



Armed Forces Act 1966

1966 CHAPTER 45

PART II

AMENDMENTS OF LAW AS TO ENTRY, ENLISTMENT AND TERMS OF SERVICE IN REGULAR FORCES

Terms and Conditions of Service

2 Power of Defence Council to make regulations as to engagement of persons in regular forces.

- (1) The Defence Council may, for the purpose of regulating the terms for which persons entering the Royal Navy and enlisting in the regular army or regular air force may be entered or enlisted and the conditions of service therein, by regulation make provision for all or any of the following purposes, that is to say.—
- (a) specifying the duration of any such term, whether by reference to a number of years or another criterion or a number of years and another criterion;
 - (b) requiring any such term to be one of full-time service, or to be in part full-time service and in part service with a reserve force;
 - (c) enabling a person to determine his full-time service at any time for which provision is made under the regulations, or to transfer at any such time to a reserve force;
 - (d) restricting a person, in consideration of the acceptance by him of any benefit or advantage, from exercising any such right as is referred to in the last foregoing paragraph;
 - (e) enabling a person entered or enlisted for a term of service of a description specified in the regulations to obtain treatment as if he had entered or enlisted for a term of service of a different description;
 - (f) enabling a person to extend the term of his service, whether full-time or in a reserve force, or both;
 - (g) enabling a person to continue in service after completion of the term of his service;

- (h) enabling a person in a reserve force to re-enter on full time service, and the exercise of any right conferred on a person by virtue of any of the foregoing paragraphs may be made subject to such conditions as may be specified in the regulations.
- (2) Regulations under this section may make different provision for different cases, and, in particular, for entry into the Royal Navy, enlistment in the regular army and enlistment in the regular air force, and may, to such extent as appears to the Defence Council to be consequential on the provisions of the regulations, repeal, in the case of the enactments specified in columns 1 and 2 of Schedule 1 to this Act, all or any of the provisions specified in column 3 of that Schedule, and make such other consequential provisions and such incidental or transitional provisions as appear to them necessary or expedient for the purposes of the regulations.
- (3) In relation to a person entered in naval service or enlisted in the regular army or the regular air force before the coming into effect of a regulation made under this section, no provision of the regulation shall be so framed so as, except with the consent of that person, to vary or revoke a right to which he is entitled by or under any Act of Parliament (including this Act) relating to entry in the Royal Navy or enlistment in the regular army or regular air force or conditions of service therein, not being a right exercisable only with the approval or consent of another person or an authority, or to impose on him an obligation to which he is not already subject.
- (4) Regulations under this section shall be made by statutory instrument, and—
- (a) except in the case of a statutory instrument containing regulations whereby provision is made for repealing or amending an enactment, a statutory instrument containing regulations made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament; and
 - (b) in the said excepted case, a draft of the statutory instrument shall be laid before Parliament.

Provisions relating to the Royal Navy

3 Application of sections 4 to 10.

The seven next following sections shall have effect for the purpose of putting into effect in relation to the Royal Navy provisions similar to those having effect in relation to the regular army and the regular air force by virtue of sections 2(3) to (5), 9, 10, 11, 12, 18, 19 and 61 of the Army Act 1955 and the Air Force Act 1955, the provisions so put into effect, so far as they relate to the discharge and prolongation of service of ratings, and statements on entry in the Royal Navy, replacing the provisions of section 1 of the Naval Enlistment Act 1835 (so far as they so relate) and sections 9 and 16 of the Naval Enlistment Act 1853.

4 Postponement, in certain cases, of discharge or transfer, to Royal Fleet Reserve of ratings. ,.

- (1) Where at the time at which, apart from this section, a rating would be entitled to be discharged, or would fall to be transferred to the Royal Fleet Reserve, either—
- (a) a state of war exists between Her Majesty and a foreign power; or
 - (b) warlike operations are in preparation or in progress; or
 - (c) men of the Royal Naval Reserve are called into actual service,

he may be retained in service in the Royal Navy for such period as is hereinafter mentioned, and his service may be prolonged accordingly.

An exercise, by virtue of paragraph (b) above, of the power conferred by this subsection shall be reported to Parliament forthwith.

- (2) No person shall be retained in service in the Royal Navy by virtue of this section later than the expiration of twelve months after the date on which, apart from this section, he would be entitled to be discharged.
- (3) Subject to the provisions of the last foregoing subsection, any person who, apart from this section, would be entitled to be discharged may be retained in service in the Royal Navy for such period as the competent authority may order.
- (4) Subject as aforesaid, a rating who, apart from this section, would fall to be transferred to the Royal Fleet Reserve may be retained in service in the Royal Navy for such period, ending not later than twelve months after the date on which, apart from this section, he would fall to be transferred to the Royal Fleet Reserve, as the competent authority may order, or for any period or further period during which men of the Royal Naval Reserve continue called into actual service.
- (5) If, while a person is being retained in service in the Royal Navy by virtue of this section, it appears to the competent authority that his service can be dispensed with, he shall be entitled to be discharged or transferred to the Royal Fleet Reserve as the case may require.
- (6) Where, at the time at which under the foregoing provisions of this section, a person is entitled to be discharged or transferred to the Royal Fleet Reserve, a state of war exists between Her Majesty and a foreign power, he may, by declaration made before his commanding officer in a form prescribed by regulations of the Defence Council, agree to continue in service in the Royal Navy while such a state of war exists; and, if the competent authority approve, he may continue accordingly as if the period for which his term of service could be prolonged under the foregoing provisions of this section were a period continuing so long as a state of war exists:

Provided that, if it is so specified in the declaration, he shall be entitled to be discharged or transferred to the Royal Fleet Reserve as the case may require at the expiration of three months notice given by him to such officer as aforesaid.

- (7) References in this section to transfer of a person to the Royal Fleet Reserve shall be construed as references to his being entered in the Royal Fleet Reserve where he is so entered in pursuance of a liability to serve therein after the completion of his term of service in the Royal Navy, being a liability incurred under the terms of his engagement to serve in the Royal Navy; and, in relation to ratings serving outside the United Kingdom, references in this section to being entitled to be transferred to the Royal Fleet Reserve shall be construed as references to being entitled to be sent to the United Kingdom with all convenient speed for the purpose of being transferred to that Reserve.
- (8) References in this section to discharge shall not include references to discharge of a rating from the Royal Navy where on such discharge he is, under the terms of his engagement, liable to serve in the Royal Fleet Reserve after the completion of his term of service in the Royal Navy.
- (9) References in this section to men of the Royal Naval Reserve being called into actual service are references to their being called into actual or permanent service under the

authority of an order of Her Majesty made on its appearing to Her that national danger is imminent or a great emergency has arisen, or into actual service under section 10(1) of the Auxiliary and Reserve Forces Act 1949.

- (10) The powers conferred by the foregoing provisions of this section shall not be exercisable at any time in relation to a person who at that time is retained in naval service by virtue of section 1 of the Naval Enlistment Act 1835 or section 9 of the Naval Enlistment Act 1853.

5 Continuation of service in Royal Navy in imminent national danger.

- (1) If it appears to Her Majesty that national danger is imminent or that a great emergency has arisen, She may by order, signified under the hand of the Secretary of State, provide that ratings who would otherwise fall to be transferred to the Royal Fleet Reserve shall continue in service in the Royal Navy; and thereupon the last foregoing section shall apply to such persons as it applies while men of the Royal Naval Reserve are called into actual service.
- (2) Where an order is made under subsection (1) above, the occasion thereof shall forthwith be communicated to Parliament.
- (3) An order in force under subsection (1) above may be revoked by an order of Her Majesty signified as therein mentioned.
- (4) Subsection (7) of section 4 above shall have effect in relation to this section as it does in relation to the said section 4.

6 Discharge of ratings.

- (1) Every rating, upon becoming entitled to be discharged, shall be discharged with all convenient speed but until discharged shall remain subject to the Naval Discipline Act 1957.
- (2) Where a rating entered for service in the Royal Navy in the United Kingdom is, when entitled to be discharged, serving out of the United Kingdom, then—
- (a) if he requires to be discharged in the United Kingdom, he shall be sent there free of cost with all convenient speed and shall be discharged on his arrival there or, if he consents to his discharge being delayed, within six months from his arrival; but
 - (b) if at his request he is discharged at the place where he is serving, he shall have no claim to be sent to the United Kingdom or elsewhere.
- (3) Every rating shall, on his discharge, be given a certificate of discharge containing such particulars as may be prescribed by regulations of the Defence Council.
- (4) A rating who is discharged in the United Kingdom shall be entitled to be conveyed free of cost from the place where he is discharged to the place at which he was entered for service in the Royal Navy or to any place at which he intends to reside and to which he can be conveyed at no greater cost.
- (5) Subsection (8) of section 4 above shall have effect in relation to this section as it does in relation to the said section 4.

7 Transfer of ratings to reserve.

- (1) Every rating, upon falling to be transferred to the Royal Fleet Reserve, shall be so transferred, but until so transferred shall remain subject to the Naval Discipline Act 1957.
- (2) Where a rating, when falling to be transferred to the Royal Fleet Reserve, is serving out of the United Kingdom, he shall be sent to the United Kingdom free of cost with all convenient speed and shall be transferred to that reserve on his arrival there, or if he consents to his transfer being delayed, within six months from his arrival:

Provided that if he so requests he may be transferred to the Royal Fleet Reserve without being required to return to the United Kingdom.

- (3) A rating who is transferred to the Royal Fleet Reserve in the United Kingdom shall be entitled to be conveyed free of cost from the place where he is transferred to the place at which he was entered for service in the Royal Navy or to any place at which he intends to reside and to which he can be conveyed at no greater cost, but he shall not be entitled to be conveyed to a place outside the United Kingdom.
- (4) Subsection (7) of section 4 above shall have effect in relation to this section as it does in relation to the said section 4.

8 False statements on entry into Royal Navy.

- (1) If a person offering himself to be entered for service in the Royal Navy knowingly makes a false answer to any question put to him in connection with his entry into such service by, or by the direction of, an officer or other person authorised under regulations made by the Defence Council to enter persons for such service, he shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20.
- (2) Where a person guilty of an offence under the foregoing subsection becomes subject to the Naval Discipline Act 1957, the provisions of that Act shall, so long as he remains subject to it, have effect in relation to him as if an offence under the foregoing subsection were also an offence under Part I of that Act punishable with imprisonment for a term not exceeding three months or any less punishment authorised by that Act.

9 Consents to entry of young persons into Royal Navy.

- (1) A person under the appropriate minimum age shall not be entered for service in the Royal Navy unless consent to his being so entered has been given in writing—
 - (a) if he is living with both or one of his parents, by the parents or parent;
 - (b) if he is not living with both or one of his parents, but a person (whether a parent or not) whose whereabouts are known or can after reasonable inquiry be ascertained has parental rights and powers in respect of him, by that person ;
 - (c) if there is no such person as is mentioned in paragraph (b) above or if after reasonable inquiry it cannot be ascertained whether there is any such person, by any person in whose care (whether in law or in fact) he may be.
- (2) Where an officer or other person authorised under regulations made by the Defence Council to enter persons for naval service is satisfied, by the production of a certified copy of an entry in the register of births or by any other evidence appearing to him to be sufficient, that a person offering himself to be entered for such service has or

has not attained the appropriate minimum age, that person shall be deemed for the purposes of this section to have attained, or, as the case may be, not to have attained that age; and a document purporting to be a certificate signed by the said officer or other person stating that he is satisfied as aforesaid shall be evidence, until the contrary is proved, that he is so satisfied.

- (3) In this section the expression " appropriate minimum age " means the age of seventeen years and six months, except that, in such classes of case as may be prescribed by regulations of the Defence Council, it means the age of seventeen years.

10 Validity of entry into Royal Navy.

- (1) Where a person has signified acceptance of his being entered for service in the Royal Navy and has thereafter received pay as a rating, but there was a failure to comply in his case with any requirement of, or made by virtue of, this Part of this Act as to entry for service in the Royal Navy, or there exists any other ground on which, apart from this subsection, the validity of his entry could be called in question, then—
- (a) if, within three months beginning with the date on which he signified his acceptance, he claims that his entry is invalid by reason of any such failure to comply or on any such other ground, the claim shall be submitted as soon as may be to the Defence Council, and if the claim is well founded, the Defence Council shall cause him to be discharged from the Royal Navy with all convenient speed and to be released from any liability under his entry to serve in a reserve force;
 - (b) subject to the provisions of the foregoing paragraph, he shall be deemed, as from the expiration of the said three months, to have been validly entered for service in the Royal Navy notwithstanding any such failure to comply or other ground ;
 - (c) notwithstanding any such failure to comply or other ground, he shall be deemed to be a rating until the end of the said period of three months or, if he is discharged before the end of that period, until his discharge.
- (2) In the case of a person who, when he signified such acceptance, was under the appropriate minimum age, paragraph (a) of the foregoing subsection shall have effect as if for the words " he claims " there were substituted the words " he, or a person whose consent to the entry was required under section 9 above who did not duly consent, claims ".
- (3) In this section the expression " appropriate minimum age " has the meaning assigned thereto by section 9 above.
- (4) Nothing in the foregoing provisions of this section shall be construed as prejudicing the determination of any question as to the term for which a person was entered or as preventing the discharge of a person who has not claimed his discharge.

11 Cesser of certain obsolete, enactments.

The enactments specified in Schedule 2 to this Act, being enactments which to the extent specified in column 3 of that Schedule have, by lapse of time or otherwise, become obsolete or unnecessary, shall cease to have effect to the extent so specified.

Provisions relating to Army and Air Force

12 Continuation of army and air-force service in imminent national danger.

(1) The Army Act 1955 shall have effect with the substitution, for section 10 (power of Her Majesty by proclamation to order continuation of army service in imminent national danger) of the following section:—

(1) If it appears to Her Majesty that national danger is imminent or that a great emergency has arisen, She may by order, signified under the hand of the Secretary of State, provide that soldiers who would otherwise fall to be transferred to the reserve shall continue in army service; and thereupon the last foregoing section shall apply to such soldiers as it applies while men of the reserve are called out on permanent service.

(2) Where an order has been made under subsection (1) above, the occasion thereof shall forthwith be communicated to Parliament.

(3) An order in force under subsection (1) above may be revoked by order of Her Majesty signified as therein mentioned”.

(2) The Air Force Act 1955 shall have effect with the substitution, for section 10 thereof, of a section in other respects similar to that set out in subsection (1) above but modified by the substitution for the word " soldiers ", wherever occurring, of the word "airmen" and for the words "army service of the words " air force service ".

13 Amendment of provisions as to discharge and transfer to reserve of men of the Royal Marines.

(1) The provisions of Schedule 3 to this Act shall have effect for the purpose of making amendments in Part I of Schedule 7 to the Army Act 1955 (enlistment, service and discharge of men of the Royal Marines), being amendments whose effect is to apply to the Royal Marines, in place of paragraph 4(2) of the said Schedule 7 (which enables the commanding officer of a man of the Royal Marines serving abroad to prolong his term of service) and paragraph 4(4) thereof (which enables Her Majesty by proclamation to extend the period of service of such men for five years) the provisions, with necessary modifications, of sections 9 and 10 of the Army Act 1955, and in place of paragraph 5(3) and (4) of the said Schedule 7 (which relate to the discharge and transfer to the Royal Fleet Reserve of such men) the provisions, with necessary modifications, of sections 11(2) and (5) and 12(2) and (3) of the Army Act 1955.

(2) The powers conferred by virtue of the provisions applied by the foregoing subsection in place of the said paragraphs 4(2) and 4(4) shall not be exercisable at any time in relation to a person who at that time is retained in service in the Royal Marines by virtue of the said paragraphs.

Interpretation of Part II

14 Interpretation of Part II.

(1) In this Part of this Act—

" rating " means a member of the Royal Navy of or below the rate of chief petty officer;

Status: This is the original version (as it was originally enacted).

" commanding officer ", in relation to a person, means such officer having powers of command over that person as may be determined by or under regulations of the Defence Council;

" competent authority " means the Defence Council or an officer prescribed by regulations of the Defence Council to act for the purposes of this Part of this Act.

- (2) Regulations of the Defence Council may prescribe different officers to act as competent authority for different purposes of this Part of this Act.