



Army Act 1955 (repealed)

1955 CHAPTER 18 3 and 4 Eliz 2

PART I

ENLISTMENT AND TERMS OF SERVICE

Extension 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**

8 **F1**

Textual Amendments

F1 Ss. 4–8 repealed with saving by S.I. 1967/1018, **Sch. 3 Pt.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.

- (1) Where at the time at which apart from this section a soldier of the regular forces would be entitled to be discharged, or would fall to be transferred to the reserve, a state of war exists between Her Majesty and any foreign power, or men of the reserve are called out on permanent service, or he is serving outside the United Kingdom, he may be retained in army service for such period as is hereinafter mentioned, and his service may be prolonged accordingly.
- (2) No person shall be retained in army service 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.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Army Act 1955 (repealed), Cross Heading: Extension of service. (See end of Document for details)

- (3) Subject to the provisions of the last foregoing subsection, a person who apart from this section would be entitled to be discharged may be retained in army service for such period as the competent military authority may order.
- (4) Subject as aforesaid, a person who apart from this section would fall to be transferred to the reserve may be retained in army service 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 reserve, as the competent military authority may order or for any period or further period during which men of the reserve continue called out on permanent 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:

 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.

Modifications etc. (not altering text)

- C1** S. 9 extended by [Reserve Forces Act 1980 \(c. 9\), s. 19\(3\)](#); modified [Reserve Forces Act 1980 \(c. 9\), s. 83\(1\)\(a\)\(3\)](#)
- C2** S. 9 modified (1.1.1999) by [S.I. 1998/3086, reg. 11, Sch. para. 1](#)

[^{F2}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 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]

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Textual Amendments

F2 S. 10 substituted by [Armed Forces Act 1966 \(c. 45\), s. 12\(1\)](#)

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Army Act 1955 (repealed), Cross Heading: Extension of service.