



# Air Force Act 1955

1955 CHAPTER 19 3 4 Eliz2

## PART I

### ENLISTMENT AND TERMS OF SERVICE

#### *Discharge and transfer to reserve*

#### **11 Discharge**

- (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, the Naval Discipline Act or the 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 such particulars as may be prescribed.
- (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

---

*Status: This is the original version (as it was originally enacted).*

---

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.

## **12 Transfer to the reserve**

- (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**

- (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, the Naval Discipline Act or military law, to be proceeded against for an offence against any of the provisions of this Act, the Naval Discipline Act or the Army 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, the Naval Discipline Act or the Army Act, 1955, shall not be entitled to be discharged or transferred to the reserve during the currency of the sentence.

## **14 Right of recruit to purchase discharge**

- (1) A recruit shall be entitled to claim his discharge at any time within three months after the date of his attestation, and if he makes such a claim he shall on payment of a sum not exceeding twenty pounds be discharged with all convenient speed:

Provided that if the claim is made at a time when airmen are required by a proclamation under section ten of this Act to continue in air-force service, he shall not be entitled to be discharged so long as they are so required to continue in air-force service.

- (2) In this section the expression " recruit" means a person enlisted in accordance with the provisions of this Part of this Act who has not been previously so enlisted.

## **15 Right of warrant officer to discharge on reduction to ranks**

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 men of the reserve are called out on permanent service.

## **16 Discharge of airmen of unsound mind**

- (1) Where it appears to the Air Council or any officer deputed by them that an airman of the regular air force is—
  - (a) a dangerous person of unsound mind; or
  - (b) a person of unsound mind requiring treatment in a mental hospital and having no relative who claims to take charge of him ; or
  - (c) a person of unsound mind having no relative willing to take charge of him,the Air Council or officer deputed by them may if they or he think proper cause the airman on his discharge to be received in a mental hospital in accordance with the following provisions of this section.
- (2) Where the airman has a home in Great Britain, the Regional Hospital Board for the area in which his home is situated shall, on request made by the Air Council or officer deputed by them, forthwith designate a mental hospital in their area, and the Air Council or officer shall by order direct that the airman shall be received into that hospital.
- (3) Where the airman has a home in Northern Ireland—
  - (a) the secretary or other officer of the Northern Ireland Hospitals Authority shall, on request made by the Air Council or officer deputed by them, forthwith designate a mental hospital in Northern Ireland, and the Air Council or officer deputed by them shall by order direct that the airman shall be received into that hospital; and
  - (b) the Air Council or officer deputed by them shall, if the case so requires, inform the welfare authority and that authority shall take such steps as may in their Opinion be necessary to secure the welfare of the wife and children of the airman.
- (4) An order made under subsection (2) of this section shall have the like effect, and the like proceedings shall be taken thereon, as if it were an order made under section sixteen of the Lunacy Act, 1890, or in Scotland an order of the sheriff made under section fourteen, or in the case of an airman being a dangerous person of unsound mind, section fifteen, of the Lunacy (Scotland) Act, 1862; and an order under paragraph (a) of subsection (3) of this section shall have the like effect, and the like proceedings shall be taken thereon, as if it were an order made by a judicial authority under section ten of the Mental Health Act (Northern Ireland), 1948.
- (5) Any question arising under this section whether, and if so where, a person has a home in Great Britain or Northern Ireland shall be decided by the Air Council or an officer deputed by them, and for the purposes of this section a person with no home in Great Britain or Northern Ireland may be treated as if he had a home in such area as may be determined by the Air Council or an officer deputed by them.