



# Air Force (Constitution) Act 1917

1917 CHAPTER 51 7 and 8 Geo 5

An Act to make provision for the establishment, administration, and discipline of an Air Force, the establishment of an Air Council, and for purposes connected therewith. [29th November 1917]

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

- C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)
- C2 Act amended (women's services) by [Armed Forces Act 1981 \(c. 55, SIF 7:1\), s. 20, Sch. 3 Pt. I para. 1](#)

## PART I

### ESTABLISHMENT OF AIR FORCE

#### **1 Raising and number of Air Force.**

It shall be lawful for His Majesty to raise and maintain a force, to be called the Air Force, consisting of such number of officers, warrant officers, non-commissioned officers, and men as may from time to time be provided by Parliament.

#### **2 Government, discipline, and pay of Air Force.**

- (1) Subject to the provisions of this Act it shall be lawful for His Majesty, by order signified under the hand of a Secretary of State, to make orders with respect to the government, discipline, pay, allowances, and pensions of the Air Force, and with respect to all other matters and things relating to the Air Force, including any matter by this Act authorised to be prescribed or expressed to be subject to orders or regulations.
- (2) The said orders may provide for the formation of men of the Air Force into separate units, and for the formation of such units into corps, and for appointing, transferring, or attaching men of the Air Force to units, and for posting, attaching, and otherwise

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dealing with such men within the units, and may regulate the appointment, rank, duties, and numbers of the officers and non-commissioned officers of the Air Force.

- (3) Subject to the provisions of any such order, the Air Council hereinafter constituted may make general or special regulations with respect to any matter with respect to which His Majesty may make orders under this section:

Provided that the administration of pensions, other than service pensions within the meaning of the <sup>M1</sup>Ministry of Pensions Act, 1916, shall vest in the Minister of Pensions.

- (4) All orders and general regulations made under this section shall be laid before Parliament as soon as may be after they are made.

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

- C3** Functions of Air Council now exercisable by Defence Council: [Defence \(Transfer of Functions\) Act 1964 \(c. 15\), s. 1\(b\)\(3\)\(5\)](#)
- C4** Functions of Minister of Pensions now exercisable by Secretary of State: [S.I. 1953/1198 \(1953 I, p. 1228\), Ministry of Social Security Act 1966 \(c. 20\), s. 2](#) and [S.I. 1968/1699](#)
- C5** [S. 2\(3\)](#) amended by [War Pensions Act 1920 \(c. 23\), s. 1\(2\)](#)
- C6** [S. 2\(4\)](#) amended by [Statutory Instruments Act 1946 \(c. 36\), s. 4\(3\)](#)

#### **Marginal Citations**

- M1** [1916 c. 65.](#)

### **3 Transfer and attaching to Air Force of members of Naval and Military Forces.**

- (1) Any officer, warrant officer, petty officer, non-commissioned officer, or man of any of His Majesty's naval or military forces may, with his consent . . . <sup>F1</sup>, be transferred by the Air Council to the Air Force, or attached by the Air Council to the Air Force for the period of the present war or for a period not exceeding four years:

Provided that

- (a) . . . . . <sup>F2</sup>
- (b) no person transferred to the Air Force under the provisions of this section shall be liable to serve with the Air Force for any longer period than that for which he would have been liable to serve had he continued in the force from which he was transferred.
- (2) Regulations made by the Air Council may provide that in the case of a person so transferred, the time during which he held a commission or served in the force from which he is transferred shall, for such purposes as may be prescribed, be aggregated with the time during which he holds a commission or serves in the Air Force, and that his entry into or enlistment in the force from which he is transferred shall, for such purposes as may be prescribed, be treated as enlistment into the Air Force.
- (3) Where any person is transferred to the Air Force under this section, then for the purposes of pay, pensions, gratuity, and retired or half-pay, and of any decoration or reward dependent on length of service, any previous service with His Majesty's naval or military forces which would have counted as service towards pay, pension, gratuity, retired or half-pay, or such decoration or reward if he had not been so transferred, shall be deemed to be service with the Air Force towards pay, pension, gratuity, retired or half-pay or such decoration or reward.

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- (4) Where any person is attached to the Air Force under this section, the fact that he is so attached shall not affect any right to any pay, pension, gratuity, retired or half-pay, or such decoration or reward as aforesaid, already earned by him in that branch of His Majesty's naval or military forces to which he belonged at the date on which he was so attached, and the period during which he is so attached shall, for the purpose of any provisions relating to pay, pensions, gratuity, retired or half-pay, or such decoration or reward be deemed to be service with that branch of His Majesty's naval or military forces to which he belonged at the date on which he was so attached.

**Textual Amendments**

- F1 Words repealed by [S.I. 1964/488](#)  
F2 [S. 3\(1\)](#) proviso (a) repealed by [S.I. 1964/488](#)

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

- C7 Functions of Air Council now exercisable by Defence Council: [Defence \(Transfer of Functions\) Act 1964 \(c. 15\), s. 1\(1\)\(b\)](#), (3)(5)  
C8 War of 1914-1918 terminated on 31st August 1921: S.R. & O. 1921/1276 (Rev. XVII, p. 364: 1921, p. 1348)

**4 Rights of officers.**

Officers in the Air Force shall enjoy all such powers, rights, immunities, and privileges as are enjoyed by commissioned officers of [<sup>F3</sup>the Royal Navy or His Majesty's Army] as such, whether conferred by statute or otherwise . . . <sup>F4</sup>

**Textual Amendments**

- F3 Words substituted by [Armed Forces Act 1981 \(c. 55, SIF 7:1\)](#), s. 20, [Sch. 3 Pt. II para. 6](#)  
F4 Words repealed by [House of Commons Disqualification Act 1957 \(c. 20\)](#), [Sch. 4 Pt. I](#)

**5** . . . . . <sup>F5</sup>

**Textual Amendments**

- F5 [S. 5](#) repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

- 6** (1) . . . . . <sup>F6</sup>  
(2) . . . . . <sup>F7</sup>

**Textual Amendments**

- F6 [S. 6\(1\)](#) repealed by [Auxiliary Forces Act 1953 \(c. 50\)](#), [Sch. 5 Pt. I](#)  
F7 [S. 6\(2\)](#) repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch. 1 Pt. IV](#)

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7 ..... F8

**Textual Amendments**  
F8 S. 7 repealed by [Naval Discipline Act 1957 \(c. 53\)](#), [Sch. 6](#)

**PART II**

8, 9. .... F9

**Textual Amendments**  
F9 Ss. 8–10(1) repealed by [Defence \(Transfer of Functions\) Act 1964 \(c. 15\)](#), [s. 1\(8\)](#)

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(1) ..... F10  
(2) ..... F11

**Textual Amendments**  
F10 Ss. 8–10(1) repealed by [Defence \(Transfer of Functions\) Act 1964 \(c. 15\)](#), [s. 1\(8\)](#)  
F11 S. 10(2)–(5) repealed with saving by [Defence \(Transfer of Functions\) Act 1964 \(c. 15\)](#), [s. 1\(8\)](#) and S.I. 1964/488

11 ..... F12

**Textual Amendments**  
F12 S. 11 repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

**PART III**

12 ..... F13

**Textual Amendments**  
F13 S. 12 repealed by [Revision of the Army and Air Force Acts \(Transitional Provisions\) Act 1955 \(c. 20\)](#), [Sch. 4](#)

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**Textual Amendments**

**F14** [S. 13](#) repealed with saving by [S.I. 1964/488](#)

**PART IV**

GENERAL

**14 Power to alter and revoke orders.**

Orders in Council, orders, and regulations made under this Act may be varied and revoked by subsequent Orders in Council, orders, and regulations made in like manner.

**15 Short title.**

This Act may be cited as the Air Force (Constitution) Act, 1917.

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## F15F15 FIRST SCHEDULE

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### Textual Amendments

**F15** Sch. 1 repealed by [Naval Discipline Act 1957 \(c. 53\)](#), [Sch. 6](#)

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F15

## F16F16 SECOND SCHEDULE

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### Textual Amendments

**F16** Sch. 2 repealed by [Revision of the Army and Air Force Acts \(Transitional Provisions\) Act 1955 \(c. 20\)](#), [Sch. 4](#)

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