



Army Act 1955 (repealed)

1955 CHAPTER 18 3 and 4 Eliz 2

PART I

ENLISTMENT AND TERMS OF SERVICE

Textual Amendments applied to the whole legislation

- F1** Act: the provisions of the 1955 Acts providing for findings of courts-martial to be subject to confirmation and to revision at the direction of the confirming officer cease to have effect (1.4.1997 subject to art. 3 of the commencing S.I.) by virtue of [1996 c. 46, s. 15](#); [S.I. 1997/304, arts. 2, 3](#), [Sch. 2](#)

Enlistment

1 Recruiting officers.

The following persons may enlist recruits in the regular forces and are in this Act referred to as recruiting officers, that is to say,—

- (a) whether within or without Her Majesty's dominions, any officer authorised under regulations of [^{F1}the Defence Council],
- (b) in a colony, any person authorised by the Governor of the colony,
- (c) outside Her Majesty's dominions, any British consul-general, consul or vice-consul, and any person duly exercising the authority of a British consul.

Textual Amendments

- F1** Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)

2 Enlistment.

- (1) A person offering to enlist in the regular forces shall be given a notice in the prescribed form setting out the questions to be answered on attestation and stating the general

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conditions of the engagement to be entered into by him; and a recruiting officer shall not enlist any person in the regular forces unless satisfied by that person that he has been given such a notice, understands it and wishes to be enlisted.

- (2) The procedure for enlisting a person in the regular forces shall be that set out in the First Schedule to this Act.
- (3) A recruiting officer shall not enlist a person under the [^{F2}appropriate minimum age] unless consent to the enlistment has been given in writing—
- (a) if the person offering to enlist 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 any person (whether a parent or not) whose whereabouts are known or can after reasonable enquiry 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) of this subsection or if after reasonable enquiry it cannot be ascertained whether there is any such person, by any person in whose care (whether in law or in fact) the person offering to enlist may be.
- (4) Where the recruiting officer 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 to enlist has or has not attained the [^{F2}appropriate minimum age], that person shall be deemed for the purposes of this Act to have attained, or as the case may be, not to have attained, that age.

A document purporting to be a certificate signed by the recruiting officer, stating that he is satisfied as aforesaid, shall be sufficient evidence, until the contrary is proved, that he is so satisfied.

- [^{F3}(5) In this Part of this Act the expression “appropriate minimum age” means the age of eighteen or, in a case falling within any class for which a lower age is for the time being prescribed, that lower age.]

Textual Amendments

F2 Words substituted by [Armed Forces Act 1966 \(c. 45\), Sch. 4](#)

F3 [S. 2\(5\)](#) substituted by [Armed Forces Act 1971 \(c. 33\), s. 63\(1\)](#)

Appointment to corps and transfer from one corps to another

3 Enlistment for general or corps service and appointment to and transfer between corps.

- (1) Recruits may, in pursuance of regulations of [^{F4}the Defence Council] under this Part of this Act, be enlisted for service in particular corps, but save as may be provided by such regulations recruits shall be enlisted for general service.
- (2) The competent military authority shall as soon as practicable appoint a recruit, if enlisted for service in a corps, to that corps, and if enlisted for general service, to such corps as the competent military authority may think fit:

Provided that a recruit enlisted for general service before attaining the age of eighteen years need not be appointed to a corps until he attains that age.

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- (3) A soldier of the regular forces may at any time be transferred by order of the competent military authority from one corps to another:

Provided that except while a state of war exists between Her Majesty and any foreign power, or [^{F5}a call-out order under section 52 of the Reserve Forces Act 1996 is in force authorising the call out for permanent service of members of the reserve], an order under this subsection shall not be made otherwise than by [^{F4}a member of the Army Board] unless the person to whom the order relates consents to the transfer.

- (4) Where, in pursuance of the last foregoing subsection, a soldier of the regular forces is transferred to a corps in an arm or branch of the service different from that in which he was previously serving, the competent military authority may by order vary the conditions of his service so as to correspond with the general conditions of service in the arm or branch to which he is transferred.

Textual Amendments

F4 Words substituted by S.I. 1964/488, **Sch. 1 Pt. I**

F5 Words in s. 3(3) substituted (1.1.1999) by S.I. 1998/3086, **reg. 9(2)** (with **reg. 11, Sch.**)

Modifications etc. (not altering text)

C1 S. 3(3) extended by **Reserve Forces Act 1980 (c. 9), s. 18(2)**

4—7. ^{F6}

Textual Amendments

F6 Ss. 4–8 repealed with saving by S.I. 1967/1018, **Sch. 3 Pt. I**

Extension of service

8 ^{F7}

Textual Amendments

F7 Ss. 4–8 repealed with saving by S.I. 1967/1018, **Sch. 3 Pt. I**

9 Postponement in certain cases of discharge or transfer to the reserve.

[^{F8}(1) This section applies to a soldier of the regular forces if, on the relevant date, a call-out order under section 52, 54 or 56 of the Reserve Forces Act 1996 is in force authorising the call out for permanent service of members of the reserve.

For the purposes of this section, “the relevant date”, in relation to a soldier, means the date on which he would, apart from this section, fall to be transferred to the reserve or he would be entitled to be discharged, as the case may be.

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- (1A) A soldier to whom this section applies may be retained in army service after the relevant date in accordance with this section for such period as the competent military authority may order, and his service may be prolonged accordingly.
- (1B) The period for which a soldier may be retained in service after the relevant date by virtue of this section shall be limited as follows, that is to say—
- (a) a soldier who would otherwise have fallen to be transferred to the reserve may not be retained for longer than the period for which, if the assumptions mentioned in subsection (1C) below are made in relation to him, he could have been required to serve on being called out under Part VI of the Reserve Forces Act 1996; or
 - (b) a soldier who would otherwise have been discharged may not be retained for longer than twelve months;
- and a soldier who is retained in service is (if not transferred or discharged sooner) entitled to be transferred to the reserve or discharged, as the case may require, at the end of whichever of the above periods applies to him.
- (1C) The assumptions to be made in relation to a soldier for the purposes of subsection (1B) (a) above are that—
- (a) he was transferred to the reserve in time to be called out for permanent service starting on the relevant date; and
 - (b) he was so called out on the authority of the call-out order which justified his retention in service.]
- (5) If while a soldier is being retained in army service by virtue of this section it appears to the competent military authority that his services can be dispensed with, he shall be entitled to be discharged or transferred to the reserve as the case may require.
- (6) Where, at the time at which under the foregoing provisions of this section a soldier is entitled to be discharged or transferred to the reserve, a state of war exists between Her Majesty and any foreign power, he may, by declaration made in the prescribed form before his commanding officer, agree to continue in army service while such a state of war exists; and if the competent military 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:
- [^{F9}(6A) Where a soldier is retained in service by virtue of this section but would otherwise have fallen to be transferred to the reserve—
- (a) any period for which he is liable to serve in the reserve after the completion of his army service shall be reduced by the period for which he is so retained; and
 - (b) the period for which he is so retained shall be treated as a period of relevant service for the purposes of any provision of Part IV, V, VI or VII of the Reserve Forces Act 1996.]
- Provided that if it is so specified in the declaration he shall be entitled to be discharged or transferred to the reserve, as the case may require, at the expiration of three months' notice given by him to his commanding officer.
- (7) In relation to soldiers serving outside the United Kingdom, references in this section to being entitled to be transferred to the 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 the reserve.

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Textual Amendments

- F8** S. 9(1)-(1C) substituted (1.4.1997) for S. 9(1)-(4) by 1996 c. 14, s. 126, **Sch. 7 para. 1(1)(2)** (with s. 72(5), Sch. 7 para. 2); S.I. 1997/305, **art. 2(1)**
- F9** S. 9(6A) inserted (1.4.1997) by 1996 c. 14, s. 126, **Sch. 7 para. 1(1)(3)** (with s. 72(5), Sch. 7 para. 2); S.I. 1997/305, **art. 2(1)**

Modifications etc. (not altering text)

- C2** S. 9 extended by **Reserve Forces Act 1980 (c. 9), s. 19(3)**; modified **Reserve Forces Act 1980 (c. 9), s. 83(1)(a)(3)**
- C3** S. 9 modified (1.1.1999) by S.I. 1998/3086, reg. 11, **Sch. para. 1**

[^{F10}10

- (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 [^{F11}a call-out order under section 52 of the Reserve Forces Act 1996 authorising the call out of members of the reserve is in force].
- (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]

Textual Amendments

- F10** S. 10 substituted by **Armed Forces Act 1966 (c. 45), s. 12(1)**
- F11** Words in s. 10(1) substituted (1.4.1997) by 1996 c. 14, s. 126, **Sch. 7 para. 1(4)** (with Sch. 7 para. 2); S.I. 1997/305, **art. 2(1)** (subject to art. 2(2))

Discharge and transfer to reserve

11 Discharge.

- (1) Save as hereinafter provided every soldier of the regular forces, upon becoming entitled to be discharged, shall be discharged with all convenient speed but until discharged shall remain subject to military law.
- (2) Where a soldier of the regular forces enlisted 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) Except in pursuance of the sentence of a court-martial (whether under this Act, [^{F12}the ^{M1}Naval Discipline Act 1957] or the ^{M2}Air Force Act 1955), a soldier of the regular

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forces shall not be discharged unless his discharge has been authorised by order of the competent military authority or by authority direct from Her Majesty; and in any case the discharge of a soldier of the regular forces shall be carried out in accordance with Queen's Regulations.

- (4) Every soldier of the regular forces shall on his discharge be given a certificate of discharge containing [F13 the following particulars, namely—
- (a) his name, rank and service number;
 - (b) his reserve liability (if applicable); and
 - (c) the reason for his discharge and the date of discharge,
- together with any other particulars which are required to be included in the certificate by directions of the Defence Council or an officer authorised by them.]
- (5) A soldier of the regular forces 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 stated in his attestation paper to be the place where he was attested or to any place at which he intends to reside and to which he can be conveyed with no greater cost.

Textual Amendments

F12 Words substituted by virtue of [Naval Discipline Act 1957 \(c. 53\), s. 137\(2\)](#)

F13 Words in [s. 11\(4\)](#) and [s. 11\(4\)\(a\)-\(c\)](#) substituted for words (1.5.2001) by [1996 c. 46, s. 3\(1\)](#); [S.I. 2001/1519, art. 2](#)

Marginal Citations

M1 [1957 c. 53.](#)

M2 [1955 c. 19.](#)

12 Transfer to the reserve.

- (1) Every soldier of the regular forces upon falling to be transferred to the reserve shall be transferred to the reserve but until so transferred shall remain subject to military law.
- (2) Where a soldier of the regular forces, when falling to be transferred to the 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 the 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 reserve without being required to return to the United Kingdom.

- (3) A soldier who is transferred to the reserve in the United Kingdom shall be entitled to be conveyed free of cost from the place where he is transferred to the place stated in his attestation paper to be the place where he was attested or to any place at which he intends to reside and to which he can be conveyed with no greater cost:

Provided that he shall not be entitled to be conveyed to any place outside the United Kingdom.

13 Postponement of discharge or transfer pending proceedings for offences.

- (1) Notwithstanding anything in this Part of this Act, a soldier of the regular forces shall not be entitled to be discharged or transferred to the reserve at a time when he has

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become liable, as a person subject to military law, [^{F14}the ^{M3}Naval Discipline Act 1957] or air-force law, to be proceeded against for an offence against any of the provisions of this Act, [^{F14}the Naval Discipline Act 1957] or the ^{M4}Air Force Act 1955:

Provided that if it is determined that the offence shall not be tried by court-martial this subsection shall cease to apply.

- (2) Notwithstanding anything in this Part of this Act, a soldier of the regular forces who is outside the United Kingdom and serving a sentence of imprisonment or detention awarded by a court-martial under this Act, [^{F14}the ^{M5}Naval Discipline Act 1957] or the ^{M6}Air Force Act 1955, shall not be entitled to be discharged or transferred to the reserve during the currency of the sentence.

Textual Amendments

F14 Words substituted by virtue of [Naval Discipline Act 1957 \(c. 53\), s. 137\(2\)](#)

Modifications etc. (not altering text)

C4 [S. 13](#) extended by [Reserve Forces Act 1980 \(c. 9\), s. 19\(3\)](#)

Marginal Citations

M3 [1957 c. 53.](#)

M4 [1955 c. 19.](#)

M5 [1957 c. 53.](#)

M6 [1955 c. 19.](#)

14 ^{F15}

Textual Amendments

F15 [S. 14](#) repealed by [S.I. 1972/1955, Sch. Pt. I](#)

15 Right of warrant officer to discharge on reduction to ranks.

A warrant officer of the regular forces who is reduced to the ranks may thereupon claim to be discharged unless a state of war exists between Her Majesty and any foreign power or [^{F16}a call-out order under section 52 of the Reserve Forces Act 1996 is in force authorising the call out for permanent service of members of the reserve].

Textual Amendments

F16 [S. 15](#) substituted (1.1.1999) by [S.I. 1998/3086, reg. 9\(3\)](#) (with [reg. 11, Sch.](#))

16 ^{F17}

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Textual Amendments

F17 S. 16 repealed by [Mental Health \(Scotland\) Act 1960 \(c. 61\)](#), [Sch. 5](#)

Miscellaneous and supplementary provisions

17 Forfeiture of service for desertion and restoration of forfeited service.

- (1) Where a soldier of the regular forces is convicted of desertion by court-martial, the period of his service as respects which he is convicted of having been a deserter shall be forfeited.
- (2) Where any of a soldier's service is forfeited the provisions of this Part of this Act . . .^{F18} shall apply to him, and he shall be liable to serve, in like manner as if the appropriate date were the date of his attestation and he had, on the appropriate date, been duly enlisted to serve for the like term (both as respects duration and as respects liability to army service and any liability to serve in the reserve) as that for which he was in fact serving at the date of his conviction:

Provided that where at the date of his conviction the soldier was serving a term ending with the expiration of a period beginning with the date of his attaining the age of eighteen years and he had attained that age when he was convicted (whether or not he had attained it when the offence was committed) the duration of the term for which he is liable to serve shall be equal to that period and the time for which he is required to serve in army service shall be reduced accordingly.

- [^{F19}(3) In subsection (2) above "the appropriate date" means in relation to any person a date earlier than the date of his conviction for desertion by the length of his service which is not forfeited.]
- (4) Notwithstanding anything in the foregoing provisions of this section, the right conferred on a soldier by [^{F20}regulations made in pursuance of section 2(1)(c) of the ^{M7}Armed Forces Act 1966] shall not be exercisable, in consequence of a forfeiture of service, at a time earlier than that at which it would have been exercisable apart from the forfeiture.
- (5) [^{F21}The Defence Council] may by regulations make provision for the restoration in whole or in part of any forfeited service to a soldier in consideration of good service or on other grounds justifying the restoration of service forfeited.
- (6) Where service of any description is restored to a person by virtue of the last foregoing subsection while he is in army service,—
 - (a) the amount of the service so restored shall, subject to the provisions of the next following paragraph, be credited to him for the purpose of determining for the purposes of this Act the amount of service, army service or service in the reserve, as the case may require, which he has served or is liable to serve; but
 - (b) in the case of a person who, when his service is restored, is serving, or subsequently serves, on terms which entitle him to the right conferred by [^{F20}regulations made in pursuance of section 2(1)(c) of the ^{M8}Armed Forces Act 1966] the restoration shall not operate to alter the dates on which, by reason of the operation of subsection (2) of this section, his army service may be determined in pursuance of an exercise of that right.

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- (7) Nothing in this section shall apply to a person who deserts at a time when he is, under [F20 regulations made in pursuance of section 2 of the M9 Armed Forces Act 1966 or under any enactment repealed by such regulations], continued in service after the completion of twenty-two years' service.

Textual Amendments

- F18** Words repealed by [Armed Forces Act 1976 \(c. 52\)](#), **Sch. 10**
F19 [S. 17\(3\)](#) substituted by [Armed Forces Act 1971 \(c. 33\)](#), s. 78(4), **Sch. 1 para. 1(2)**
F20 Words substituted by [S.I. 1967/1018](#), **Sch. 3 Pt. 3**
F21 Words substituted by [S.I. 1964/488](#), **Sch. 1 Pt. 1**

Modifications etc. (not altering text)

- C5** [S. 17\(2\)](#) amended by [S.I. 1967/1018](#), **Sch. 3 Pt. 3**

Marginal Citations

- M7** [1966 c. 45](#).
M8 [1966 c. 45](#).
M9 [1966 c. 45](#).

18 Validity of attestation and enlistment.

- (1) Where a person has signed the declaration required by the First Schedule to this Act, and has thereafter received pay as a soldier of the regular forces,—
- the validity of his enlistment shall not be called in question on the ground of any error or omission in his attestation paper;
 - if within three months from the date on which he signed the said declaration he claims that his enlistment is invalid by reason of any non-compliance with the requirements of this Act as to enlistment or attestation, or any other ground whatsoever (not being an error or omission in his attestation paper) on which apart from this subsection the validity of his enlistment could have been called in question, the claim shall be submitted as soon as may be to [F22 the Defence Council], and if the claim is well founded [F22 the Defence Council] shall cause him to be discharged with all convenient speed;
 - subject to the provisions of the last foregoing paragraph, he shall be deemed as from the expiration of the said three months to have been validly enlisted notwithstanding any such non-compliance or other grounds as aforesaid;
 - notwithstanding any such non-compliance or other grounds as aforesaid, or the making of a claim in pursuance of paragraph (b) of this subsection, he shall be deemed to be a soldier of the regular forces until his discharge.

In the case of a person who when he signed the said declaration had not attained the [F23 appropriate minimum age], paragraph (b) of this subsection shall have effect as if for the words “he claims” there were substituted the words “he, or any person whose consent to the enlistment was required under subsection (3) of section two of this Act but who did not duly consent, claims”.

- (2) Where a person has received pay as a soldier of the regular forces without having previously signed the declaration required by the First Schedule to this Act, then—
- he shall be deemed to be a soldier of the regular forces until discharged;

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- (b) he may claim his discharge at any time, and if he does so the claim shall be submitted as soon as maybe to [F22the Defence Council], who shall cause him to be discharged with all convenient speed.
- (3) 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 enlisted or as preventing the discharge of a person who has not claimed his discharge.

Textual Amendments
F22 Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)
F23 Words substituted by [Armed Forces Act 1966 \(c. 45\), Sch. 4](#)

19 False answers in attestation paper.

- (1) If a person appearing before a recruiting officer for the purpose of being attested knowingly makes a false answer to any question contained in the attestation paper and put to him by or by the direction of the recruiting officer, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding [F24level 1 on the standard scale].
- (2) For the avoidance of doubt it is hereby declared that a person may be proceeded against under this section notwithstanding that he has since become subject to military law.

Textual Amendments
F24 Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss.38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), ss. 289F, 289G](#) and (N.I.) [S.I.1984/703 \(N.I. 3\), arts. 5, 6](#)

20 F25

Textual Amendments
F25 [S. 20](#) repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\), Sch. 1 Pt. I](#)

21 Service of aliens in regular forces.

- (1) Subject to the provisions of the two next following subsections the number of aliens who at any one time are serving (whether as officers or soldiers) in the regular forces shall not exceed one-fiftieth of the aggregate number at that time of those forces.
- (2) In reckoning the number of aliens serving as aforesaid there shall be excluded persons enlisted outside the United Kingdom and serving in such units (if any) as may be prescribed, and officers serving in such units.
- (3) [F26The Defence Council] may by regulations provide that at any time at which a state of war exists between Her Majesty and any foreign power or while [F27a call-out order under section 52 of the Reserve Forces Act 1996 is in force authorising the call out for permanent service of members of the reserve] subsection (1) of this section shall have

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effect with the substitution for one-fiftieth of such other fraction as may be specified in the regulations.

- (4) Nothing in section three of the Act of Settlement (which provides among other things that aliens are incapable of holding certain offices or places of trust) shall apply to an office or place of trust in the regular forces so long as the limit having effect under the foregoing provisions of this section is not exceeded.
- (5) ^{F26}The Defence Council] may by regulations provide that in such cases as may be prescribed by the regulations it shall not be necessary to administer the oath of allegiance to an alien on his enlistment; and in relation to cases so prescribed this Act shall have effect with the omission of references to the administration and taking of the oath of allegiance.

Textual Amendments

F26 Words substituted by S.I. 1964/488, Sch. 1 Pt. I

F27 Words in s. 21(3) substituted (1.1.1999) by S.I. 1998/3086, reg. 9(4) (with reg. 11, Sch.)

22 Regulations as to enlistment.

^{F28F29}(1) ^{F30}The Defence Council] may make such regulations as appear to them necessary or expedient for the purposes of, or in connection with, the enlistment of recruits for the regular forces and generally for carrying this Part of this Act into effect.

^{F28}(2) Any power conferred by this Part of this Act to make regulations (including the power under paragraph 5 of Schedule 1 to this Act) shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

F28 S. 22(2) inserted (1.5.2001) by 1996 c. 46, s. 4(1) (with s. 4(4)); S.I. 2001/1519, art. 2

F29 S. 22 renumbered (1.5.2001) as s. 22(1) by 1996 c. 46, s. 4(1) (with s. 4(4)); S.I. 2001/1519, art. 2

F30 Words substituted by S.I. 1964/488, Sch. 1 Pt. I

23 Interpretation of Part I.

(1) In this Part of this Act:—

“competent military authority” means ^{F31}the Defence Council] or any prescribed officer;

“date of attestation”, in relation to any person, means the date on which he signs the declaration and takes the oath mentioned in paragraph 3 of the First Schedule to this Act;

^{F32}“appropriate minimum age”] has the meaning assigned to it by subsection (5) of section two of this Act;

“prescribed” means prescribed by regulations made under this Part of this Act;

“recruiting officer” has the meaning assigned to it by section one of this Act;

“reserve” means . . . ^{F33} the army reserve.

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- (2) References in this Part of this Act to soldiers shall include references to warrant officers and non-commissioned officers.

Textual Amendments

- F31** Words substituted by [S.I. 1964/488](#), **Sch. 1 Pt. 1**
F32 Words substituted by [Armed Forces Act 1966 \(c. 45\)](#), **Sch. 4**
F33 Words repealed by [Reserve Forces Act 1966 \(c. 30\)](#), **Sch. 2**

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Army Act 1955 (repealed), Part I.