CHAPTER 68.

An Act to Amend the law with respect to the conditions of service of members of the armed forces of the Crown. [1st September 1939.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Men of royal navy. 47 & 48 Vict. c. 46.

1.—(1) Notwithstanding anything in subsection (1) of section two of the Naval Enlistment Act, 1884, a person may, during the period of the present emergency, be entered into the naval service of His Majesty for continuous and general service until the end of that period.

(2) Subsection (2) of section two of the Naval Enlistment Act, 1884, (which provides that men and boys entering in pursuance of that section shall be liable to serve in accordance with the terms of their entry, and that the provisions of the Naval Enlistment Act, 1835, and of the enactments amending that Act shall be applicable to every man and boy as if the term for which he is entered and liable to serve were throughout substituted for the term mentioned in those provisions) shall have effect as if the reference in that subsection to that section included a reference to this section.

3 & 4 Will. 4. c. 24

Men of royal marine forces. 10 & 11 Vict. c. 63. 20 Vict. c. 1.

2. Notwithstanding anything in section one of the Royal Marines Act, 1847, or in section one of the Royal Marines Act, 1857, a person may, during the period of the present emergency, be enlisted to serve in the royal marine forces as a marine until the end of that period.

Soldiers of regular forces other than marines.

3.—(1) Notwithstanding anything in section seventy-six of the Army Act, a person may, during the period of the present emergency, be enlisted to serve His Majesty as a soldier of the regular forces until the end of that period.

(2) Notwithstanding anything in section eighty-three of the Army Act, a soldier of the regular forces may, during the period of the present emergency, be transferred without his consent to any corps by order of the competent military authority, if that authority considers the transfer to be expedient in the interests of the efficiency of the military forces; but where, at any time during the said period, a soldier is, in pursuance of this subsection, transferred to any corps, then, as soon as may be convenient after the end of that period, he shall, if he continues in army service and so desires, be re-transferred to the corps in which he was serving at the time when he was first so transferred.

(3) Where, during the period of the present emergency, a soldier is transferred as aforesaid, then, if the transfer is authorised both by the last preceding subsection and by section eighty-three of the Army Act, the soldier shall be deemed to have been so transferred in pursuance of that subsection and not in pursuance of that section.

(4) At any time during the period of the present emergency a soldier of the regular forces may, by order of the competent military authority, be released from army service; and, so long as the order remains in force, he shall be in the position in which he would be if no proclamation ordering the army reserve to be called out on permanent service were in force, and he had, at the time of the making of the order, been duly transferred to that reserve.

(5) Any order under the last preceding subsection may be revoked by the competent military authority; and, on revoking such an order, the said authority may, if the term of service of the person with respect to whom

the order was made has not expired, give directions requiring him to re-enter upon army service and to attend at the place and time fixed by those directions.

For the purposes of section fifteen of the Reserve Forces Act, 1882, (which provides for the punishment of a person failing to appear at any time and place at which he is required to attend upon the calling out of the army reserve on permanent service) any such directions as aforesaid given with respect to any person shall have effect as if they were directions calling him out on permanent service in pursuance of a proclamation under section twelve of that Act. 45 & 46 Vict. c. 48.

(6) Nothing in this section shall apply in relation to the enlistment of a person for service in the Royal Marine forces, or to a person serving in those forces.

The territorial army. 7 Edw. 7. c. 9.

4.—(1) Notwithstanding anything in the Territorial and Reserve Forces Act, 1907, any embodied part of the territorial army and any officer or man belonging to an embodied part thereof shall, during the present period of embodiment, be liable to be ordered to go out of, and liable to be carried out of, the United Kingdom; and at any time during that period any man belonging to an embodied part of the territorial army may, by order of the competent military authority,—

(*a*) be transferred without his consent to any corps, and

(*b*) be posted without his consent to any regiment battalion or other military body within the corps to which he has been appointed or to which he may have been transferred:

Provided that where, in the case of any such officer or man appointed or enlisted before the beginning of the said period, an undertaking has been given as to the conditions of his service, that undertaking shall be observed, unless he has agreed to the contrary; and, in particular,—

(i) no such officer or man so appointed or enlisted shall be ordered to go out of, or be carried out of, the United Kingdom, unless he has signed an agreement accepting liability for service outside the United Kingdom; and

(ii) in relation to a man so enlisted who, at the time of his enlistment, signed an agreement relating

to the corps or units to which he would be liable to be transferred, posted or attached, this subsection shall not authorise the doing, without his consent, of anything not contemplated by the agreement.

(2) Where, by virtue of the preceding subsection, a person has been transferred to any corps or posted to any regiment, battalion or other military body, whether in the same corps or not, then, if he continues in territorial army service and so desires, there shall, as soon as may be convenient after the end of the present period of embodiment, be taken all such steps as are necessary to enable him to serve again in the corps, and in the regiment, battalion or other military body (if any), in which he was serving at the time when he was first so transferred or posted, as the case may be.

(3) Orders and regulations made under section seven of the Territorial and Reserve Forces Act, 1907, may, notwithstanding anything in that section or in section nine of that Act, provide that any man enlisted in the territorial army during the present period of embodiment—

(*a*) may be enlisted for general service,

(*b*) may be enlisted to serve until the end of the period of embodiment, whether or not the period for which he serves under the enlistment exceeds four years, and

(*c*) may, on enlistment, be appointed without his consent to such corps as the competent military authority may determine;

and any order or regulations providing as aforesaid may be made to apply to men of the territorial army enlisted during the present period of embodiment, notwithstanding that they were enlisted before the coming into operation of the order or regulations.

(4) At any time during the present period of embodiment any officer or man belonging to an embodied part of the territorial army may, by order of the competent military authority, be released from the obligations which he is under by reason of the embodiment of that part of the territorial army; and, so long as the order remains in force, he shall be in the position in which he

would be if that part of the territorial army were not embodied.

Any such order may be revoked by the competent military authority.

(5) On revoking an order under the last preceding subsection, the competent military authority may, if the person with respect to whom the order was made is still an officer or man of the territorial army, give directions requiring him to attend at the place and time fixed by those directions; and, for the purposes of section twenty of the Territorial and Reserves Forces Act, 1907, (which provides for the punishment of a person failing to appear at the time and place appointed for assembling on embodiment) those directions shall have effect as if they were directions under section seventeen of that Act directing the embodiment of a part of the territorial army to which that person belonged.

(6) For the purposes of this section, the expression "the present period of embodiment" means the period of embodiment of the territorial army current at the date of the passing of this Act or, if no such period is then current, the first period for which the territorial army is embodied after that date.

(7) In this section the expression "regiment, battalion or other military body" includes any regiment, battalion or other military body of the regular forces.

Airmen of regular air force and air force reserve.

5.—(1) Notwithstanding anything in section seventy-six of the Air Force Act or in section four of the Reserve Forces Act, 1882, as applied to the air force reserve, a person may, during the period of the present emergency, be enlisted to serve His Majesty as an airman of the regular air force or of the air force reserve until the end of that period.

(2) At any time during the period of the present emergency an airman of the regular air force may, by order of the competent air force authority, be released from air force service; and, so long as the order remains in force, he shall be in the position in which he would be if no proclamation ordering the air force reserve to be called out on permanent service were in force, and he had, at

the time of the making of the order, been duly transferred to that reserve.

(3) Any order under the last preceding subsection may be revoked by the competent air force authority; and on revoking such an order the said authority may, if the term of service of the person with respect to whom the order was made has not expired, give directions requiring him to re-enter upon air force service and to attend at the time and place fixed by those directions.

For the purposes of section fifteen of the Reserve Forces Act, 1882, as applied to the air force reserve, any such directions as aforesaid given with respect to any person shall have effect as if they were directions calling him out on permanent service in pursuance of a proclamation under section twelve of that Act, as so applied.

The auxiliary air force.

6.—(1) Notwithstanding anything in the Territorial and Reserve Forces Act, 1907, as applied to the auxiliary air force, any embodied part of the auxiliary air force and any officer or man belonging to an embodied part thereof shall, during the present period of embodiment, be liable to be ordered to go out of, and liable to be carried out of, the United Kingdom.

(2) At any time during the present period of embodiment any officer or man belonging to an embodied part of the auxiliary air force may, by order of the competent air force authority, be released from the obligations which he is under by reason of the embodiment of that part of the auxiliary air force; and, so long as the order remains in force, he shall be in the position in which he would be if that part of the auxiliary air force were not embodied.

Any such order may be revoked by the competent air force authority.

(3) On revoking an order under the last preceding subsection, the competent air force authority may, if the person with respect to whom the order was made is still an officer or man of the auxiliary air force, give directions requiring him to attend at the place and time fixed by those directions; and for the purposes of section twenty of the Territorial and Reserve Forces Act, 1907, as applied to the auxiliary air force, those directions shall have effect as if they were directions under section

seventeen of that Act, as so applied, directing the embodiment of a part of the auxiliary air force to which that person belonged.

(4) For the purposes of this section the expression "the present period of embodiment" means the period of embodiment of the auxiliary air force current at the date of the passing of this Act, or, if no such period is then current, the first period for which the auxiliary air force is embodied after that date.

7. In this Act— Interpretation.

(*a*) the expression "the period of the present emergency" means the period beginning with the date of the passing of this Act and ending with such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end;

(*b*) the expression "the competent military authority" means the Army Council, the Commander-in-Chief in India, the General Officer Commanding in Burma, a commander-in-chief in the field or an officer designated by any of them; and

(*c*) the expression "the competent air force authority" means the Air Council or an officer designated by them.

8. This Act may be cited as the Armed Forces (Conditions of Service) Act, 1939. Short title.

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FOR
SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament