



# Armed Forces (Flexible Working) Act 2018

## 2018 CHAPTER 2

### 1 Regular forces: part-time service and geographic restrictions

- (1) The Armed Forces Act 2006 is amended as follows.
- (2) Section 329 (terms and conditions of enlistment and service) is amended in accordance with subsections (3) and (4).
- (3) In subsection (2)—
  - (a) after paragraph (h) insert—

“(ha) enabling a person to serve with a regular force on a part-time basis;”, and
  - (b) for paragraphs (i) and (j) substitute—
    - “(i) enabling a person’s service with a regular force to be restricted to service in a particular area or to be subject to other geographic restrictions;
    - (j) requiring a person serving subject to a geographic restriction to serve without that restriction on a number of occasions not exceeding a prescribed maximum.”
- (4) After subsection (3) insert—

“(3A) A right conferred on a person by virtue of subsection (2)(ha) to (j) may be varied, suspended or terminated in prescribed circumstances.”
- (5) In section 373 (orders, regulations and rules), in subsection (3), after paragraph (e) insert—
  - “(ea) regulations under section 329(1) which make provision of a kind mentioned in section 329(2)(ha), (i), or (j),
  - (eb) regulations under section 329(3A).”

## **2 Consequential amendments**

- (1) The Juries Act 1974 is amended in accordance with subsections (2) to (4).
- (2) In section 9(2A) and (2B) (excusal for members of armed forces), for “full-time serving member of Her Majesty’s naval, military or air forces” substitute “member of the regular forces”.
- (3) In section 9A(1A), (1C) and (2B)(a) (discretionary deferral for members of armed forces), for “full-time serving member of Her Majesty’s naval, military or air forces” substitute “member of the regular forces”.
- (4) In section 23(2) (interpretation), at the end insert—

““regular forces” has the same meaning as in the Armed Forces Act 2006 (see section 374 of that Act).”
- (5) In Part 3 of Schedule 1 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (persons excusable as of right from jury service), in Group C, for the words from “Full-time” to the end substitute “Members of the regular forces within the meaning of the Armed Forces Act 2006 (see section 374 of that Act).”

## **3 Short title, commencement and extent**

- (1) This Act may be cited as the Armed Forces (Flexible Working) Act 2018.
- (2) This section comes into force on the day on which this Act is passed.
- (3) Sections 1 and 2 come into force on such day as the Secretary of State may appoint by regulations.
- (4) Regulations under this section—
  - (a) are to be made by statutory instrument, and
  - (b) may make different provision for different purposes.
- (5) Section 1 and this section extend to—
  - (a) England and Wales, Scotland and Northern Ireland,
  - (b) the Isle of Man, and
  - (c) the British overseas territories, except Gibraltar.
- (6) The power under section 384(2) of the Armed Forces Act 2006 may be exercised so as to modify sections 329 and 373 of that Act, as amended by section 1 of this Act, as it extends to the Isle of Man or a British overseas territory other than Gibraltar.
- (7) The power under section 384(1) of the Armed Forces Act 2006 may be exercised so as to extend the amendments made by section 1 of this Act to any of the Channel Islands (with or without modifications).
- (8) In section 2—
  - (a) subsections (1) to (4) extend to England and Wales only, and
  - (b) subsection (5) extends to Scotland only.