STATUTORY INSTRUMENTS

1972 No. 8

DEFENCE

The Armed Forces (Discharge by Purchase) (Second Amendment) Regulations 1972

Made - - - -	5*th January* 1972
Laid before Parliament	18*th January* 1972
Coming into Operation	1*st March* 1972

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, Commencement and Interpretation

1.—(1) These Regulations may be cited as the Armed Forces (Discharge by Purchase) (Second Amendment) Regulations 1972 and shall come into operation on 1st March 1972.

(2) The Interpretation Act 1889**(b)** 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 Armed Forces (Discharge by Purchase) Regulations 1968**(c)**, as amended **(d)**.

Amendments to the Principal Regulations

2. The following provisions shall be substituted for Regulation 3 of the Principal Regulations:—

"3A.—(1) A person who enters the Royal Navy who has not previously so entered may claim to determine his full-time service at any time before the expiration of the period of 3 months beginning with the date of his engagement to serve and a person entered as aforesaid who, on the date of his engagement to serve, had not attained the age of 18 years may also claim to determine his full-time service—

(*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

(*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.

(2) A person claiming to determine his full-time service by virtue of paragraph (1) above shall, if he had attained the age of 17 years and 6 months on the date of his engagement to serve, on payment of a sum not exceeding £20,

(a) 1966 c. 45.
(b) 1889 c. 63.
(c) S.I. 1968/1801 (1968 III, p. 4816).
(d) S.I. 1969/1864, 1971/503 (1969 III, p.5809; 1971 I, p.1498).

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—

(*a*) the right conferred by this paragraph shall not be exercisable before the expiration of such period (not exceeding eight weeks) beginning with the said date as may be determined by the Defence Council, and

(*b*) 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.

3B.—(1) A person who enlists in the Royal Marines who has not previously so 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 attestation and a person enlisted as aforesaid who, on the date of his attestation, had not attained the age of 18 years may also claim to determine his full-time service—

(*a*) if he had not attained the age of 17 years and 9 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 9 months on the said date, at any time during the 14 days which immediately precede the date upon which he attains the age of 18 years and 3 months.

(2) A person claiming to determine his full-time service by virtue of paragraph (1) 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, after giving notice in writing to his commanding officer, be entitled to be discharged:

Provided that if any such claim is 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)** (postponement in certain cases of discharge of marines) he shall not be entitled to be discharged so long as marines are so retained.".

On behalf of the Defence Council,

M. P. Pollock,

Peter Kirk,
Members of the Defence Council.

Dated 5th January 1972.

(a) 1955 c. 18.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend as from 1st March 1972 those provisions of the Armed Forces (Discharge by Purchase) Regulations 1968 which relate to persons who enter the Royal Navy or enlist in the Royal Marines by making further provision for enabling those who enter the Royal Navy to determine their full time service.

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