



# Army Act 1955 (repealed)

1955 CHAPTER 18 3 and 4 Eliz 2

## PART I

### ENLISTMENT AND TERMS OF SERVICE

#### *Extension of service*

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

- (1) Where at the time at which apart from this section a soldier of the regular forces would be entitled to be discharged, or would fall to be transferred to the reserve, a state of war exists between Her Majesty and any foreign power, or men of the reserve are called out on permanent service, or he is serving outside the United Kingdom, he may be retained in army service for such period as is hereinafter mentioned, and his service may be prolonged accordingly.
- (2) No person shall be retained in army service by virtue of this section later than the expiration of twelve months after the date on which apart from this section he would be entitled to be discharged.
- (3) Subject to the provisions of the last foregoing subsection, a person who apart from this section would be entitled to be discharged may be retained in army service for such period as the competent military authority may order.
- (4) Subject as aforesaid, a person who apart from this section would fall to be transferred to the reserve may be retained in army service for such period, ending not later than twelve months after the date on which apart from this section he would fall to be transferred to the reserve, as the competent military authority may order or for any period or further period during which men of the reserve continue called out on permanent 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.

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

**Changes to legislation:** *There are currently no known outstanding effects for the Army Act 1955 (repealed), Section 9. (See end of Document for details)*

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- (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:

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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**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](#)

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**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](#)

**Status:**

Point in time view as at 01/02/1991. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Army Act 1955 (repealed), Section 9.