



Armed Forces Act 1966

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 Army Act 1955 and the Air Force Act 1955, the provisions so put into effect, so far as they relate to the discharge and prolongation of service of ratings, and statements on entry in the Royal Navy, replacing the provisions of section 1 of the Naval Enlistment Act 1835 (so far as they so relate) and sections 9 and 16 of the Naval Enlistment Act 1853.

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

- (1) Where at the time at which, apart from this section, a rating would be entitled to be discharged, or would fall to be transferred to the Royal Fleet Reserve, either—
- (a) a state of war exists between Her Majesty and a foreign power; or
 - (b) warlike operations are in preparation or in progress; or
 - (c) men of the Royal Naval Reserve are called into actual service,

he may be retained in service in the Royal Navy for such period as is hereinafter mentioned, and his service may be prolonged accordingly.

An exercise, by virtue of paragraph (b) above, of the power conferred by this subsection shall be reported to Parliament forthwith.

Status: This is the original version (as it was originally enacted).

- (2) No person shall be retained in service in the Royal Navy by virtue of this section later than the expiration of twelve months after the date on which, apart from this section, he would be entitled to be discharged.
- (3) Subject to the provisions of the last foregoing subsection, any person who, apart from this section, would be entitled to be discharged may be retained in service in the Royal Navy for such period as the competent authority may order.
- (4) Subject as aforesaid, a rating who, apart from this section, would fall to be transferred to the Royal Fleet Reserve may be retained in service in the Royal Navy for such period, ending not later than twelve months after the date on which, apart from this section, he would fall to be transferred to the Royal Fleet Reserve, as the competent authority may order, or for any period or further period during which men of the Royal Naval Reserve continue called into actual 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.
- (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 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.
- (9) References in this section to men of the Royal Naval Reserve being called into actual service are references to their being called into actual or permanent service under the authority of an order of Her Majesty made on its appearing to Her that national danger is imminent or a great emergency has arisen, or into actual service under section 10(1) of the Auxiliary and Reserve Forces Act 1949.

- (10) The powers conferred by the foregoing provisions of this section shall not be exercisable at any time in relation to a person who at that time is retained in naval service by virtue of section 1 of the Naval Enlistment Act 1835 or section 9 of the Naval Enlistment Act 1853.

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 men of the Royal Naval Reserve are called into actual service.
- (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.

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 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.

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 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:

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.

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 £20.
- (2) Where a person guilty of an offence under the foregoing subsection becomes subject to the Naval Discipline Act 1957, the provisions of that Act shall, so long as he remains subject to it, have effect in relation to him as if an offence under the foregoing subsection were also an offence under Part I of that Act punishable with imprisonment for a term not exceeding three months or any less punishment authorised by that Act.

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 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 the age of seventeen years and six months, except that, in such classes of case as may be prescribed by regulations of the Defence Council, it means the age of seventeen years.

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.

11 Cesser of certain obsolete enactments.

The enactments specified in Schedule 2 to this Act, being enactments which to the extent specified in column 3 of that Schedule have, by lapse of time or otherwise, become obsolete or unnecessary, shall cease to have effect to the extent so specified.