

1972 No. 1955

DEFENCE

**The Army Terms of Service (Second Amendment)
Regulations 1972**
Laid before Parliament in draft

Made - - - -	12th December 1972
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Coming into Operation	1st January 1973
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The Defence Council, in exercise of the powers conferred upon them by section 2 of the Armed Forces Act 1966(a) and section 64 of the Armed Forces Act 1971(b) and of all other powers enabling them in that behalf, hereby make the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Army Terms of Service (Second Amendment) Regulations 1972 and shall come into operation on 1st January 1973.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) In these Regulations “the Principal Regulations” means the Army Terms of Service Regulations 1967(d), as amended (e).

Amendments to the Principal Regulations

2. There shall be inserted in the Principal Regulations the following Regulation:—

“4A.—(1) A recruit shall have the right to claim his discharge before the expiration of the period of 3 months beginning with the date of his attestation, provided that such right shall not be exercisable by a male recruit who, on the date of his attestation, had attained the age of 18 years or, in the case of a recruit of the Brigade of Gurkhas, 17 years, before the expiration of a period of 8 weeks beginning with that date.

(2) Subject to paragraph (5) a recruit who had not attained the age of 18 years on the date of his attestation shall also have the right to claim his discharge—

(a) if he had not attained the age of 17 years and 9 months on the said date, at any time before the expiration of the period of 6 months beginning with that date, or

(a) 1966 c. 45.

(b) 1971 c. 33.

(c) 1889 c. 63.

(d) S.I. 1967/1018 (1967 II, p. 3066).

(e) There are no relevant amending instruments.

(b) if he had attained the age of 17 years and 9 months on the said date, at any time before he attains the age of 18 years and 3 months.

(3) A person claiming his discharge by virtue of paragraph (1) above or paragraph (2) above shall, if he had attained the age of 17 years and 6 months on the date of his attestation, on payment of a sum not exceeding £20, and if he had not attained such age on the said date, at the end of 14 days after giving notice in writing to his commanding officer, be entitled to be discharged:

Provided that if any such claim is made by a recruit at a time when soldiers are required by an order under section 10 of the Army Act 1955(a) (continuation of army service in imminent national danger) to continue in army service, he shall not be entitled to be discharged so long as soldiers are so required to continue in army service.

(4) (a) In this Regulation the expression "recruit" means a person enlisted in the regular army who, subject to sub-paragraph (b) below, has not been previously so enlisted;

(b) a person who has been discharged by the competent military authority in accordance with Regulations made by the Defence Council under Part I of the Army Act, 1955 as being not finally approved for service and who has subsequently been re-enlisted for service in the regular army shall be deemed to be a recruit for the purposes of this Regulation.

(5) Paragraph (2) of this Regulation shall not apply to a person enlisted in the Brigade of Gurkhas or for local service outside the United Kingdom."

Repeals and Revocations

3.—(1) The enactments specified in Part 1 of the Schedule to these Regulations are hereby repealed to the extent specified in Column 3 of that Schedule.

(2) The Order and Regulations specified in Part 2 of the Schedule to these Regulations are hereby revoked to the extent specified in Column 2 of that Schedule.

On behalf of the Defence Council,

Peter Blaker,

Michael Carver,

Members of the Defence Council.

Dated 12th December, 1972.

SCHEDULE

PART 1

Regulation 3(1)

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
1955 c.18	The Army Act, 1955	Section 14.
1961 c.52	The Army and Air Force Act, 1961	Section 17(1).
1966 c.45	The Armed Forces Act 1966	In Schedule 4 (relating to the amendments to the Army Act 1955) the words from "In section 14" to the end of the paragraph

PART 2

Regulation 3(2)

ORDER AND REGULATIONS REVOKED

Order/Regulations	References	Extent of Revocation
The Defence (Transfer of Functions) (No. 1) Order 1964	S.I. 1964/488 (1964 I, p. 769)	In Part 1 of the First Schedule (relating to the amendments to the Army Act 1955) the words "14(1) (as substituted by the Army and Air Force Act 1961)"
The Armed Forces (Discharge by Purchase) Regulations 1968	S.I. 1968/1801 (1968 III, p. 4816)	The whole
The Armed Forces (Discharge by Purchase) (Amendment) Regulations 1969	S.I. 1969/1864 (1969 III, p. 5809)	The whole
The Armed Forces (Discharge by Purchase) (Amendment) Regulations 1971	S.I. 1971/503 (1971 I, p. 1498)	The whole
The Armed Forces (Discharge by Purchase) (Second Amendment) Regulations 1972	S.I. 1972/8 (1972 I, p. 14)	The whole
The Army Act 1955 (Part 1) (Regular Army) Regulations 1967		Regulation 11

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Army Terms of Service Regulations by incorporating the provisions relating to the rights of recruits to claim their discharge from the regular army contained in section 14 of the Army Act, 1955 and certain provisions of the Army and Air Force Act, 1961 and Armed Forces Act 1966 and other Regulations of the Defence Council, which are repealed and revoked respectively.

The rights are (a) if over 18 when attested, within the first 3 months (for men during the third month only) on payment of a sum not exceeding £20 (b) if between 17½ and 18, within the first 6 months (but not after reaching 18¼) on payment of a similar sum and (c) if under 17½, within the first 6 months on 14 days' notice. Soldiers may not be discharged if required to continue in army service in time of imminent national danger.

There are special provisions for those enlisted into the Brigade of Gurkhas or for local service overseas. Persons who have been re-enlisted after being initially discharged as not finally approved for service are treated as recruits.

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