STATUTORY INSTRUMENTS

1968 No. 1801

DEFENCE

The Armed Forces (Discharge by Purchase) Regulations 1968

Made - - -	12*th November* 1968
Laid before Parliament	18*th November* 1968
Coming into Operation	1*st December* 1968

The Defence Council, in exercise of the powers conferred upon them by section 2 of the Armed Forces Act 1966(**a**) and of all other powers enabling them in that behalf, hereby make the following Regulations :—

Citation and commencement

1. These Regulations may be cited as the Armed Forces (Discharge by Purchase) Regulations 1968 and shall come into operation on 1st December 1968.

Interpretation and revocation

2.—(1) The Interpretation Act 1889(**b**) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament, and as if for the purposes of section 38 of that Act these Regulations were an Act of Parliament and the Regulations revoked by this Regulation were an Act of Parliament thereby repealed.

(2) The Royal Navy and Royal Marines Discharge by Purchase Regulations 1967(**c**) are hereby revoked.

Right to determine service in the Royal Navy and the Royal Marines

3.—(1) A person who enters the Royal Navy or enlists in the Royal Marines who has not previously so entered or enlisted may claim to determine his full-time service at any time during the 14 days which immediately precede the expiry of the period of 3 months beginning with the date of his engagement to serve (in the case of entry in the Royal Navy) or of his attestation (in the case of enlistment in the Royal Marines) and a person entered or enlisted as aforesaid who, on the date of his engagement to serve or, as the case may be, his attestation, had not attained the age of 17 years and 6 months may also claim to determine his full-time service—

(*a*) if he had not attained the age of 17 years and 3 months on the said date, at any time during the 14 days which immediately precede the expiry of the period of 6 months beginning with that date, or

(*b*) if he had attained the age of 17 years and 3 months on the said date, at any time during the 14 days which immediately precede the date upon which he attains the age of 17 years and 9 months.

(**a**) 1966 c. 45. (**b**) 1889 c. 63. (**c**) S.I. 1967/115 (1967 I, p. 219).

(2) A person claiming to determine his full-time service by virtue of paragraph (1) above shall, on payment of a sum not exceeding £20, be entitled to be discharged :

Provided that if any such claim is made by a rating at a time when ratings may be retained in service in the Royal Navy under the powers conferred by section 4 of the Armed Forces Act 1966 (postponement in certain cases of discharge of ratings) he shall not be entitled to be discharged so long as ratings are so retained, and similarly in the case of any such claim made by a marine at a time when marines may be retained in service in the Royal Marines under the powers conferred by section 210(4) of, and paragraph 4A of Schedule 7 to, the Army Act 1955(**a**) (which makes corresponding provision to section 4 of the Armed Forces Act 1966 in relation to marines).

Right of certain persons to determine army and air force service

4.—(1) A person who enlists in the regular army or the regular air force who has not previously so enlisted and who, on the date of his attestation, had not attained the age of 17 years and 6 months, may claim to determine his full-time service—

(*a*) if he had not attained the age of 17 years and 3 months on the said date, at any time before the expiration of the period of 6 months beginning with that date, or

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

(2) A person claiming to determine his full-time service by virtue of paragraph (1) above shall, on payment of a sum not exceeding £20, be entitled to be discharged :

Provided that if any such claim is made by a soldier at a time when soldiers are required by an order under section 10 of the Army Act 1955 (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, and similarly in the case of any such claim made by an airman at a time when airmen are required by an order under section 10 of the Air Force Act 1955(**b**) (which makes corresponding provision to section 10 of the Army Act 1955 in relation to airmen) to continue in air force service.

(3) This Regulation shall not apply to a person who enlists in the Royal Malta Artillery, the Brigade of Gurkhas or for local service outside the United Kingdom, or to a woman who enlisted in the regular army or the regular air force before 1st October 1968.

On behalf of the Defence Council,
G. W. Reynolds,
Charles Harington,
Members of the Defence Council.

12th November 1968.

(**a**) 1955 c. 18. (**b**) 1955 c. 19.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make provision for certain persons who join the armed forces to claim their discharge. The Regulations specify in relation to different persons the periods within which, and the times within those periods when, a claim may be made. The Regulations also provide that the right to be discharged is subject to payment of a sum not exceeding £20 and that it is restricted at a time when service personnel may be retained or required to continue in service.