



# Air Force Act 1955 (repealed)

1955 CHAPTER 19 3 and 4 Eliz 2

## PART I

### ENLISTMENT AND TERMS OF SERVICE

#### *Miscellaneous and supplementary provisions*

#### **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**

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

- (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>F1</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.

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- [<sup>F2</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>F3</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 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

- F1** Words repealed by armed Forces Act 1976 (c. 52), Sch. 10
- F2** S. 17(3) substituted by Armed Forces Act 1971 (c. 33), s. 78(4), Sch. 1 para. 1(2)
- F3** Words substituted by S.I. 1964/488, Sch. 1 Pt. I

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

- C1** S. 17 modified by Army and Air Force Act 1961 (c. 52), s. 13; restricted *ibid.*, Sch. 2

## 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 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>F4</sup>the Defence Council] and if the claim is well founded [<sup>F4</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>F5</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”.

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- (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>F4</sup>the 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**

- F4** Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)
- F5** 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 [<sup>F6</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**

- F6** 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>F7</sup>

**Textual Amendments**

- F7** [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.**

- (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.

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- (3) [<sup>F8</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 men of the reserve are called out on permanent service 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.
- (4) Nothing in section three of the <sup>M1</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>F8</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

**F8** Words substituted by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)

#### Marginal Citations

**M1** [1700 c. 2.](#)

## 22 Regulations as to enlistment.

[<sup>F9</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.

#### Textual Amendments

**F9** Words substituted by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)

## 23 Interpretation of Part I.

(1) In this Part of this Act:—

“competent air-force authority” means [<sup>F10</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>F11</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;

“reserve” means the air force reserve.

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- (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**

**F10** Words substituted by [S.I. 1964/488](#), **Sch. 1 Pt. I**

**F11** Words substituted by [Armed Forces Act 1966 \(c. 45\)](#), **Sch. 4**

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