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STATUTORY INSTRUMENTS

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**1988 No. 1395**

**DEFENCE**

**The Royal Marines Terms of Service Regulations 1988**

*Made* - - - - - *27th July 1988*

*Coming into force* - - - *1st September 1988*

Whereas a draft of these Regulations has been laid before Parliament and a period of 40 days beginning with the day of laying has expired and neither House of Parliament has resolved that the Regulations be not made;

Now, therefore, the Defence Council, in exercise of the powers conferred upon them by section 2 of the Armed Forces Act 1966(1), hereby make the following Regulations:

**Citation and Commencement**

1. These Regulations may be cited as the Royal Marines Terms of Service Regulations 1988 and shall come into force on 1st September 1988.

**Application and Interpretation**

2.—(1) Subject to regulation 13, these Regulations shall apply to enlistment in the Royal Marines as a marine and to the terms of service of persons who have so enlisted.

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

“commanding officer” means the commanding officer of the establishment, unit or ship in which the person in question is serving;

“competent authority” means—

- (i) the Defence Council;
- (ii) the Admiralty Board;
- (iii) the authorities specified in the Schedule hereto;

“the relevant date” means, in relation to a person, the date of his attestation except that in relation to a person who enlists before attaining the age of 18 years, “the relevant date” means the date of that person’s attaining the age of 18 years;

“the reserve” means the Royal Fleet Reserve.

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

(3) Reference in these Regulations to any person as the holder of an office shall in the event of a change in the title or abolition of that office be construed as a reference to the person who after such change or abolition shall exercise the functions previously exercised by such person referred to in these Regulations.

### **Duration of terms of enlistment**

3.—(1) A person may be enlisted in the Royal Marines for a term beginning with the date of his attestation in the Royal Marines and ending on a date falling not later than 22 years after the relevant date.

(2) The term for which a person may be enlisted may be a term wholly of Royal Marines service or may be a term partly of Royal Marines service and partly of service with the reserve.

### **Special terms of service**

4.—(1) A person who has at any time completed a term of service in the Royal Marines may be re-enlisted for a special term of service in the Royal Marines being a term—

- (a) wholly of service in the Royal Marines;
- (b) expiring not later than 5 years from the date of his attestation;
- (c) to which regulations 6 and 7, and regulations 9 to 11 shall not apply.

(2) Subject to regulation 8, a person who has enlisted in the Royal Marines under this regulation may, at any time during the term for which he enlisted, give 6 months notice in writing to his commanding officer of his desire to be discharged and he shall, upon the expiration of such notice, be so discharged.

5.—(1) A person serving in the Royal Marines Reserve may be enlisted for a special term of service in the Royal Marines being a term—

- (a) wholly of service in the Royal Marines;
- (b) expiring not later than 12 months from the date of his attestation;
- (c) to which regulations 6 to 11 shall not apply.

(2) A person who has enlisted for a term of service in the Royal Marines under this regulation may give to his commanding officer notice of his desire to continue in Royal Marines service after the end of that term for such period not exceeding 2 years from the date of his attestation in the Royal Marines as may be specified in the notice; and, if the competent authority approve, he may be continued as a person in Royal Marines service for the period specified in the notice in all respects as if that term were still unexpired.

### **Change in terms of enlistment**

6.—(1) Any person who is serving in the Royal Marines under a term of service for which he enlisted before the commencement of these Regulations may, at any time during the term for which he enlisted, give to his commanding officer notice in writing of his desire to be treated as if he had entered for a term of service under regulation 3, and if his commanding officer approves, he shall from the date specified in such approval be treated in respect of his service thereafter as if he had so enlisted and not, subject to the provision of paragraph (2) below, otherwise.

(2) The right to give 18 months notice of transfer to the reserve conferred by regulation 7 may not be exercised by a person to whom paragraph (1) above applies unless he has completed by that time such a period of service as would, when added to the 18 months notice, be not less than the period to which he became committed (if any), in consideration of his being permitted to undergo a course of instruction or of receiving any other benefit or advantage, under a term of service for

which he has enlisted before the commencement of these Regulations, or unless, in any other case, he has completed not less than 2 years 6 months service from the completion of his period of initial training or from the relevant date, whichever is the later.

#### **Right to transfer to the reserve**

7.—(1) Subject to regulation 8, a person who has enlisted in the Royal Marines for a term of more than 5 years service may give 18 months notice in writing to his commanding officer of his desire to be transferred to the reserve and he shall, upon the expiration of such notice, be so transferred.

(2) A person may not give notice under this regulation until the expiration of 2 years 6 months from—

- (a) the relevant date or
- (b) the date he completed his period of initial training,

whichever is the later.

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

- (a) being permitted to undergo a course of instruction of a duration of not less than 8 weeks, or
- (b) receiving any other benefit or advantage,

consents in writing to be restricted in the exercise of the rights conferred by regulations 4 or 7 to be discharged or transferred to the reserve 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) In this regulation “appropriate period” means—

- (a) in relation to permission to undergo a course of instruction, a period of not more than 18 months, and
- (b) in relation to the receipt of any other benefit or advantage, a period of not more than 4 years 6 months.

#### **Service in the reserve**

9. A person transferred to the reserve in consequence of the exercise of the right conferred by regulation 7 shall serve in the reserve

- (a) for 3 years, or
- (b) until the expiration of the term for which he enlisted,

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

#### **Right of recruit to claim discharge**

10.—(1) A person who enlists in the Royal Marines who has not previously so enlisted shall have the right to claim his discharge before the expiration of the period of 3 months beginning with the date of his attestation and a person enlisted as aforesaid who, on the date of his attestation, had not attained the age of 18 years shall also have the right to claim his discharge—

- (a) if he had not attained the age of 17 years and 9 months on the said date, at any time before the expiration of the period of 6 months beginning with that date, or
- (b) if he had attained the age of 17 years and 9 months on the said date, at any time before he attains the age of 18 years and 3 months.

(2) A person claiming his discharge by virtue of paragraph (1) of this regulation shall, if he had attained the age of 17 years and 6 months on the date of his attestation, on payment of a sum not

exceeding 7 days' gross pay, and if he had not attained such age on the said date, at the end of 14 days after giving notice in writing to his commanding officer, be entitled to be discharged:

Provided that—

- (a) the right conferred by this paragraph shall not be exercisable before the expiration of a period not exceeding 4 weeks beginning with the said date,
- (b) in the case of a person who had attained the age of 17 years and 6 months at the date of his attestation, if he makes any such claim at a time when marines are required by an order under paragraph 4B of Schedule 7 to the Army Act 1955(2) (continuation of service in the Royal Marines in imminent national danger) to continue in service in the Royal Marines, he shall not be discharged so long as marines are so required to continue in such service, and
- (c) in the case of a person who had not attained the age of 17 years and 6 months at the date of his attestation, if the end of the period of 14 days after he has given notice under this paragraph is at a time when marines are so required to continue in service in the Royal Marines, he shall not be discharged so long as marines are so required to continue in such service.

### **Continuance in Service**

**11.**—(1) A person in Royal Marines service may, at any time during the term for which he is enlisted, give to his commanding officer notice of his desire to continue in Royal Marines service after the end of that term for such a period not exceeding 15 years as may be specified in the notice; and, if the competent authority approve, he may, after the end of that term, be continued as a person in Royal Marines service for the period specified in the notice in all respects (but subject to paragraph (4) of this regulation) as if that term were still unexpired, and he shall not then be entitled to be discharged at the expiration of his original term unless he has previously given 18 months notice in writing to his commanding officer of that intention, or in the case of a person within 12 months of completing his original term, a period of notice equivalent to the unexpired portion of the original term plus 6 months.

(2) A person in Royal Marines service for the time being continued in service under paragraph (1) of this regulation may, before the date on which the period for which he is continued will end, give to his commanding officer notice of his desire to continue further in Royal Marines service after that date for such period not exceeding 15 years as may be specified in the notice, and, if the competent authority approve, he may after that date be further continued as a person in Royal Marines service for the period specified in the notice in all respects (but subject to paragraph (4) of this regulation) as if the term for which he was previously continued were still unexpired.

(3) Paragraph (2) of this regulation shall apply to persons in Royal Marines service continued in service thereunder as it applies to such persons continued in service under paragraph (1) of this regulation.

(4) Where a person is continued in Royal Marines service under this regulation he may, subject to paragraph (5) of this regulation, give 6 months notice in writing to his commanding officer of his desire to be discharged and he shall, upon the expiration of such notice, be so discharged.

(5) A person who, in consideration of—

- (a) being permitted to undergo a course of instruction of a duration of not less than 8 weeks, or
- (b) receiving any other benefit or advantage,

consents in writing to be restricted in the exercise of his right to give 18 months notice conferred by paragraph (1) of this regulation or to give 6 months notice conferred by paragraph (4) of this

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(2) 1955 c. 18; paragraph 4B was substituted by the Armed Forces Act 1966 (c. 45), section 13(1) and Schedule 3, paragraph 1.

regulation 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 the consent.

- (6) For the purposes of paragraph (5) of this regulation “the appropriate period” shall be—
- (a) in relation to permission to undergo a course of instruction, a period of not more than 18 months, and
  - (b) in relation to the receipt of any other benefit or advantage, a period of not more than 4 years 6 months.

### **Forms**

**12.** The competent authority shall publish and provide forms of consent and notices for the purposes of these Regulations, and references in these Regulations to consents or notices shall be construed as referring to such forms or to forms substantially to the like effect.

### **Repeals, revocations and transitional provisions**

**13.—**(1) Paragraphs 2, 3 and 4 (2) and (3) of Schedule 7 to the Army Act 1955(3) are hereby repealed.

(2) The following provisions and repeals shall not have effect in relation to a person to whom this paragraph applies—

- (a) regulations 3 to 5 and 7 to 11, and
- (b) the repeals mentioned in paragraph (1) of this regulation.

(3) Paragraph (2) of this regulation shall apply to a person who enlisted before the coming into force of these Regulations and has not—

- (a) re-enlisted under these Regulations, or
- (b) been treated as if he had enlisted under these Regulations by virtue of regulation 6,

and accordingly, the enactments mentioned in paragraph (1) of this regulation and the Regulations(4) made under those enactments shall continue to apply to such a person.

Dated 27th July 1988

*William Staveley*  
*Roger Freeman*  
Members of the Defence Council

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(3) 1955 c. 18; paragraph 2(4) was amended by the Army and Air Force Act 1961 (c. 52), Schedule 1, paragraphs 2, 7(1); paragraphs 2 and 3 were amended by S.I.1964/488; paragraph 4 was substituted by the Armed Forces Act 1966 (c. 45), section 13(1) and Schedule 3, paragraph 1.

(4) These Regulations are not statutory instruments.

**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 2

## COMPETENT AUTHORITIES

Column 1	Column 2	Column 3
Regulation 5	For the purpose of approving the continuance in service of a person enlisted for a special term of service under regulation 5.	Major General Royal Marines, Training, Reserve and Special Forces.
Regulation 9	For the purpose of determining length of service in the reserve.	Commandant General Royal Marines.
Regulation 11	For the purpose of approving the continuance in service of a person in Royal Marines service.	Commandant General Royal Marines.  Director of Drafting and Records, Royal Marines  Commanding Officers of HM Establishments and Ships.
Regulation 12	For the purpose of publishing and providing forms of consent and notices under these Regulations	The Head of Naval Manpower and Training Division, Ministry of Defence

## EXPLANATORY NOTE

(This is not part of the Regulations)

These Regulations make provision as to terms and conditions of service for other ranks in the Royal Marines. They repeal provisions of Schedule 7 to the Army Act 1955 and Regulations made thereunder relating to terms and conditions of such service. A person who entered before these Regulations come into force is not affected by these Regulations unless he makes an election under regulation 6.

Regulation 3 provides for terms of enlistment in Royal Marines service to be of a duration of not more than 22 years. Previously the maximum initial term of enlistment was 9 years.

Regulation 4 continues to enable persons who have completed a term of service in the Royal Marines to be enlisted for a further term of up to 5 years service. A person serving such a term of service may obtain his discharge by giving 6 months notice.

Regulation 5 enables persons serving in the Royal Marines Reserve to enlist for a special term of up to one year, which term can in certain circumstances be extended to a total of 2 years. This is a new form of enlistment.

Regulation 6 enables persons who have enlisted under a term provided by earlier Regulations to elect to be treated instead as if they had enlisted under regulation 3, except that a person who has

restricted his right to give 18 months notice in return for higher training will have to complete any remaining term of service under the new term before he is eligible to be transferred to the reserve.

Regulation 7 enables all persons enlisted under regulation 3 to transfer to the reserve on 18 months notice, after completing 2½ years' trained adult service. Previously enlistment was on either a notice engagement (9 years' service from age 18, with the right to give notice after completion of 18 months' service), or a career engagement (9 years' service, with no notice right).

Regulation 8 provides that the right to transfer to the reserve can be restricted by agreement.

Regulation 9 provides that a person's period of service in the reserve following transfer under regulation 7 shall be 3 years or the unexpired portion of his engagement, whichever is the shorter. Previously reserve liability ceased 12 years from the date of enlistment.

Regulation 10 continues to confer on recruits the right to claim discharge from Royal Marines service, ordinarily within 6 months of the date of attestation.

Regulation 11 enables persons who have completed periods of Royal Marines service to remain in Royal Marines service with the consent of the competent authority for a period not exceeding 15 years (increasing by 5 years the previous maximum period of service). Such a person cannot leave at the end of his original term unless he has given 18 months notice of the fact. If he is within 12 months of completing his original term, the notice period will be that unexpired portion of his original term plus 6 months. A person who is continued in service under this regulation and serving beyond his original term will be required to give 6 months notice to obtain his discharge but this is not necessary if he has already given notice during his original term.

Regulation 13 repeals the enactments mentioned in the first paragraph above with savings relating to persons who enlisted before these Regulations come into force.

Parts of the Regulations referred to below were made under the enactments which are repealed under regulation 13 and those parts, subject to the savings, cease to be operative. The remaining parts of those Regulations are revoked, subject to similar savings, by the Army Act 1955 (Royal Marines) Regulations 1988 (not a statutory instrument) which have the same commencement date as these Regulations. The Regulations (not statutory instruments) made under those repealed enactments are:

The Royal Marines Enlistment and Service Orders and Regulations 1964;

The Royal Marines Enlistment and Service Orders and Regulations (Amendment) Regulations 1964;

The Royal Marines Enlistment and Service Orders and Regulations (2nd Amendment) Regulations 1968;

The Royal Marines Enlistment and Service Orders and Regulations (3rd Amendment) Regulations 1970;

The Royal Marines Enlistment and Service Orders and Regulations (4th Amendment) Regulations 1971;

The Royal Marines Enlistment and Service Orders and Regulations (Amendment) Regulations 1972;

The Royal Marines Enlistment and Service Orders and Regulations (2nd Amendment) Regulations 1972;

The Royal Marines Enlistment and Service Orders and Regulations (3rd Amendment) Regulations 1972;

The Royal Marines Enlistment and Service Orders and Regulations (Amendment) Regulations 1973;

The Royal Marines Enlistment and Service Orders and Regulations (2nd Amendment) Regulations 1973;

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The Royal Marines Enlistment and Service Orders and Regulations (3rd Amendment) Regulations 1973;

The Royal Marines Enlistment and Service Orders and Regulations (Amendment) Regulations 1979;

The Royal Marines Enlistment and Service Orders and Regulations (2nd Amendment) Regulations 1979;

The Royal Marines Enlistment and Service Orders and Regulations (3rd Amendment) Regulations 1979;

The Royal Marines Enlistment and Service Orders and Regulations (Amendment) Regulations 1980.