

Status: Point in time view as at 01/02/1991.

Changes to legislation: Armed Forces Act 1966 (repealed) is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 2.

ENACTMENTS SUBJECT TO REPEAL BY REGULATIONS

Chapter	Short Title	Provision subject to Repeal
3 & 4 Eliz. 2. c. 18.	The Army Act 1955.	Sections 4 to 8. In Schedule 7, paragraphs 2, 3 and 4(2) and (3).
3 & 4 Eliz. 2. c. 20.	The Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955.	In Schedule 1, in paragraph 7, sub-paragraphs (3)(b) and (4) to (7).
5 & 6 Eliz. 2. c. 50.	The Army (Conditions of Enlistment) Act 1957.	In section 1, subsections (2) and (3); in subsection (4), the words from the beginning to “date of his attestation”; and subsections (7), (8) and (9).
9 & 10 Eliz. 2. c. 52.	The Army and Air Force Act 1961.	Section 2. In section 3, subsections (2) and (3); and, in subsection (4), the words from the beginning to “from the relevant date”. Sections 4 to 15. In Schedule 1, paragraph 2; in paragraph 7, in sub-paragraph (1), the words from the beginning to “at the relevant time”; in sub-paragraph (3), the words from the beginning to “paragraph 3 of this Schedule”; and sub-paragraph (4).

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F1^{F1}SCHEDULE 2

Textual Amendments

F1 S. 37(2), Schs. 2, 5 repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

F1

SCHEDULE 3

Section 13.

AMENDMENTS OF PART I OF SCHEDULE 7 TO THE M1^{M1}ARMY ACT 1955

Marginal Citations

M1 1955 c. 18.

- 1 For paragraph 4 of Schedule 7 to the Army Act 1955 there shall be substituted the following paragraphs:—
- “4 (1) The provisions of this and the two next following paragraphs shall have effect as to the prolongation of service of a marine.
- (2) Where a marine serving in the Royal Marines will, at the end of a period for which he has been re-engaged, have completed not less than twenty-two years’ service in the Royal Marines after attaining the age of eighteen years, he may, at any time during the last twelve months of that period, give notice to his commanding officer that he wishes to continue in Her Majesty’s service as a marine, and thereupon, if the competent authority approves, he may be continued in such service, but may at any time terminate it by not less than three months’ notice given by him to his commanding officer.
- (3) In the case of a marine serving in the Royal Marines on the 1st January 1962 on a second engagement, the last foregoing sub-paragraph shall have effect with the substitution, for the words from the beginning to “give notice”, of the words “A marine completing the period for which under his second or subsequent engagement, he is required to serve in the Royal Marines may give notice”.
- 4A (1) Where, at the time at which, apart from this paragraph, a marine serving in the Royal Marines would be entitled to be discharged, or would fall to be transferred to the Royal Fleet Reserve, either—
- (a) a state of war exists between Her Majesty and any foreign power; or
- (b) warlike operations are in preparation or in progress; or
- (c) men of the Royal Fleet Reserve are called into actual service ; or
- (d) he is serving outside the United Kingdom,
- he may be retained in service in the Royal Marines for such period as is hereinafter mentioned, and his service may be prolonged accordingly.

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An exercise, by virtue of paragraph (b) above, of the power conferred by this sub-paragraph shall be reported to Parliament forthwith.

- (2) No person shall be retained in service in the Royal Marines by virtue of this paragraph later than the expiration of twelve months after the date on which, apart from this paragraph, he would be entitled to be discharged.
- (3) Subject to the provisions of the last foregoing sub-paragraph, any person who, apart from this paragraph, would be entitled to be discharged may be retained in service in the Royal Marines for such period as the competent authority may order.
- (4) Subject as aforesaid, a person who, apart from this paragraph, would fall to be transferred to the Royal Fleet Reserve may be retained in service in the Royal Marines for such period, ending not later than twelve months after the date on which apart from this paragraph he would fall to be transferred to the Royal Fleet Reserve, as the competent authority may order, or for any further period during which men of the Royal Fleet Reserve continue called into actual service.
- (5) If while a person is being retained in service in the Royal Marines by virtue of this paragraph it appears to the competent authority that his service can be dispensed with, he shall be entitled to be discharged or transferred to the Royal Fleet Reserve as the case may require.
- (6) Where, at the time at which under the foregoing provisions of this paragraph a person is entitled to be discharged or transferred to the Royal Fleet Reserve, a state of war exists between Her Majesty and any foreign power, he may, by a declaration made before his commanding officer in a form prescribed by regulations of the Defence Council, agree to continue in service in the Royal Marines while such a state of war exists; and, if the competent 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 paragraph 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 Royal Fleet Reserve, as the case may require, at the expiration of three months' notice given by him to his commanding officer.
- (7) In relation to marines serving outside the United Kingdom, references in this paragraph to being entitled to be transferred to the Royal Fleet 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 that Reserve.
- (8) References in this paragraph to men of the Royal Fleet Reserve being called into actual service are references to their being called into actual or permanent service under the authority of an order of Her Majesty made on its appearing to Her that national danger is imminent or a great emergency has arisen, or into actual service under section 10(1) of the Auxiliary and Reserve Forces Act 1949.

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- 4B (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 marines serving in the Royal Marines who would otherwise fall to be transferred to the Royal Fleet Reserve shall continue in service in the Royal Marines; and thereupon the last foregoing paragraph shall apply to such persons as it applies while men of the Royal Fleet Reserve are called into actual service.
- (2) Where an order is made under sub-paragraph (1) above, the occasion thereof shall forthwith be communicated to Parliament.
- (3) An order in force under sub-paragraph (1) above may be revoked by an order of Her Majesty signified as therein mentioned”

Modifications etc. (not altering text)

C1 The text of ss. 12, 17(2), 18, 20(4)(a)(c), 23, 24(2), 25, 26(3), 27(2), 28(4), 30(2), 35, 36, Sch. 3 paras. 1, 3, Sch. 4 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

2 **F2**

Textual Amendments

F2 Sch. 3 para. 2 repealed by [Armed Forces Act 1976 \(c. 52, SIF 7:1\)](#), s. 22(6), [Sch. 10](#)

3 In accordance with the foregoing provisions of this Schedule, for Paragraph I of the said Schedule 7 there shall be substituted the following paragraph:—

“1 The provisions of the six following paragraphs shall have effect in substitution for sections 4 to 10, 11(1), (3) and (4), 12(1) and 13”

Modifications etc. (not altering text)

C2 The text of ss. 12, 17(2), 18, 20(4)(a)(c), 23, 24(2), 25, 26(3), 27(2), 28(4), 30(2), 35, 36, Sch. 3 paras. 1, 3, Sch. 4 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

SCHEDULE 4

Section 37.

MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

... **F3**

Textual Amendments

F3 [Sch. 4](#): entries relating to [Seamen's and Soldiers' False Characters Act 1906](#), [Recall of Army and Air Force Pensioners Act 1948](#), [Auxiliary and Reserve Forces Act 1949](#), [Army Reserve Act 1950](#), [Air Force](#)

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Reserve Act 1950 and Navy, Army and Air Force Reserves Act 1964 repealed by [Reserve Forces Act 1980 \(c. 9, SIF 7:2\)](#), s. 157, [Sch. 10 Pt. II](#)

^{M2} *The Army Act 1955*

Modifications etc. (not altering text)

C3 The text of ss. 12, 17(2), 18, 20(4)(a)(c), 23, 24(2), 25, 26(3), 27(2), 28(4), 30(2), 35, 36, Sch. 3 paras. 1, 3, Sch. 4 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M2 3 & 4 Eliz. 2. c. 18

For the words “minimum age for man’s service”, wherever they occur, there shall be substituted the words “ appropriate minimum age ”.

In section 14, in subsection (1)(b), for the words “a proclamation under section ten”, there shall be substituted the words “ an order under section ten ”; and, in subsection (2), the reference to enlistment in accordance with the provisions of Part I of the Army Act 1955 shall include a reference to enlistment under the provisions of regulations having effect under section 2 of this Act.

Section 59 shall cease to have effect.

For section 209(3)(a) there shall be substituted the following paragraph:—

“(a) the punishments that may be awarded by a court-martial shall not include any punishment less than imprisonment, except a fine”.

In section 214, after subsection (4), there shall be inserted the following subsection:—

“(4A) In section 150, at the end of subsection (5), there shall be added the words “ and to any sum awarded as inlying expenses in a decree of affiliation and alimant ””

^{M3} *The Air Force Act 1955*

Modifications etc. (not altering text)

C4 The text of ss. 12, 17(2), 18, 20(4)(a)(c), 23, 24(2), 25, 26(3), 27(2), 28(4), 30(2), 35, 36, Sch. 3 paras. 1, 3, Sch. 4 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M3 3 & 4 Eliz. 2. c. 19

For the words “minimum age for man’s service”, wherever they occur, there shall be substituted the words “ appropriate minimum age ”.

In section 14, in subsection (1)(b), for the words “a proclamation under section ten”, there shall be substituted the words “ an order under section ten ”; and, in subsection (2), the reference to enlistment in accordance with the provisions of Part I of the ^{M4} Air Force Act 1955 shall include

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a reference to enlistment under the provisions of regulations having effect under section 2 of this Act.

Marginal Citations

M4 1955 c. 19.

Section 59 shall cease to have effect.

For section 209(3)(a) there shall be substituted the following paragraph:—

“(a) the punishments that may be awarded. by a court-martial shall not include any punishment less than imprisonment except a fine”.

In section 212, after subsection (4), there shall be inserted the following subsection:—

“(4A) In section 150, at the end of subsection (5), there shall be added the words “ and to any sum awarded as inlying expenses in a decree of affiliation and aliment ””.

M5 The Naval Discipline Act 1957

Modifications etc. (not altering text)

C5 The text of ss. 12, 17(2), 18, 20(4)(a)(c), 23, 24(2), 25, 26(3), 27(2), 28(4), 30(2), 35, 36, Sch. 3 paras. 1, 3, Sch. 4 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M5 5 & 6 Eliz. 2. c. 53

In section 24, in paragraph (b), after the words “any of Her Majesty’s forces” there shall be inserted the words “ or any forces co-operating therewith ”.

Section 123 shall cease to have effect.

In section 126(3), the words “to a justice of the peace” shall cease to have effect.

In Schedule 2, paragraph 4 shall cease to have effect.

M6 The Army and Air Force Act 1961

Modifications etc. (not altering text)

C6 The text of ss. 12, 17(2), 18, 20(4)(a)(c), 23, 24(2), 25, 26(3), 27(2), 28(4), 30(2), 35, 36, Sch. 3 paras. 1, 3, Sch. 4 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M6 9 & 10 Eliz. 2. c. 52

For the words “minimum age for man’s service”, wherever they occur, there shall be substituted the words “ appropriate minimum age ”.

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F4

Textual Amendments

- F4** Sch. 4: entries relating to Seamen's and Soldiers' False Characters Act 1906, Recall of Army and Air Force Pensioners Act 1948, Auxiliary and Reserve Forces Act 1949, Army Reserve Act 1950, Air Force Reserve Act 1950 and Navy, Army and Air Force Reserves Act 1964 repealed by [Reserve Forces Act 1980 \(c. 9, SIF 7:2\)](#), s. 157, [Sch. 10 Pt. II](#)

F5F5 SCHEDULE 5

Textual Amendments

- F5** S. 37(2), Schs. 2, 5 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

F5

SCHEDULE 6

Section 37.

TRANSITIONAL PROVISIONS

- 1 Regulations made under or in pursuance of an enactment repealed by this Act which are in force at the commencement of section 2 of this Act shall, in so far as they could be made under that section, have effect as if so made.
- 2 Any approval given under paragraph 4(3) of Schedule 7 to the ^{M7}Army Act 1955 before the time when paragraph 1 of Schedule 3 to this Act comes into operation shall have effect as if it were approval given under paragraph 4(2) of the said Schedule 7 set out in the said Schedule 3.

Marginal Citations

- M7** 1955 c. 18.

- 3 (1) In relation to a sentence of a court-martial under the ^{M8}Army Act 1955 or the ^{M9}Air Force Act 1955 announced before the date of commencement of a section to which this paragraph applies, but falling to be dealt with under section 110 of either of the said Acts on or after that date, subsection (3) of the said section 110 shall have effect as if the reference to any punishment or punishments which could have been awarded by the court referred to any punishment or punishments which could have been so awarded had the said section to which this paragraph applies been in operation when the sentence was announced.
- (2) In relation to a finding or sentence of such a court-martial announced before the date aforesaid but falling to be reviewed on or after that date under section 113 of either of the said Acts, subsection 5(c) of that section shall have effect as if the reference

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to power conferred by the said subsection (3) referred to power conferred by that subsection as amended by this paragraph.

(3) In relation to a finding of such a court-martial that a person is not guilty of an offence by reason of insanity, being a finding announced before the date of commencement of a section to which this paragraph applies but falling on or after that date to be dealt with under section 110 of either of the said Acts or reviewed under section 113 thereof, section 116(6) of each of the said Acts shall have effect as if the reference therein to the powers of sentencing which the court would have had referred to the powers which the court would have had if the said section to which this paragraph applies had been in operation when the finding was announced.

(4) This paragraph applies to sections 21 and 22 of this Act.

Marginal Citations

M8 1955 c. 18.

M9 1955 c. 19.

4 In relation to an award made before the date of commencement of section 21 of this Act in consequence of a charge's having been dealt with summarily under either of the said Acts but falling to be reviewed under section 115 of either of the said Acts on or after that date, subsections (3A) and (4) of the said section 115 shall have effect as if the reference to a punishment or punishments which could have been included in the original award referred to a punishment or punishments which could have been so included had the said section 21 been in operation when the award was made.

5 (1) In relation to a sentence awarded in respect of a finding of guilty under Part II of the ^{M10}Naval Discipline Act 1957 before the date of commencement of section 32 of this Act, but falling to be dealt with under section 72 of the said Act of 1957 on or after that date, subsection (1)(d) of the said section 72 shall have effect as if the reference to a sentence which could lawfully have been awarded referred to a sentence which could lawfully have been awarded had the said section 32 been in operation when the sentence was announced.

(2) In relation to a finding under Part II of the said Act of 1957 that a person is not guilty of an offence by reason of insanity, being a finding announced before the date of commencement of the said section 32 but falling on or after that date to be reviewed under section 70(1) of the said Act of 1957, section 71(5) of that Act shall have effect as if the reference to the powers of sentencing which the court would have had referred to the powers the court would have had if the said section 32 had been in operation when the finding was announced.

Marginal Citations

M10 1957 c. 53.

6 If a person is, at the coming into force of section 4 of this Act, retained in service in the Royal Navy by virtue of section 1 of the ^{M11}Naval Enlistment Act 1835 or section 9 of the ^{M12}Naval Enlistment Act 1853, the repeal of those sections shall not, without prejudice to the provisions of section 38(2) of the ^{M13}Interpretation Act

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1889, operate so as to put an end to his being retained by virtue of that section or to affect the period for which he is liable thereunder so to be retained.

Marginal Citations

- M11 1835 c. 24.
- M12 1853 c. 69.
- M13 1889 c. 63.

- 7 If paragraph 1 of Schedule 3 to this Act comes into force during the prolongation of service of a person in the Royal Marines by virtue of paragraph 4(2) or (4) of Schedule 7 to the ^{M14}Army Act 1955, the repeal of those paragraphs by this Act shall not, without prejudice to the provisions of section 38(2) of the ^{M15}Interpretation Act 1889, operate so as to put an end to the prolongation or to affect the period thereof.

Marginal Citations

- M14 1955 c. 18.
- M15 1889 c. 63.

- 8 If the amendment to section 14(1)(b) of the ^{M16}Army Act 1955 made by Schedule 4 to this Act comes into force during the prolongation of a service of a person by virtue of section 10 of the ^{M17}Army Act 1955, then, without prejudice to the provisions of section 38(2) of the ^{M18}Interpretation Act 1889, the said section 14(1)(b) shall have effect as if the reference therein to an order under section 10 of the ^{M19}Army Act 1955 included a reference to a proclamation thereunder.

Marginal Citations

- M16 1955 c. 18.
- M17 1955 c. 18.
- M18 1889 c. 63.
- M19 1955 c. 18.

- 9 If the amendment to section 14(1)(b) of the ^{M20}Air Force Act 1955 made by Schedule 4 to this Act comes into force during the prolongation of a service of a person by virtue of section 10 of the ^{M21}Air Force Act 1955, then, without prejudice to the provisions of section 38(2) of the ^{M22}Interpretation Act 1889, the said section 14(1)(b) shall have effect as if the reference therein to an order under section 10 of the ^{M23}Air Force Act 1955 included a reference to a proclamation thereunder.

Marginal Citations

- M20 1955 c. 19.
- M21 1955 c. 19.
- M22 1889 c. 63.
- M23 1955 c. 19.

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