THE

PUBLIC GENERAL STATUTES

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CHAPTER 10

Navy, Army and Air Force Reserves Act, 1954

ARRANGEMENT OF SECTIONS

Section
1. Reserve liability after service in armed forces.
2. Meaning of " appropriate reserve ".
3. Application of enactments to men of appropriate reserve.
4. Duty to give information to service authority.
5. Repeal of emergency enactments relating to service in armed forces.
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SCHEDULE—Emergency enactments repealed.

An Act to make further provision for the liability to be recalled to service of certain persons who have served in the armed forces of the Crown and for purposes connected with the matter aforesaid.

[10th February, 1954]

BE it enacted by the Queen'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:—

Reserve liability after service in armed forces.

1.—(1) During the period beginning with the commencement of this Act and ending with the last day of June, nineteen hundred and fifty-nine—

(*a*) any national service man or national service volunteer who has completed his whole-time and part-time service within the meaning of the National Service Acts, 1948 to 1950, or service treated under those Acts as performed in lieu thereof or as equivalent thereto, and

(*b*) any male person (not being a person excluded from this paragraph by either subsection (2) or subsection (3) of this section) who was a member of the armed forces of the Crown at any time during the period beginning with the third day of September, nineteen hundred and thirty-nine and ending with the last day of December, nineteen hundred and forty-eight (hereinafter referred to as the " war-service period ")

shall except as hereinafter provided be a man of the appropriate reserve if and so long as he is under the age of forty-five and is not a member of the armed forces of the Crown apart from this section.

(2) Paragraph (*b*) of the foregoing subsection shall not include any person who before the commencement of this Act had finally terminated the engagement or latest engagement by virtue of which he was a member of the armed forces of the Crown during the war-service period.

(3) Paragraph (*b*) of subsection (1) of this section shall not include any person who after the thirty-first day of May, nineteen hundred and forty-six and before the commencement of this Act—

(*a*) was commissioned, entered or enlisted in the royal naval reserve, the royal naval volunteer reserve or the royal marine forces volunteer reserve; or

(*b*) enlisted in the army reserve for service as a militiaman or enlisted in the territorial army; or

(*c*) was commissioned or enlisted in the royal air force volunteer reserve otherwise than for service as a member of a part of that reserve called out on permanent service, or was commissioned or enlisted in the royal auxiliary air force; or

(*d*) was commissioned in the supplementary reserve of officers or army emergency reserve of officers or served as an officer of an unembodied part of the territorial army:

Provided that paragraphs (*a*) to (*c*) of this subsection shall not apply to men discharged, otherwise than for the purpose of taking a commission, before completion of the term for which they entered or enlisted as mentioned in those paragraphs if they so entered or enlisted after the twentieth day of March, nineteen hundred and fifty-one.

(4) At any time when a person is a man of the appropriate reserve by virtue of this Act the service authority or an officer designated by the service authority may discharge him from that reserve; but if a person so discharged for the purpose of becoming a member of the armed forces of the Crown apart from this Act ceases to be such a member before the last day of June, nineteen hundred and fifty-nine, he shall, if and so long as he is under the age of forty-five, again be a man of the appropriate reserve by virtue of this Act until the end of that day, but without prejudice to the power of the service authority or a designated officer to discharge him again.

(5) In subsection (2) of this section the expression " engagement " means commission, entry or enlistment; and the reference

in that subsection to a person's having finally terminated an engagement shall be construed—

(*a*) in the case of a commission, as a reference to the relinquishment thereof;

(*b*) in the case of an entry or enlistment, as a reference to his having obtained his discharge therefrom otherwise than by having purchased it after the thirtieth day of September, nineteen hundred and fifty-three:

Provided that—

(i) where after the twentieth day of March, nineteen hundred and fifty-one a person has been discharged for the purpose of again entering or enlisting in any of the armed forces of the Crown for a term, then if (whether before or after the commencement of this Act) he has been discharged before the completion of that term from the force in which he so entered or enlisted he shall not thereafter be excluded from paragraph (*b*) of subsection (1) of this section by virtue of the first-mentioned discharge;

(ii) a person who undertook an engagement without having finally terminated an earlier engagement of his shall not be deemed for the purposes of subsection (2) of this section to have finally terminated the later engagement until he has finally terminated the earlier engagement.

Meaning of "appropriate reserve".

2.—(1) In relation to a national service man or national service volunteer whose last service in the armed forces of the Crown was naval or marine service, the appropriate reserve shall be the royal naval special reserve maintained under the National Service Act, 1948.

(2) In relation to any person such as is mentioned in paragraph (*b*) of subsection (1) of the foregoing section whose last such service was naval service, the appropriate reserve shall be the royal naval emergency reserve, which reserve the Admiralty shall maintain.

(3) In relation to any such person as aforesaid whose last such service was marine service, the appropriate reserve shall be the royal marine emergency reserve, which reserve the Admiralty shall maintain.

(4) In relation to a person whose last such service was military service, the appropriate reserve shall be the army reserve.

(5) In relation to a person whose last such service was air force service, the appropriate reserve shall be the air force reserve.

Application of enactments to men of appropriate reserve.

3.—(1) The Royal Naval Reserve (Volunteer) Act, 1859, shall apply to persons who are men of the royal naval special reserve, the royal naval emergency reserve or the royal marine emergency reserve by virtue of this Act subject to the modification that section three (which relates to training and exercise) shall not apply and that the power under section four to call a reservist into actual service shall not be exercised except in a case of imminent national danger or of great emergency; and sections ten and eleven of the Auxiliary and Reserve Forces Act, 1949 (which make provision for calling men of the royal naval special reserve and of certain other forces into actual service in the event of actual or apprehended attack on the United Kingdom) shall apply to persons who are men of the royal naval emergency reserve or of the royal marine emergency reserve by virtue of this Act as they apply to men of the forces mentioned in the said section ten.

(2) Notwithstanding section fifteen of the said Act of 1859 (under which reservists in actual service are subject to naval discipline), a person who is a man of the royal marine emergency reserve by virtue of this Act shall, when called into actual service, be subject to the Naval Discipline Act or the other enactments for the time being in force for the government of the royal marine forces in the same manner as those forces are subject thereto.

(3) The persons who are men of the army reserve by virtue of this Act shall be included among the men who constitute the first class of that reserve, and subsection (2) of section one of the Army Reserve Act, 1950 (which defines the two classes of that reserve) shall have effect accordingly; but the said Act shall apply in relation to those persons subject to the modification that the following sections shall not apply, that is to say—

(*a*) section two (which relates to service as a militiaman);

(*b*) section four (which provides for the calling out of reservists for annual or special training);

(*c*) section ten (which provides for the calling out of reservists in aid of the civil power).

(4) The Air Force Reserve Act, 1950, shall have effect as if the persons who are men of the air force reserve by virtue of this Act were included among the persons mentioned in section one of that Act (which relates to the constitution of that reserve); but the said Act shall apply in relation to those persons subject to the modification that the following sections shall not apply, that is to say—

(*a*) section two (which relates to service as a special reservist);

(*b*) section four (which provides for the calling out of reservists for annual or special training);

(*c*) section ten (which provides for the calling out of reservists in aid of the civil power).

(5) For the purposes of the provisions of section one of the Army Reserve Act, 1950, and section one of the Air Force Reserve Act, 1950, relating to numbers, the numbers of the persons who by virtue of this Act are men of the army reserve and men of the air force reserve respectively shall be disregarded.

(6) In the Reinstatement in Civil Employment Act, 1950, the expression "reserve or auxiliary force" shall include persons who are members of the royal naval emergency reserve or the royal marine emergency reserve by virtue of this Act; and the expression "relevant service" in the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, shall be construed accordingly.

(7) Subject to the foregoing provisions of this Act, the enactments relating to the length or conditions of service of persons serving in the armed forces of the Crown shall, in their application to service in the appropriate reserve by virtue of this Act, have effect subject to such adaptations and modifications as Her Majesty may by Order in Council made under section twenty-six of the National Service Act, 1948, direct.

Duty to give information to service authority.

4.—(1) Any person who is a man of a reserve by virtue of this Act shall, within fourteen days of being required to do so by notice in writing by or on behalf of his service authority, notify in writing, to such authority or officer as may be specified in the notice, his name and address and also, if so required by the notice, such particulars relating to his occupation or qualifications, or both, as may be specified in the notice, being particulars appearing to the authority relevant to the question whether he ought to be recalled.

Any notice for the purposes of this subsection may be sent by post, and such a notice so sent to a man of the reserve shall be properly addressed if addressed to him at his last known address.

(2) Any person who without reasonable excuse fails to comply with the requirements of the last foregoing subsection shall be liable on summary conviction to a fine not exceeding five pounds; and any person who, in giving any information required under that subsection, knowingly or recklessly makes a statement false in any material particular shall be liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding fifty pounds or both.

(3) Proceedings for an offence under this section may be taken against a person at any place at which he is for the time being.

(4) In the application of this section to Northern Ireland the expression "summary conviction" means conviction in accordance with the enactments for the time being in force in Northern Ireland relating to summary jurisdiction.

Repeal of emergency enactments relating to service in armed forces.

5.—(1) The enactments specified in the Schedule to this Act (being certain enactments relating to service in the armed forces of the Crown during the period of emergency beginning in nineteen hundred and thirty-nine) are hereby repealed to the extent specified in the third column of that Schedule; and any person who at the commencement of this Act is a member of the armed forces of the Crown by virtue of an entry or enlistment which is neither a national service engagement nor an unexpired engagement for a term is hereby discharged from that entry or enlistment.

(2) In the last foregoing subsection—

(*a*) " national service engagement " means an entry or enlistment by virtue of which the person in question became a national service man or national service volunteer; and

(*b*) " unexpired engagement for a term " means an entry or enlistment for a fixed term, being an entry or enlistment from which (whether because of the length of the term, a re-engagement, forfeiture of service, or any other reason) the person in question was not entitled to be discharged before the commencement of this Act and would not have been entitled to be so discharged even if the enactments repealed by this section had never been passed.

Interpretation.

6.—(1) In this Act the expression " national service man or national service volunteer " means a person—

(*a*) deemed under the National Service Acts, 1948 to 1950 to be entered or enlisted in any of the armed forces of the Crown, or

(*b*) entered, enlisted or commissioned in any of those forces at a time when he was liable under those Acts to be called up for service or would have been so liable if he had attained the age of eighteen.

(2) References in this Act to the armed forces of the Crown do not include references to the Home Guard:

Provided that for the purposes of subsection (4) of section one of this Act the taking or holding of a commission in the Home Guard shall be treated as becoming or being a member of the armed forces of the Crown.

(3) References in this Act to entry or enlistment include, except in subsection (3) of section one of this Act, references to entry or enlistment deemed to have had effect by virtue of the Military Training Act, 1939, the National Service (Armed Forces) Act, 1939, or the National Service Acts, 1948 to 1950.

(4) References in this Act to a person's relinquishing his commission include references to his being deprived thereof.

(5) This Act shall apply in relation to midshipmen and acting sub-lieutenants as it applies to officers of higher rank; and the expressions "commission" and "commissioned" shall be construed accordingly.

(6) The service authority for the purposes of this Act—

(*a*) as respects a man of the royal naval special reserve, the royal naval emergency reserve or the royal marine emergency reserve, shall be the Admiralty;

(*b*) as respects a man of the army reserve, shall be the Army Council;

(*c*) as respects a man of the air force reserve, shall be the Air Council.

(7) For the purposes of this Act, the time at which a person attains any age shall be deemed to be, according to the law in force elsewhere than in Scotland as well as according to the law in force in Scotland, the commencement of the relevant anniversary of the date of his birth.

7. This Act may be cited as the Navy, Army and Air Force Reserves Act, 1954. Short title.

SCHEDULE

Section 5

EMERGENCY ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
2 & 3 Geo. 6. c. 68.	The Armed Forces (Conditions of Service) Act, 1939.	The whole Act.
2 & 3 Geo. 6. c. 81.	The National Service (Armed Forces) Act, 1939.	Subsection (2) of section twenty-one, so far as saved by subsection (2) of section sixty of the National Service Act, 1948.
2 & 3 Geo. 6. c. 90.	The Military and Air Forces (Prolongation of Service) Act, 1939.	The whole Act.
4 & 5 Geo. 6. c. 4.	The Naval and Marine Forces (Temporary Release from Service) Act, 1940.	The whole Act.
7 & 8 Geo. 6. c. 13.	The Naval Forces (Extension of Service) Act, 1944.	The whole Act.
11 & 12 Geo. 6. c. 64.	The National Service Act, 1948	In section twenty-four, subsection (2); in section sixty, subsection (2).
14 & 15 Geo. 6. c. 23.	The Reserve and Auxiliary Forces (Training) Act, 1951.	Section thirteen.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Royal Naval Reserve (Volunteer) Act, 1859 ...	22 & 23 Vict. c. 40.
Military Training Act, 1939	2 & 3 Geo. 6. c. 25.
National Service (Armed Forces) Act, 1939 ...	2 & 3 Geo. 6. c. 81.
National Service Act, 1948	11 & 12 Geo. 6. c. 64.
Auxiliary and Reserve Forces Act, 1949 ...	12, 13 & 14 Geo. 6. c. 96.
Army Reserve Act, 1950	14 Geo. 6. c. 32.
Air Force Reserve Act, 1950	14 Geo. 6. c. 33.
Reinstatement in Civil Employment Act, 1950 ...	14 & 15 Geo. 6. c. 10.
Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951	14 & 15 Geo. 6. c. 65.

CHAPTER 11

Licensing (Seamen's Canteens) Act, 1954

ARRANGEMENT OF SECTIONS

Section

1. Power to authorise grant of retailers' excise on-licences for seamen's canteens.
2. Procedure for grant of licences.
3. Repeal of emergency provisions authorising the sale of intoxicating liquor in canteens and consequential transitional provisions.
4. Renewal of licences.
5. Transfer of licences.
6. Rights of appeal.
7. Permitted hours for sale of intoxicating liquor in canteens licensed under this Act.
8. Prohibition on sale or supply of intoxicating liquor in a canteen licensed under this Act for consumption off the premises.
9. Exemption of canteens licensed under this Act from restrictions under s. 214 of the Merchant Shipping Act, 1894.
10. Jurisdiction and service of notices.
11. Provisions relating to offences.
12. Short title, interpretation, repeals, extent and commencement.

SCHEDULES:

First Schedule—Grant and transfer of licences.

Second Schedule—Provisions of Licensing Acts applied to licences under this Act.