



# Air Force Act 1955 (repealed)

1955 CHAPTER 19 3 and 4 Eliz 2

## PART I **U.K.**

### 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.** **U.K.**

The following persons may enlist recruits in the regular air force 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 [<sup>F1</sup>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.** **U.K.**

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

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the general conditions of the engagement to be entered into by him; and a recruiting officer shall not enlist any person in the regular air force 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 air force shall be that set out in the First Schedule to this Act.
- (3) A recruiting officer shall not enlist a person under the [<sup>F2</sup>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 [<sup>F2</sup>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.

[<sup>F3</sup>(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\(1\)](#)

*Enlistment for general or corps service*

[<sup>F4</sup>3 **Enlistment for general service.** **U.K.**

Recruits shall be enlisted for general service.]

**Textual Amendments**

**F4** [S. 3](#) substituted (1.10.1996) by [1996 c. 46, s. 35\(1\), Sch. 6 para. 3; S.I. 1996/2474, art. 2](#)

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**Textual Amendments**

**F5** Ss. 4–8 repealed by [Army and Air Force Act 1961 \(c. 52\), s. 14\(1\)](#)

*Extension of service*

**8** ..... <sup>F6</sup> **U.K.**

**Textual Amendments**

**F6** Ss. 4–8 repealed by [Army and Air Force Act 1961 \(c. 52\), s. 14\(1\)](#)

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

[<sup>F7F7</sup>(1) This section applies to an airman of the regular air force 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 an airman, 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.

<sup>F7</sup>(1A) An airman to whom this section applies may be retained in air-force service after the relevant date in accordance with this section for such period as the competent air-force authority may order, and his service may be prolonged accordingly.

<sup>F7</sup>(1B) The period for which an airman may be retained in service after the relevant date by virtue of this section shall be limited as follows, that is to say—

(a) an airman 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) an airman who would otherwise have been discharged may not be retained for longer than twelve months;

and an airman 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.

<sup>F7</sup>(1C) The assumptions to be made in relation to an airman 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 an airman is being retained in air-force service by virtue of this section it appears to the competent air-force 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.

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- (6) Where, at the time at which under the foregoing provisions of this section an airman 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 air-force service while such a state of war exists; and if the competent air-force 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.

- [<sup>F8</sup>(6A) Where an airman 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 air-force 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.]
- (7) In relation to airmen 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.

#### Textual Amendments

**F7** S. 9(1)-(1C) substituted (1.4.1997) for s. 9(1)-(4) by 1996 c. 14, s. 126, **Sch. 7 para. 5(2)** (with s. 72(5), Sch. 7 para. 6); S.I. 1997/305, **art. 2(1)**

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

#### Modifications etc. (not altering text)

**C1** S. 9 modified by Reserve Forces Act 1980 (c. 9), s. 83(1)(b)(2)

**C2** S. 9 modified (1.1.1999) by S.I. 1998/3086, reg. 11, **Sch. para. 2**

#### [<sup>F9</sup>10 Continuation of air-force service in imminent national danger. **U.K.**

- (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 airmen who would otherwise fall to be transferred to the reserve shall continue in air force service; and thereupon the last foregoing section shall apply to such airmen as it applies while [<sup>F10</sup>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.]

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#### Textual Amendments

- F9** S. 10 substituted by [Armed Forces Act 1966 \(c. 45\), s. 12\(2\)](#)
- F10** Words in s. 10(1) substituted (1.4.1997) by 1996 c. 14, s. 126, [Sch. 7 para. 5\(4\)](#) (with s. 72(5), [Sch. 7 para. 6](#)); S.I. 1995/305, [art. 2\(1\)](#)

### *Discharge and transfer to reserve*

## 11 Discharge. **U.K.**

- (1) Save as hereinafter provided every airman of the regular air force, upon becoming entitled to be discharged, shall be discharged with all convenient speed but until discharged shall remain subject to air-force law.
- (2) Where an airman of the regular air force 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, [<sup>F11</sup>the <sup>M1</sup>Naval Discipline Act 1957] or the <sup>M2</sup>Army Act 1955), an airman of the regular air force shall not be discharged unless his discharge has been authorised by order of the competent air-force authority or by authority direct from Her Majesty; and in any case the discharge of an airman of the regular air force shall be carried out in accordance with Queen's Regulations.
- (4) Every airman of the regular air force shall on his discharge be given a certificate of discharge containing [<sup>F12</sup>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) An airman of the regular air force 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

- F11** Words substituted by virtue of [Naval Discipline Act 1957 \(c. 53\), s. 137\(2\)](#)
- F12** Words in s. 11(4) substituted (1.5.2001) by 1996 c. 46, s. 3(1); S.I. 2001/1519, [art. 2\(1\)\(a\)](#)

#### Marginal Citations

- M1** 1957 c. 53.

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M2 1955 c. 18.

**12 Transfer to the reserve. U.K.**

(1) Every airman of the regular air force upon falling to be transferred to the reserve shall be transferred to the reserve but until so transferred shall remain subject to air-force law.

(2) Where an airman of the regular air force, 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) An airman 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. U.K.**

(1) Notwithstanding anything in this Part of this Act, an airman of the regular air force 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 air-force law, [F13the M3Naval Discipline Act 1957] or military law, to be proceeded against for an offence against any of the provisions of this Act, [F13the Naval Discipline Act 1957] or the M4Army 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, an airman of the regular air force who is outside the United Kingdom and serving a sentence of imprisonment or detention awarded by a court-martial under this Act, [F13the M5Naval Discipline Act 1957] or the M6Army Act 1955, shall not be entitled to be discharged or transferred to the reserve during the currency of the sentence.

**Textual Amendments**

F13 Words substituted by virtue of [Naval Discipline Act 1957 \(c. 53\), s. 137\(2\)](#)

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**Marginal Citations**

M3 [1957 c. 53.](#)  
M4 [1955 c. 18.](#)  
M5 [1957 c. 53.](#)  
M6 [1955 c. 18.](#)

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**Textual Amendments**

**F14** S. 14 repealed by S.I. 1972/1922, Sch. 1 Pt. I

**15 Right of warrant officer to discharge on reduction to ranks. U.K.**

A warrant officer of the regular air force 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 [<sup>F15</sup>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**

**F15** Words in s. 15 substituted (1.1.1999) by S.I. 1998/3086, reg. 9(3)

**16** ..... <sup>F16</sup> **U.K.**

**Textual Amendments**

**F16** 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. U.K.**

- (1) Where an airman of the regular air force 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 an airman's service is forfeited the provisions of this Part of this Act . . . <sup>F17</sup> 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 air-force 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 airman 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 air-force service shall be reduced accordingly.

[<sup>F18</sup>(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) [<sup>F19</sup>The Defence Council] may by regulations make provision for the restoration in whole or in part of any forfeited service to an airman in consideration of good service

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or on other grounds justifying the restoration; and any service restored to an airman under this subsection shall be credited to him for the purpose of determining for the purposes of this Act the amount of service, air-force service, or service in the reserve, as the case may require, which he has served or is liable to serve.

- (5) Nothing in this section shall require a person who has been re-engaged under section seven of this Act for a period ending on the date on which he attains a specified age to serve for any period after that date.

#### Textual Amendments

**F17** Words repealed by armed Forces Act 1976 (c. 52), **Sch. 10**

**F18** S. 17(3) substituted by Armed Forces Act 1971 (c. 33), s. 78(4), **Sch. 1 para. 1(2)**

**F19** Words substituted by S.I. 1964/488, **Sch. 1 Pt. I**

#### Modifications etc. (not altering text)

**C3** S. 17 modified by Army and Air Force Act 1961 (c. 52), s. 13; restricted *ibid.*, Sch. 2

## 18 Validity of attestation and enlistment. **U.K.**

- (1) Where a person has signed the declaration required by the First Schedule to this Act, and has thereafter received pay as an airman of the regular air force,—
- (a) the validity of his enlistment shall not be called in question on the ground of any error or omission in his attestation paper;
  - (b) 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 [<sup>F20</sup>the Defence Council] and if the claim is well founded [<sup>F20</sup>the Defence Council] shall cause him to be discharged with all convenient speed;
  - (c) 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;
  - (d) 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 an airman of the regular air force until his discharge.

In the case of a person who when he signed the said declaration had not attained the [<sup>F21</sup>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 an airman of the regular air force without having previously signed the declaration required by the First Schedule to this Act, then—
- (a) he shall be deemed to be an airman of the regular air force until discharged;
  - (b) he may claim his discharge at any time, and if he does so the claim shall be submitted as soon as may be to [<sup>F20</sup>the Defence Council], who shall cause him to be discharged with all convenient speed.



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- (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**

- F20** Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)  
**F21** Words substituted by [Armed Forces Act 1966 \(c. 45\), Sch. 4](#)

**19 False answers in attestation paper. U.K.**

- (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 [<sup>F22</sup>level 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 air-force law.

**Textual Amendments**

- F22** 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** ..... <sup>F23</sup> U.K.

**Textual Amendments**

- F23** [Ss. 20, 213\(11\), Sch. 2](#) repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\), Sch. 1 Pt. I](#)

**21 Service of aliens in regular air force. U.K.**

- (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 airmen) in the regular air force shall not exceed one-fiftieth of the aggregate number at that time of that force.
- (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) [<sup>F24</sup>The 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 [<sup>F25</sup>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] subsection (1) of this section shall have effect with the substitution for one-fiftieth of such other fraction as may be specified in the regulations.

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- (4) Nothing in section three of the <sup>M7</sup>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 air force so long as the limit having effect under the foregoing provisions of this section is not exceeded.
- (5) [<sup>F24</sup>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

**F24** Words substituted by S.I. 1964/488, Sch. 1 Pt. I

**F25** Words in s. 21(3) substituted (1.1.1999) by S.I. 1998/3086, reg. 9(4)

#### Marginal Citations

**M7** 1700 c. 2.

## 22 Regulations as to enlistment. **U.K.**

[<sup>F26</sup>(1)] [<sup>F27</sup>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 air force and generally for carrying this Part of this Act into effect.

[<sup>F28</sup>(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

**F26** S. 22 renumbered as s. 22(1) (1.5.2001) by 1996 c. 46, s. 4(1)(4); S.I. 2001/1519, art. 2(1)(a)

**F27** Words substituted by S.I. 1964/488, Sch. 1 Pt. I

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

## 23 Interpretation of Part I. **U.K.**

(1) In this Part of this Act:—

“competent air-force authority” means [<sup>F29</sup>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;

[<sup>F30</sup>“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;

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“reserve” means the air force reserve.

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

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**Textual Amendments**

**F29** Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)

**F30** Words substituted by [Armed Forces Act 1966 \(c. 45\), Sch. 4](#)

**Status:**

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**Changes to legislation:**

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