceeding two years or to a lesser punishment provided by this Act.

(3) Where an offence under this section is committed at or in relation to a court-martial, that court-martial may issue an order signed personally by the president, that the offender undergo a term of imprisonment or detention for a period not exceeding thirty days.

(4) Where an order is issued under subsection (3), the offender is not liable to any other proceedings under the Code in respect of the contempt in consequence of which the order is issued.

(5) For the purposes of this section “**service tribunal**”, as defined in section 114, includes a court-martial appeal court and a board of inquiry.

78. Service trial of civil offences

(1) An act or omission

- (a) that takes place in the Republic and is punishable by a civil court or under any other enactment, or
- (b) that takes place out of the Republic and would, if it had taken place in the Republic be punishable by a civil court or under any other enactment,

is an offence and a person convicted of that offence is liable to the punishment provided in subsection (2).

(2) Subject to subsection (3), where a service tribunal convicts a person pursuant to subsection (1), the service tribunal

- (a) shall, if under any other enactment a minimum penalty is prescribed, impose a penalty in accordance with the enactment prescribing that minimum penalty; or
- (b) in any other case
 - (i) impose the penalty prescribed for the offence by that other enactment, or
 - (ii) impose dismissal with disgrace from the Armed Forces or a lesser punishment provided by this Act.

(3) The provisions of the Code in respect of the punishment of death, imprisonment for two years or more, imprisonment not exceeding two years, and a fine, apply in respect of penalties imposed under paragraph (a), or under paragraph (b) (i) of subsection (2).

(4) This section is not in derogation of the authority conferred by any other provision of the Code to charge, deal with and try a person alleged to have committed an offence set out in any other provision of this Act and to impose the punishment for that offence mentioned in the section prescribing that offence.

79. Scale of punishments

(1) The following punishments may be imposed in respect of service offences:

- (a) death;
- (b) imprisonment for two years or more;
- (c) dismissal with disgrace from the Armed Forces;
- (d) a term of imprisonment not exceeding two years;
- (e) dismissal from the Armed Forces;
- (f) detention;

- (g) reduction in rank or in the case of the Navy, disrating;
- (h) forfeiture of seniority;
- (i) in the case of the Navy, dismissal of an officer from the ship to which that officer belongs;
- (j) severe reprimand;
- (k) reprimand;
- (l) fine;
- (m) stoppages; and
- (n) any other prescribed minor punishment.

(2) A punishment specified in subsection (1) is a punishment less than the punishment preceding it in the order specified.

(3) Despite subsection (1), the following punishments may be imposed on boys:

- (a) dismissal from the Army by the boy's commanding officer, subject to the confirmation of the prescribed authority;
- (b) a fine, not exceeding one penalty unit imposed by that commanding officer, or not exceeding one half of a penalty unit, imposed by the officer commanding the Junior Leaders Company;
- (c) detention, not exceeding twenty-one days, imposed by the boy's commanding officer;
- (d) where the offence has caused expense, loss, or damage, stoppages not exceeding one-half of the boy's pay, calculated at a daily rate, for thirty days;
- (e) confinement to barracks for a period not exceeding fourteen days, imposed by the boy's commanding officer;
- (f) extra drills or classes for offences committed during drills or classes;
- (g) *omitted*;17(17)
- (h) admonishment; and
- (i) any other prescribed punishment.

(4) In addition to a punishment specified in subsection (3), there may be imposed on a boy by a non-commissioned officer, the punishment of

- (a) reduction or deprivation of rank by the boy's commanding officer, or
- (b) reprimand or severe reprimand.

(5) Where a punishment is specified by the Code as a penalty for an offence, and it is further provided in the alternative that on conviction the offender is liable to a lesser punishment, the expression "**lesser punishment**" means any one or more of the punishments lower in the scale of punishments than the specified punishment.

(6) The punishment of a term of imprisonment of not less than two years or a term of imprisonment not exceeding two years is subject to the following conditions:

- (a) a person who, on conviction of a service offence is liable to imprisonment for life or for a term of years or any other term, may be sentenced to imprisonment for a shorter term;
- (b) a sentence that includes a punishment of a term of imprisonment of not less than two years

imposed on an officer shall be considered to include a punishment of dismissal with disgrace from the Armed Forces, whether or not the dismissal is specified in the sentence passed by the service tribunal;

- (c) a sentence that includes a punishment of a term of imprisonment for less than two years imposed on an officer shall be considered to include a punishment of dismissal from the Armed Forces, whether or not dismissal is specified in the sentence passed by the service tribunal;
- (d) where a service tribunal imposes a punishment of a term of imprisonment of not less than two years on a soldier, the service tribunal may in addition, despite any other provision of this Part, impose a punishment of dismissal with disgrace from the Armed Forces;
- (e) where a service tribunal imposes a punishment of a term of imprisonment for less than two years on a soldier, the service tribunal may in addition, despite any other provision of this Part, impose a punishment of dismissal from the Armed Forces;
- (f) in the case of a chief petty officer, petty officer or leading rating in the Navy or a warrant officer or non-commissioned officer in the Army or the Air Force, a sentence that includes a punishment of a term of imprisonment of not less than two years or a term of imprisonment for less than two years shall be considered to include a punishment of reduction in rank to the lowest rank to which under the Regulations that officer can be reduced, whether or not the last-mentioned punishment is specified in the sentence passed by the service tribunal; and
- (g) a punishment of a term of imprisonment of not less than two years or a term of imprisonment for less than two years shall be considered to be a punishment of a term of imprisonment with hard labour, but in the case of a punishment of imprisonment for less than two years, the President or a person authorised in that behalf by the President, may order that the punishment shall be without hard labour.

(7) Where a service tribunal imposes a punishment of dismissal with disgrace from the Armed Forces on an officer or a soldier, the service tribunal may in addition, despite any other provision of this Part, impose a punishment of a term of imprisonment for less than two years.

(8) A person on whom a punishment of dismissal with disgrace from the Armed Forces has been carried out is not, except in an emergency or unless that punishment is subsequently set aside or altered, eligible to serve the Republic again in a military or civil capacity.

(9) The punishment of detention is subject to the following conditions:

- (a) detention shall not exceed two years and a person sentenced to detention shall not be subject to detention for more than two years consecutively by reason of more than one conviction;
- (b) an officer may not be sentenced to detention; and
- (c) in the case of a chief petty officer, petty officer or leading rating in the Navy, or a warrant officer or non-commissioned officer in the Army or the Air Force, a sentence that includes a punishment of detention shall be considered to include a punishment of reduction in rank to the lowest rank to which under the Regulations that officer can be reduced, whether or not the last-mentioned punishment is specified in the sentence passed by the service tribunal.

(10) The punishment of reduction in rank applies to officers, warrant officers, chief petty officers, petty officers, non-commissioned officers and leading ratings.

(11) The punishment of reduction in rank

- (a) shall not involve reduction to a rank lower than that to which under the Regulations the offender can be reduced;
- (b) shall not involve, in the case of a commissioned officer, reduction to a rank lower than commissioned rank; and
- (c) shall involve, in the case of a subordinate officer, reduction to a rank lower than an inferior grade of a subordinate officer.

(12) Where an officer or a soldier is sentenced to forfeiture of seniority, the service tribunal imposing the punishment shall in passing sentence specify the period for which seniority is to be forfeited.

(13) The punishment of dismissal of an officer from the ship to which the officer belongs applies to officers of the Navy.

(14) A fine shall be imposed in a stated amount and shall not exceed, in the case of an officer or a soldier, three months basic pay, and in the case of any other person, two hundred penalty units, the terms of payment of which lie within the discretion of the commanding officer of the person on whom the punishment is imposed.

(15) Stoppages shall be effected in the prescribed manner.

(16) The authority of a service tribunal to impose punishments may be limited in accordance with the Regulations.

(17) Where a person is under a sentence imposed by a service tribunal that includes a punishment involving a term of imprisonment, and another service tribunal subsequently passes a new sentence that also includes a punishment involving a term of imprisonment, both punishments of imprisonment shall, from the date of the pronouncement of the new sentence, run concurrently.

80. No limitation

(1) A person alleged to have committed a service offence may be charged, dealt with and tried under the Code whether the alleged offence was committed in or out of the Republic.

(2) A service tribunal shall not try a person charged with the offence of murder, rape or manslaughter, committed in the Republic.

(3) A person alleged to have committed a service offence may be charged, dealt with and tried under the Code, in or out of the Republic.

81. Time bar

(1) Except in respect of a service offence mentioned in subsection (2), a person is not liable to be tried by a service tribunal unless the trial begins within three years from the day on which the service offence was alleged to have been committed.

(2) A person subject to the Code at the time of the alleged commission by that person of the service offence of mutiny, desertion or absence without leave or a service offence for which the maximum punishment is death, is liable to be charged, dealt with and tried at any time under the Code.

(3) In calculating the period of limitation referred to in subsection (1), there shall be excluded,

- (a) the time during which that person was a prisoner of war;
- (b) a period of absence in respect of which that person has been found guilty by a service tribunal of desertion or absence without leave; and

- (c) a time during which that person was serving a sentence of imprisonment imposed by a court other than a service tribunal.

82. *Autrefois acquit and autrefois convict*

(1) A person, in respect of whom a charge of having committed a service offence has been dismissed, or who has been found guilty or not guilty by a service tribunal or a civil court on a charge of having committed that offence, shall not be tried or tried again by a service tribunal under this Act in respect of that offence or any other offence of which that person might have been found guilty on that charge by a service tribunal or a civil court.

(2) Subsection (1) does not affect the validity of a new trial ordered under section 85 or section 93.

83. Quashing of findings of service tribunals

(1) The President or an authority authorised in that behalf by the President may quash a finding of guilty made by a service tribunal.

(2) Where a finding of guilty is quashed, the whole of the sentence passed by the service tribunal shall cease to have effect, unless there remains another finding of guilty.

(3) Where, after a finding of guilty is quashed, another finding of guilty remains, and a punishment included in the sentence passed by the service tribunal is in excess of the punishment authorised by this Act in respect of the finding of guilty which remains, or is, in the opinion of the authority who quashed the finding, unduly severe, that authority shall, subject to the prescribed conditions, substitute a new punishment that the authority considers appropriate.

84. Substitution of findings for original findings

(1) The President or an authority authorised in that behalf by the President

- (a) may substitute a new finding for a finding of guilty, made by a service tribunal, that is illegal or cannot be supported by the evidence, if the new finding could validly have been made by the service tribunal on the charge and if it appears that the service tribunal was satisfied of the facts establishing the offence specified or involved in the new finding;
- (b) may substitute for the finding of guilty made by a service tribunal a new finding of guilty of any other offence if
 - (i) the tribunal could on the charge have found the offender guilty under section 56 of that other offence, or
 - (ii) the tribunal could have found the offender guilty of that other offence on an alternative charge that was laid,

and it appears that the facts proved that person guilty of that other offence.

(2) Where a new finding is substituted for a finding made by a service tribunal and a punishment included in the sentence passed by the service tribunal is in excess of the punishment authorised by this Act in respect of the new finding, or is in the opinion of the authority who substituted the new finding, unduly severe, that authority shall, subject to the prescribed conditions, substitute a new punishment that the authority considers appropriate.

85. New trial

(1) Where a service tribunal finds a person guilty of an offence and the commander of the appropriate Armed Force considers that a new trial is advisable by reason of an irregularity in the proceedings before the service tribunal, the commander may set aside the finding of guilty and direct a new trial, in which case that person shall be tried again for that offence as if a previous trial had not been held.

(2) Where at a new trial held pursuant to subsection (1), a person is found guilty,

- (a) the new punishment shall not be higher in the scale of punishments than the punishment imposed by the service tribunal in the first instance;
- (b) if the new punishment includes a term of imprisonment, there shall be deducted from that term the time during which the offender had been in prison following the pronouncement of the previous sentence; and
- (c) if the new punishment is in the same category in the scale of punishments as the punishment imposed by the service tribunal in the first instance, the new punishment shall not be in excess of the previous punishment.

(3) The President may dispense with a new trial directed under this section or under section 93.

86. Substitution of punishments for original punishments

Where a service tribunal passes a sentence in which is included an illegal punishment, the President or an authority authorised in that behalf by the President may, subject to the prescribed conditions, substitute for the illegal punishment a new punishment as the authority considers appropriate.

87. President's power to mitigate punishments

The President or an authority authorised in that behalf by the President may, subject to the prescribed conditions, mitigate, commute or remit any or all of the punishments included in a sentence passed by a service tribunal.

88. Effect of new punishment

Where under the authority of this Act, a new punishment, by reason of substitution or commutation replaces a punishment imposed by a service tribunal, the new punishment shall have effect as if it had been imposed by the service tribunal in the first instance, and the Code shall apply accordingly, however, where the new punishment involves a term of imprisonment, the term of the new punishment shall be reckoned from the date of substitution or commutation.

89. Saving provision

Sections 90 to 97 do not derogate from any of the powers conferred under this Act to quash a finding or alter a finding and a sentence.

90. Establishment of court-martial appeal court

(1) There shall be a court-martial appeal court which shall hear and determine appeals referred to it under this Act from decisions of a court-martial, whether general or disciplinary.

(2) The composition, appointment, qualifications of members, procedure and any other matters relating to the court-martial appeal court shall be in accordance with the prescribed Regulations.

91. Jurisdiction of court-martial appeal court

A person who has been tried and found guilty by a court-martial may appeal to the court-martial appeal court, in the form, manner and within the prescribed time in respect of

- (a) the legality of a finding or all of the findings,
- (b) the legality of the whole or a part of the sentence, or
- (c) both of paragraphs (a) and (b).

92. Special powers of court-martial appeal court

Despite anything in this Part, the court-martial appeal court may disallow an appeal if, in the opinion of the court, to be expressed in writing, there has not been a substantial miscarriage of justice.

93. Court-martial appeal court to set aside appeal

(1) On the hearing of an appeal in respect of the legality of a finding of guilty on a charge, the court-martial appeal court, if it allows the appeal,

- (a) shall set aside the finding and direct a finding of not guilty to be recorded in respect of that charge; or
- (b) shall direct a new trial on that charge, in which case the appellant shall be tried again as if a trial on that charge had not been held.

(2) Where the court-martial appeal court sets aside a finding of guilty and any other finding of guilty does not remain, the whole of the sentence shall cease to have effect.

(3) Where the court-martial appeal court sets aside a finding of guilty but another finding of guilty remains, the court shall refer the proceedings to the President, or to an authority authorised in that behalf by the President who

- (a) shall affirm the punishment imposed by the court-martial if the court-martial could legally have imposed that punishment on the finding of guilty that remains; or
- (b) shall, subject to the prescribed conditions, substitute for the punishment imposed by the court-martial a new punishment as that authority considers appropriate.

(4) Where an appellant is found guilty of an offence and the court-martial could on the charge have found that person guilty under section 56 of another offence, or could have found the person guilty of any other offence on an alternative charge that was laid, and on the actual finding it appears to the court-martial appeal court that the facts proved that person guilty of that other offence, the court may, instead of allowing or dismissing the appeal, substitute for the finding of guilty made by the court-martial, a finding of guilty of that other offence.

(5) Pursuant to subsection (4), the court shall refer the proceedings to the President, or to an authority authorised in that behalf by the President who

- (a) shall affirm the punishment imposed by the court-martial if the court imposing that punishment could legally have substituted a finding of guilty; or
- (b) shall, subject to the prescribed conditions, substitute for the punishment imposed by the court-martial a new punishment that the authority considers appropriate.

(6) Where, pursuant to subsection (3), (4) or (5) a new punishment is substituted, the punishment imposed by the court-martial shall cease to have effect and section 88 shall apply to the new punishment.

94. Substitution of new punishment for illegal punishment set aside

(1) On hearing of an appeal in respect of the legality of a sentence passed by a court-martial, the court-martial appeal court, on allowing the appeal, shall refer the proceedings to the President or to an authority authorised in that behalf by the President.

(2) The authority authorised under subsection (1) shall, subject to the prescribed conditions, substitute for the punishment imposed by the court-martial a new punishment that the authority considers appropriate.

(3) Where a new punishment is substituted under subsection (2) a punishment comprised in the sentence passed by the court-martial shall cease to have effect, and section 88 shall apply to the new punishment.

95. New punishments subject to President's power of mitigation

Where a punishment included in a sentence is dealt with pursuant to subsection (3) of section 93 or section 94, the new punishment is subject to mitigation, commutation, remission or suspension in the same manner and to the same extent as if it had been passed by the court-martial that tried the appellant.

96. Jurisdiction of civil courts

(1) The Code does not affect the jurisdiction of a civil court to try a person for an offence triable by the civil court.

(2) Where a person, sentenced by a service tribunal in respect of a conviction on a charge of having committed a service offence, is afterwards tried by a civil court for the same offence or for any other offence of which that person might have been found guilty on that charge, the civil court shall, in awarding punishment, take into account punishment imposed by the service tribunal for the service offence.

(3) Where a civil court that tries a person in the circumstances specified in subsection (2) acquits or convicts that person of an offence, the unexpired term of a punishment of a term of imprisonment for more than two years, a term of imprisonment not exceeding two years or detention, imposed by the service tribunal in respect of that offence, shall be considered to be wholly remitted as from the date of the acquittal or conviction by the civil court.

97. Certificate of civil court

Where a person subject to the Code has at any time been tried by a civil court, an officer of that court authorised in that behalf by the Justice or judicial officer of that court, shall, if required by an officer of the Armed Forces, transmit to the officer of the Armed Forces a certificate setting forth the offence for which that person was tried, together with the judgment or order of the court on the judgment, on payment of the prescribed fee.

PART FOUR¹⁸⁽¹⁸⁾

Pensions in respect of Civilian Employees

98. Pensionable offices

(1) The offices specified in the Schedule which are offices to which persons are appointed in a civil capacity under section 9 of this Act shall be considered to be pensionable offices, and accordingly the Pensions Act, 1950¹⁹ shall apply to those offices as if they were offices declared to be pensionable offices in accordance with section 2 of the Pensions Act.

(2) The salaries or salary ranges attached to the offices are as shown in the second column of the Schedule.²⁰(20)

99. Past service as qualifying or pensionable service

(1) Subject to the Pensions Act, 1950 a period of public service in a civil capacity immediately preceding the coming into effect of this Act shall be taken into account as qualifying service or as pensionable service.

(2) The period stated under subsection (1) shall not be taken into account if it relates to the service of a person

(a) who, at the date of the coming into effect of this Act has ceased to be employed in a civil capacity under section 9 of this Act, or

(b) in an office which is not specified in the Schedule to this Act.

(3) Without prejudice to subsection (1), a period of military service with the Army, the Navy or the Air Force preceding the appointment to an office specified in the Schedule to this Act, where the interval between the end of the military service and the appointment does not exceed five years, shall be taken into account as qualifying service or as pensionable service.

(4) Where a person to whom subsection (3) applies has been paid service gratuity in respect of the period of that person's military service, that period shall not be taken into account as qualifying service or as pensionable service, unless that person refunds the amount of the gratuity to the Government.²¹(21)

100. Meaning of "pension in respect of other public service"

The expression "**pension in respect of other public service**" in section 10 of the Pension Act, 1950, which section limits the maximum pension payable from public funds to a person, shall include a pension granted under the Military Pensions Act.²²(22)

PART FIVE²³(23)

Armed Forces Special Provision

101. Nomination in respect of services estates

(1) An officer or a soldier in the Armed Forces may nominate in writing the person to whom, in the event of that officer or that soldier dying intestate, the service estate of that officer or soldier should be given.

(2) Where the service estate includes money and the officer or soldier nominate more than one person under subsection (1), that officer or soldier shall specify in the instrument of nomination the share of the money that is to be given to each person.

(3) Where the service estate includes movable property, other than money, and the officer or the soldier nominates more than one person under subsection (1), the officer or soldier shall specify in the instrument of nomination, the property that is to be given to each person.

(4) The instrument of nomination referred to in subsections (1), (2) and (3) shall be transmitted to an officer specified for the purpose by the

- (a) Army Chief of Staff, if the officer or soldier is in the Army;
- (b) Chief of Naval Staff, if the officer or soldier is in the Navy; and
- (c) Chief of Air Staff, if the officer or soldier is in the Air Staff.

(5) An officer or a soldier may alter the particulars in an instrument of nomination made by that officer or soldier under this section and notify that fact in writing to the appropriate person specified in subsection (4).

(6) If the alterations are made and notified as mentioned, the instrument as altered shall be the instrument that shall be taken into account for the purposes of this Act.

102. Payment and delivery to nominee

The chief paymaster and financial adviser of the Armed Forces shall pay the money, or deliver any other movable property, included in the service estate of an officer or a soldier who has died intestate, to the person nominated by the officer or soldier under section 101 in accordance with the terms of the instrument of nomination of the officer or soldier.

103. Payment of debts

(1) Despite anything to the contrary, where the paymaster has notice of a debt of an officer or a soldier who has died intestate before the officer or soldier has disposed of the service estate of the officer or soldier in terms of the instrument of nomination, the paymaster shall apply the estate towards the payment of the debt, subject to the following conditions:

- (a) if the debt accrued within the three years before the death of the officer or soldier,
- (b) if the claim is made to the officer or soldier,
- (c) if the claim is made within one year of the death, and
- (d) if the claimant proves the debt to the satisfaction of the paymaster.

(2) For the purpose of subsection (1) “**paymaster**” means the chief paymaster and financial adviser of the Armed Forces.

104. Rights of creditors

Where money or any other movable property included in the service estate of a deceased officer or soldier has been paid or delivered to a person in accordance with the terms of the instrument of nomination that officer or soldier shall have the same rights and remedies against that person as if that person had received the property as a legal personal representative of that officer or soldier.

105. Service estate not for grant of letters of administration

Despite anything to the contrary in any other enactment, the service estate of an officer or a soldier dying intestate does not form part, except as otherwise expressly specified in this Act, of the property of

that officer or soldier for the purpose of the application for or the grant of letters of administration in respect of the property of that officer or soldier or for any other purpose connected with the disposal of that property.

PART SIX²⁴⁽²⁴⁾

Revised Pensions Provisions

106. Grant of Pensions to members of Armed Forces

(1) In accordance with article 214 of the Constitution, the Armed Forces Council with the approval of the President may grant retired pay, pensions, gratuities allowances or other payments as pensions or gratuities to officers and soldiers of the Armed Forces in accordance with this Act and the Regulations which the council may by constitutional instrument make in relation to this Act.

(2) Regulations made under subsection (1) may confer a benefit or remove a disability that the Council considers equitable.

107. Law applicable to grant of pensions or gratuity

Subject to this Act and the Regulations, pensions or gratuities granted under this Act shall be computed in accordance with the law or the Regulations in force at the date of retirement of an officer or a soldier.

108. Procedure for payment of pensions and gratuity

(1) Not later than two weeks after the terminal leave of a retiring officer or soldier, and subject to verification by the Auditor-General, the Controller and Accountant-General shall compute and pay to that officer or soldier the appropriate pension or gratuity due to that officer or soldier.

(2) As soon as practicable after the computation and payment of the pension or gratuity in the manner mentioned, the Controller and Accountant-General shall submit to Parliament a copy of a report showing the payments that have been made.

(3) This section has effect despite anything to the contrary in any other enactment.²⁵⁽²⁵⁾

109. Pensions and gratuities charged on the Consolidated Fund

The sums of money granted by the President by way of pensions or gratuities in accordance with this Act or any other enactment are a charge on the Consolidated Fund.

110. Pensions or gratuities to widows and children

In accordance with article 214 of the Constitution, the Armed Forces Council with the approval of the President may, by constitutional instrument, make Regulations for the grant of pensions or gratuities to the widows, children or dependants of officers and soldiers of the Armed Forces.

111. Conditions for the grant of pensions

In accordance with article 214 of the Constitution, the Armed Forces Council with the approval of the President may, by constitutional instrument, prescribe the conditions and circumstances under which pensions or gratuities may be granted under this Act.

PART SEVEN²⁶⁽²⁶⁾

General

112. Regulations

(1) In accordance with clause (2) of article 214 of the Constitution, the Armed Forces Council may, with the prior approval of the President, by constitutional instrument, make Regulations for the performance of its functions under this Act and for the effective and efficient administration of the Armed Forces.

(2) The Regulations shall, by virtue of clause (3) of article 214 of the Constitution, include Regulations in respect of

- (a) the control and administration of the services of the Armed Forces;
- (b) the ranks of officers and soldiers of each service and the use of uniforms by the officers and soldiers;
- (c) the conditions of service including those relating to the enrolment, salaries, pensions, gratuities and allowances of officers and soldiers of each service and deductions from them;
- (d) the authority and powers of commanding of officers and of soldiers of each service;
- (e) the delegation to other persons of powers of commanding officers to try accused persons and the conditions subject to which delegations may be made; and
- (f) the establishment of research and development units in each service.²⁷⁽²⁷⁾

113. Regulations may be published in separate series

Despite anything in rule 1 (2) of the Statutory Instruments Rules, 1960 (L.I. 39), Regulations made under this Act or under section 112 of this Act need not be published in the Constitutional Instruments series but an instrument not so published shall be published by the Government Printer in a separate Constitutional Instrument series to be marked “C.I. (A.F.)” followed consecutively by the number allocated by the Government Printer to that instrument.

114. Interpretation

In this Act, unless the context otherwise requires

“active service” means

- (a) service in operations against an enemy or in a foreign country in operations for the protection of life or property or relating to the military occupation of a foreign country,
- (b) service in operations for the preservation of public order,
- (c) service for purpose of relief in cases of emergency, and
- (d) service for any other purpose appearing to the President to be expedient;

“aircraft” includes a machine for flying, whether propelled by mechanical means or not and any description of balloon;

“aircraft material” includes

- (a) parts of, and components of, or accessories for, an aircraft, whether in an aircraft or not,
- (b) engines, armaments, ammunition and bombs and other missiles of any description in or for use in an aircraft,
- (c) any other gear, apparatus or instruments in, or for use in an aircraft,
- (d) an apparatus used in connection with the taking-off or landing of aircraft or for detecting the movement of aircraft, and
- (e) a fuel used for the propulsion of aircraft and a material used as a lubricant for aircraft or aircraft materials;

“Armed Forces” means the Army, the Navy and the Air Force;

“boy” means a male person over the age of thirteen years enrolled in the Army and below the prescribed maximum age;

“civil court” includes a court of ordinary criminal jurisdiction in the Republic and a court of summary jurisdiction;

“civil custody” includes the holding under arrest or in confinement of a person by the Police or any other competent civil authority and confinement in a civil prison;

“Code” means the Code of Service Discipline contained in Parts Two, Three and Seven;

“commanding officer”, in respect of a person, means the commanding officer of that person or any other officer empowered in accordance with the Regulations to act as the commanding officer of that person;

“defence establishment” includes an establishment declared by the President or a person authorised in that behalf by the President to be a defence establishment, and property in the establishment;

“disciplinary board” means a disciplinary board established under section 63 or 64;28(28)

“enemy” includes the persons engaged in armed operations against any of the Armed Forces or part of the Armed Forces and armed mutineers, armed rebels, armed rioters and pirates;

“material” includes the movable public property, other than money, provided for the Armed Forces or for any other purpose under this Act and a vessel, vehicle, an aircraft, animal, a missile, arms, ammunition, clothing, stores, provisions or an equipment so provided;

“military” shall be construed as relating to all or any of the Armed Forces;

“mutiny” means a combination between two or more persons subject to the Code or between persons two at least of whom are subject to the Code:

- (a) to overthrow or resist lawful authority in the Armed Forces or any forces co-operating with the Armed Forces or part of the Armed Forces;
- (b) to disobey lawful authority in circumstances that make the disobedience subversive of discipline or with the object of avoiding a duty or service against or in connection with operations against the enemy; or
- (c) to impede the performance of a duty or service in the Armed Forces or any forces co-operating with the Armed Forces or a part of the Armed Forces;

“non-public property” means

- (a) the money and property, other than issues of material, received for or administered by or through messes, institutes or canteens of the Armed Forces;
- (b) the money and property contributed to or by officers, soldiers, units or other elements of the Armed Forces for the collective benefit and welfare of those officers, soldiers, units or other elements;
- (c) by-products and refuse derived from rations and any other consumable stores issued to the Armed Forces for use in service kitchens to the prescribed extent; and
- (d) the money and property, derived from, purchased out of the proceeds of the sale of, or received in exchange for money and property described in this definition;

“oath” includes an affirmation;

“officer” means

- (a) a person commissioned by the President to any of the Armed Forces; or
- (b) a person who is attached or seconded as an officer to any of the Armed Forces;

“pensionable service” has the meaning assigned to it by regulation 2 of the Schedule to the Pensions Act, 1950;29(29)

“pensions or gratuities” means payments granted to officers and soldiers by the President under section 106;

“prescribed” means required or authorised to be prescribed by this Act or by the Regulations or by an order or any other lawful instructions;

“public property” means the money and property vested in the President in trust for and on behalf of the people for the Public Services of the Republic;

“qualifying service” has the meaning assigned to it by regulation 2 of the Schedule to the Pensions Act, 1950;30(30)

“Regulations” means Regulations made under this Act, or by the Armed Forces Council;

“Republic” means the Republic of Ghana;

“service custody” includes the holding under arrest or in confinement of a person by the Armed Forces and confinement in a service prison or detention barrack;

“service estate” means, in relation to the estate of a deceased officer or soldier in the Armed Forces,

- (a) pay and allowances in respect of the service in the Armed Forces of that deceased officer or soldier;
- (b) personal equipment that the officer or soldier is permitted, under the Regulations, to retain; and
- (c) personal belongings, including cash, found on that officer or soldier or in camp, quarters or otherwise in the care or custody of the Armed Forces;

“service offence” means an offence under this Act or any other enactment committed by a person while subject to the Code;

“service tribunal” means a court-martial or a disciplinary board;31(31)

“soldier” means a person, other than an officer, who is enrolled in, or who is attached to, or seconded to, any of the Armed Forces otherwise than as an officer;

“stoppages” means the recovery, by deduction from the pay of the offender, of a specified sum by way of compensation for an expense, a loss or damage occasioned by the offence;

“summary trial” means a trial conducted by a disciplinary board established under section 63 or 64; 32(32)

“superior officer” means an officer or soldier who, in relation to any other officer or soldier, is, by this Act or by the Regulations or by the custom of the appropriate Force, authorised to give a lawful command to that other officer or soldier.

115. Continuance of existing Forces

Spent.33(33)

116. Application of Act to boys

This Act shall as far as may be practicable and subject to the prescribed modifications apply to boys in like manner as it applies to soldiers.

117. Repeals and savings

(1) The following enactments are repealed by this Act:

- (a) Armed Forces Pensions (Civilian Employees) Decree; 1967 (N.L.C.D. 166);
- (b) Armed Forces Pensions (Civilian Employees) (Amendment) Decree, 1977 (S.M.C.D. 106);
- (c) Armed Forces (Miscellaneous Provisions) Decree, 1979 (S.M.C.D. 235);
- (d) Armed Forces (Amendment) Law, 1983 (P.N.D.C.L. 63);
- (e) Armed Forces (Amendment) Act, 1962 (Act 131);
- (f) Armed Forces Special Provisions Act, 1964 (Act 234);
- (g) Armed Forces (Amendment) (No. 2) Decree, 1972 (N.R.C.D. 125);
- (h) Armed Forces Act, 1962 (Amendment) Decree, 1973 (N.R.C.D. 222);
- (i) Armed Forces Pensions (Civilian Employees) (Amendment) Decree, 1973 (N.R.C.D. 144);
- (j) Armed Forces (Revised Pensions Provisions) Decree, 1967 (N.L.C.D. 187);
- (k) Armed Forces (Revised Pensions Provisions) (Amendment) Decree, 1973 (N.R.C.D. 157);
- (l) Armed Forces Revolutionary Council (Special Courts) Amendment Decree, 1979 (A.F.R.C.D. 19);
- (m) Armed Forces Revolutionary Council (Special Tribunal and Other Matters) Decree, 1979 (A.F.R.C.D. 23);
- (n) Armed Forces Revolutionary Council (Indemnity) Decree, 1979 (A.F.R.C.D. 22).

(2) *Spent.34(34)*

(3) A statutory instrument made under the repealed enactments and the Regulations contained in the Schedule to the Military Pensions Act, and in force immediately before the commencement of this Act

shall, until the instrument and the Regulations are amended under this Act, continue in force as if the instrument and the Regulations had been made under this Act.

(4) Until Regulations are made under this Act, the provisions of an enactment relating to a matter connected with, or incidental to, the discipline, arrest, trial and punishment of an officer or a soldier of the Armed Forces and in force and applicable to the officer or soldier shall continue to apply to that officer or soldier, unless those provisions are included in or are inconsistent with this Act.³⁵⁽³⁵⁾

Schedule

[Section 98]

Principal Accountant	R. 70, 75
Senior Accountant	R. 60, 75
Accountant	R. 52, 55
Assistant Accountant	R. 47, 52
Junior Accounting Officer Grade I	R. 37, 42
Junior Accounting Officer Grade II	R. 27, 32
Accounts Assistant	R. 17, 22, 25
Civilian Establishment Officer	R. 79, 81
Deputy Civilian Establishment Officer	R. 70, 75
Chief Executive Officer	R. 65
Assistant Chief Executive Officer	R. 60
Principal Executive Officer	R. 55
Senior Executive Officer	R. 47, 52
Higher Executive Officer	R. 37, 42
Executive Officer	R. 27, 32
Clerical Officer	R. 17, 22, 25
Inspector of Archives	R. 55
Archives Officer	R. 47, 52
Senior Archives Assistant	R. 37, 42
Archives Assistant	R. 27, 32
Master Craftsman	R. 40, 42
Assistant Master Craftsman	R. 32, 35
Craftsman	R. 25, 27
Chief Works Superintendent	R. 77, 79
Senior Works Superintendent	R. 59, 64
Works Superintendent	R. 50, 52
Foreman	R. 40, 42
Junior Foreman	R. 32, 35
Artisan	R. 25, 27

Internal Auditor Grade I	R. 70, 75
Internal Auditor Grade II	R. 60, 65
Internal Auditor Grade III	R. 52, 55
Senior Internal Examiner of Accounts	R. 47, 52
Internal Examiner of Accounts	R. 37, 42
Internal Audit Examiner	R. 27, 32
Internal Audit Assistant	R. 17, 22, 25
Senior Barracks Inventory Officer	R. 55
Barracks Inventory Officer	R. 45, 50
Senior Assistant Barracks Inventory Officer	R. 35, 40
Assistant Barracks Inventory Officer	R. 24, 29
Day Nurseries Senior Supervisor	R. 29
Day Nurseries Supervisor	R. 26
Principal Teacher	R. 52, 55
Senior Teacher	R. 45, 50
Certificate "A" (Post Secondary)	R. 29, 35, 40
Certificate "A" (Post Primary)	R. 25, 29, 35, 40
Principal Technical Officer (Draughtsman)	R. 59, 64
Senior Technical Officer (Draughtsman)	R. 50, 52
Technical Officer Grade II (Draughtsman)	R. 37, 42
Principal Technical Assistant (Drawing)	R. 40, 42
Senior Technical Assistant (Drawing)	R. 25, 30, 35
Assistant General Manager	R. 60
Manager/Manageress	R. 55
Senior Supervisor	R. 45, 50
Junior Supervisor	R. 35, 40
Section Head	R. 24, 29
Sales Assistant	R. 12, 17, 22
Laundry Superintendent	R. 47, 52
Assistant Laundry Superintendent	R. 40, 42
Senior Leading Launderer	R. 35
Leading Launderer	R. 32
Laundryman/Woman	R. 25, 27
Deputy Director of Legal Services	R. 87, 90
Senior Legal Officer	R. 83, 85
Legal Officer	R. 70, 75
Assistant Legal Officer	R. 60
Registrar	R. 52, 55
Assistant Registrar	R. 45, 50
Clerk Legal Grade I	R. 35, 40

Clerk Legal Grade II	R. 24, 29
Clerk Legal Grade III	R. 17, 22
Senior Library Assistant	R. 35, 40
Library Assistant	R. 27, 32
Junior Library Assistant	R. 17, 22
Senior Processing Officer	R. 65
Processing Officer	R. 60
Assistant Processing Officer	R. 52, 55
Senior Processing Assistant	R. 45, 50
Processing Assistant Grade I	R. 35, 40
Processing Assistant Grade II	R. 25, 30
Junior Processing Assistant	R. 15, 20
Meter Inspector	R. 35, 37
Meter Reader Grade I	R. 27, 32
Meter Reader Grade II	R. 12, 17, 22
Principal Intelligence Officer	R. 79, 81
Senior Intelligence Officer	R. 70, 75
Intelligence Officer	R. 60, 65
Assistant Intelligence Officer	R. 52, 55
Intelligence Assistant Grade I	R. 65
Intelligence Assistant Grade II	R. 60
Intelligence Assistant Grade III	R. 55
Intelligence Assistant Grade IV	R. 45, 50
Intelligence Assistant Grade V	R. 35, 40
Intelligence Assistant Grade VI	R. 24, 29
Intelligence Assistant Grade VII	R. 17, 22
Nursing Superintendent	R. 45, 47
Senior Staff Nurse/Midwife (Q.R.N., C.M.B.)	R. 42, 43
Staff Nurse/Midwife (Q.R.N., C.M.B.)	R. 28, 30, 35, 40
(Two increments for additional qualifications).	
Senior Staff Nurse (Q.R.N.)	R. 42, 43
Staff Nurse (Q.R.N.)	R. 28, 30, 35, 40
Senior Staff Midwife (C.M.B.)	R. 42, 43
Staff Midwife (C.M.B.)	R. 26, 28, 35, 40
Enrolled Nurse	R. 17, 22, 27
Works Superintendent (Printing)	R. 63, 69
Senior Assistant Superintendent (Printing)	R. 54, 62
Assistant Superintendent (Printing)	R. 50, 53
Senior Technical Assistant	R. 45, 49
Technical Assistant Grade I	R. 36, 40

Technical Assistant Grade II	R. 19, 23
Female Supervisor	R. 39, 45
Female Overseer	R. 30, 36
Senior Printing Machine Minder	R. 24, 29
Printing Machine Minder	R. 17, 23
Proof Reader Grade I	R. 24, 29
Proof Reader Grade II	R. 17, 22
Senior Purchasing Officer	R. 60, 65
Purchasing Officer	R. 52, 55
Senior Assistant Purchasing Officer	R. 40, 45
Assistant Purchasing Officer	R. 30, 35
Principal Publications Officer	R. 70, 75
Principal Information Officer	R. 70, 75
Senior Publications Officer	R. 65, 70
Senior Information Officer	R. 65, 70
Publications Officer	R. 60, 65
Information Officer	R. 60, 65
Assistant Publications Officer	R. 52, 55
Assistant Information Officer	R. 52, 55
Senior Publications Assistant	R. 47, 52
Senior Information Assistant	R. 47, 52
Journalist/Information Assistant	R. 37, 42
Reporter/Junior Information Assistant	R. 27, 32
Principal Technical Officer (Photography)	R. 59, 64
Senior Technical Officer (Photography)	R. 50, 52
Technical Officer Grade II	R. 37, 42
Darkroom Superintendent	R. 40, 42
Photographer Grade I	R. 32, 35
Photographer Grade II	R. 22, 25
Supervisor Film Cameraman	R. 69
Senior Film Cameraman	R. 64, 67
Film Cameraman	R. 53, 56
Assistant Cameraman	R. 42, 45
Junior Assistant Cameraman	R. 31, 34
Principal Technical Officer (Quantity Surveying)	R. 59, 64
Senior Technical Officer (Quantity Surveying)	R. 50, 52
Technical Officer Grade II (Quantity Surveying)	R. 37, 42
Private Secretary	R. 55
Stenographer Secretary	R. 45, 50
Stenographer Grade I	R. 35, 40

Stenographer' Grade II	R. 25, 30
Senior Typist	R. 25
Senior Supply Officer	R. 60, 65
Supply Officer	R. 52, 55
Principal Storekeeper	R. 40, 45
Senior Storekeeper	R. 30, 35
Storekeeper	R. 24, 29
Assistant Storekeeper	R. 17, 22, 25
Telephone Traffic Superintendent	R. 45, 50
Senior Supervisor	R. 40
Supervisor	R. 35
Telephonist Grade I	R. 17, 22, 25
Dietician	R. 47, 52
Catering Officer	R. 50, 52
Mess Manager	R. 55
Interior Decorator	R. 45, 50
Labour Foreman	R. 29
Landscape Designer	R. 45, 50
Physiotherapist	R. 47, 52



Endnotes

1 (Popup - Footnote)

1. This Act was assented to on 21st February, 1962 and was brought into force on the 1st day of April, 1962 by the Armed Forces Act, 1962 (Commencement) Instrument, 1962 (L.I. 184). It consolidates the Armed Forces Act, 1962 ([Act 105](#)), the Armed Forces (Special Provisions) Act, 1964 ([Act 234](#)), the Armed Forces (Civilian Employees) Decree, 1967 ([N.L.C.D. 166](#)) and the Armed Forces (Revised Pensions Provisions) Decree, 1967 ([N.L.C.D. 187](#)).

2 (Popup - Footnote)

2. Section 1 of the Armed Forces (Amendment) (No. 2) Decree, 1972 amended by section 1 of the Armed Forces (Amendment) (No. 2) Decree, 1972 (N.R.C.D. 125) by the inclusion of border guards as part of the Armed Forces. The sections are revised by reference to article 210 of the 1992 Constitution which does not make a reference to border guards.

3 (Popup - Footnote)

3. Amended by paragraph (a) of subsection (2) of section 4 of the Armed Forces (Amendment) Decree, 1968 (N.L.C.D. 231) further amended by section 1 of the Armed Forces (Amendment) Decree, 1972 (N.R.C.D. 45), amended again by section 1 of the Armed Forces (Amendment) (No. 2) Decree, 1972 (N.R.C.D. 125) by the substitution of the phrase “President under [the Constitution](#)” appearing in [paragraph \(a\)](#) of regulation 3, for “Commander-in-Chief of the Armed Forces” and further amended by [the Constitution](#) which makes the President the Commander-in-Chief of the Armed Forces.

4 (Popup - Footnote)

4. Sections 4 to 6 were amended by paragraph (c) of subsection (2) of section 4 of the Armed Forces (Amendment) Decree, 1968 (N.L.C.D. 231) by construing a reference to “President” as a reference to the National Liberation Council. The 1992 Constitution further amended the sections by construing a reference to the “Council” as a reference to “the President”.

5 (Popup - Footnote)

5. Amended by section 1 of the Armed Forces (Amendment) Act, 1962 (Act 131) further amended by paragraph (d) of subsection (2) of section 4 of the Armed Forces (Amendment) Decree, 1968 (N.L.C.D. 231), later amended by section 2 of the Armed Forces Amendment Decree, 1972 (N.R.C.D. 45), further amended by section 2 of the Armed Forces (Amendment) (No. 2) Decree, 1972 (N.R.C.D. 125) and further amended by Chapter 17 of the 1992 Constitution.

6 (Popup - Footnote)

6. Amended by [section 4](#), paragraph (d) of [subsection \(2\)](#) of the Armed Forces (Amendment) Decree, 1968 (N.L.C.D. 231), further amended by section 3 of the Armed Forces (Amendment) (No. 2) Decree, 1972 (N.R.C.D. 125). But see [article 215](#) of [the Constitution](#).

7 (Popup - Footnote)

7. Formerly the Criminal Code.

8 (Popup - Footnote)

8. Amended by section 1 of the Armed Forces (Amendment) Law, 1983 (P.N.D.C.L. 63). The previous provision reads:

“62. Alleged charge to be reported

Before an allegation against a person that has committed a service offence is proceeded with the allegation shall be reported in the form of a charge to that person’s commanding officer. Where such officer is satisfied that the charge should not be proceeded with, he shall dismiss the charge; but otherwise the charge shall be proceeded with under this Act as expeditiously as circumstances permit.”

9 (Popup - Footnote)

9. Amended by section 2 of the Armed Forces (Amendment) Law, 1983 (P.N.D.C.L. 63). The previous provision reads:

“63. (1) A commanding officer may in his discretion try an accused person by summary trial, but only if all of the following conditions are satisfied—

- (a) the accused person is either a subordinate officer or man below the rank of warrant officer;
- (b) having regard to the gravity of the offence, the commanding officer considers that his powers of

- punishment are adequate;
- (c) the commanding officer is not precluded from trying the accused person by reason of his election, under regulations made under this Act, to be tried by court-martial; and
 - (d) the offence is not one that under such regulations the commanding officer is precluded from trying.
- (2) Subject as otherwise expressly provided in this Act, a commanding officer at a summary trial may pass a sentence in which any one or more of the following punishments may be included—
- (a) detention for a period not exceeding ninety days subject to the following provisions—
 - (i) a punishment of detention imposed by a commanding officer upon a chief petty officer, petty officer, non-commissioned officer or leading rating shall not be carried into effect until approved by an approving authority and only to the extent so approved; and
 - (ii) where a commanding officer imposes more than thirty days detention, the portion in excess of thirty shall be effective only if approved by, and to the extent approved by, an approving authority;
 - (b) reduction in rank, but a punishment of reduction in rank imposed by a commanding officer shall be effective if approved by, and to the extent approved by an approving authority;
 - (c) forfeiture of seniority;
 - (d) severe reprimand;
 - (e) reprimand;
 - (f) a fine not exceeding basic pay for one month;
 - (g) stoppages; and
 - (h) such minor punishments as may be prescribed,
- each of the above punishments shall be deemed to be a punishment less than every punishment preceding it in the above scale.
- (3) In [subsection \(2\)](#) “**approving authority**” means—
- (a) any officer not below the rank of commodore, brigadier or air commodore; or
 - (b) any officer not below the naval rank of captain or below the rank of colonel or group captain designated by the President or any person authorised in that behalf by him as an approving authority for the purposes of this subsection.
- (4) A commanding officer may, subject to such matters as may be prescribed, and to such extent as the commanding officer deems fit, delegate his powers under this section to any officer under his command, but an officer to whom powers are so delegated may not be authorised to impose punishment other than the following—
- (a) detention not exceeding fourteen days;
 - (b) severe reprimand;
 - (c) reprimand;
 - (d) a fine not exceeding basic pay for fourteen days; and
 - (e) such other minor punishments as may be prescribed.
- (5) Where a commanding officer tries an accused person by summary trial, the evidence shall be taken on oath if the commanding officer so directs or the accused person so requests, and the commanding officer shall inform the accused person of his right to so request.
- (6) Such punishments as are specified in regulations to require approval before they may be imposed by a commanding officer, shall not be so imposed until approval has been obtained.”

10 (Popup - Footnote)

10. Amended by section 4 of the Armed Forces (Amendment) Decree, 1968 (N.L.C.D. 231) and further amended by section 3 of the Armed Forces (Amendment) Law, (P.N.D.C.L. 63). The previous provision reads as follows:

“**64.** (1) An officer of or above the rank of commodore, brigadier or air commodore, or any other officer prescribed or appointed by the President for that purpose, such officer being referred to in this section as a “superior commander” may in his discretion try by summary trial an officer below the rank of commander, lieutenant-colonel or wing commander, or a warrant officer, charged with having committed a service offence.

(2) A superior commander may, with or without hearing the evidence, dismiss a charge if he considers that it should not be proceeded with, but otherwise shall cause it to be proceeded with as expeditiously as

circumstances permit.

(3) Subject as otherwise expressly provided in this Act, a superior commander at a summary trial may pass a sentence in which any one or more of the following punishments may be included—

- (a) forfeiture of seniority;
- (b) severe reprimand;
- (c) reprimand; and
- (d) fine.

(4) A superior commander shall not try an accused person who, by reason of an election under regulations is entitled to be tried by court-martial.

(5) Where a superior commander tries an accused person by summary trial, the evidence shall be taken on oath if the superior commander so directs or the accused person so request, and the superior commander shall inform the accused person of his right so to request.”

11 (Popup - Footnote)

11. Amended by section 4 (2) (c) of the Armed Forces (Amendment) Decree, 1968 (N.L.C.D. 231) and further amended by [section 4](#) of the Armed Forces (Amendment) Law, 1983 (N.D.C.L. 63). The previous provision reads as follows:

“**65.** (1) The President or such other authorities as may be authorised in that behalf by him may convene general courts-martial and disciplinary courts-martial.

(2) Any authority who convenes a court-martial under [subsection \(1\)](#) may appoint as members of the court-martial, officers of the Army of Ghana, Navy of Ghana, or Air Force of Ghana or officers of any navy, army or air force, who are attached, seconded or loaned to the Armed Forces.”

12 (Popup - Footnote)

12. Amended by the Armed Forces Act, 1962 (Amendment) Decree, 1973 (N.R.C.D. 222) and further amended in [subsection \(1\)](#) by section 5 of the Armed Forces (Amendment) Law, 1983 (P.N.D.C.L. 63).

The previous [subsection \(1\)](#) of [section 66](#) of the Act provides:

“**66.** (1) A general court-martial shall consist of not less than five officers and not more than such number of officers as may be prescribed.”

13 (Popup - Footnote)

13. Amended by section 6 of the Armed Forces (Amendment) Law, 1983 (P.N.D.C.L. 63). The previous provision reads:

“69. Ineligibility to serve in general court-martial

None of the following persons shall sit as a member of a general court-martial

- (a) the officer who convened the court-martial;
- (b) the prosecutor;
- (c) a witness for the prosecution;
- (d) the commanding officer of the accused person;
- (e) a provost officer;
- (f) an officer who is under the age of twenty-one years;
- (g) an officer below the naval rank of lieutenant, the army rank of captain or the air force rank of flight lieutenant; or
- (h) any person who prior to the court-martial participated in any investigation in respect of the matters upon which a charge against the accused person is founded.”

14 (Popup - Footnote)

14. Amended by section 7 of the Armed Forces (Amendment) Law, 1983 (P.N.D.C.L. 63). The previous provision reads—

“70. Number of members of disciplinary court-martial

(1) A disciplinary court-martial shall consist of not less than three officers and not more of such number of officers as may be prescribed.

15 (Popup - Footnote)

15. Amended by section 1 of the Armed Forces Act, 1962 (N.L.C.D. 138) by the addition of section 73A.

This section was section 73A inserted by section 1 of the Armed Forces Act, 1962 (N.L.C.D. 138). It was further amended by section 4 (2) of the Armed Forces (Amendment) Decree, 1968 (N.L.C.D. 231) and further

amended by section 4 of the Armed Forces (Amendment) Decree, 1972 (N.R.C.D. 45).

16 (Popup - Footnote)

16. Amended by section 8 of the Armed Forces (Amendment) Law, 1983 (P.N.D.C.L. 63). The previous provision reads:

“75. Ineligibility to serve on disciplinary court-martial

None of the following persons shall sit as a member of a disciplinary court-martial—

- (a) the officer who convened the court-martial;
- (b) the prosecutor;
- (c) a witness for the prosecution;
- (d) the commanding officer of the accused person;
- (e) a provost officer;
- (f) an officer who is under the age of twenty-one years; or
- (g) any person who prior to the court-martial, participated in any investigation respecting the matters upon which a charge against the accused person is founded.”

17 (Popup - Footnote)

17. As offending [clause \(2\)](#) of [article 15](#) of [the Constitution](#). The omitted provision reads, “Strokes of the cane under the supervision of an officer”.

18 (Popup - Footnote)

18. This Part incorporates into this Act the Armed Forces Pensions (Civilian Employees) Decree, 1967 ([N.L.C.D. 166](#)).

19 (Popup - Footnote)

19. Formerly the Pensions Ordinance ([Cap. 30](#)) No. 42 of 1950.

20 (Popup - Footnote)

20. Amended by paragraph (a) of the Armed Forces Pensions (Civilian Employees) (Amendment) Decree, 1977 (S.M.C.D. 106). The previous provision reads,

“(2) The salaries or salary scales attached to the said offices are as shown in the second column of the said Schedules, the salary scales consisting of the points set out in the fourth Schedule to the Civil Service (Structure) Regulations, 1961 (L.I. 139).”

21 (Popup - Footnote)

21. Amended by the Armed Forces Pensions (Civilian Employees) (Amendment) Decree, 1973 (N.R.C.D. 144) by the insertion of [subsection \(2\)](#) to the existing section.

22 (Popup - Footnote)

22. Formerly the Military Pensions Ordinance, 1954 (No. 16).

23 (Popup - Footnote)

23. This Part incorporates into this Act, the Armed Forces (Special Provisions) Act, 1964 ([Act 234](#)).

24 (Popup - Footnote)

24. This Part incorporates into this Act the Armed Forces (Revised Pensions Provision) Decree, 1967 ([N.L.C.D. 187](#)).

25 (Popup - Footnote)

25. The section was section 3A inserted by paragraph (b) of the Armed Forces (Revised Pensions Provisions (Amendment) Decree, 1973 (N.R.C.D. 157).

26 (Popup - Footnote)

26. This Part was Part 4 of this Act.

27 (Popup - Footnote)

27. Amended by section 5 of the Armed Forces (Amendment) Decree, 1972 (N.R.C.D. 45) and further amended by Article 214 (2), 2 (3) of the 1992 Constitution. The previous provision reads:

“97. Regulations

- (1) The President may, by legislative instrument, made such regulations as may be necessary or convenient for securing the discipline and good government of the Armed Forces and generally for the better carrying out of the objects and purposes of this Act.
- (2) Without derogation from the generality of the provisions of [subsection \(1\)](#), the President may make

regulations in respect of the following matters—

- (a) such matters as are required under this Act to be prescribed or are authorised or required under this Act to be made by regulation;
- (b) the quality, issue and disposal of any property for the Armed Forces and the application of the proceeds, if any, of such disposal;
- (c) the ranks of officers and men of each Armed Force, the numbers in each such rank and the use of uniforms by such officers and men;
- (d) conditions of service, including conditions of service relating to enrolment and to the pay, pensions, gratuities and other allowances of officers and men of each Armed Force and deductions therefrom;
- (e) the secondment, transfer, discharge, and promotion of officers and men of each Armed Force;
- (f) the authority and powers of command of officers and men of each Armed Force;
- (g) the procedure for obtaining redress of grievances in the case of officers and men of each Armed Force;
- (h) the liability of officers and men of each Armed Force for loss or damage of property of such Force;
- (i) the collection, administration and distribution of the service estates of officers and men of each Armed Force and the disposal of the personal effects of absentee officers and men of such Force;
- (j) the application to female persons either wholly or partly of the Code of Service Discipline subject to such modifications as may be specified in the regulations;
- (k) the prohibition or control of dangerous flying;
- (l) the vaccination and inoculation of officers and men of each Armed Force and the provision of other immunisation procedures for such officers and men;
- (m) the control of the handling of dangerous substances by officers and men of the Armed Forces;
- (n) the conditions subject to which certain punishments may be imposed;
- (o) the appointment of persons additional to those specified in the Act with powers of arrest and the conditions subject to which such appointment is made and such powers are conferred;
- (p) the custody of officers and men arrested or sentenced and the duties of the persons in whose charge such officers and men have been placed;
- (q) the delegation of the powers of commanding officers to try accused persons under this Act to other persons and the conditions, if any, subject to which such delegations is made;
- (r) the date of the commencement of terms of imprisonment under this Act and the periods to be left out or taken into account in the computation of such terms;
- (s) the fees to be charged for any service performed by any person for the purposes of this Act;
- (t) the arrest and custody of deserters and persons absent without leave and any matter connected with or incidental to such arrest and custody; and
- (u) the procedure to be observed in proceedings before service tribunals, the summons and examination

of witnesses other than persons subject to the Code of Service Discipline, the production of documents by such witnesses, and the payment of remuneration to such witnesses.”

28 (Popup - Footnote)

28. Amended by section 9 of the Armed Forces (Amendment) Law, 1983 (P.N.D.C.L. 63) by the insertion after the definition of “[defence establishment](#)” of the definition of “[Disciplinary Board](#)”.

29 (Popup - Footnote)

29. Amended by [section 4](#) of the Armed Forces Pensions (Civilian Employees) Decree, 1967 ([N.L.C.D. 166](#)) by the insertion after “after” of the definition of “Pensions Ordinance” of “pensionable service”.

30 (Popup - Footnote)

30. Amended by [section 4](#) of the Armed Forces Pensions (Civilian Employees) Decree, 1967 ([N.L.C.D. 166](#)) by the insertion after “public property” of the definitions of “[qualifying service](#)”.

31 (Popup - Footnote)

31. Amended by section 9 of the Armed Forces (Amendment) Law, 1983 (P.N.D.C.L. 63). The definition provides:

“**service tribunal**” means a court-martial or a person presiding at a summary trial;”

32 (Popup - Footnote)

32. Amended by section 9 of the Armed Forces (Amendment) Law, 1983 (P.N.D.C.L. 63). The definition

provides:

“**summary trial**” means a trial conducted by or under the authority of a commanding officer under [section 63](#) or a superior commander under [section 64](#)’.

33 (Popup - Footnote)

33. The provisions reads:

“The Army, Navy and Air Force of Ghana in existence immediately before the date of the commencement of this Act shall be considered on and after that date, to be included in the Armed Forces of Ghana raised and maintained under this Act.”

34 (Popup - Footnote)

34. The provision reads:

“Notwithstanding the repeal of the enactment specified in [subsection \(1\)](#), an officer commissioned, and a soldier enrolled or re-engaged under those enactments, who is in the Army, Navy or Air Force, immediately before the commencement to serve in the Army, Navy or Air Force as if that person had been given the commission or had enrolled or been re-engaged, under this Act.”

35 (Popup - Footnote)

35. Amended by section 3 of the Armed Forces (Amendment) Act, 1962 (Act 131) by the addition of [subsection \(4\)](#) immediately after [subsection \(3\)](#).