



Army and Air Force Act 1961

1961 CHAPTER 52

Army Enlistment

2 Terms of enlistment in regular forces

- (1) The term for which a person enlisting in the regular forces 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 army service ; or
 - (b) such term, not exceeding twelve years, as may be prescribed, being a term of army 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 army 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 but has attained the minimum age for man's service 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 army 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 army 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 army service and as to the remainder a term of service in the reserve.
- (4) Where the said person has not attained the minimum age for man's service the said term shall be—

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- (a) 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 army service ; or
 - (b) a term ending with the expiration of such period as aforesaid, being as to such part thereof as may be prescribed a term of army service and as to the remainder a term of service in the reserve.
- (5) References (however expressed) in the four next following sections 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 " relevant date " means.—
- (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.

3 Change of conditions of service after long-term enlistment in regular forces

- (1) In the case of persons who enlisted on a long-term enlistment, the Army Council shall have power by regulations under Part I of the Army Act, 1955, to confer—
- (a) any right to be transferred to the reserve at a time or times before the end of the period of twelve years beginning with the relevant date, and
 - (b) any right to determine army service at a time or times before the end of the said period,
- being rights exercisable in such circumstances and subject to such conditions as may be prescribed, and the power of varying regulations made in pursuance of this subsection shall be subject to the restrictions specified in subsection (6) of this section.
- (2) Every person who enlists on a long-term enlistment may, on making application in the prescribed manner, and with the consent of the competent military authority, be transferred to the reserve at any time before he has completed twelve years' service beginning with the relevant date.
- (3) Every person who enlists on a long-term enlistment shall, subject to the provisions of this section, have the right to determine his service at the end of the period of twelve years beginning with the relevant date, or of any succeeding period of three years, by a notice given in such form and at such time, and revocable in such circumstances, as may be prescribed.
- (4) Where a person is transferred to the reserve under regulations made in pursuance of subsection (1) of this section, or under subsection (2) of this section, he shall serve in the reserve for such period as may be prescribed, so, however, that that period shall not extend beyond twelve years from the relevant date, and regulations under Part I of the Army Act, 1955, may provide for the conditions under which a person so transferred to the reserve may re-enter upon army service and prescribe the conditions subject to which a person so re-entering army service will serve.
- (5) Without prejudice to the power under subsection (1) of this section of prescribing the circumstances in which and the conditions subject to which rights conferred under that subsection are exercisable, regulations made under the said Part I may also—
- (a) require that, in consideration of a person's being permitted to undergo any course of instruction or to transfer to a corps different from the one in which

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he was previously serving, or in consideration of the conferring on him of any other benefit or advantage, he shall give an undertaking not to determine his army service before the expiration of a specified period, and

- (b) provide that a person who has given such an undertaking shall not give notice to exercise a right conferred by regulations made in pursuance of subsection (1) of this section, or a right conferred by subsection (3) of this section, which would result in his transfer to the reserve or the determination of his service before the end of that period,

and any such regulations may provide for the giving of such undertakings by persons who enlisted before the regulations were made as well as by persons who enlisted after that time.

- (6) Subject to the provisions of the last foregoing subsection, any regulations which vary or revoke regulations made in pursuance of subsection (1) of this section, or which vary any period prescribed under subsection (4) of this section as a period for which a person shall serve in the reserve, shall not affect persons who enlisted on a long-term enlistment before the time when the varying or revoking regulations are made.

4 Conversion of short-term enlistment in regular forces into long-term enlistment

- (1) A person in army service who enlisted otherwise than on a long-term enlistment after attaining the age of eighteen years or before attaining that age but after attaining the minimum age for man's service may, on giving to his commanding officer written notice in the prescribed form and with the consent of the competent military authority, be treated for the purposes of this Act as if, on the day of his enlistment, he had enlisted on a long-term enlistment.

- (2) A person in army service who enlisted before attaining the minimum age for man's service may, on giving to his commanding officer written notice in the prescribed form, and with the consent of the competent military authority, be treated for the purposes of this Act at any time after attaining the age of eighteen years as if he were a person who, on the day on which he attained that age, had enlisted on a long-term enlistment.

A person shall not give a notice under this subsection before attaining the age of seventeen years and six months.

- (3) A person who, by virtue of this section, is treated as having enlisted on a long-term enlistment shall not exercise his right under subsection (1) of the last foregoing section so as to reduce his army service to less than it would have been if he had not been treated as aforesaid.

5 Other changes of conditions of service of persons enlisted on short-term enlistments in regular forces

- (1) Where a person in army service enlisted otherwise than on a long-term enlistment his conditions of service may, on written application in that behalf made by him to the competent military authority and with the consent of that 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 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 army service, his service in the reserve, or both, as may be so specified :—

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- (b) if the term for which he enlisted, or that term as extended under paragraph (a) of this subsection, includes a period of Service in the reserve, his period of army 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 ;
 - (c) he may be transferred to the reserve to serve therein for the residue of the term for which he was enlisted, or if that term has been extended under paragraph (a) of this subsection, for the residue of that term as so extended.
- (2) A person in the reserve by virtue either of the terms of his enlistment or of subsection (1) of this section may, on written application in that behalf made by him to the competent military authority and with the consent of that authority, at any time re-enter upon army service and, according as may be specified in the application, either—
- (a) serve in army service for the remainder of the period for which he would have been liable to serve in the reserve if he had not re-entered upon army service, or
 - (b) serve in army service for a specified part of that remainder and thereafter serve in the reserve for the residue thereof.

6 Continuance in service in regular forces after long-term service

- (1) A soldier of the regular forces enlisted on a long-term enlistment who has completed the prescribed period (which shall not be less than fifteen years) of continuous service from the relevant date may give notice to his commanding officer of his desire to continue in army service after the completion of his term of service, for such period, not exceeding five years, as may be specified in the notice ; and if the competent military authority approve he may, after the completion of his term of service, be continued as a soldier of the regular forces for the period specified in the notice, in all respects as if his term of service were still unexpired.

The giving, under the foregoing provisions of this subsection, of a notice by a soldier shall not prejudice the exercise by him of any right conferred by regulations made in pursuance of subsection (1) of section three of this Act or by subsection (3) of that section.

- (2) Where a soldier of the regular forces will, at the end of the term for which he enlisted, have completed not less than twenty-two years' service but will not be entitled to give a notice under the last foregoing subsection, he may, at any time during the last twelve months of that term, give notice to his commanding officer of his desire to continue in army service, after the end of that term, for such period, not exceeding five years, as may be specified in the notice; and, if the competent military authority approve, he may, after the end of that term, be continued as a soldier of the regular forces, for the period specified in the notice, in all respects as if that term were still unexpired.

The references in this subsection to the term for which a soldier enlisted shall, where the term has been extended under subsection (1) of the last foregoing section, be construed as references to the term as so extended.

- (3) A soldier of the regular forces for the time being continued in service under subsection (1) or (2) of this section may, within the prescribed period immediately preceding the date on which the period for which he is so continued will end, give notice to his commanding officer of his desire to continue further in army service after that date for such period, not exceeding five years, as may be specified in the notice; and if the competent military authority approve, he may, after that date, be further continued as a soldier of the regular forces, for the period specified in the notice, in

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all respects as if the term for which he was previously continued in service were still unexpired.

- (4) The last foregoing subsection shall apply to soldiers of the regular forces continued in service thereunder as it applies to such soldiers continued in service under subsection (1) or (2) of this section.
- (5) Section three of this Act shall not apply in the case of a soldier who is continued in service under this section; but any such soldier may claim his discharge at the expiration of the period of three months beginning with the date on which he gives to his commanding officer notice of his wish to be discharged.
- (6) References in this section to periods of service shall, except so far as the context otherwise requires, be construed as including references to periods served in the reserve, but as not including—
 - (a) periods of whole-time or part-time service within the meaning of Part I of the National Service Act, 1948, or
 - (b) in relation to a soldier who enlisted for a term ending with the expiration of a period beginning with the date of his attaining the age of eighteen years, any period during which he was under that age.

7 Application of, amendments consequential on, and interpretation of, sections 2 to 6

- (1) The five last foregoing sections shall apply only to persons who enlist in the regular forces after the coming into operation of those sections (not being persons who enlist in the Royal Marines or enlist in pursuance of the National Service Act, 1948), and sections four to eight of the Army Act, 1955, and the Army (Conditions of Enlistment) Act, 1957, shall not apply to persons who so enlist in the regular forces.
- (2) In sections thirteen and fourteen of the Army Act, 1955, references to Part I of that Act shall be construed as including references to the five last foregoing sections.
- (3) In subsection (2) of section seventeen of the Army Act, 1955, the reference to Part I of that Act shall, in the case of persons who enlist as aforesaid in the regular forces, be construed as including a reference to the five last foregoing sections.
- (4) In subsections (4) and (6) of the said section seventeen, the references to the right conferred by subsection (1) of section five of the Army Act, 1955, shall, in the case of persons who enlist as aforesaid in the regular forces, be construed as references to rights conferred by regulations made in pursuance of subsection (1) of section three of this Act or by subsection (3) thereof, and the reference in the said subsection (6) to the purposes of the said Act of 1955 shall, in the case of such persons, be construed as including a reference to the purposes of the five last foregoing sections.
- (5) Nothing in the said section seventeen shall apply to a person who deserts at a time when he is continued in service under section six of this Act.
- (6) In subsection (5) of section twenty of the Army Act, 1955, the reference to subsection (2) of section four of that Act shall be construed as including a reference to subsections (2) and (3) of section two of this Act.
- (7) In section twenty-two of the Army Act, 1955, the reference to Part I of that Act shall be construed as including a reference to the five last foregoing sections.

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- (8) So much of the five last foregoing sections as relates to service in, and transfer to, the reserve shall not apply to women members of the regular forces.
- (9) Expressions used in the five last foregoing sections to which meanings are assigned by section two, twenty-three or two hundred and twenty-five of the Army Act, 1955, shall have those meanings for the purposes of the first-mentioned sections.