



Army Act 1955 (repealed)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F1 Ss. 4–8 repealed with saving by S.I. 1967/1018, **Sch. 3 Pt.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.

[^{F2}(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.

Status: Point in time view as at 19/08/2004.

Changes to legislation: There are currently no known outstanding effects for the Army Act 1955 (repealed), Cross Heading: Extension of service.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

- (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:
- [^{F3}(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

- F2** 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)**
- F3** 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)

- 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**

- [^{F4}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 [^{F5}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

- F4** S. 10 substituted by **Armed Forces Act 1966 (c. 45), s. 12(1)**
- F5** 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))

Status:

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