

## 1967 No. 1018

## DEFENCE

## The Army Terms of Service Regulations 1967

*Laid before Parliament in draft*

Made - - - - 5th July 1967

Coming into Operation . 1st August 1967

The Defence Council, in exercise of the powers conferred upon them by section 2 of the Armed Forces Act 1966(a) and of all other powers enabling them in that behalf, hereby make the following regulations:—

*Citation and commencement*

1. These Regulations may be cited as the Army Terms of Service Regulations 1967 and shall come into operation on the 1st August 1967.

*Interpretation*

2.—(1) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations, unless the context otherwise requires:—

“the Act of 1955” means the Army Act 1955(c);

“the relevant date” means, in relation to a person, the date of his attestation except in relation to

(a) a man who enlists after 1st January 1962,

(b) a woman who enlisted after 1st January 1962 and before the commencement of these Regulations, and

(c) a woman who enlists after the date of the commencement of these Regulations for a term of more than 12 years

before attaining the age of 18 years, in which excepted cases “the relevant date” means the date of that person’s attaining the age of 18 years; other expressions have the same meaning as in the Act of 1955.

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

*Duration of terms of enlistment*

3.—(1) A person may be enlisted in the regular army for such a term as is specified in paragraph 2 of this Regulation beginning with the date of his attestation.

(2) The term referred to in paragraph (1) shall be a term expiring 22 years after the relevant date, or expiring on a date falling between 6 months and 12 years after the relevant date.

(3) A person who has not attained the appropriate minimum age shall not be enlisted for a term ending later than 12 years from the relevant date.

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(a) 1966 c. 45.

(b) 1889 c. 63.

(c) 1955 c. 18.

(4) The term for which a person may be enlisted may be a term wholly of army service or may be, except in the case of women, a term partly of army service and partly of service with the army reserve.

*Rights to determine army service and to transfer to the reserve*

4.—(1) Subject to Regulations 7, 10(3) and 11(5), a man, but not a woman, in army service enlisted for a term of more than 12 years army service shall have the right exercisable in accordance with Regulation 6—

- (a) to be transferred to the reserve at the end of the period of 6, or at the end of the period of 9 years, beginning with the relevant date,
- (b) if he is such a person as is described in Schedule 1 to these Regulations, to be transferred to the reserve at the end of the period of three years beginning with the relevant date, and
- (c) to determine his service at the end of the period of 12 years beginning with the relevant date and at the end of any succeeding period of 3 years.

(2) Subject to Regulations 7 and 10(3) a woman in army service enlisted for a term of more than 12 years' army service shall have the right to determine her service in accordance with Regulation 6 at the end of the period of 3 years beginning with the relevant date or at the end of any succeeding period of 3 years.

(3) A woman may, after the commencement of these Regulations, be enlisted in army service for a term of 6 years or more with the right to determine her service, subject to Regulation 7 and in accordance with the provisions of Regulation 6, at the end of the period of 4 years beginning with the date of her attestation.

*Transfer to the reserve with consent*

5. A man, but not a woman, in army service who has not completed 12 years' service beginning with the relevant date whose application to his commanding officer for transfer to the reserve is approved by the competent military authority may be transferred to the reserve.

*Exercise of rights conferred by Regulation 4*

6.—(1) A right to determine army service and a right to be transferred to the reserve conferred by Regulation 4 shall be exercised by notice in writing given by the person in question to his commanding officer not less than 6 nor more than 12 months before the expiration of the period at the end of which his service is to be determined or as the case may be he is to be transferred to the reserve.

(2) Notice given by a person under paragraph (1) of this Regulation may be withdrawn by notice in writing given by him to his commanding officer at any time before the expiration of the period mentioned in that paragraph, but where a notice under this paragraph is given in the last 6 months of that period it shall be of no effect unless approved by the competent military authority.

*Restrictions on the exercise of rights conferred by Regulations 4 and 11(5)*

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

- (a) being permitted to undergo a course of instruction of a duration of not less than 10 weeks, or
- (b) being permitted to transfer to a corps different from the one in which he was previously serving, or
- (c) receiving any other benefit or advantage,

consents in writing to be restricted in the exercise of the rights conferred by Regulations 4 and 11(5) shall not exercise such rights 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 mentioned in such consent.

(2) "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 and, in relation to permission to undergo a course of instruction of longer duration, a period of not more than 6 years,
- (b) in relation to permission to transfer to another corps, a period of not more than 4 years,
- (c) in relation to the receipt of any other benefit or advantage, a period of not more than 6 years.

(3) The rights conferred by Regulation 4 and Regulation 11(5) shall not be exercisable, by a person in army service enlisted on or after the 1st day of October 1957 for 22 years who has given an undertaking pursuant to any regulations revoked by these Regulations not to determine his army service, before the expiration of the period specified in such undertaking.

#### *Service in the reserve*

8.—(1) A man transferred to the reserve in consequence of the exercise of a right conferred by Regulation 4(1)(a) shall serve in the reserve until the expiration of 12 years from the relevant date.

(2) A man transferred to the reserve in consequence of his exercise of a right conferred by Regulation 4(1)(b) shall serve in the reserve until the expiration of 7 years from the relevant date.

(3) A man transferred to the reserve under Regulation 5 with the approval of the competent military authority shall serve in the reserve for whichever of the following periods is appropriate in his case—

- (a) in the case of a man who but for that transfer could subsequently exercise a right conferred by Regulation 4(1)(b), until the expiration of 7 years from the relevant date,
- (b) in any other case until the expiration of 12 years from the relevant date.

#### *Re-entry into army service*

9. A man in the reserve either in consequence of the exercise of any rights, including rights exercisable only with the approval or consent of the competent military authority, conferred by any enactment repealed by these Regulations or by these Regulations or of any regulations revoked by these Regulations or by virtue of having enlisted for a term partly of army service and partly of service in the reserve may on written application in that behalf made by him to the competent military authority and with the approval of that authority at any time re-enter upon army service and according as may be specified in that application—

- (a) be treated for the purposes of these Regulations and Part I of the Act of 1955 as if he had not been transferred to the reserve and as if his army service had continued while he was serving in the reserve, or
- (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
- (c) serve in army service for a specified part of that remainder and thereafter serve in the reserve for the residue thereof.

### *Conversion of terms of service*

10.—(1) A person in army service enlisted for a term of shorter duration than the longest term provided for in these Regulations may, after giving notice to the competent military authority and with the approval of that authority, which approval shall be notified to such person, be treated as if he had enlisted for an extended term (which may include service in the reserve) being a term of a duration provided for by these Regulations and specified in the notice and notification of approval.

(2) A person who has not attained the age of 17 years 6 months shall not give notice under this Regulation to be treated as if he had enlisted for a term longer than 12 years.

(3) A person who has been treated as having enlisted for a longer term than that for which he was previously enlisted shall not exercise his rights under Regulation 4 so as to reduce his army service to less than it would have been if he had not been treated as aforesaid.

### *Continuance in service after completion of the term of service*

11.—(1) A soldier of the regular forces enlisted on an enlistment for 22 years who has completed 18 years' continuous service from the relevant date may give notice to his commanding officer of his desire to continue in army service after the completion of his term of service for such period not exceeding 5 years as may be specified in the notice; and if the competent military authority approve he may after the completion of his term of service be continued as a soldier of the regular forces for the period specified in the notice in all respects as if his term of service were still unexpired.

The giving under the foregoing provisions of this paragraph of a notice by a soldier shall not prejudice the exercise by him of any right conferred by Regulation 4.

(2) Where a soldier of the regular forces will at the end of the term for which he enlisted have completed not less than 22 years' service but would not be entitled to give a notice under paragraph (1) of this Regulation he may at any time during the last twelve months of that term give notice to his commanding officer of his desire to continue in army service at the end of that term for such period not exceeding 5 years as may be specified in the notice; and if the competent military authority approve he may at the end of that term be continued as a soldier of the regular forces for the period specified in that notice in all respects as if that term were still unexpired.

The references in this paragraph to the term for which a soldier enlisted shall, where the term has been extended under Regulation 10(1) be construed as references to the term so extended.

(3) A soldier of the regular forces for the time being continued in service under paragraph (1) or (2) of this Regulation may within the relevant period give notice to his commanding officer of his desire to continue further in army service after that date for such period not exceeding 5 years as may be specified in the notice; and if the competent military authority approve he may after that date be further continued as a soldier of the regular forces for the period specified in the notice in all respects as if the term for which he was previously continued in service were still unexpired.

"The relevant period" shall be—

(a) where the period for which he was last continued in service was one of 2 years or more—a period of 2 years, or

(b) where the period for which he was last continued in service was one of less than 2 years—the whole of that period and in each case shall end on the date on which the period for which he is so continued will end.

(4) Paragraph (3) of this Regulation shall apply to soldiers of the regular forces continued in service thereunder as it applies to such soldiers continued in service under paragraphs (1) or (2) of this Regulation.

(5) Regulation 4 shall not apply in the case of a soldier who is continued in service under this Regulation or any enactment repealed by these Regulations; but subject to Regulation 7 any soldier may, if continued in service under this Regulation, claim his discharge at the expiration of the period of 6 months or, if continued in service under any enactment repealed by these Regulations, claim his discharge at the expiration of the period of 3 months, beginning in each case with the date on which he gives his commanding officer notice of his wish to be discharged.

(6) References in this Regulation to periods of service shall, except so far as the context otherwise requires, be construed as including references to periods served in the reserve but as not including

(a) periods of whole time or part time service within the meaning of Part I of the National Service Act 1948(a), or

(b) in relation to a soldier who enlisted for a term ending with the expiration of a period beginning with the date of his attaining the age of 18 years any period during which he was under that age.

(7) References in this Regulation to soldiers shall include references to warrant officers and to non-commissioned officers.

#### *Competent Military Authorities*

12.—(1) In relation to the provisions of these Regulations specified in the first column of Schedule 2 to these Regulations and for the purposes specified opposite thereto in the second column of that Schedule, the officers specified opposite thereto in the third column of that Schedule shall, in addition to the Defence Council and Army Board, be competent military authorities.

(2) For the purposes of Schedule 2 references to the Officer in Charge of Records of a Corps, in relation to persons enlisted for local service overseas, shall have effect as if they referred to the officer charged with administering the records of the persons in that Corps so enlisted and every reference to a specified officer shall have effect as if it included a reference to any member of the staff of that officer who has been duly authorised by him to act on his behalf.

#### *Forms*

13. The Defence Council shall publish and provide forms of application, consents and notices for the purposes of these Regulations and references in these Regulations to applications, consents or notices shall be construed as referring to such forms or to forms substantially to the like effect.

#### *Repeals and Revocations, Savings and Consequential Amendments*

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

(2) The Regulations specified in Part 2 of Schedule 3 to these Regulations are hereby revoked to the extent specified in column 2 of that Schedule.

(3) The repeal and revocation effected by this Regulation shall not affect the term of service (either as respects duration, or as respects liability to

army service or any liability to serve in the reserve) for which any person who is in army service immediately before the commencement of these Regulations is serving immediately before such commencement.

(4) The enactments specified in Part 3 of Schedule 3 to these Regulations shall have effect subject to the amendments specified in relation thereto in that Schedule being amendments consequential on these Regulations.

On behalf of the Defence Council.

*H. J. Boyden,*

*A. J. H. Cassels,*

Members of the Defence Council.

5th July 1967.

### SCHEDULE 1

### Regulation 4.

#### PERSONS TO WHOM REGULATION 4(1)(b) APPLIES

1. A person who enlists on or after 1st January 1962 for 22 years for service—

- (1) in the Household Cavalry ;
  - (2) in the Brigade of Guards ;
  - (3) in any corps if, immediately before enlistment, he was deemed to be enlisted under the National Service Acts 1948 to 1955 ;
  - (4) in any corps if, immediately before enlistment, he was a Police Cadet ;
  - (5) in the Corps of Royal Engineers if, immediately before enlistment, he was an employee serving as a postman, a postman higher grade, a postal or telegraph worker or clerical officer in the Postal or Telegraph Service of the General Post Office ;
  - (6) in the Royal Corps of Signals if—
    - (a) immediately before enlistment, he applied to serve therein as a Special Operator or a Telegraph Operator, and
    - (b) he qualified for employment in one of those trades ;
  - (7) in the Intelligence Corps if, immediately before enlistment, he held a General Certificate of Education having passed in three subjects (one of which is English) at Ordinary level ;
  - (8) in the Army Catering Corps if, immediately before enlistment, he was a person who—
    - (a) had passed a catering and hotel-keeping course of not less than two years' duration at any Technical Institute ; or
    - (b) had completed an apprentice training course lasting not less than 3 years sponsored by the National Joint Apprenticeship Council of the Hotel and Catering Industry ; or
    - (c) held a certificate issued by the City and Guilds of London Institute in respect of a basic course for catering trades or a cookery course for hotel and catering establishments.
2. A person who enlists on or after 10th December 1962 for service—
- (1) in the Royal Corps of Signals, if—
    - (a) immediately before enlistment he signified in writing his wish to serve in that Corps and be trained as a Communications Centre Operator, and
    - (b) he subsequently qualified for employment in that trade ;

- (2) in the Royal Army Medical Corps, if—
- (a) immediately before enlistment he signified in writing his wish to serve in that Corps and to be trained as a Medical Assistant or as a Medical Assistant (GD), and
  - (b) he subsequently qualified for employment in one of those trades ;
- (3) in the Royal Army Dental Corps, if—
- (a) immediately before enlistment he signified in writing his wish to serve in that Corps and to be trained as a Dental Clerk Assistant, and
  - (b) he subsequently qualified for employment in that trade ;
- (4) in the Royal Army Dental Corps, if—
- (a) at the time of his enlistment he is the holder of a City and Guilds of London Institute Dental Technician's Certificate, and
  - (b) immediately before enlistment he signified in writing his wish to serve in that Corps and if necessary to be trained as a Dental Technician, and
  - (c) he subsequently qualified for employment in that trade.

## Regulation 12

## SCHEDULE 2

## COMPETENT MILITARY AUTHORITIES

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Regulation 5	... For the purpose of approving an application to transfer to the reserve by a man in army service	
	(a) on payment	... .. Brigade Commander or in cases involving the remission of purchase costs G.O.C. in C. (or G.O.C. where delegated)
	(b) other cases	... .. The Director of Manning (Army), Ministry of Defence.
Regulation 6(2)	... For the purpose of approving a notice given by a person in army service to withdraw a notice given for the purpose of regulation 6(1)	The Officer in Charge of Records of the Corps in which the person giving the notice is serving.
Regulation 9	... For the purpose of receiving a written application for and approving re-entry upon army service by a man in the reserve	The Officer in Charge of Records of the Corps in which the applicant was serving immediately before he was transferred to the reserve.
Regulation 10	... For the purpose of approving the conversion of terms of service of a person in army service	The Officer in Charge of Records of the Corps in which the person is serving.
Regulation 11	... For the purpose of approving the continuance in service after 22 years' service of a soldier	The Officer in Charge of Records of the Corps in which the soldier is serving.

## SCHEDULE 3

Regulation 14(1).

## PART 1

## ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
3 & 4 Eliz. 2. c. 18	The Army Act 1955	Sections 4 to 8.
3 & 4 Eliz. 2. c. 20	The Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955	In Schedule 1, in paragraph 7, subparagraphs (3)(b) and (4) to (7).
5 & 6 Eliz. 2. c. 50	The Army (Conditions of Enlistment) Act 1957	The whole Act.
9 & 10 Eliz. 2. c. 52	The Army and Air Force Act 1961	Section 2. In section 3, subsections (2), (3) and (4). Sections 4 to 7.

## SCHEDULE 3

Regulation 14(2).

## PART 2

## REGULATIONS REVOKED

*Regulations**Extent of revocation*

The Regular Army Enlistment and Service Regulations 1957.

The whole.

The Regular Army Enlistment and Service (Sixth Amendment) Regulations 1960.

The whole.

The Regular Army Enlistment and Service (Seventh Amendment) Regulations 1961.

The whole.

The Regular Army Enlistment and Service Regulations 1961.

In Regulation 2(1), the words "the Act of 1957" means the Army (Conditions of Enlistment) Act 1957; and the words from "references in these Regulations to a person enlisted for 22 years" to "as is referred to in (a) or (b)".

In Regulation 3(1), the words "1957 and 1961", "II and III respectively" and "and in relation to the provisions of these Regulations specified in the first column of Part IV".



<i>Regulations</i>	<i>Extent of revocation</i>
The Regular Army Enlistment and Service Regulations 1961 :— <i>cont.</i>	In Regulation 3(3), the words "in pursuance of the Act of 1955, section 1 of the Act of 1957 or the Act of 1961". In Regulation 4, the words "1957 and 1961". Regulations 10 to 16. In Schedule 1, Part I Items 3-10, Part II, Part III, and Part IV. In Schedule 2, Forms 2 to 6 inclusive. Schedule 4. Schedule 5. Schedule 7. Regulation 6.
The Regular Army Enlistment and Service (First Amendment) Regulations 1962.	Regulations 3, 5 and 6.
The Regular Army Enlistment and Service (Second Amendment) Regulations 1962.	The whole.
The Regular Army Enlistment and Service (Fourth Amendment) Regulations 1964.	In Regulation 3(1), the figure "(3)" and Regulation 3(2).
The Regular Army Enlistment and Service (Sixth Amendment) Regulations 1964.	Regulations 3(1) and 3(3).
The Regular Army Enlistment and Service (Seventh Amendment) Regulations 1964.	In Regulation 3, the figures "3, 8" in the reference to Part I of the First Schedule and the words "Part II Item No. 1" and "Part III Items No. 1 and 4".
The Regular Army Enlistment and Service (Eighth Amendment) Regulations 1964.	Regulation 3.
The Regular Army Enlistment and Service (Ninth Amendment) Regulations 1965.	

Regulation 14(4).

## SCHEDULE 3

## PART 3

## CONSEQUENTIAL AMENDMENTS

<i>Enactment</i>	<i>Amendment</i>
The Army Act 1955 (3 & 4 Eliz. 2 c. 18).	In section 17(2) the reference to the provisions of Part I of the Army Act 1955 shall include a reference to these Regulations. In sections 17(4) and 17(6)(b), for the words "subsection (1) of section 5 of this Act" there shall be substituted the words "regulations made in pursuance of section 2(1)(c) of the Armed Forces Act 1966".

<i>Enactment</i>	<i>Amendment</i>
<p>The Army Act 1955 (3 &amp; 4 Eliz. 2 c. 18) —cont.</p>	<p>In section 17(7), for the words “section 8 of this Act” there shall be substituted the words “regulations made in pursuance of section 2 of the Armed Forces Act 1966 or under any enactment repealed by such regulations”.</p> <p>In section 20(1), the words “sections four to seven”, shall be omitted.</p> <p>In section 20(5), for the words “is mentioned in paragraphs (a), (b) and (c) of subsection (2) of section four of this Act” there shall be substituted the words “may be specified in regulations made in pursuance of section 2(1)(a) and (b) of the Armed Forces Act 1966”.</p>
<p>The Army and Air Force Act 1961 (9 &amp; 10 Eliz. 2 c. 52).</p>	<p>In Schedule 2 (minor and consequential amendments of enactments), in the amendment to section 37(3) of the Act of 1955, the reference to section 8 of the Act of 1955 and section 6 of the Army and Air Force Act 1961 shall be construed as including reference to these Regulations.</p>

### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations, which come into operation on 1st August 1967, revoke and replace the provisions of the Army Act 1955, the Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955, the Army (Conditions of Enlistment) Act 1957 and the Army and Air Force Act 1961 and regulations made thereunder so far as they relate to terms of enlistment.

Regulation 3 provides for terms of enlistment to be of a duration of between 6 months and 12 years or 22 years.

Regulation 4 and Schedule 1 confer on persons enlisted for more than 12 years rights to determine army service and transfer to the reserve and enable women to be enlisted for 6 years and to determine their service after 4 years.

Regulation 5 provides that a man may be transferred to the reserve before 12 years service if his request is approved by the competent military authority.

Regulation 7 provides that persons who consent, in consideration of “benefits or advantages” e.g. being permitted to undergo courses of instruction or transfer to another corps, shall be restricted in the exercise of their rights to transfer to the reserve or to determine service, and similar provision is made in respect of persons who, under the earlier regulations, received benefits and advantages and undertook not to exercise such rights.

Regulation 8 provides for the length of time to be served by a man who transfers to the reserve.

Regulation 9 enables men transferred to the reserve by the exercise of rights, or by reason of having enlisted for a period partly of army service and partly of reserve service, to re-enter army service with the approval of the competent military authority, and they may then either be treated as if they had not been transferred to the reserve (and so go back to army service for the period for which they originally enlisted) or re-enter army service and serve for the whole or part of the remainder of the period for which they would have been liable to serve in the reserve.

Regulation 10 enables persons in army service to extend their service with the approval of the competent military authority up to the longest period provided by these Regulations, save that a person under the age of 17 years and 6 months is not able to extend his service to the longest permitted engagement of 22 years. Provision is made to prevent the use of this Regulation by persons to exercise rights to determine service or transfer to the reserve which they would not otherwise be entitled to.

Regulation 11 enables soldiers who have completed 22 years of army service to remain in army service for periods not exceeding 5 years at a time with the consent of the competent military authority. Paragraph (5) changes from 3 months to 6 months the period of notice of a wish to be discharged which a soldier serving on such extended service under these Regulations is required to give.

Regulation 12 and Schedule 2 state the officers who, in addition to the Defence Council and Army Board are the competent military authorities for giving approvals under these Regulations.

Regulation 14 besides providing for repeals and revocations, provides that the terms of service of persons enlisted under the old law shall not be thereby prejudiced and makes minor consequential amendments.