



Army and Air Force Act 1961

1961 CHAPTER 52

Army Enlistment

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.

Status: This is the original version (as it was originally enacted).

- (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 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.