



Armed Forces Act 2006

2006 CHAPTER 52

PART 14

ENLISTMENT, TERMS OF SERVICE ETC

Restriction on aliens

340 Restriction on aliens in regular forces etc

- (1) An alien may not be a member of—
 - (a) the regular forces; or
 - (b) any of Her Majesty's forces raised under the law of a British overseas territory [^{F1}other than Gibraltar].
- (2) But the Defence Council may make regulations providing for subsection (1) not to apply to an alien who satisfies prescribed conditions.
- (3) Such a condition may require the alien—
 - (a) to be of a prescribed nationality; and
 - (b) to serve in a prescribed unit.
- (4) Section 3 of the Act of Settlement (1700 c. 2) does not prevent any person from being a member of any of Her Majesty's forces.
- (5) In this section “prescribed” means prescribed by regulations made by the Defence Council.

Textual Amendments

- F1** Words in s. 340(1)(b) inserted (12.5.2016) by [Armed Forces Act 2016 \(c. 21\), s. 19\(2\)\(b\)](#), [Sch. para. 10](#)

Status: Point in time view as at 12/05/2016.

Changes to legislation: *Armed Forces Act 2006, Cross Heading: Restriction on aliens is up to date with all changes known to be in force on or before 29 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)*

Modifications etc. (not altering text)

- C1** S. 340(1) excluded (31.10.2009) by [The Armed Forces \(Aliens\) Regulations 2009 \(S.I. 2009/835\)](#), regs. 1, 2

Commencement Information

- I1** S. 340 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3(a)(b)** (with transitional provisions in [S.I. 2009/1059](#))
- I2** S. 340 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

Status:

Point in time view as at 12/05/2016.

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