

## STATUTORY INSTRUMENTS

1986 No. 2072

## DEFENCE

**The Army Terms of Service Regulations 1986**

<i>Made</i>	- - -	26th November 1986
<i>Laid before Parliament</i>		2nd December 1986
<i>Coming into Operation</i>		1st January 1987

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

*Citation and commencement*

1. These Regulations may be cited as the Army Terms of Service Regulations 1986 and shall come into operation on 1st January 1987.

*Interpretation and application*

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

“the Act” means the Army Act 1955(b);

“the relevant date” means—

(a) in the case of a person who enlisted after having attained the age of 18 years, the date of his attestation, and

(b) in the case of a person who enlisted before having attained that age, the date of his attaining that age.

“recruit” means—

(a) a recruit enlisted in the regular army who has not previously so enlisted, and

(b) a recruit who has been discharged, by a competent military authority in accordance with Regulations made under Part I of the Act as not finally approved for service and who has subsequently been re-enlisted in the regular army.

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

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

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(a) 1966 c.45; section 2(1)(f) was amended by the Armed Forces Act 1976 (c.52), section 2.  
(b) 1955 c.18.

*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) above 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, 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 army service or may be a term partly of army service and partly of service with the army reserve.

4.— (1) A person who has attained the age of 16 years but has not attained the age of 19 years 7 months may be enlisted for a special term of army service which shall be a term—

- (a) wholly of army service,
- (b) expiring either 12 months or 2 years from the date he first reports for duty following his enlistment, 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 9 and 14 shall not apply, but without prejudice to the application of those Regulations to any extended terms of service under Regulation 13.

(2) Upon such a term being extended under Regulation 13, the right conferred under sub-paragraph (b) of paragraph (1) above shall cease.

(3) Paragraph (4) below applies to a person who—

- (a) enlisted after the 31st March 1986 and before these Regulations come into operation for a term of 12 months under Regulation 4 of the Army Terms of Service Regulations 1985(a), and
- (b) whose term of service has not been extended under Regulation 14 of those Regulations or Regulation 13 of these Regulations.

(4) A person to whom this paragraph applies may give notice in writing to his commanding officer of his desire to continue in army service after completion of his term of service until the expiration of 2 years from the date he first reported for duty following his enlistment; and if the competent military authority approve he may after completion of his term of service be continued as a person in army service for such period in all respects as if his term of service were still unexpired.

5.— (1) A person who has enlisted in the regular army for a term of 22 years army service shall have the right to be transferred to the reserve at the end of the notice period or at any time thereafter.

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(a) S.I. 1985/1819.

(2) The "notice period" for the purposes of paragraph (1) of this Regulation shall be determined in accordance with paragraphs (3) to (5) below.

(3) Subject to paragraph (4) of this Regulation—

- (a) in the case of a man who at the time of his attestation or at any time thereafter has, with the approval of the competent military authority, consented to the notice period being a period of 6 or 9 years, the notice period shall be the period specified in such consent,
- (b) in the case of a woman who has enlisted in Queen Alexandra's Royal Army Nursing Corps the notice period shall be a period of 4 years, and
- (c) in any other case, the notice period shall be a period of 3 years.

(4) A man may revoke any consent given under paragraph (3)(a) of this Regulation—

- (a) if at the time of giving such consent he had not attained the age of 17 years 6 months, by giving notice in writing to his commanding officer within 28 days after he attains the age of 18,
- (b) in any other case with the approval of the competent military authority,

whereupon the notice period shall become a period of 3 years.

(5) The notice period shall begin—

- (a) in the case of a person who enlisted under the age of 17 years 6 months and has revoked his consent under paragraph (4) above, on the date he attains the age of 18 years or the date of the expiration of his training whichever is the later,
- (b) in the case of a person who enlisted under the age of 17 years 6 months and who—
  - (i) has not given any consent under paragraph (3) above, or
  - (ii) having given such consent has not revoked it under paragraph (4) above,on the date he attains the age of 18 years,
- (c) in the case of a person who enlisted when he had attained the age of 17 years 6 months, on the relevant date.

(6) The right conferred by paragraph (1) above—

- (a) 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,
- (b) is subject to Regulations 10, 13(2) and 14(6).

#### *Right of recruit to determine service*

6.— (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 he first reports for duty following his enlistment.

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

(4) This Regulation does not apply to a recruit enlisted in the Brigade of Gurkhas or for local service outside the United Kingdom.

7.— (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 after the expiration of 28 days excluding leave and before the expiration of 6 months from the date he first reports for duty following his enlistment.

(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 after the expiration of 28 days excluding leave from the date that he first reports for duty following his enlistment and before he attains the age of 18 years 3 months.

(3) A male 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 after the expiration of 8 weeks and before the expiration of 3 months from the date he first reports for duty following his enlistment.

(4) A female recruit who at the date of her attestation had attained the age of 18 years shall have the right to determine her service upon payment of a sum not exceeding 7 days gross pay at any time after the expiration of 28 days excluding leave and before the expiration of 3 months from the date that she first reports for duty following her enlistment.

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

(6) This Regulation shall not apply to a recruit enlisted in the Brigade of Gurkhas or for local service outside the United Kingdom.

8.— (1) A recruit who—

(a) enlisted in the Brigade of Gurkhas,

(b) had not attained the age of 17 years at the date of his attestation,

shall have the right to determine his service upon payment of £3 at any time

before the expiration of 3 months from the date that he first reports for duty following his enlistment.

(2) A recruit who:—

(a) enlisted in the Brigade of Gurkhas,

(b) had attained the age of 17 years at the date of his attestation,

shall have the right to determine his service upon payment of £3 at any time after the expiration of 8 weeks and before the expiration of 3 months from the date he first reports for duty following his enlistment.

(3) A recruit who enlisted for local service in Hong Kong, shall have the right to determine his service upon payment of 250 Hong Kong Dollars at any time after the expiration of 8 weeks and 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 soldiers are required by an order under section 10 of the Act (continuation of army service in imminent national danger) to continue in army service, the recruit's service shall not be determined so long as soldiers are so required to continue in army service.

#### *Transfer to the reserve with consent*

9. A person in army service whose application by notice to his commanding officer for transfer to the reserve is approved by the competent military authority shall be transferred to the reserve.

#### *Restrictions on the exercise of rights conferred by Regulations 5 and 14(6)*

10.— (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) being permitted to receive any other benefit or advantage,

consents in writing to be restricted in the exercise of the rights conferred by Regulations 5 and 14(6) shall not have the right to be transferred to the reserve or to determine his service 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 mentioned in such consent.

(2) For the purpose of paragraph (1) above “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;
- (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 this Regulation 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 years.

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

(5) A person enlisted on or after 1st April 1957 for 22 years who has 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 5 or to determine his service under Regulation 14(6).

(6) Without prejudice to section 17 of the Interpretation Act 1978(a), a woman who has given her consent pursuant to any previous enactment to be restricted in the exercise of any right to determine her service, shall be treated for the purposes of this Regulation as if she had given her consent under paragraph (1) above to be restricted in the exercise of the rights conferred by Regulations 5 and 14(6).

#### *Service in the reserve*

11. A person transferred to the reserve in consequence of the exercise of the rights conferred by Regulation 5 or under Regulation 9 with the approval of the competent military 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 military authority may approve.

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

12. A person 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 these Regulations or by any previous enactment or by virtue of having being enlisted for a term partly of any army service and partly of service in the reserve may on 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 purpose of these Regulations and Part 1 of the Act 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

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(a) 1978 c.30.

- (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*

13.— (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 in writing 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 been treated as having enlisted for a longer term than that for which he was previously enlisted shall not exercise his rights under Regulation 5 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*

14.— (1) A person in army service enlisted on an enlistment for 22 years who has completed 18 years' continuous service from the relevant date may give notice in writing 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 person in army service for the period specified in the notice in all respects as if his term of service were still unexpired.

(2) The giving under paragraph (1) of this Regulation of a notice by a person shall not prejudice the exercise by him of any right conferred by Regulation 5.

(3) Where a person in army service 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 12 months of that term give notice in writing 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 person in army service for the period specified in that notice in all respects as if that term were still unexpired.

(4) A person in army service for the time being continued in service under paragraph (1) or (3) of this Regulation may within the relevant period give notice in writing 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 person in army service 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.

(5) Paragraph (4) of the Regulation shall apply to persons in army service

continued in service thereunder as it applies to such persons continued in service under paragraphs (1) or (3) of this Regulation.

(6) Regulation 5 shall not apply in the case of a person who is continued in service under this Regulation or any previous enactment; but subject to Regulation 10 any person may, if continued in service under this Regulation, by the Army Terms of Service Regulations 1981(a) or by the Army Terms of Service Regulations 1985(b) determine his service at the expiration of the period of 6 months or, if continued in service under any other previous enactment determine his service at the expiration of the period of 3 months, beginning in each case with the date on which he gives his commanding officer notice in writing of his wish to be discharged.

(7) For the purpose of paragraph (4) of this Regulation “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.

(8) The references in paragraph (3) of this Regulation to the term for which a person enlisted shall, where the term has been extended under Regulation 13(1) be construed as references to the term so extended.

(9) 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 1 of the National Service Act 1948(c), or
- (b) in relation to a person 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.

#### *Competent military authorities*

15.— (1) In relation to the provisions of these Regulations specified in the first column of the Schedule to these Regulations and for the purposes specified opposite thereto in the second column of that Schedule, the officers specified opposite hitherto 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 the Schedule 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

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(a) S.I. 1981/404, amended by S.I. 1983/899.

(b) S.I. 1985/1819.

(c) 1948 c.64.



the staff of that officer who has been duly authorised by him to act on his behalf.

#### *Forms*

16. References 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 and savings*

17.— (1) The Army Terms of Service Regulations 1985(a) are hereby revoked.

(2) The 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.

On behalf of the Defence Council.

*R. Freeman,  
N. Bagnall,*

Members of the Defence Council.

26th November 1986.

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(a) S.I. 1985/1819.

## Regulation 16

## SCHEDULE

## COMPETENT MILITARY AUTHORITIES

Column 1	Column 2	Column 3
Regulation 4(4)	For the purpose of approving the continuation in service of a person enlisted for a special term of service.	The Officer in Charge of the Records of the Corps in which the person is serving.
Regulation 5(3)	For the purpose of approving the notice period being 6 or 9 years.	The Officer in Charge of the Records of the Corps in which the person is serving.
Regulation 5(4)	For the purpose of approving the revocation of consent to the notice period being 6 or 9 years.	The Officer in Charge of Records of the Corps in which the person is serving.
Regulation 9	For the purpose of approving an application to transfer to the reserve by a man in army service (a) on payment ..... (b) other case .....	Commanding Officer or in cases involving the remission of purchase costs GOC. The Director of Manning (Army), Ministry of Defence.
Regulation 10	For the purpose of approving the revocation of consent to the restriction of rights.	The Officer in Charge of Records of the Corps in which the person is serving.
Regulation 11	For the purpose of approving a shorter term of service in the reserve.	The Officer in Charge of Records of the Corps in which the person is serving.
Regulation 12	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 13	For the purpose of approving the conversion of terms of service of person in army service.	The Officer in Charge of Records of the Corps in which the person is serving.
Regulation 14	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 person is serving.

## EXPLANATORY NOTE

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

The Regulations re-enact the Army Terms of Service Regulations 1985 with modifications. The changes of substance are as follows:

Previous provisions giving women (other than recruits) the right to be discharged before completing their term of service have not been re-enacted. This does not effect women who enlisted before the Regulations come into operation.

Regulation 4 enables a person to be enlisted under the Army Youth Short Service Scheme for a term of either one year or 2 years. Previously a person could be so enlisted for only a one year term. It also enables a person who enlisted under the Scheme after 31 March 1986 and before these Regulations came into operation to continue his engagement for 2 years from the date he first reports for duty.

Regulation 5 gives women the right to be transferred to the reserve on similar (but not identical) terms as are applicable to men. Regulation 9 enables women to transfer to the reserve with the approval of the competent military authority. Regulation 12 enables women in the reserve to re-enter army service on the same terms as the men. Regulation 13 enables a woman's extended term of service to include service in the reserve. Previously there was no provision for women to have a reserve liability.

Regulations 6, 7 and 8 re-enact provisions giving recruits the rights to be discharged. However, the periods before and after which the right cannot be exercised now commence when he first reports for duty after his enlistment instead of the date of his attestation. Furthermore all people who enlist between the ages of  $17\frac{1}{2}$  and 18, and women who enlist over 18 will have to serve at least 28 days before the right can be exercised.

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