STATUTORY INSTRUMENTS

1972 No. 1922

DEFENCE

The Royal Air Force Terms of Service (Second Amendment) Regulations 1972

Laid before Parliament in draft

Made - - - 6*th December* 1972

Coming into Operation 1*st January* 1973

The Defence Council, in exercise of the powers conferred upon them by section 2 of the Armed Forces Act 1966(**a**) and section 64 of the Armed Forces Act 1971(**b**) 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 Royal Air Force Terms of Service (Second Amendment) Regulations 1972 and shall come into operation on the 1st January 1973.

(2) The Interpretation Act 1889(**c**) 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 Royal Air Force Terms of Service Regulations 1971(**d**), as amended (**e**).

Amendments to the Principal Regulations

2. There shall be inserted in the Principal Regulations the following Regulation:

"4A.—(1) A person who enlists in the regular air force who has not previously so enlisted and who had attained the age of 18 years on the date of his attestation shall have the right to claim his discharge before the expiration of the period of 3 months beginning with the date of his attestation.

(2) A person who enlists in the regular air force who has not previously so enlisted and who had not attained the age of 18 years on the date of his attestation shall have the right to claim his discharge—

(*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

(**a**) 1966 c. 45 (**b**) 1971 c. 33 (**c**) 1889 c. 63
(**d**) S.I. 1971/510 (1971 I, p. 1500). (**e**) There are no relevant amending instruments.

(*b*) If he had attained the age of 17 years and 9 months and the said date, at any time before he attains the age of 18 years and 3 months.

(3) A person claiming his discharge by virtue of paragraph (1) above shall, on payment of a sum not exceeding £20, be entitled to be discharged and a person claiming his discharge by virtue of paragraph (2) 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, at the end of 14 days after giving notice in writing to his commanding officer, be entitled to be discharged:

Provided that if any such claim is made by an airman at a time when airmen are required by an order under section 10 of the Air Force Act 1955(a) (continuation of air force service in imminent national danger) to continue in air force service, he shall not be entitled to be discharged so long as airmen are so required to continue in air force service.".

Repeals and Revocations

3.—(1) The enactments specified in Part I of the Schedule to these Regulations are hereby repealed to the extent specified in Column 3 of that Schedule.

(2) The Order specified in Part 2 of the Schedule to these Regulations is hereby revoked to the extent specified in Column 2 of that Schedule.

On behalf of the Defence Council,

Lambton,

D. Spotswood,

Members of the Defence Council.

Dated 6th December 1972.

SCHEDULE Regulation 3(1)

PART 1

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
1955 c. 19	The Air Force Act, 1955	Section 14.
1961 c. 52	The Army and Air Force Act, 1961	Section 17(2).
1966 c. 45	The Armed Forces Act 1966	In Schedule 4 (relating to the amendments to the Air Force Act 1955) the words from "In section 14" to the end of the paragraph.

PART 2 Regulation 3(2)

ORDER REVOKED

Order	*Extent of Revocation*
The Defence (Transfer of Functions) (No. 1) Order 1964(b)	In Part 1 of Schedule 1 (relating to the amendments to the Air Force Act 1955) the words "14(1) (as substituted by the Army and Air Force Act 1961)".

(a) 1955 c. 19.

(b) 1964/488 (1964 I. p. 769).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Royal Air Force Terms of Service Regulations 1971 by incorporating the provisions relating to the rights of recruits to claim their discharge from the regular air force contained in section 14 of the Air Force Act 1955 and other Regulations of the Defence Council.

The rights are (*a*) if over 18 when attested, within the first 3 months on payment of a sum not exceeding £20 (*b*) if between 17½ and 18, within the first 6 months (but not after reaching 18¼) on payment of a similar sum and (*c*) if under 17½, within the first 6 months free on 14 days' notice. Airmen may not be discharged if required to continue in air force service in time of imminent national danger.

The rights extend to those enlisted for local service overseas, who were formerly excluded from the provisions relating to persons enlisting under the age of 18.

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