
STATUTORY INSTRUMENTS

2007 No. 3382

DEFENCE

The Army Terms of Service Regulations 2007

Made - - - - 29th November 2007
Laid before Parliament 3rd December 2007
Coming into force - - 1st January 2008

The Defence Council make the following Regulations in exercise of the powers conferred upon them by section 2 of the Armed Forces Act 1966⁽¹⁾.

Citation and commencement

1. These Regulations may be cited as the Army Terms of Service Regulations 2007 and shall come into force on 1st January 2008.

Application and interpretation

2.—(1) These Regulations shall apply to enlistment in the regular army and to the terms and conditions of service of persons who have so enlisted.

(2) These Regulations shall not apply to enlistment in the Royal Marines.

(3) In these Regulations—

“the 1955 Act” means the Army Act 1955⁽²⁾;

“competent military authority” shall be interpreted in accordance with regulation 17;

“recruit” means—

(a) a person enlisted in the regular army who has not previously so enlisted;

(b) a person who has been discharged by a competent military authority in accordance with regulations made under Part 1 of the 1955 Act as not finally approved for service and who has not subsequently been re-enlisted in the regular army; and

“reserve” means the Army Reserve.

(1) 1966 c.45; section 2(1)(f) was amended by section 2 of the Armed Forces Act 1976 (c.52). Other amendments have been made to section 2 which are not relevant to these Regulations.

(2) 1955 c.18.

Types of engagement

3. A person may be enlisted to serve in the regular army on one of the following types of engagement—

- (a) short service;
- (b) versatile; or
- (c) local service.

Short service engagement

4. A person who enlists on a short service engagement shall be enlisted for a term which expires on a date falling between 6 months and 12 years after the date of his enlistment.

Versatile engagement

5.—(1) Subject to paragraph (2), a person who enlists on a versatile engagement shall be enlisted for a term which expires 12 years after the date of his enlistment.

(2) A person who enlists on a versatile engagement in a corps which the competent military authority has approved for this purpose may be enlisted for a term which expires either 24 or 30 years after the date of his enlistment.

(3) A person who has enlisted for a term of service in accordance with paragraph (1) may, after he has completed 3 years' service, be selected for further service in the regular army for an additional term of the following duration—

- (a) 12 years commencing on the date his service would otherwise end; or
- (b) if he will attain the age of 55 years before the expiry of the period referred to in subparagraph (a), until the date on which he attains that age.

(4) A person who is selected for further service under paragraph (3) will be notified in writing by the competent military authority and he may, at any time before he has completed 10 years' service, exercise the option to undertake such further service.

(5) A person who has enlisted for a term of 24 years' service under paragraph (2) or who has exercised an option to undertake further service under paragraph (4) so as to serve for such a term may, after he has completed 6 years' service, be selected for further service in the regular army for an additional term of the following duration—

- (a) 6 years commencing on the date his service would otherwise end; or
- (b) if he will attain the age of 55 years before the expiry of the period referred to in subparagraph (a), until the date on which he attains that age.

(6) A person who is selected for further service under paragraph (5) will be notified in writing by the competent military authority and he may, at any time before he has completed 22 years' service, exercise the option to undertake such further service.

(7) A person who has enlisted for a term of 30 years' service under paragraph (2) or who has exercised an option to undertake further service under paragraph (4) or (6) may be selected for further service in the regular army for an additional term as described in paragraph (8).

Provided that a person may only be selected for further service in the regular army under this paragraph after he has completed the following number of years' service in the regular army—

- (a) in the case of a person who has exercised an option to extend his service under paragraph (4) or (6) to serve until he attains the age of 55, 6 years; or

(b) in the case of a person who has enlisted for a term of 30 years' service under paragraph (2) or who has exercised an option to extend his service to serve for such a term under paragraph (6), 25 years.

(8) The additional term of service under paragraph (7) will be either of the duration specified in paragraph (5) or of such other duration (whether longer or shorter) as the competent military authority may exceptionally decide and in any case expiring no later than the date on which the person in question will attain the age of 65.

(9) A person who is selected for further service under paragraph (7) will be notified in writing by the competent military authority and he may exercise the option to undertake such further service provided there are at least 2 years unexpired before the date his service is due to end.

(10) A person who wishes to exercise an option to undertake further service under paragraph (4), (6) or (9) shall give notice in writing to the competent military authority specifying the additional term of service he wishes to undertake and, upon receipt of the notice by the competent military authority, he shall be treated as if he had enlisted for a term which expires at the end of the additional term.

(11) A person who has exercised an option to undertake further service under paragraph (9) may be selected for one or more additional term of further service in the regular army as provided in paragraphs (7) and (8) and if he is so selected paragraphs (9) and (10) shall apply to any such subsequent further service as they applied to the first term of further service.

6. A person enlisted on a versatile engagement who is not selected for further service under regulation 5(3) or (5) will be given notice to that effect at least 12 months before his service is otherwise due to end and may apply in writing to the competent military authority to be continued in service for such further period, not exceeding 2 years from the date his service would otherwise end, as the competent military authority decides.

Local service engagement

7.—(1) A person who has attained the age of 18 years may be enlisted for local service.

(2) For the purposes of these Regulations, "local service" means full-time service in the regular army where, subject to paragraph (5), the person enlisted restricts his service to a particular area in the United Kingdom (referred to in this regulation as his "area of service").

(3) Before being enlisted for local service, a person shall be required to give the recruiting officer enlisting him notice in writing specifying the area in the United Kingdom to which his service is to be restricted.

(4) Subject to paragraph (7), the area of service of any person enlisted for local service shall be the area specified in the notice given in accordance with paragraph (3).

(5) A person enlisted for local service may volunteer to serve outside his area of service; otherwise, he may only be required to serve outside his area of service for a total of no more than 30 days in any year or in any part of a year during which his term of service has effect.

(6) A person enlisted for local service may apply by notice in writing to the competent military authority to alter his area of service, specifying in the notice the area in the United Kingdom to which his service would be restricted if his application were to be approved.

(7) If the competent military authority signify their approval in writing to an application made under paragraph (6), the person's area of service shall be, from such date as may be specified in the notice of approval, the area specified in the notice given by him under that paragraph.

(8) Regulations 9, 11, 12, 13 and 14 shall not apply to a person enlisted for local service.

(9) In this regulation—

“recruiting officer” shall be construed in accordance with section 1 of the 1955 Act (3); and “year” shall mean the period of 12 months beginning on 1st January.

8.—(1) The length of the term of a person enlisted for local service shall be 3 years beginning with the date of his enlistment.

(2) Subject to paragraph (3), a person enlisted for local service may apply to the competent military authority to extend his term—

(a) by a period of 3 years; or

(b) if he will attain the age of 55 years before the expiry of the period referred to in subparagraph (a), until the date on which he attains that age,

and, if the competent military authority signify their approval in writing, he shall be treated as if he had enlisted for such an extended term.

(3) A person may apply to extend his term under paragraph (2) whether or not it has already been extended under that paragraph.

Right of recruit to determine service

9.—(1) Subject to the following provisions of this regulation, a recruit shall have the right to determine his service by giving not less than 14 days’ notice to his commanding officer.

(2) If the recruit had not attained the age of 18 years at the date of his enlistment, the notice referred to in paragraph (1) shall not have effect unless it is given after the recruit has completed 28 days’ service and before the expiration of the period of 6 months beginning on the date of his enlistment.

(3) If the recruit had attained the age of 18 years at the date of his enlistment, the notice referred to in paragraph (1) shall not have effect unless it is given after the recruit has completed 28 days’ service and before the expiration of the period of 3 months beginning on the date of his enlistment.

(4) If such notice expires at a time when soldiers are required by order under section 10 of the 1955 Act(4) (continuation of army service in time of imminent national danger) to continue in army service, the recruit’s service shall not determine for so long as that order remains in force.

(5) In calculating any period of time referred to in this regulation, no account shall be taken of any day during which the recruit was absent on leave either for the whole or part of the day.

Right of local service personnel to determine service

10.—(1) Subject to the following provisions of this regulation and regulation 15, a person enlisted for local service shall have the right to determine his service by giving notice in writing to his commanding officer that he wishes to do so on a date specified in the notice, and his service shall be determined on that date accordingly.

(2) Subject to paragraphs (3) and (4), the period of notice to be given by a person under paragraph (1) shall be not less than 90 days ending on the date specified in the notice as the date on which he wishes to determine his service.

(3) Where a person on being enlisted for local service is required to undertake a course of initial military training lasting for a period of not less than 10 weeks, the period of notice referred to in paragraph (2) shall not end on a date earlier than 2 years after the date of enlistment.

(3) 1955 c.18; section 1 was amended by the Defence (Transfer of Functions) (No. 1) Order 1964, S.I. 1964/488, article 2 and Schedule 1, Part 1.

(4) 1955 c.18; section 10 was substituted by the Armed Forces Act 1966 (c.45), section 12.

(4) In any case other than one falling within paragraph (3), the period of notice referred to in paragraph (2) shall not end on a date earlier than 1 year after the date of enlistment.

Right to transfer to the reserve

11.—(1) A person who has enlisted in the regular army for a term of service under regulation 4 or regulation 5 shall have the right to be transferred to the reserve at the end of the notice period or at any time thereafter.

(2) The notice period for the purpose of this regulation shall be 4 years beginning with the date of enlistment.

(3) The right conferred by paragraph (1) shall be exercised by notice in writing given by the person in question to his commanding officer not less than 12 months before the date when he is to be transferred to the reserve.

(4) The exercise of the right conferred by paragraph (1) is subject to the restriction set out in regulation 15.

Transfer to the reserve with consent

12. In addition to the right conferred by regulation 11, a person in army service whose application to his commanding officer for transfer to the reserve is approved by the competent military authority shall be transferred to the reserve.

Service in the reserve

13. A person transferred to the reserve in consequence of the exercise of a right conferred by regulation 11 or under regulation 12 shall serve in the reserve for a period beginning on the date of his transfer and ending—

- (a) 6 years later; or
- (b) the date on which his service in the regular army would have ended if he had not exercised the right to transfer to the reserve or had his application for transfer to the reserve approved,

whichever is the sooner, or for such shorter period as the competent military authority may approve.

Re-entry into army service

14. A person serving in the reserve by virtue of these Regulations or any previous enactment or by virtue of having enlisted for a term partly of army service and partly of service in the reserve, whose application in that behalf made by him in writing to the competent military authority has been approved by that authority may at any time re-enter army service and according as may be specified in that application—

- (a) be treated for the purposes of these Regulations and Part 1 of the 1955 Act⁽⁵⁾ as if he had not been serving in the reserve and as if his army service had continued while he was serving in the reserve;
- (b) serve in army service for the remainder of the period for which he would have been liable to serve in the reserve if he had not re-entered on army service; or

(5) 1955 c.18; relevant amendments to Part 1 were made by the Armed Forces Act 1966 (c.45), section 12, section 37(1) and Schedule 4; the Army Terms of Service Regulations 1967, S.I. 1967/1018, regulation 14 and Schedule 3; the Army Terms of Service (Second Amendment) Regulations 1972, S.I. 1972/1955, regulation 3 and Schedule 1; the Armed Forces Act 1976 (c.52), section 22(6) and Schedule 10; the Armed Forces Act 1971 (c.33), section 43 and Schedule 1, paragraph 1(2) and the Statute Law (Repeals) Act 1977 (c.18), section 1 and Schedule 1.

- (c) serve in army service for a specified part of that remainder and thereafter serve in the reserve for the residue thereof.

Return of service commitment

15.—(1) A person who, in consideration of—

- (a) being permitted to undergo a course of instruction of a duration of not less than 2 weeks;
- (b) being permitted to transfer to a corps different from the one in which he was previously serving; or
- (c) being permitted to receive any other benefit or advantage,

consents in writing to be restricted in the exercise of any right conferred by regulation 9(1), 10(1) or 11(1), shall not have the right to determine his service or to be transferred to the reserve pursuant to those regulations before the expiration of the appropriate period which shall be specified in such consent and shall begin with the date on which he completes such course of instruction or such transfer takes effect or such other date as is specified in such consent.

(2) For the purpose of paragraph (1) “the appropriate period” shall be—

- (a) in relation to permission to undergo a course of instruction the duration of which is not more than 3 months, a period of not more than 1 year;
- (b) in relation to permission to undergo a course of instruction of longer duration, a period of not more than 6 years;
- (c) in relation to permission to transfer to another corps, a period of not more than 4 years; and
- (d) in relation to the receipt of any other benefit or advantage, a period of not more than 6 years.

(3) Any consent given under paragraph (1) by a person at a time when he had not attained the age of 17 years 6 months may be revoked by notice in writing given by that person to his commanding officer not more than 28 days after he attains the age of 18.

(4) A person who has given his consent under paragraph (1) may, if the competent military authority approve in writing, revoke that consent.

(5) A person enlisted in the regular army before the coming into force of these Regulations who had given an undertaking pursuant to any previous enactment not to determine his service before the expiration of the period specified in that undertaking, shall not have the right before the expiration of that period to be transferred to the reserve under regulation 11 or to determine his service.

Conversion of terms of service

16. A person in army service enlisted on a short service engagement for a term under regulation 4 may, after giving notice in writing to the competent military authority and if the competent military authority signify their approval in writing, be treated as if he had enlisted on a versatile engagement for a term of service specified in the notice being a term of either 24 or 30 years.

Competent military authorities

17. In addition to the Defence Council, the following officers are competent military authorities—

- (a) for the purpose specified in regulation 12, the Director of Manning (Army); and
- (b) for all other purposes specified in these Regulations, the Director General, Army Personnel Centre.

Revocations

18. The Regulations specified in the Schedule to these Regulations are hereby revoked.

Savings

19.—(1) Subject to paragraphs (2) and (3), these Regulations shall not affect the terms of service (either as respects duration or as respects liability to serve in the reserve) of any person in regular army service immediately before the commencement of these Regulations.

(2) A person in regular army service immediately before the commencement of these Regulations may be selected, irrespective of the length of service he has already completed, for further service in the regular army for a term of equal duration to that of a person enlisted on a versatile engagement whose service is extended under regulation 5(3), (5) or (7).

(3) A person who is selected for further service under paragraph (2) will be notified in writing by the competent military authority and he may exercise the option to undertake such further service by giving notice in writing to the competent military authority specifying the additional term of service he wishes to undertake and, upon receipt of the notice by the competent military authority, he shall be treated as if he had enlisted for a term which expires at the end of the additional term on a versatile engagement.

On behalf of the Defence Council

29th November 2007

Derek Twigg
Richard Dannatt
Members of the Defence Council

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 18

REVOCATIONS

<i>Title</i>	<i>Year and Number</i>
The Army Terms of Service Regulations 1992	S.I. 1992/1365
The Army Terms of Service (Amendment) Regulations 1996	S.I. 1996/2973
The Army Terms of Service (Amendment) Regulations 1999	S.I. 1999/1610
The Army Terms of Service (Amendment) (No. 2) Regulations 1999	S.I. 1999/2764

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations make provision as to terms and conditions of service for other ranks in the regular army. These Regulations revoke and re-enact with amendments the Army Terms of Service Regulations 1992 (S.I. 1992/1365) as amended. The following changes of substance in respect of enlistment in the regular army are made by these Regulations.

Regulation 5 makes provision for enlistment on a versatile engagement. Regulation 5(1) provides for a term of 12 years' service from the date of enlistment, subject to the exception in regulation 5(2) which allows the competent military authorities to approve corps to enlist persons directly for a term of either 24 or 30 years. Paragraphs (3) to (9) of regulation 5 set out the circumstances in which a person's service can be extended on a versatile engagement beyond a term of 12, 24 or 30 years. Regulation 5(10) sets out the manner in which a person who has been selected for further service on a versatile engagement is to exercise an option to undertake such further service. The effect of regulation 5(11) is that a person, if selected under regulation 5(7), may opt to extend his service beyond a term of 30 years or the age of 55 under regulation 5(7) and (8) on more than one occasion.

Regulation 6 provides that a person who is not selected for further service on a versatile engagement beyond a term of 12 or 24 years may be allowed to continue in service for a further term of up to 2 years after the date on which his service would otherwise end.

The effect of the saving provision in regulation 19 is that a person in regular army service immediately before the commencement of these Regulations is not affected by them, except that he may be selected for a term of further service of equal duration to that available on a versatile engagement. If he exercises the option to undertake further service, under regulation 19(3) he will be treated as if he had enlisted on a versatile engagement for the relevant term.

A full regulatory impact assessment has not been carried out for this instrument as it has no impact on business, charities or voluntary bodies.