

2014 No. 3068

DEFENCE

**The Armed Forces (Terms of Service) (Amendment)
Regulations 2014**

<i>Made</i>	- - - -	<i>14th November 2014</i>
<i>Laid before Parliament</i>		<i>20th November 2014</i>
<i>Coming into force</i>	- -	<i>1st April 2015</i>

The Defence Council, in exercise of the powers conferred by sections 328(5) and 329(1), (2) and (3) of the Armed Forces Act 2006(a), make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Armed Forces (Terms of Service) (Amendment) Regulations 2014, and come into force on 1st April 2015.

Interpretation

2. In these Regulations—

“the RN Regulations” means the Royal Navy Terms of Service (Ratings) Regulations 2006(b);

“the RM Regulations” means the Royal Marines Terms of Service Regulations 2006(c);

“the Army Regulations” means the Army Terms of Service Regulations 2007(d);

“the RAF Regulations” means the Royal Air Force Terms of Service Regulations 2007(e).

The RN Regulations

3. In regulation 2(2) of the RN Regulations, after “Royal Fleet Reserve” insert “or Recall Reserve”.

4. In regulation 3(1)—

(a) substitute “12” for “18”;

(b) omit “or on the date of his 40th birthday, whichever is the later”.

(2) In paragraph (2) substitute “11” for “17”.

5. For regulation 8 substitute—

(a) 2006 c. 52.

(b) S.I. 2006/2918 as amended by S.I. 2009/1089 and S.I. 2011/1523.

(c) S.I. 2006/2917 as amended by S.I. 2009/1089 and S.I. 2011/1523.

(d) S.I. 2007/3382 as amended by S.I. 2008/1849, S.I. 2009/1089 and S.I. 2011/1523.

(e) S.I. 2007/650 as amended by S.I. 2009/1089 and S.I. 2011/1523.

“8.—(1) This paragraph applies to—

- (a) any person entered for a term of service in the Royal Navy which began before the commencement of these Regulations, and
- (b) any person enlisted in the Royal Navy in accordance with regulation 3(1).

(2) If a person to whom paragraph (1) applies reaches the substantive rate of Leading Hand (RN), that person’s term of service is automatically extended to either—

- (a) a period of 20 years from the date of their entry into service or enlistment (as the case may be), or
- (b) that person’s 40th birthday,

whichever is the later.

(3) A person—

- (a) to whom paragraph (1) applies, or
- (b) whose term of service has been automatically extended under paragraph (2), or
- (c) whose service has previously been extended for a period under paragraph (4),

may, at any time, give to that person’s commanding officer notice in writing of that person’s desire to continue to serve in the Royal Navy.

(4) Where notice is given under paragraph (3), the competent naval authority may extend that person’s service for a specified period.

(5) Subject to paragraph (7), a person whose term of service has been automatically extended under paragraph (2), or extended under paragraph (4), may at any time give notice in writing to that person’s commanding officer of that person’s desire to be discharged.

(6) If a person gives notice under paragraph (5), that person is discharged 12 months after the date that the notice is given.

(7) A person who consents in writing to forgo the right conferred by paragraph (5) in consideration of being permitted to undergo a course of instruction or receive any other benefit or advantage may not give notice under paragraph (5) before the expiration of a period to be specified in the written consent.”

The RM Regulations

6. In regulation 2 (2) of the RM Regulations, after “Royal Fleet Reserve” insert “or Recall Reserve”.

7.—(1) In regulation 3(1)—

- (a) substitute “12” for “18”,
- (b) omit “or on the date of his 40th birthday, whichever is the later”.

(2) In regulation 3(2) substitute “11” for “17”.

8. For regulation 8 substitute—

“8.—(1) This paragraph applies to—

- (a) any person entered for a term of service in the Royal Marines which began before the commencement of these Regulations, and
- (b) any person enlisted in the Royal Marines in accordance with regulation 3(1).

(2) If a person to whom paragraph (1) applies reaches the substantive rate of Corporal (RM), that person’s term of service is automatically extended to either—

- (a) a period of 20 years from the date of their entry into service or enlistment (as the case may be), or
- (b) that person’s 40th birthday,

whichever is the later.

(3) A person—

- (a) to whom paragraph (1) applies, or
- (b) whose term of service has been automatically extended under paragraph (2), or
- (c) whose service has previously been extended for a period under paragraph (4),

may, at any time, give to that person's commanding officer notice in writing of that person's desire to continue to serve in the Royal Marines.

(4) Where notice is given under paragraph (3), the competent authority may extend that person's service for a specified period.

(5) Subject to paragraph (7), a person whose term of service has been automatically extended under paragraph (2), or extended under paragraph (4), may at any time give notice in writing to that person's commanding officer of that person's desire to be discharged.

(6) If a person gives notice under paragraph (5), that person is discharged 12 months after the date that the notice is given.

(7) A person who consents in writing to forgo the right conferred by paragraph (5) in consideration of being permitted to undergo a course of instruction or receive any other benefit or advantage may not give notice under paragraph (5) before the expiration of a period to be specified in the written consent."

The Army Regulations

9. In regulation 5 of the Army Regulations—

- (a) in paragraph (3)(b) substitute "60" for "55";
- (b) for paragraph (4) substitute—

"(4) A person who is selected for further service under paragraph (3)—

- (a) must be notified in writing by the competent military authority, and
- (b) may, at any time before that person has completed 10 years' service, exercise the option to undertake such further service.";

(c) for paragraph (5) substitute—

"(5) A person who has enlisted for a term of 24 years' service under paragraph (2) or who has exercised an option to undertake further service under paragraph (4) so as to serve for such a term may, after that person has completed 6 years' service, be selected for further service in the regular army for an additional term of the following duration—

- (a) 6 years from the date that person's service would otherwise end, or
- (b) if that person will attain the age of 60 years before the expiry of the period referred to in sub-paragraph (a), until the date on which that person reaches that age.";

(d) in paragraph (6) for the words after "before he has" substitute—

"reached his end of engagement date, exercise the option to undertake such further service."

(e) in paragraph (7)(a) substitute "60" for "55";

(f) in paragraph (9) for the words after "and he may" substitute—

"at any time before he has reached his end of engagement date exercise the option to undertake such further service.";

(g) after paragraph (11) insert—

"(12) The competent military authority may by notice in writing withdraw an offer to undertake further service made under paragraph (4), (6) or (9) at any time before that offer is accepted."

10. For regulation 6 substitute—

“A person enlisted on a versatile engagement who is not selected for further service in accordance with regulation 5(3) may apply in writing to the competent military authority to be continued in service for such further period, not exceeding 2 years from the date that person’s service would otherwise end, as the competent military authority determines.”

11. In regulation 8(2)(b) substitute “60” for “55”.

The RAF Regulations

12. In regulation 3(2) of the RAF Regulations for “22 years after the relevant date” substitute “20 years or the person’s 40th birthday, whichever is the later.”

13. In regulation 4—

(a) for paragraph (1) substitute—

“(1) A person who has reached the age of 16 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 12 years air force service from the relevant date.

(1A) Subject to regulation 12, a person enlisted pursuant to this regulation may, in accordance with regulation 10, exercise the right to transfer to the reserve either—

- (a) at any time after the expiration of the period of time that person has agreed to serve in return for the training that person has received, or
- (b) 8 years after the relevant date,

whichever is the sooner.”

(b) omit paragraph (3).

14. Omit regulation 5.

15. In regulation 6—

(a) omit paragraph (1);

(b) for paragraph (2) substitute—

“A person in the air force service shall have the right to determine that person’s service if that person is within 18 months of completing 20 years of service or that person’s 40th birthday whichever is the later.”

16. Omit regulation 7.

17. In regulation 10 substitute “4 or 6” for “4, 6 or 7”.

18. Omit regulation 11.

19. In regulation 12(1)—

- (a) substitute “4, 6 or 15(2)” for “4, 5, 6, 7, 15(2) or 16(2)”;
- (b) in paragraph (2) (b) substitute “6” for “5”;
- (c) omit paragraph (3).

20. For regulation 13 substitute—

“13. A person transferred to the reserve in consequence of the exercise of the rights conferred by regulations 4 and 6, or under regulation 9 with the approval of the competent air force authority, shall serve in the reserve for a period beginning on the date of that transfer and ending—

- (a) 6 years later;
- (b) 20 years after the relevant date or on the person’s 40th birthday, whichever is the later; or
- (c) after such shorter period as the competent air force authority may approve.”

21. For regulation 14 substitute—

“**14.**—(1) This paragraph applies to any person enlisted in the air force service for a term of shorter duration than the longest term provided for in regulation 3.

(2) A person to whom paragraph (1) applies may, at any time, give to the competent air force authority notice in writing of that person’s desire to be treated as if that person had enlisted for an extended term.

(3) A notice under paragraph (2) must specify the period for which the person desires to be treated as if that person had enlisted for an extended term, which term—

(a) may be either—

(i) a term of a duration provided for in regulation 3, or

(ii) a term so as to end not later than the date of the person’s 60th birthday, whichever is the longer; but

(b) may not include service in the reserve later than 20 years after the relevant date or the person’s 40th birthday whichever is the later.

(4) Where notice is given under paragraph (2), the competent air force authority may treat that person as if they had enlisted for the extended term specified in the notice.”

22. For regulation 15(1) substitute—

“(1) A person in air force service enlisted for 20 years or to the person’s 40th birthday (whichever is the later) or who has served for 20 years or to the person’s 40th birthday (whichever is the later) in Her Majesty’s forces may, at any time during the last 3 years of the term for which the person 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 the person’s commanding officer of the person’s 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.”

23. Omit regulation 16.

14th November 2014

Anna Soubry
Member of the Defence Council
Ministry of Defence

14th November 2014

Stuart Peach
Member of the Defence Council
Ministry of Defence

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations are made under the Armed Forces Act 2006 (c.52) and amend the terms of service regulations applicable to non-commissioned personnel in the Royal Navy, Royal Marines, Army and Royal Air Force. The amendments are being made to bring a degree of harmonisation to the terms of service used across the armed forces and also to take account of changes to pension qualification periods resulting from the Public Service Pensions Act 2013 (c.25).

Regulation 1 provides that the Regulations come into force on 1st April 2015.

Regulation 2 sets out general matters of interpretation.

Regulations 3 to 5 make provision for the amendments to be made the Royal Navy Terms of Service (Ratings) Regulations 2006**(a)**.

Regulations 6 to 8 make provision for the amendments to be made to the Royal Marines Terms of Service Regulations 2006**(b)**.

Regulations 9 to 11 make provision for the amendments to be made to the Army Terms of Service Regulations 2007**(c)**.

Regulations 12 to 23 make provision for the amendments to be made to the Royal Air Force Terms of Service Regulations 2007**(d)**.

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- (a) S.I. 2006/2918.
 - (b) S.I. 2006/2917.
 - (c) S.I. 2007/3382.
 - (d) S.I. 2007/650.

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