

EXPLANATORY MEMORANDUM TO
THE ARMY TERMS OF SERVICE REGULATIONS 2007

2007 No. 3382

1. This explanatory memorandum has been prepared by the Ministry of Defence and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 The Army Terms of Service Regulations 2007 (“the Regulations”) introduce a new type of engagement for recruits offering to enlist in the Army. The Regulations, which apply to private soldiers and other ranks up to and including warrant officer, set out the different terms on which recruits can enlist in the Army; the circumstances in which individuals can apply to be discharged from the Army or transferred to the reserve, and the circumstances in which individuals can extend their service beyond the term for which they enlisted. The Regulations revoke and replace the regulations currently in force (see paragraph 4 below). The new Versatile engagement gives greater flexibility in terms of career options than those available under the Open engagement which it replaces. Soldiers already enlisted before the coming into force of the Regulations will not be affected by them but they may, if selected, opt to convert from their current engagement for a further term of service on a Versatile engagement.

2.2 The Regulations prescribe three types of engagement under which recruits will in future be able to enlist in the Army. Two of these engagements (the short service and local service engagements) already exist under the regulations currently in force. However, the Versatile engagement is a new type of engagement under which recruits will be enlisted for a term of 12 years’ service from the date of enlistment, unless they are joining a Corps which is authorised by the competent military authority to enlist recruits for a term of 24 years’ or 30 years’ service.

2.3 Under the Versatile engagement, it will be possible for a soldier, if selected, to opt to undertake further service beyond the term for which he enlisted. Under the Regulations, a soldier who enlists on a Versatile engagement for a term of 12 years’ service might, if selected, opt to extend his service so as to serve for a further 12 years from the date his service would otherwise end or until he attains the age of 55, if that is earlier. Similarly, a soldier enlisted for a term of 24 years’ service or who has opted to extend his service so as to serve for such a term, may, if selected, opt to extend his service for a further 6 years or until he attains the age of 55, if that is earlier. A soldier who enlisted for a term of 30 years’ service or who has opted to extend his service so as to serve for such a term, may, if selected, opt to extend his service for a further block of 6 years or for such other period as the competent military authority decides. In exceptional cases, which are expected to be rare, a soldier may be selected for service beyond the age of 55, subject to an upper

age-limit of 65. In all cases, selection for further service will depend on the soldier's skills and performance and on the needs of the Service at the relevant time. A soldier who is not selected for further service beyond a term of 12 or 24 years may still be allowed to continue in service for a further period, up to a maximum of 2 years from the date his service would otherwise end, subject to approval by the competent military authority. This again will depend on the needs of the Service at the relevant time.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Background

The Regulations revoke the Army Terms of Service Regulations 1992 (S.I. 1992/1365) as amended and introduce the new and more flexible terms of service described in paragraph 2 above.

5. Extent

The Regulations apply to all of the United Kingdom.

6. European Convention on Human Rights

As the instruments are subject to negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy background

7.1 Since the early 1990s a series of independent reviews into the career structures of Army Officers and other ranks has been carried out for the Executive Committee of the Army Board¹. In June 2003 the Army Policy and Resources Committee (APRC) presented the findings of the most recent study² which was designed to identify structural, control and reward arrangements to make better use of soldiers and, in particular, to encourage experienced soldiers to continue to serve beyond the 22 year Open engagement. The study involved detailed consultation with all Arms and Services Directorates. Recent Army Continuous Attitude Surveys (CAS) indicate that soldiers' career intentions are consistently for the maximum period of service possible³.

7.2 In May 2007 the APRC approved the proposal for the Versatile engagement which is intended to give the Army flexibility to tailor terms of

¹ Review of Army Officers and Soldier Career Structures (Grove Report) – March 1993; Independent Review of the Armed Forces' Manpower, Career and Remuneration Structures (Bett Report) – March 1995; Future Army Career Structures (ECAB/P(95)21) – September 1995; The Human Resources Strategy (ECAB/P(97)(5)) – July 1997

² Non-commissioned Engagements and Career Structures Study (ECAB/G(03)9) – June 2003

³ AG/DAPS/TR/95/2007 Continuous Attitude Survey – Serving Personnel (11) – Executive Summary Para 7 – Career Intentions.

service to suit current and future manning needs. The main advantages of the Versatile engagement over the Open engagement⁴ are: the opportunity for longer service; the retention of the Army's best soldiers for longer; the better use of experience; the opportunity for more flexible employment patterns; the fuller integration for Regulars and Reserves, all of which better meet the needs of the Service. For the individual, this meets the aspirations of many for longer service beyond the 22-year point. Furthermore, the Versatile engagement is aligned with pension provision provided by the new Armed Forces Pension Scheme (AFPS 05), under which all service is reckonable for pension purposes irrespective of the age of the soldier on enlistment (which was not the case previously). Under the previous pension arrangements, an immediate pension was only available for soldiers after 22 years of service but an Early Departure Payment is now available for soldiers after 18 years service subject to reaching the age of 40.

7.3 A 2007 Defence Instruction Notice (DIN) (2007DIN01-038) has been promulgated on a Defence and Army-wide basis announcing the introduction of the Versatile Engagement and its impact on new recruits and those currently serving who may wish to extend their service in future.

8. Impact

A Regulatory Impact Assessment has not been prepared for these instruments as they have no impact on business, charities or voluntary bodies.

9. Contact

Mrs S J McIntosh at the Ministry of Defence Tel: 0207 218 0564 can answer any queries regarding these instruments.

⁴ The Open Engagement was introduced in 1991 and there has been no change since then to the maximum engagement (22 years).