



Army Act 1955 (repealed)

1955 CHAPTER 18 3 and 4 Eliz 2

PART I

ENLISTMENT AND TERMS OF SERVICE

Discharge and transfer to reserve

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**

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, [^{F1}the ^{M1}Naval Discipline Act 1957] or the ^{M2}Air Force Act 1955), a soldier of the regular 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

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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 [F²the 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

- F1** Words substituted by virtue of [Naval Discipline Act 1957 \(c. 53\), s. 137\(2\)](#)
- F2** 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 become liable, as a person subject to military law, [F³the ^{M3}Naval Discipline Act 1957]

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or air-force law, to be proceeded against for an offence against any of the provisions of this Act, [^{F3}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, [^{F3}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

F3 Words substituted by virtue of [Naval Discipline Act 1957 \(c. 53\), s. 137\(2\)](#)

Modifications etc. (not altering text)

C1 [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 ^{F4}

Textual Amendments

F4 [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 [^{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].

Textual Amendments

F5 [S. 15](#) substituted (1.1.1999) by [S.I. 1998/3086, reg. 9\(3\)](#) (with [reg. 11, Sch.](#))

16 ^{F6}

Textual Amendments

F6 [S. 16](#) repealed by [Mental Health \(Scotland\) Act 1960 \(c. 61\), Sch. 5](#)

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