



# Armed Forces Act 1966 (repealed)

## 1966 CHAPTER 45

### PART II

#### AMENDMENTS OF LAW AS TO ENTRY, ENLISTMENT AND TERMS OF SERVICE IN REGULAR FORCES

##### *Provisions relating to the Royal Navy*

### 3 Application of sections 4 to 10.

The seven next following sections shall have effect for the purpose of putting into effect in relation to the Royal Navy provisions similar to those having effect in relation to the regular army and the regular air force by virtue of sections 2(3) to (5), 9, 10, 11, 12, 18, 19 and 61 of the <sup>M1</sup>Army Act 1955 and the <sup>M2</sup>Air Force Act 1955, <sup>F1</sup> . . . .

#### Textual Amendments

**F1** Words in s. 3 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

#### Marginal Citations

**M1** 1955 c. 18.

**M2** 1955 c. 19.

### 4 Postponement, in certain cases, of discharge or transfer to Royal Fleet Reserve of ratings.

[<sup>F2</sup>(1) This section applies to a rating if, on the relevant date, a call-out order under section 52, 54 or 56 of the Reserve Forces Act 1996 is in force authorising the call out for permanent service of members of the Royal Fleet Reserve.

For the purposes of this section, “the relevant date”, in relation to a rating, means the date on which he would, apart from this section, fall to be transferred to the Royal Fleet Reserve or he would be entitled to be discharged, as the case may be.

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- (1A) A rating to whom this section applies may be retained in service in the Royal Navy after the relevant date in accordance with this section for such period as the competent authority may order, and his service may be prolonged accordingly.
- (1B) The period for which a rating may be retained in service after the relevant date by virtue of this section shall be limited as follows, that is to say—
- (a) a rating who would otherwise have fallen to be transferred to the Royal Fleet Reserve may not be retained for longer than the period for which, if the assumptions mentioned in subsection (1C) below are made in relation to him, he could have been required to serve on being called out under Part VI of the Reserve Forces Act 1996; or
  - (b) a rating who would otherwise have been discharged may not be retained for longer than twelve months;
- and a rating who is retained in service is (if not transferred or discharged sooner) entitled to be transferred to the Royal Fleet Reserve or discharged, as the case may require, at the end of whichever of the above periods applies to him.
- (1C) The assumptions to be made in relation to a rating for the purposes of subsection (1B) (a) above are that—
- (a) he was transferred to the Royal Fleet Reserve in time to be called out for permanent service starting on the relevant date; and
  - (b) he was so called out on the authority of the call-out order which justified his retention in service.]
- (5) If, while a person is being retained in service in the Royal Navy by virtue of this section, it appears to the competent authority that his service can be dispensed with, he shall be entitled to be discharged or transferred to the Royal Fleet Reserve as the case may require.
- (6) Where, at the time at which under the foregoing provisions of this section, a person is entitled to be discharged or transferred to the Royal Fleet Reserve, a state of war exists between Her Majesty and a foreign power, he may, by declaration made before his commanding officer in a form prescribed by regulations of the Defence Council, agree to continue in service in the Royal Navy while such a state of war exists; and, if the competent authority approve, he may continue accordingly as if the period for which his term of service could be prolonged under the foregoing provisions of this section were a period continuing so long as a state of war exists: Provided that, if it is so specified in the declaration, he shall be entitled to be discharged or transferred to the Royal Fleet Reserve as the case may require at the expiration of three months notice given by him to such officer as aforesaid.
- [<sup>F3</sup>(6A) Where a rating is retained in service by virtue of this section but would otherwise have fallen to be transferred to the Royal Fleet Reserve—
- (a) any period for which he is liable to serve in the Royal Fleet Reserve after the completion of his service in the Royal Navy shall be reduced by the period for which he is so retained; and
  - (b) the period for which he is so retained shall be treated as a period of relevant service for the purposes of any provision of Part IV, V, VI or VII of the Reserve Forces Act 1996.]
- (7) References in this section to transfer of a person to the Royal Fleet Reserve shall be construed as references to his being entered in the Royal Fleet Reserve where he is so entered in pursuance of a liability to serve therein after the completion of his

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term of service in the Royal Navy, being a liability incurred under the terms of his engagement to serve in the Royal Navy; and, in relation to ratings serving outside the United Kingdom, references in this section to being entitled to be transferred to the Royal Fleet Reserve shall be construed as references to being entitled to be sent to the United Kingdom with all convenient speed for the purpose of being transferred to that Reserve.

- (8) References in this section to discharge shall not include references to discharge of a rating from the Royal Navy where on such discharge he is, under the terms of his engagement, liable to serve in the Royal Fleet Reserve after the completion of his term of service in the Royal Navy.

<sup>F4</sup>(9) .....

<sup>F4</sup>(10) .....

#### Textual Amendments

- F2** S. 4(1)-(1C) substituted for s. 4(1)-(4) (1.4.1997) by 1996 c. 14, s. 126, **Sch. 7 paras. 7(2)** (with s. 72(5) and with saving in **Sch. 7 para. 8**; and s. 4 as so saved amended (1.1.1999) by S.I. 1998/3086, reg. 11, **Sch. para. 3**); S.I. 1997/305, **art. 2**
- F3** S. 4(6A) inserted (1.4.1997) by 1996 c. 14, s. 126, **Sch. 7 paras. 7(3), 8** (with s. 72(5) and with saving in **Sch. 7 para. 8**; and s. 4 as so saved amended (1.1.1999) by S.I. 1998/3086, reg. 11, **Sch. para. 3**); S.I. 1997/305, **art. 2**
- F4** S. 4(9)(10) repealed (1.4.1997) by 1996 c. 14, ss. 126, 131(2), **Sch. 7 paras. 7(4), 8, Sch. 11** (with s. 72(5) and with saving in **Sch. 7 para. 8**; and s. 4 as so saved amended (1.1.1999) by S.I. 1998/3086, reg. 11, **Sch. para. 3**); S.I. 1997/305, **art. 2**

#### Modifications etc. (not altering text)

- C1** S. 4 extended with modifications by **Armed Forces Act 1981 (c. 55, SIF 7:1)**, s. 20, **Sch. 3 paras. 11, 12**
- C2** S. 4 applied (with modifications) (1.1.1999) by **Armed Forces Act 1981 c. 55, Sch. 3, para. 12** (as amended (1.1.1999) by S.I. 1998/3086, regs. 8(1), 11, **Sch. para. 5**)
- S. 4 applied (with modifications) (1.1.1999) by S.I. 1998/3086, reg. 11, **Sch. para. 3**

## 5 Continuation of service in Royal Navy in imminent national danger.

- (1) If it appears to Her Majesty that national danger is imminent or that a great emergency has arisen, She may by order, signified under the hand of the Secretary of State, provide that ratings who would otherwise fall to be transferred to the Royal Fleet Reserve shall continue in service in the Royal Navy; and thereupon the last foregoing section shall apply to such persons as it applies while [<sup>F5</sup>a call-out order under section 52 of the Reserve Forces Act 1996 authorising the call out of members of the Royal Fleet Reserve is in force].
- (2) Where an order is made under subsection (1) above, the occasion thereof shall forthwith be communicated to Parliament.
- (3) An order in force under subsection (1) above may be revoked by an order of Her Majesty signified as therein mentioned.
- (4) Subsection (7) of section 4 above shall have effect in relation to this section as it does in relation to the said section 4.

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#### Textual Amendments

**F5** Words in s. 5(1) substituted (1.4.1997) by 1996 c. 14, s. 126, Sch. 7 paras. 7(5), 8 (with s. 72(5) and with saving in Sch. 7 para. 8; and s. 4 so as saved amended (1.1.1999) by S.I. 1998/3086, reg. 11, Sch. para. 3); S.I. 1997/305, art. 2

#### Modifications etc. (not altering text)

**C3** S. 5 applied (1.1.1999) (with modifications) by S.I. 1998/3086, reg. 11, Sch. para. 3

## 6 Discharge of ratings.

- (1) Every rating, upon becoming entitled to be discharged, shall be discharged with all convenient speed but until discharged shall remain subject to the <sup>M3</sup>Naval Discipline Act 1957.
- (2) Where a rating entered for service in the Royal Navy in the United Kingdom is, when entitled to be discharged, serving out of the United Kingdom, then—
  - (a) if he requires to be discharged in the United Kingdom, he shall be sent there free of cost with all convenient speed and shall be discharged on his arrival there or, if he consents to his discharge being delayed, within six months from his arrival; but
  - (b) if at his request he is discharged at the place where he is serving, he shall have no claim to be sent to the United Kingdom or elsewhere.
- (3) Every rating shall, on his discharge, be given a certificate of discharge containing such particulars as may be prescribed by regulations of the Defence Council.
- (4) A rating who is discharged in the United Kingdom shall be entitled to be conveyed free of cost from the place where he is discharged to the place at which he was entered for service in the Royal Navy or to any place at which he intends to reside and to which he can be conveyed at no greater cost.
- (5) Subsection (8) of section 4 above shall have effect in relation to this section as it does in relation to the said section 4.

#### Modifications etc. (not altering text)

**C4** S. 6 (except s. 6(5)) extended by Armed Forces Act 1981 (c. 55, SIF 7:1), s. 20, Sch. 3 paras. 11, 13

#### Marginal Citations

**M3** 1957 c. 53.

## 7 Transfer of ratings to reserve.

- (1) Every rating, upon falling to be transferred to the Royal Fleet Reserve, shall be so transferred, but until so transferred shall remain subject to the <sup>M4</sup>Naval Discipline Act 1957.
- (2) Where a rating, when falling to be transferred to the Royal Fleet Reserve, is serving out of the United Kingdom, he shall be sent to the United Kingdom free of cost with all convenient speed and shall be transferred to that reserve on his arrival there, or if he consents to his transfer being delayed, within six months from his arrival:

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Provided that if he so requests he may be transferred to the Royal Fleet Reserve without being required to return to the United Kingdom.

- (3) A rating who is transferred to the Royal Fleet Reserve in the United Kingdom shall be entitled to be conveyed free of cost from the place where he is transferred to the place at which he was entered for service in the Royal Navy or to any place at which he intends to reside and to which he can be conveyed at no greater cost, but he shall not be entitled to be conveyed to a place outside the United Kingdom.
- (4) Subsection (7) of section 4 above shall have effect in relation to this section as it does in relation to the said section 4.

#### Marginal Citations

M4 1957 c. 53.

### 8 False statements on entry into Royal Navy.

- (1) If a person offering himself to be entered for service in the Royal Navy knowingly makes a false answer to any question put to him in connection with his entry into such service by, or by the direction of, an officer or other person authorised under regulations made by the Defence Council to enter persons for such service, he shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding [<sup>F6</sup>level 1 on the standard scale].
- (2) . . . . . <sup>F7</sup>

#### Textual Amendments

**F6** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G** and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5, 6**

**F7** [Ss. 8\(2\), 21, 22, 27\(1\), 32](#) repealed with savings by [Armed Forces Act 1971 \(c. 33\)](#), **s. 78(4)(a)**, Sch. 4 Pt. I

#### Modifications etc. (not altering text)

**C5** [S. 8](#) extended by [Armed Forces Act 1981 \(c. 55, SIF 7:1\)](#), s. 20, Sch. 3 paras. 11, 14

### 9 Consents to entry of young persons into Royal Navy.

- (1) A person under the appropriate minimum age shall not be entered for service in the Royal Navy unless consent to his being so entered has been given in writing—
- (a) if he 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 a person (whether a parent or not) whose whereabouts are known or can after reasonable inquiry 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) above or if after reasonable inquiry it cannot be ascertained whether there is any such person, by any person in whose care (whether in law or in fact) he may be.
- (2) Where an officer or other person authorised under regulations made by the Defence Council to enter persons for naval service is satisfied, by the production of a certified

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copy of an entry in the register of births or by any other evidence appearing to him to be sufficient, that a person offering himself to be entered for such service has or has not attained the appropriate minimum age, that person shall be deemed for the purposes of this section to have attained, or, as the case may be, not to have attained that age; and a document purporting to be a certificate signed by the said officer or other person stating that he is satisfied as aforesaid shall be evidence until the contrary is proved, that he is so satisfied.

- (3) In this section the expression “appropriate minimum age” means [<sup>F8</sup>the age of eighteen or, in a case falling within any class for which a lower age is for the time being prescribed by regulations of the Defence Council, that lower age].

#### Textual Amendments

**F8** Words substituted by [Armed Forces Act 1971 \(c. 33\), s. 63\(2\)](#)

## 10 Validity of entry into Royal Navy.

- (1) Where a person has signified acceptance of his being entered for service in the Royal Navy and has thereafter received pay as a rating, but there was a failure to comply in his case with any requirement of, or made by virtue of, this Part of this Act as to entry for service in the Royal Navy, or there exists any other ground on which, apart from this subsection, the validity of his entry could be called in question, then—
- (a) if, within three months beginning with the date on which he signified his acceptance, he claims that his entry is invalid by reason of any such failure to comply or on any such other ground, 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 from the Royal Navy with all convenient speed and to be released from any liability under his entry to serve in a reserve force;
  - (b) subject to the provisions of the foregoing paragraph, he shall be deemed, as from the expiration of the said three months, to have been validly entered for service in the Royal Navy notwithstanding any such failure to comply or other ground;
  - (c) notwithstanding any such failure to comply or other ground, he shall be deemed to be a rating until the end of the said period of three months or, if he is discharged before the end of that period, until his discharge.
- (2) In the case of a person who, when he signified such acceptance, was under the appropriate minimum age, paragraph (a) of the foregoing subsection shall have effect as if for the words “he claims” there were substituted the words “he, or a person whose consent to the entry was required under section 9 above who did not duly consent, claims”.
- (3) In this section the expression “appropriate minimum age” has the meaning assigned thereto by section 9 above.
- (4) Nothing in the foregoing provisions of this section shall be construed as prejudicing the determination of any question as to the term for which a person was entered or as preventing the discharge of a person who has not claimed his discharge.

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**11** ..... **F9**

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**Textual Amendments**

**F9** Ss. 11, 34 repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

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