
 STATUTORY INSTRUMENTS

1985 No. 1820**DEFENCE****The Royal Air Force Terms of Service Regulations 1985**

<i>Made</i> - - - - -	15th November 1985
<i>Laid before Parliament</i>	27th November 1985
<i>Coming into Operation</i>	1st January 1986

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

Citation and Commencement

1. These Regulations may be cited as the Royal Air Force Terms of Service Regulations 1985 and shall come into operation on 1st January 1986.

Interpretation

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

“the Act” means the Air Force Act 1955(b);

“recruit” means a recruit enlisted in the regular air force who has not previously so enlisted;

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

(a) a man who enlisted on any date, and

(b) a woman who enlisted on or after 1 April 1975,

before attaining the age of 18 years in which excepted cases “the relevant date” means the date of that person attaining the age of 18 years.

(2) Expressions used in these Regulations have, unless the contrary intention appears, the meaning which they bear in the Act.

Duration of Terms of Enlistment

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

(a) 1966 c.45; section 2(1)(f) was amended by the Armed Forces Act 1976 (c.52), section 2.

(b) 1955 c.19.

(2) The term referred to in paragraph (1) shall be a term expiring on a date falling between 6 months and 22 years after the relevant date, or a term as provided for in Regulation 4.

(3) Subject to Regulation 4, the term for which a person may be enlisted may be a term wholly of air force service or may be a term partly of air force service and partly of service with the air force reserve.

Special Terms of Engagement

4.— (1) A person who has attained the age of 16 years but has not attained the age of 18 years may be enlisted for a special term of air force service which shall be a term:

- (a) wholly of air force service,
- (b) expiring 12 months from the date of his attestation, subject to a right of the person in question to determine his service at any time by 14 days notice in writing given by him to his commanding officer immediately before the date upon which it is to take effect,
- (c) to which Regulations 5 to 10 and 15 shall not apply, but without prejudice to the application of those paragraphs to any extended terms of service under Regulation 14.

(2) Upon such a term being extended under Regulation 14, the right conferred under sub-paragraph (1)(b) of this Regulation shall cease.

Engagement with Right to Transfer to the Reserve, on Notice

5.— (1) A man who has attained the age of 17 years 6 months may be enlisted in the Royal Air Force for a term (which may include service in the reserve) of not less than 3 years nor more than 9 years air force service from the relevant date with the right to be transferred to the reserve on or at any time after:

- (a) the date he attains the age of 21 years, or
- (b) the expiration of 3 years after the end of his period of training,

whichever is the later, such right being exercisable in accordance with Regulation 11 and subject to Regulation 12.

(2) A woman who has attained the age of 17 years may be enlisted in the Royal Air Force for a term (which may include service in the reserve) of not less than 3 years nor more than 9 years air force service from the relevant date with either (but not both) of the following rights, that is to say:

- (a) to be transferred to the reserve at any time after the date she attains the age of 21 years or the expiration of 3 years after the end of her period of training, whichever is the later, or
- (b) to be transferred to the reserve at any time after the expiration of 4 years from the relevant date,

such rights being exercisable in accordance with Regulation 11 and subject to Regulation 12.

(3) Where a person's term is extended under Regulation 14 the rights conferred by this Regulation shall cease.

Acquisition of Right to be Transferred to the Reserve, on Notice

6.— (1) A person in air force service who:

- (a) at the date of his attestation had not attained the age of 17 years 6 months, and
- (b) enlisted for a term of air force service expiring after the date he would attain the age of 21 years,

may within 28 days after attaining the age of 18 years give notice in writing to his commanding officer of his desire to acquire the right conferred by this Regulation.

(2) Where a person to whom paragraph (1) applies has served a notice in accordance with that paragraph he shall have the right on or at any time after:

- (a) the date he attains the age of 21 years, or
- (b) the expiration of 3 years after the end of his period of training,

whichever is the later, to be transferred to the reserve.

(3) The right referred to in paragraph (2) shall be exercisable in accordance with Regulation 11 and subject to Regulation 12.

7.— (1) A person in air force service who has completed less than 20 years 6 months service from the relevant date shall at any time after the end of the period of 9 years beginning with the relevant date have the right to be transferred to the reserve.

(2) A person in air force service who has completed not less than 20 years 6 months service from the relevant date shall have the right to determine his service.

(3) The rights referred to in this Regulation shall be exercisable in accordance with Regulation 11 and are subject to Regulation 12.

Right of Recruits to Determine Service

8.— (1) A recruit who at the date of his attestation had not attained the age of 17 years 6 months shall have the right to determine his service by giving 14 days notice in writing to his commanding officer subject to the following provisions of this Regulation.

(2) Such notice shall not have effect unless it is given after the person concerned has completed 28 days service excluding leave and before the expiration of 6 months from the date of his attestation.

(3) If such notice expires at a time when airmen are required by an order under s.10 of the Act (continuation of air force service in imminent national danger) to continue in air force service, the recruit's service shall not be determined so long as airmen are so required to continue in air force service.

9.—(1) A recruit who at the date of his attestation had attained the age of 17 years 6 months but had not attained the age of 17 years 9 months, shall have the right to determine his service upon payment of a sum not exceeding 7 days gross pay at any time before the expiration of 6 months from the date of his attestation.

(2) A recruit who at the date of his attestation had attained the age of 17 years 9 months but had not attained the age of 18 years shall have the right to determine his service upon payment of a sum not exceeding 7 days gross pay at any time before he attains the age of 18 years 3 months.

(3) A recruit who at the date of his attestation had attained the age of 18 years shall have the right to determine his service upon payment of a sum not exceeding 7 days gross pay at any time before the expiration of 3 months from the date of his attestation.

(4) If any claim to the rights conferred by this Regulation is made at a time when airmen are required by an order under s.10 of the Act (continuation of air force service in imminent national danger) to continue in air force service, the recruit's service shall not be determined so long as airmen are so required to continue in air force service.

Transfer to the Reserve with Consent

10. A person in air force service, whose application for transfer to the reserve is approved by the competent air force authority, shall be transferred to the reserve.

Exercise of Certain Rights

11. A right under Regulations 5, 6 or 7:

- (a) to determine air force service, and
- (b) to be transferred to the reserve,

shall be exercised by notice in writing given by the person in question to his commanding officer not less than 18 months before the date when his service is to be determined or he is to be transferred to the reserve (as the case may be).

Restrictions on the Exercise of Rights Conferred by Regulations 5, 6, 7 and 15(2)

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

- (a) being permitted to undergo a course of instruction of a duration of not less than 3 weeks, or
- (b) receiving any other benefit or advantage,

consents in writing to be restricted in the exercise of any right conferred by Regulations 5, 6, 7 and 15(2) 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 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 3 years,

- (b) in relation to permission to undergo a course of instruction of longer duration, a period of not more than 5 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 Regulations 5, 6, 7 and 15(2) shall not be exercisable by a person in air force service enlisted on or after the 1st day of January 1962 for 22 years who has given an undertaking pursuant to any Regulations made under Part I of the Act not to determine his air force service, before the expiration of the period specified in such undertaking.

(4) A person who has given his consent under this Regulation may, if the competent air force authority approve, revoke that consent.

Service in the Reserve

13. A person transferred to the reserve in consequence of the exercise of the rights conferred by Regulations 5, 6 and 7 or under Regulation 10 with the approval of the competent air force authority shall serve in the reserve for a period beginning on the date of his transfer and ending:

- (a) 6 years later, or
- (b) 22 years after the relevant date,

whichever is the sooner or for such shorter period as the competent air force authority may approve.

Conversion of Terms of Service

14.— (1) A person in air force service enlisted for a term of shorter duration than the longest term provided for in Regulation 3 may, after giving notice in writing to the competent air force 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 either:

- (a) a term of a duration provided for in Regulation 3, or if longer
- (b) a term so as to end not later than the date he attains the age of 55 years,

and in either case specified in the notice and notification of approval provided that such an extended term shall not include service in the reserve later than 22 years after the relevant date.

(2) A person in air force service enlisted for the longest term provided for in Regulation 3 may, after giving notice in writing to the competent air force authority and with the approval of that authority, which approval shall be notified to such person, be treated as if he had enlisted for a term so as to end not later than the date on which he attains the age of 55 years and specified in the notice and notification of approval.

(3) A person in air force service enlisted for any term provided for in these Regulations (including a person treated under these Regulations as having enlisted under an extended term) may, after giving notice in writing to the

competent air force authority and with the approval of that authority, which approval shall be notified to such person, be treated as if he had enlisted for a term of such shorter duration as is specified in the notice and notification of approval.

Continuance in Service

15.— (1) A person in air force service enlisted for a term of 22 years or a person in air force service who enlisted otherwise than for that term who has completed 22 years service in Her Majesty's forces may, at any time during the last 12 months of the term for which he enlisted or if that term has been extended under these Regulations or under any previous enactment, that term as so extended, give notice in writing to his commanding officer of his desire to continue in service after the end of that term, or as the case may be, of that term as so extended, and, if the competent air force authority consent, he may after the end of that term, or as the case may be, that term as so extended, be continued as a person in air force service in all respects (subject to paragraph (2) of this Regulation) as if his term were still unexpired.

(2) Where a person is continued in service under this Regulation:

- (a) Regulations 10 and 14 of these Regulations shall not apply to him,
- (b) subject to Regulation 12 of these Regulations he may determine his service at the expiration of any period of 3 months beginning with the date on which he gives to his commanding officer notice in writing of his wish to be discharged.

Competent Air Force Authorities

16. In relation to the provisions of the Regulations specified in the first column of Schedule 1 to these Regulations and for the purposes specified opposite thereto in the second column of that Schedule, the Officers specified thereto in the third column of that Schedule shall, in addition to the Defence Council and Air Force Board, be competent air force authorities.

Forms

17. Reference in these Regulations to applications, consents or notices shall be construed as referring to such forms of application, consents and notices as may from time to time be published for the purpose of these Regulations by the Defence Council or to forms substantially to the like effect

Revocations, Savings and Transitional Provisions

18.— (1) The transitional provisions contained in Schedule 2 to these Regulations shall have effect.

(2) The Regulations specified in Schedule 3 to these Regulations are hereby revoked.

(3) The revocation effected by this Regulation shall not affect the term of service (either as respects duration, or as respects liability to air force service or any liability to serve in the reserve) for which any person who is in air force

service immediately before the commencement of these Regulations is serving immediately before such commencement.

On behalf of the Defence Council

Trefgarne,

D. B. Craig,

Members of the Defence Council

Dated 15th November 1985

Regulation 16

SCHEDULE 1

COMPETENT AIR FORCE AUTHORITIES

Column 1	Column 2	Column 3
Regulation 10	For the purpose of approving an application to transfer to the reserve by a person in air force service.	The Director of Personnel Management (Airmen)(RAF) Ministry of Defence in the case of personnel serving in ground trades; Director of Personnel (Air)(RAF) Ministry of Defence in the case of personnel serving in an aircrew category.
Regulation 12	For the purpose of approving the revocation of consent to the restriction of rights.	The Director of Personnel Management (Airmen)(RAF) Ministry of Defence in the case of personnel serving in ground trades; Director of Personnel (Air)(RAF) Ministry of Defence in the case of personnel serving in an aircrew category.
Regulation 13	For the purpose of approving a shorter term of service in the reserve.	The Director of Personnel Management (Airmen)(RAF) Ministry of Defence in the case of personnel serving in ground trades; Director of Personnel (Air)(RAF) Ministry of Defence in the case of personnel serving in an aircrew category.
Regulation 14	For the purpose of consenting to the conversion of terms of service of a person in air force service.	The Director of Personnel Management (Airmen)(RAF) Ministry of Defence in the case of personnel serving in ground trades; Director of Personnel (Air)(RAF) Ministry of Defence in the case of personnel serving in an aircrew category.
Regulation 15	For the purpose of consenting to the continuance of service of a person in air force service.	The Director of Personnel Management (Airmen)(RAF) Ministry of Defence in the case of personnel serving in ground trades; Director of Personnel (Air)(RAF) Ministry of Defence in the case of personnel serving in an aircrew category.

SCHEDULE 2

Regulation 18

TRANSITIONAL PROVISIONS

1. In relation to a woman who enlists before 1 April 1986 these Regulations shall have effect:

- (a) with the words “determine her service” substituted for the words “be transferred to the reserve” wherever they occur in Regulations 5, 6 and 7,
- (b) with the words “(which may include service in the reserve)” in Regulation 5(2) omitted, and
- (c) with a paragraph added to Regulation 5 as follows:

“(4) Where a woman in exercise of a right conferred by this Regulation serves a notice under Regulation 11 and such notice expires at a time when airmen are required by an order under s.10 of the Act (continuation of air force service in imminent national danger) to continue in air force service, the woman’s service shall not be determined so long as airmen are so required to continue in air force service.”

2. Before 1 April 1986 no woman shall be:

- (a) enlisted under Regulation 3(3) for a term which includes reserve service, or
- (b) transferred to the reserve under Regulation 10.

3. A notice given by a woman to the competent air force authority before 1 April 1986 requesting an extended term under Regulation 14 shall not be valid unless the term requested in the notice consists entirely of air force service.

Regulation 18 SCHEDULE 3

REVOCATIONS

Regulations revoked	Reference
The Royal Air Force Terms of Service Regulations 1977	S.I. 1977/1097
The Royal Air Force Terms of Service (Amendment) Regulations 1979	S.I. 1979/215
The Royal Air Force Terms of Service (Amendment) Regulations 1980	S.I. 1980/747
The Royal Air Force Terms of Service (Amendment) Regulations 1983	S.I. 1983/343
The Royal Air Force Terms of Service (Second Amendment) Regulations 1983	S.I. 1983/898

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations re-enact the Royal Air Force Terms of Service Regulations 1977 with modifications. The principal changes are:

Regulations 3, 5(2), 6(2) and 7(1) make provision for women to be enlisted after 31 March 1986 for service that includes reserve service. As from that date, the provisions relating to transfer of men to the reserve will apply to women. See Regulations 5, 6, 7, 10, 11, 13 and 14. Transitional provisions are contained in Regulation 18 and Schedule 2.

Regulation 8(2) provides that a recruit who enlists under the age of 17½ years cannot give notice determining his service until he has completed 28 days in the Royal Air Force.

Regulation 12(4) provides that a person who has consented to the restriction of certain rights concerning determination of service and transfer to the reserve, can with approval of the competent air force authority revoke that consent. The competent air force authority for this purpose is specified in Schedule 1.

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