



Air Force Constitution Act 1917

1917 CHAPTER 51

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 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 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.

Status: This is the original version (as it was originally enacted).

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 naval or military forces may, with his consent and subject to the approval of the Admiralty or Army Council (as the case may be) 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) any officer, warrant officer, petty officer, non-commissioned officer, or man who at such date as may be fixed by Order in Council belongs or is attached to the Royal Naval Air Service, the Royal Flying Corps or any unit of the naval or military forces engaged in defence against aircraft which is designated by the Admiralty or Army Council for the purpose, may be so transferred or attached without his consent, but if any person so transferred or attached, within three months from the time when he receives notice of such transfer or attachment or such longer period as in any particular case the Air Council may allow, gives notice to his commanding officer that he does not desire to be so transferred or attached, the transfer or attachment shall be annulled without prejudice to the validity of anything which may have been done in the meanwhile ; and
- (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 he deemed to he service with the Air Force towards pay, pension, gratuity, retired or half-pay, or such decoration or reward.
- (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 he 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.

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 His Majesty's Navy or Army as such, whether conferred by statute or otherwise, and the acceptance of a commission in the

Air Force shall not render a person accepting such a commission incapable of being elected to or sitting or voting in the Commons House of Parliament, and nothing in the Succession to the Crown Act, 1707, or any similar enactment shall extend to any member of the Commons House of Parliament who, being an officer of the Air Force, receives any new or other commission in the Air Force, or receives a commission in His Majesty's Navy or Army, or who, being an officer in His Majesty's Navy or Army, receives a commission in the Air Force.

5 Application of Military Service Acts, &c

- (1) Any men who, by virtue of the Military Service Acts, 1916 and 1917, are deemed to have been enlisted in His Majesty's regular forces and to have been transferred to the reserve, or who having voluntarily enlisted in the regular forces have been so transferred, shall on being called up for service be liable to be transferred to the Air Force.
- (2) There shall be included amongst the exceptions mentioned in the First Schedule to the Military Service Act, 1916, the following:—

Men serving in the Air Force.

6 Air Force Reserve and Auxiliary Force

- (1) It shall be lawful for His Majesty to raise and maintain an Air Force Reserve and an Auxiliary Air Force consisting in each case of such number of officers, warrant officers, noncommissioned officers, and men as may from time to time be provided by Parliament, and to provide for the transfer or attachment to the Auxiliary Air Force, subject to their consent, of officers and men of any unit of the territorial force which at the passing of this Act forms part of the Royal Flying Corps.
- (2) His Majesty may, by Order in Council, apply with the necessary adaptations to the Air Force Reserve, or to the Auxiliary Air Force, or to the officers or men of any such force, any enactment relating to the Army Reserve or to the Territorial Force or to the officers or men of those forces, and such Order in Council shall be laid before both Houses of Parliament.

7 Consequential amendments of Naval Discipline Act and Army Act

The amendments set out in the second column of the tables in Part I. and Part II. of the First Schedule to this Act (being amendments consequential on the establishment of an air force) shall be made in or inserted after the provisions of the Naval Discipline Act and the Army Act respectively mentioned in the first column of those tables, and section two of the Naval Discipline Act, 1917 (which relates, to the printing and construction of the Naval Discipline Act), shall apply to the amendments of the Naval Discipline Act made by this Act in like manner as it applies to the amendments thereof made by that Act.