

## SCHEDULES

### SCHEDULE 3

Sections 71 and 94.

#### ENLISTMENT UNDER PART IV OR PART V

##### *Enlistment*

- 1 (1) A person offering to enlist shall be given a notice in the prescribed form setting out the questions to be answered on attestation and stating the general conditions of the engagement to be entered into by him ; and a recruiting officer shall not enlist any person unless satisfied by that person that he has been given such a notice, understands it and wishes to be enlisted.
- (2) The procedure for enlisting a person shall be that set out in paragraph 2 below.
- (3) A recruiting officer shall not enlist a person under the appropriate minimum age unless consent to the enlistment has been given in writing—
- (a) if the person offering to enlist is living with both or one of his parents, by the parents or parent;
  - (b) if he is not living with both or one of his parents, but any person (whether a parent or not) whose whereabouts are known or can after reasonable enquiry be ascertained has parental rights and powers in respect of him, by that person;
  - (c) if there is no such person as is mentioned in paragraph (b) of this subparagraph or if after reasonable enquiry it cannot be ascertained whether there is any such person, by any person in whose care (whether in law or in fact) the person offering to enlist may be.
- (4) Where the recruiting officer is satisfied, by the production of a certified copy of an entry in the register of births or by any other evidence appearing to him to be sufficient, that a person offering to enlist has or has not attained the appropriate minimum age, that person shall be deemed for the purposes of this Act to have attained, or as the case may be, not to have attained, that age.

A document purporting to be a certificate signed by the recruiting officer, stating that he is satisfied as aforesaid, shall be sufficient evidence, until the contrary is proved, that he is so satisfied.

##### *Procedure on attestation*

- 2 (1) The recruiting officer shall warn the person to be enlisted that if he makes any false answers to the questions to be read out to him he will be liable to be punished as provided by this Act.
- (2) He shall then read, or cause to be read, to that person the questions set out in the attestation paper and satisfy himself that he understands each of those questions and that his answers thereto have been duly recorded in the attestation paper.

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- (3) He shall then ask that person to make and sign the declaration set out in the attestation paper as to the truth of the answers and shall administer to him the oath of allegiance as set out in the attestation paper.
- (4) Upon signing the declaration and taking the oath the said person shall become a man of the Army Reserve, the Air Force Reserve, the Territorial Army or the Royal Auxiliary Air Force, as the case may be.
- (5) The recruiting officer shall by signature attest, in the manner required by the attestation paper, that the requirements of this Act as to the attestation of the recruit have been carried out and deliver the attestation paper duly dated to such person as may be prescribed by regulations of the Defence Council.
- (6) When in accordance with the regulations the recruit is finally approved for service, the officer by whom he is approved shall at his request furnish him with a certified copy of the attestation paper.

*Validity of attestation and enlistment*

- 3 (1) Where a person has signed the declaration required by paragraph 2 above (and in the case of either the Army Reserve or the Air Force Reserve has thereafter received pay as a person of one of those reserves)—
  - (a) the validity of his enlistment shall not be called in question on the ground of any error or omission in his attestation paper;
  - (b) if within 3 months from the date on which he signed the declaration he claims that his enlistment is invalid by reason of any non-compliance with the requirements of this Act as to enlistment or attestation, or any other ground whatsoever (not being an error or omission in his attestation paper) on which apart from this sub-paragraph the validity of his enlistment could have been called in question, the claim shall be submitted as soon as may be to the Defence Council, and if the claim is well founded the Defence Council shall cause him to be discharged with all convenient speed;
  - (c) if—
    - (i) when he signed the declaration he had not attained the appropriate minimum age, and
    - (ii) within 3 months from the date on which he signed the declaration he, or any person whose consent to the enlistment was required under paragraph 1(3) above but who did not duly consent, claims that his enlistment is invalid by reason of any non-compliance with the requirements of this Act as to enlistment or attestation, or any other ground whatsoever (not being an error or omission in his attestation paper) on which apart from this subparagraph the validity of his enlistment could have been called in question,

the claim shall be submitted as soon as may be to the Defence Council, and if the claim is well founded the Defence Council shall cause him to be discharged with all convenient speed ;
  - (d) subject to the provisions of paragraphs (b) and (c) above, he shall be deemed as from the expiry of the said 3 months to have been validly enlisted notwithstanding any such noncompliance or other grounds as aforesaid ;
  - (e) notwithstanding any such non-compliance or other grounds as aforesaid, or the making of a claim in pursuance of paragraph (b) or paragraph (c) above, he shall be deemed to be a man of the Army Reserve, the Air Force Reserve,

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the Territorial Army, or the Royal Auxiliary Air Force, as the case may be, until his discharge.

- (2) Where a person has received pay as a man of the Army Reserve or the Air Force Reserve, as the case may be, without having previously signed the declaration required by paragraph 2, then—
- (a) he shall be deemed to be a man of the Army Reserve or the Air Force Reserve, as the case may be, until discharged ;
  - (b) he may claim his discharge at any time, and if he does so the claim shall be submitted as soon as may be to the Defence Council, who shall cause him to be discharged with all convenient speed.
- (3) Nothing in this paragraph shall be construed as prejudicing the determination of any question as to the term for which a person was enlisted or as preventing the discharge of a person who has not claimed his discharge.

*False answers in attestation papers*

- 4 (1) If a person appearing before a recruiting officer for the purpose of being attested, knowingly makes a false answer to any question contained in the attestation paper and put to him by or by the direction of the recruiting officer, he shall be liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding £20.
- (2) A person may be proceeded against under sub-paragraph (1) above notwithstanding that he has since become subject to military law or to air-force law, as the case may be.
- (3) Any person who—
- (a) when before a recruiting officer for the purpose of being attested in pursuance of this Act,
  - (b) knowingly makes a false answer to any question contained in the attestation paper and put to him by or by the direction of the recruiting officer,
- shall be, if he has since become and remains subject to military law or to air-force law, as the case may be, liable on conviction by court-martial to the like imprisonment as on summary conviction of an offence against sub-paragraph (1) above or to any less punishment provided by the Army Act 1955 or by the Air Force Act 1955, as the case may be.

*Evidence as to attestation papers*

- 5 With respect to evidence in proceedings under Part IV or Part V of this Act, whether before a court-martial, a civil court or otherwise—
- (a) a document purporting to be a copy of the attestation paper signed by any person and to be certified to be a true copy by a person stated in the certificate to have the custody of the attestation paper shall be evidence of the enlistment of the person attested ;
  - (b) the attestation paper purporting to be signed by a person on his enlistment shall be evidence of his having given the answers to questions which he is recorded in that paper as having given.

*Interpretation of Schedule 3*

- 6 In this Schedule—

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" appropriate minimum age " means the age of 17 years and 6 months, except that in such classes of case as may be prescribed it means the age of 17 years ;

" prescribed " means prescribed by regulations made under Part I of the Army Act 1955 or Part I of the Air Force Act 1955, as the case may be.