

Navy, Army and Air Force Reserves Act 1964

1964 CHAPTER 11

An Act to make further provision with respect to navy, army and air force reserves.

[27th February 1964]

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:—

Extension of reserve liability of certain persons.

1.—(1) In relation to any national serviceman or national service volunteer within the meaning of the Navy, Army and Air Force Reserves Act 1954 whose 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, was completed after 31st December 1962, section 1 of the said Act of 1954 as amended by the Navy, Army and Air Force Reserves Act 1959 (under which such a person becomes a member of the appropriate reserve until the last day of June 1964) shall have effect as if for references to 1964 there were substituted references to 1969.

(2) The said Act of 1959 is hereby repealed.

Liability of certain former soldiers to recall for service.

2.—(1) This section applies to any person who—

(*a*) having enlisted under section 2 of the Army and Air Force Act 1961 after the day on which this Act was passed; and

(*b*) not having been discharged in respect of that enlistment under section 14 of the Army Act 1955; and

(*c*) not having been granted a commission; and

(*d*) not being a woman,

is for the time being under the age of forty-five and neither a member of the armed forces of the Crown apart from this section,

nor liable to be recalled to service under the Recall of Army and Air Force Pensioners Act 1948, nor such a person as is mentioned in paragraphs 1 to 3 of the Schedule to the said Act of 1948 as amended by Schedule 4 to the Mental Health (Scotland) Act 1960.

(2) Any person to whom this section applies may be recalled for service by the Secretary of State by notice in writing at any time when men of the army reserve are called out on permanent service under section 5 or 6(1)(*a*) of the Army Reserve Act 1950.

(3) A notice to any person under subsection (2) of this section shall specify the time and place at which he is to present himself for service in accordance with the notice and may be revoked or varied by a subsequent notice thereunder, and any such notice shall be deemed to have been duly served on the person to whom it is directed if—

(*a*) it is delivered to him personally, or

(*b*) it is sent by registered post or the recorded delivery service addressed to him at his latest address known to the military authorities;

but any such notice shall cease to have effect if before the time so specified he ceases to be a person to whom this section applies.

(4) A person recalled for service by such a notice as aforesaid shall be deemed to be enlisted in the regular forces within the meaning of the Army Act 1955 for the period beginning with the time specified in the notice and ending, unless he is previously discharged, with such date as Her Majesty may by Order in Council declare to be the end of the emergency which was the occasion of the calling out of the army reserve; and nothing in the provisions of the Army and Air Force Act 1961 as to the term for which a person may be enlisted shall prejudice the operation of the foregoing provisions of this subsection.

(5) Every person to whom this section applies shall from time to time furnish such information in such manner and within such period as the Secretary of State may by regulations made by statutory instrument require with a view to enabling service to be made on that person of any notice under subsection (2) of this section; and—

(*a*) any person who without reasonable excuse fails to comply with any such regulations shall be liable on summary conviction to a fine not exceeding ten pounds;

(*b*) any person who, in giving any information required by any such regulations, 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 to a fine not exceeding fifty pounds or to both;

and proceedings against any person for an offence under paragraph (*a*) or (*b*) of this subsection may be taken at any place at which he is for the time being.

(6) The provisions of the Reinstatement in Civil Employment Act 1950 shall apply to any person who is, or is liable to be, recalled under this section as they apply to a person who has entered, or, as the case may be, may be required to enter, upon a period of whole-time service in the armed forces of the Crown in the circumstances mentioned in section 1(*a*) of that Act; and any service rendered by virtue of this section shall be relevant service within the meaning of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.

(7) Any person who, on the day on which this Act was passed, was—

(*a*) a warrant officer, non-commissioned officer or man of the regular forces within the meaning of the Army Act 1955, not being a person serving in the Royal Marines; or

(*b*) a member of the first class of the army reserve in consequence of his transfer to that reserve under the Army Act 1955 or the Army and Air Force Act 1961,

may give his consent in writing (which may be revoked at any time by three months' notice in writing but shall not cease to be in force until the expiration of that notice) to be subject to this section; and while that consent remains in force the foregoing provisions of this section shall have effect in relation to that person as if for paragraphs (*a*) and (*b*) of subsection (1) of this section there were substituted the words "having consented to be subject to this section under subsection (7) thereof, and".

Liability of certain army or air force reservists to be called out on permanent service for overseas service.

3.—(1) In the case of a person enlisting in the regular forces within the meaning of the Army Act 1955 after the day on which this Act was passed, the Army Reserve Act 1950 shall have effect as if for section 6(1)(*b*) thereof, as amended by paragraph 13(1) of Schedule 2 to the Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955 and by Schedule 2 to the Army and Air Force Act 1961, there were substituted the following:—

"(*b*) any man who has been transferred to the army reserve in pursuance of the Army Act 1955 or the Army and Air Force Act 1961 shall, if on his transfer he was

designated by the competent military authority as subject to this paragraph for a specified period not exceeding three years beginning with the beginning of his service in the first class of the army reserve, be liable to be called out on permanent service for overseas service at any time during that period ".

(2) In the case of a person enlisting in the regular air force within the meaning of the Air Force Act 1955 after the day on which this Act was passed, the Air Force Reserve Act 1950 shall have effect as if for section 6(1)(*b*) thereof, as amended by paragraph 14(1) of Schedule 2 to the Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955 and by Schedule 2 to the Army and Air Force Act 1961, there were substituted the following:—

" (*b*) any man who has been transferred to the air force reserve in pursuance of the Air Force Act 1955 or the Army and Air Force Act 1961 shall, if on his transfer he was designated by the competent air force authority as subject to this paragraph for a specified period not exceeding three years beginning with the beginning of his service in that reserve, be liable to be called out on permanent service for overseas service at any time during that period ".

Short title and extent.

4.—(1) This Act may be cited as the Navy, Army and Air Force Reserves Act 1964.

(2) Section 2(6) of this Act shall extend to the Isle of Man.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
National Service Acts 1948	11 & 12 Geo. 6. c. 64 12 & 13 Geo. 6. c. 6
Recall of Army and Air Force Pensioners Act 1948	12 & 13 Geo. 6. c. 8
National Service Act 1950	14 Geo. 6. c. 30
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
Navy, Army and Air Force Reserves Act 1954 ...	2 & 3 Eliz. 2. c. 10
Army Act 1955	3 & 4 Eliz. 2. c. 18
Air Force Act 1955	3 & 4 Eliz. 2. c. 19
Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955	3 & 4 Eliz. 2. c. 20
Navy, Army and Air Force Reserves Act 1959 ...	7 & 8 Eliz. 2. c. 10
Mental Health (Scotland) Act 1960	8 & 9 Eliz. 2. c. 61
Army and Air Force Act 1961	9 & 10 Eliz. 2. c. 52