
STATUTORY INSTRUMENTS

1999 No. 1610

DEFENCE

The Army Terms of Service (Amendment) Regulations 1999

<i>Made</i>	- - - -	<i>8th June 1999</i>
<i>Laid before Parliament</i>		<i>10th June 1999</i>
<i>Coming into force</i>	- -	<i>1st July 1999</i>

The Defence Council, in exercise of the powers conferred on 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 Army Terms of Service (Amendment) Regulations 1999 and shall come into force on 1st July 1999.

Amendments to Regulations

2.—(1) The Army Terms of Service Regulations 1992(2) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 4A (local service engagement), in paragraph (8), for the words “Save for regulation 8(3) and (4), regulations 5 to 9” there shall be substituted the words “Regulations 5, 6, 9”.

(3) For regulation 7 there shall be substituted—

“Right of recruit to determine service

7A.—(1) Subject to the following provisions of this regulation, a recruit shall have the right to determine his service by giving not less than 14 days' notice in writing to his commanding officer.

(2) If the recruit had not attained the age of 18 years at the date of his attestation, the notice referred to in paragraph (1) shall not have effect unless it is given after the recruit has completed 28 days' service and before the expiration of the period of 6 months beginning on the date he first reported for duty following his enlistment.

(1) 1966 c. 45; section 2(1)(f) was amended by section 2 of the Armed Forces Act 1976 (c. 52). Other amendments have been made to section 2 which are not relevant to these Regulations.
(2) 1992/1365, amended by S.I. 1996/2973.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) If the recruit had attained the age of 18 years at the date of his attestation, the notice referred to in paragraph (1) shall not have effect unless it is given after the recruit has completed 28 days' service and before the expiration of the period of 3 months beginning on the date he first reported for duty following his enlistment.

(4) If such notice expires at a time when soldiers are required by order under section 10 of the 1955 Act (continuation of army service in imminent national danger) to continue in army service, the recruit's service shall not determine for so long as that order remains in force.

(5) In calculating any period of time referred to in this regulation, no account shall be taken of any day during which the recruit was absent on leave either for the whole or part of the day.

(6) This regulation shall not apply to a recruit enlisted in the Brigade of Gurkhas."

(4) Regulations 8 and 9(3) shall be omitted.

(5) In paragraph (4) of regulation 10 (right of home service personnel to determine service), for the words "the right conferred by paragraph (1)" there shall be substituted "the rights conferred by regulation 7A and paragraph (1)".

Savings

3. The Army Terms of Service Regulations 1992 shall continue to apply without the amendments made by regulation 2 in relation to any person whose date of attestation is before 1st July 1999.

On behalf of the Defence Council

8th June 1999

General Sir Roger Wheeler
Roger Jackling
Members of the Defence Council

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Army Terms of Service Regulations 1992 (“the 1992 Regulations”). Regulation 2(3) inserts a new regulation into the 1992 Regulations (regulation 7A) which provides for the right of new recruits to determine their service. Under regulation 7A, recruits are entitled to determine service on the giving of 14 days' notice. The period of time during which such notice may be given depends on whether or not the recruit has reached the age of 18 years. The rights conferred by regulation 7A replace those previously conferred by regulations 7 and 8 of the 1992 Regulations. One of the effects of this change is that there are now no longer any circumstances in which a recruit, other than a recruit enlisted in the Brigade of Gurkhas, is required to purchase his discharge.

The amendments made to the 1992 Regulations by regulation 2(2) and (5) are consequential on the insertion of new regulation 7A and the revocation of regulations 7, 8 and 9(3) of the 1992 Regulations.