



# Army and Air Force Act 1961

## 1961 CHAPTER 52

### *Air Force Enlistment*

#### **8 Terms of enlistment in regular air force**

- (1) The term for which a person enlisting in the regular air force may be enlisted shall be such term, beginning with the date of his attestation, as is mentioned in the following provisions of this section.
- (2) Where the person enlisting has attained the age of eighteen years the said term shall be—
  - (a) a term of twenty-two years of air-force service; or
  - (b) such term, not exceeding twelve years, as may be prescribed, being a term of air-force service ; or
  - (c) such term, not exceeding twelve years, as may be prescribed, being as to such part thereof as may be prescribed, a term of air-force service and as to the remainder a term of service in the reserve.
- (3) Where the person enlisting has not attained the age of eighteen years the said term shall be—
  - (a) a term ending with the expiration of the period of twenty-two years beginning with the date on which he attains the age of eighteen years, 'being a term of air-force service; or
  - (b) a term ending with the expiration of such period, not exceeding twelve years, beginning with the date on which he attains the age of eighteen years, as may be prescribed, being a term of air-force service ; or
  - (c) a term, ending with the expiration of such period as is mentioned in the last foregoing paragraph, being as to such part thereof as may be prescribed a term of air-force service and as to the remainder a term of service in the reserve.
- (4) References (however expressed) in the four next following sections and in section fifteen of this Act to a person's enlisting or having enlisted on a long-term enlistment shall be construed as referring to his enlisting or, as the case may be, having enlisted for such a term as is mentioned in paragraph (a) of subsection (2) of this section or paragraph (a) of subsection (3) thereof; and in the said sections the expression "

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relevant date " means, subject to the provisions of the next following subsection and of the said section fifteen.—

- (a) in the case of a person who enlisted after having attained the age of eighteen years, the date of his attestation, and
- (b) in the case of a person who enlisted before having attained that age, the date of his attaining that age.

(5) In relation to women enlisting in the regular air force, this section shall have effect with the addition in subsection (3), after paragraph (c), of the following words:—

“or

- (d) such term, not exceeding six years, as may be prescribed, being a term of air-force service”,

and in relation to a woman enlisting for such a term as is referred to in the said paragraph (d), the expression " relevant date " in the four next following sections means the date of her attestation.

## **9 Change of conditions of service after long-term enlistment in regular air force**

- (1) A person in air-force service who enlisted on a long-term enlistment shall, subject to the provisions of subsections (3) and (4) of this section, have the right to determine his service at the end of such period, not exceeding twelve years beginning with the relevant date, as may be prescribed.
- (2) Where a person in air-force service enlisted as aforesaid his conditions of service may, on written application in that behalf made by him to his commanding officer and with the consent of the competent air-force authority, be changed as follows, that is to say:—
  - (a) the term for which he enlisted, or that term as previously extended under this paragraph, may be extended so as to end at such time, not later than the day on which he attains the age of fifty-five years, as may be specified in the application ;
  - (b) he may be transferred to the reserve with liability to serve therein until the expiration of the term for which he enlisted or of that term as extended under the foregoing paragraph, or such shorter term as the said authority may in his case approve.
- (3) The right conferred by subsection (1) of this section shall be exercisable by notice in writing in the prescribed form given by the person in question to his commanding officer not less than the prescribed period before the expiration of the period at the end of which his service is to determine.
- (4) Where a person, in consideration of his being permitted to undergo a prescribed course of instruction or a course of instruction of a prescribed class, or of the conferring on him of such other benefit or advantage as may be prescribed, has undertaken, in the prescribed form and manner, not to determine his air-force service before the expiration of such period, not exceeding six years, beginning with the day on which that course of instruction ends as may be prescribed or, as the case may be, before the expiration of such period not exceeding six years as may be prescribed in relation to that other benefit or advantage, he shall not give a notice under the last foregoing subsection which would result in the determination of his service before the end of the said period.

- (5) A notice given by a person under subsection (3) of this section may be withdrawn by a notice in writing in the prescribed form given by him to his commanding officer at any time before the expiration of the period last mentioned in that subsection ; but where a notice under this subsection is given after the beginning of the said prescribed period it shall be of no effect unless approved by the competent air-force authority.

## **10 Conversion of short-term enlistment in regular air force into long-term enlistment**

- (1) A person in air-force service who enlisted otherwise than on a long-term enlistment may, on written application in that behalf made by him to his commanding officer and with the consent of the competent air-force authority, be treated for the purposes of this Act, but subject to the provisions of this section, as if, on the date of his attestation, he had enlisted on a long-term enlistment.
- (2) A person shall not give a notice under the foregoing subsection before attaining the age of seventeen years and six months.
- (3) Subsection (1) of the last foregoing section shall not apply to a person who by virtue of this section is treated as if he had enlisted on a long-term enlistment unless his application under subsection (1) of this section is made before he has completed four years' service, and, in relation to a person who is so treated, the last foregoing section shall have effect as if, at the end of subsection (1) thereof, there were added the words " or the term for which he originally enlisted, whichever last expires ".
- (4) In reckoning for the purposes of the last foregoing subsection the period of service completed by any person, there shall be included, in addition to any period served by him in air-force service since the relevant date, any period served by him since that date in the reserve and, if before his attestation he has at any time served as an officer or airman of the regular air force in air-force service or in the reserve, or the Royal Auxiliary Air Force, any period so served by him before his attestation other than—
- (a) any period served while undergoing training as an officer or airman of the reserve or the Royal Auxiliary Air Force, or
  - (b) any period served before attaining the age of eighteen years in service in the regular air force as an apprentice or a boy entrant.

## **11 Other changes of conditions of service of persons enlisted on short-term enlistments in regular air force**

- (1) Where a person in air-force service enlisted otherwise than on a long-term enlistment, his conditions of service may, on written application in that behalf made by him to his commanding officer and with the consent of the competent air-force authority, be changed as follows, that is to say:—
- (a) if his enlistment was for a term ending before the expiration of a period of twelve years beginning with the relevant date, that term, or that term as previously extended under this paragraph, may be extended so as to end at such time, not later than the expiration of the said period, as may be specified in the application and so as to increase the period of his air-force service, his service in the reserve, or both, as may be so specified ;
  - (b) if he has completed four years' service, the term for which he enlisted, or that term as previously extended under any provision (including this paragraph) of this subsection, may be extended so as to end at such time falling before the

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expiration of the period of twenty-two years beginning with the relevant date as may be specified in the application, and so as to increase the period of his air-force service, his service in the reserve, or both, as may be so specified ;

- (c) if he has completed four years' service, his period of air-force service may be extended so as to end at such time, not later than the day on which he attains the age of fifty-five years, as may be specified in the application;
  - (d) if the term for which he enlisted, or that term as extended under paragraph (a) or (b) of this subsection, includes a period of service in the reserve, his period of air-force service may be increased, according as may be specified in the application, so as to extend to the whole or a specified part of that period ;
  - (e) he may be (transferred to the reserve with liability to serve therein for the residue of the term for which he enlisted, or if that term has been extended under paragraph (a) or (b) of this subsection, for the residue of that term as so extended or, in any case, for such shorter term as the competent air-force authority may in his case approve.
- (2) Subsection (4) of the last foregoing section shall apply in reckoning for the purposes of paragraph (b) or (c) of the foregoing subsection the period of service completed by a person as it applies in reckoning such a period for the purposes of subsection (3) of that section.

## **12 Continuance in service in regular air-force after expiration of term**

- (1) A person in air-force service who enlisted on a long-term enlistment, and a person in air-force service who enlisted otherwise than on a long-term enlistment and has completed such period of air-force service, not being less than twelve years, as may be prescribed, may, at any time during the last twelve months of the term for which he enlisted, or if that term has been extended under any of the foregoing provisions of this Act, of that term as so extended, give notice to his commanding officer of his desire to continue in service after the end of that term, or, as the case may be, of that term as so extended, and, if the competent air-force authority consent, he may, after the end of that term or, as the case may be, that term as so extended, be continued as an airman of the regular air force in all respects (subject to the next following subsection) as if his term of service were still unexpired.
- (2) Where a person is continued in service under this section—
  - (a) sections nine to eleven of this Act shall not apply to him;
  - (b) he may claim his discharge at the expiration of any period of three months beginning with the date on which he gives to his commanding officer notice of his wish to be discharged.

## **13 Provisions as to forfeiture of service in certain cases**

- (1) Where on conviction by a court-martial any of an airman's service is forfeited in consequence of subsection (1) of section seventeen of the Air Force Act, 1955 (forfeiture of service for desertion) Or that subsection and an award of a court-martial under Part II of that Act, and the right conferred by subsection (1) of section nine of this Act to determine his service ceased in his case to be exercisable before the day of the sentence, the forfeiture shall not operate to confer on him any further such right under the last-mentioned subsection.
- (2) Where service of any description forfeited as mentioned in the foregoing subsection is restored under subsection (4) of the said section seventeen to a person who, at the

time of the restoration, is serving, or subsequently serves, on terms which entitle him to the right conferred by subsection (1) of section nine of this Act, the restoration shall not operate to alter the date on which, by reason of the operation of subsection (2) of the said section seventeen, his air-force service may be determined in pursuance of an exercise of that right.

- (3) Nothing in the said section seventeen shall require a person whose term of enlistment has been extended under paragraph (a) of subsection (2) of section nine of this Act or paragraph (c) of subsection (1) of section eleven thereof so as to end at a specified time to serve for any period after that time.
- (4) This section shall apply in relation to the forfeiture of service by virtue of section eighty-one of the Air Force Act, 1955 (forfeiture of service in case of confession of desertion on direction of Air Council or officer provided by Queen's Regulations that offence shall not be tried by court-martial or dealt with summarily) as it applies in relation to forfeiture of service on conviction by a court-martial, subject to the modification that, for any reference to the day of the sentence, there shall be substituted a reference to the day on which the direction under that section was given.

#### **14 Repeal of sections 4 to 8 of Air Force Act, 1955, and consequential provisions**

- (1) Sections four to eight of the Air Force Act, 1955, are hereby repealed, and the six last foregoing sections and the Air Force Act, 1955, shall have effect as if the said six last foregoing sections were contained in Part I of the said Act of 1955.
- (2) Subsection (1) of section twenty of the Air Force Act, 1955, shall have effect as if, for the reference to sections four to six of that Act, there were substituted a reference to sections eight to ten of this Act and to paragraphs (a), (d) and (e) of subsection (1) of section eleven thereof, and subsection (5) of the said section twenty shall have effect as if, for (the reference to paragraph (a) of subsection (2) of section four of the Air Force Act, 1955, there were substituted a reference to subsection (2) of section eight of this Act.

#### **15 Transitional provisions relating to sections 8 to 14**

- (1) The following provisions of this section shall have effect for the purposes of the application of sections eight to fourteen of this Act to the case of any person who is in air-force service immediately before the coming into operation of sections eight to fourteen of this Act (hereafter in this section referred to as " an existing airman ").
- (2) The repeal by the last foregoing section of sections four to eight of the Air Force Act, 1955, shall not affect the term of service (either as respects duration, or as respects liability to air-force service or any liability to serve in the reserve) for which an existing airman is serving immediately before the coming into operation of sections eight to fourteen of this Act, and subsections (1) to (3) and subsection (5) of section eight of this Act shall not apply to an existing airman.
- (3) Subsection (4) of section eight of this Act shall have effect in relation to an existing airman who enlisted before he attained the age of eighteen years but after he had attained the minimum age for man's service within the meaning of the Air Force Act, 1955, with the modification that the expression " relevant date " shall mean the date of his attestation.

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- (4) An existing airman who has been re-engaged for a further period of air-force service by virtue of paragraph (a) of subsection (1) of section seven of the Air Force Act, 1955, shall be treated for the purposes of subsection (2) of section nine of this Act and of sections ten to twelve of this Act as if on the date of his attestation section eight of this Act had been in force and he had enlisted on a long-term enlistment.
- (5) In relation to an existing airman (other than such a one as is mentioned in the last foregoing subsection) subsection (1) of section ten of this Act shall have effect as if, after the words " on the date of his attestation ", there were inserted the words " section eight of this Act had been in force and ".
- (6) In relation to an existing airman, any reference in section eleven or section 'twelve of this Act to the term of a person's enlistment—
  - (a) shall, if the term for which he enlisted has been extended under subsection (1) of section five of the Air Force Act, 1955, and he is serving on that term as so extended, include a reference to that term as so extended ;
  - (b) shall, if he is serving on a term for which he has re-entered under subsection (2) of section six of the Air Force Act, 1955, 'be construed as a reference to the term for which he so re-entered ;
  - (c) shall, if he is serving on a term for which he has been re-engaged by virtue of paragraph (b) or paragraph (c) of subsection (1) of section seven of the Air Force Act, 1955, be construed as a reference to the term for which he was so re-engaged.
- (7) Sections nine to eleven of this Act shall not apply to an existing airman continued in service under section eight of the Air Force Act, 1955, but such an airman may claim his discharge at the expiration of any period of three months beginning with the date on which he gives to his commanding officer within the meaning of the Air Force Act, 1955, notice of his wish to be discharged.
- (8) In so far as any application made under any of sections five to eight of the Air Force Act, 1955, could have been made under a corresponding provision of any of sections nine to twelve of this Act, it shall not be invalidated by the repeal by this Act of the said sections five to eight, but shall have effect as if made under that corresponding provision.