

2007 No. 650

DEFENCE

The Royal Air Force Terms of Service Regulations 2007

Made - - - - - *27th February 2007*

Laid before Parliament *7th March 2007*

Coming into force - - - *1st April 2007*

The Defence Council make the following Regulations in exercise of the powers conferred by section 2 of the Armed Forces Act 1966(a):

Citation and commencement

1. These Regulations may be cited as the Royal Air Force Terms of Service Regulations 2007 and shall come into force on 1st April 2007.

Interpretation

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

“the Act” means the Air Force Act 1955(b);

“air force service” means service in the regular air force;

“to determine service” means to be discharged, on application, from air force service with no reserve liability;

“recruit” means a recruit enlisted in the regular air force who has not previously so enlisted;

“the relevant date” means, in relation to a person, the date of his attestation except in relation to—

(a) a man who enlisted before 1st April 2007, and

(b) a woman who enlisted on or after 1st April 1975 and before 1st April 2007,

and on a date before their 18th birthday in which excepted cases “the relevant date” means the date of that person’s 18th birthday.

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

Duration of terms of enlistment

3.—(1) A person may be enlisted in the Royal Air Force for such a term as is specified in paragraph (2) of this regulation beginning with the date of his attestation.

(a) 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.

(b) 1955 c.19.

(2) The term referred to in paragraph (1) shall be a term expiring on a date falling between 6 months and 22 years after the relevant date.

(3) The term for which a person may be enlisted may be a term wholly of air force service or may be a term partly of air force service and partly of service with the air force reserve.

Engagement with right to transfer to the reserve, on notice (the notice engagement)

4.—(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 9 years' air force service from the relevant date with the right to be transferred to the reserve on or at any time after the expiration of 3 years after the end of his period of training, such right being exercisable in accordance with regulation 10 and subject to regulation 12.

(2) A person enlisted pursuant to this regulation shall retain the right conferred thereby to transfer to the reserve notwithstanding that his term is extended under regulation 14(1).

(3) A person enlisted pursuant to this regulation may apply by notice in writing to his commanding officer to be treated as if he had been enlisted pursuant to regulation 3 for a term equal in length to the term for which he was enlisted under this regulation; and, if the competent air force authority approves his application, he shall be so treated from the date on which his application is approved.

The open engagement

5. A person who has reached the age of 17 years 10 months may be enlisted in the Princess Mary's Royal Air Force Nursing Service for a term of air force service which shall expire either 22 years from the relevant date, or on the date of the enlisted person's 55th birthday, whichever is the earlier, with the right to be transferred to the reserve on or at any time after the expiration of 4 years' air force service from the date of his successful completion of Basic Nurse training, such right being exercisable in accordance with regulation 11 and subject to regulation 12.

Acquisition of right to be transferred to the reserve, on notice, and right to determine service, on notice

6.—(1) A person in air force service who has completed less than 20 years 6 months' service from the relevant date shall at any time after the end of the period of 9 years beginning with the relevant date have the right to be transferred to the reserve.

(2) A person in air force service who has completed not less than 20 years 6 months' service from the relevant date shall have the right to determine his service.

(3) The rights referred to in this regulation shall be exercisable in accordance with regulation 10 and are subject to regulation 12.

Right to transfer to the reserve - aircrew category

7.—(1) Without prejudice to the right referred to in regulation 6(1), a person to whom this regulation applies shall have the right to be transferred to the reserve under this regulation. Such transfer shall take effect on the date which is—

(a) 8 years from the relevant date, or

(b) 6 years from the end of his period of training, whichever is the later.

(2) This regulation applies to a person in air force service who enlisted for service in an aircrew category and who has not been transferred from such category.

(3) The right referred to in paragraph (1) shall be exercisable in accordance with regulation 10 and is subject to regulation 12.

Right of recruits to determine service

8.—(1) A recruit 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 of his attestation.

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

Transfer to the reserve with consent

9. A person in air force service, whose application for transfer to the reserve is approved by the competent air force authority, shall be transferred to the reserve.

Exercise of certain rights

10. A right under regulation 4, 6 or 7—

- (a) to determine air force service, and
- (b) to be transferred to the reserve,

shall be exercised by notice in writing given by the person in question to his commanding officer not less than 18 months before the date when his service is to be determined or he is to be transferred to the reserve (as the case may be).

11. A right under regulation 5 to be transferred to the reserve 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.

Restrictions on the exercise of rights conferred by regulations 4, 5, 6, 7, 15(2) and 16(2)

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

- (a) being permitted to undergo a course of instruction of a duration of not less than 3 weeks, or
- (b) receiving any other benefit or advantage,

consents in writing to be restricted in the exercise of any right conferred by regulation 4, 5, 6, 7, 15(2) or 16(2) 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) "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 3 years,
- (b) in relation to permission to undergo a course of instruction of longer duration, a period of not more than 5 years,
- (c) in relation to the receipt of any other benefit or advantage, a period of not more than 6 years.

(3) The rights conferred by regulations 4, 5, 6, 7, 15(2) and 16(2) shall not be exercisable by a person in air force service enlisted on or after the 1st day of January 1962 for 22 years who has given an undertaking pursuant to any regulations made under Part I of the Act not to determine his air force service before the expiration of the period specified in such undertaking.

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

Service in the reserve

13. A person transferred to the reserve in consequence of the exercise of the rights conferred by regulations 4, 5, 6 and 7 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 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 air force authority may approve.

Conversion of terms of service

14.—(1) A person in air force service enlisted for a term of shorter duration than the longest term provided for in regulation 3 may, after giving notice in writing to the competent air force 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 either—

- (a) a term of a duration provided for in regulation 3, or if longer
- (b) a term so as to end not later than the date of his 55th birthday,

and in either case specified in the notice and notification of approval provided that such an extended term shall not include service in the reserve later than 22 years after the relevant date.

(2) A person in air force service enlisted for a term of equal duration to the longest term provided for in regulation 3 may, after giving notice in writing to the competent air force authority and with the approval of that authority, which approval shall be notified to such person, be treated as if he had enlisted for a term so as to end not later than the date of his 55th birthday and specified in the notice and notification of approval.

(3) A person in air force service enlisted for any term provided for in these Regulations (including a person treated under these Regulations as having enlisted under an extended term) may, after giving notice in writing to the competent air force authority and with the approval of that authority, which approval shall be notified to such person, be treated as if he had enlisted for a term of such shorter duration as is specified in the notice and notification of approval.

Continuance in service

15.—(1) A person in air force service enlisted for a term of 22 years or a person in air force service who enlisted otherwise than for that term who has completed 22 years' service in Her Majesty's forces may, at any time during the last three years of the term for which he 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 his commanding officer of his 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.

(2) Where a person is continued in service under this regulation—

- (a) regulations 9 and 14 of these Regulations shall not apply to him,
- (b) subject to regulation 12 of these Regulations he may determine his service at the expiration of any period of 3 months beginning with the date on which he gives to his commanding officer notice in writing of his wish to be discharged.

16.—(1) A person in air force service enlisted in the Princess Mary's Royal Air Force Nursing Service on an open engagement pursuant to regulation 5 who is unable to complete 22 years' service before the date of his 55th birthday may, at any time during the last 3 years prior to his 55th birthday, give notice in writing to his commanding officer of his desire to continue in service after the date of his 55th birthday and, if the competent air force authority consents, he may, after

his 55th birthday, continue in service in all respects (subject to paragraph (2) of this regulation) as if his term were still unexpired.

(2) Where a person is continued in service under this regulation—

- (a) regulations 9 and 14 of these Regulations shall not apply to him,
- (b) subject to regulation 12 of these Regulations, he may determine his service at the expiration of any period of 3 months beginning with the date on which he gives to his commanding officer notice in writing of his wish to be discharged.

Competent air force authorities

17.—(1) In relation to the provisions of the Regulations specified in the first column of Schedule 1 to these Regulations and for the purposes specified in the second column of that Schedule, the Officers specified in the third column of that Schedule shall, in addition to the Defence Council and Air Force Board, be competent air force authorities.

(2) Any reference in the third column of Schedule 1 to these Regulations to a specified officer shall have effect as if it includes a reference to any member of the staff of that officer who has been authorised by that officer to act on his behalf.

Forms

18. Reference 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, savings and transitional provisions

19.—(1) The transitional provisions contained in Schedule 2 to these Regulations shall have effect.

(2) The Regulations specified in Schedule 3 to these Regulations are hereby revoked.

(3) The revocation effected by this regulation shall not affect the term of service (either as respects duration, or as respects liability to air force service or any liability to serve in the reserve) for which any person who is in air force service immediately before the commencement of these Regulations is serving immediately before such commencement.

On behalf of the Defence Council

Date 27th February 2007

Derek Twigg
Glen Torpy
Members of the Defence Council

SCHEDULE 1

Regulation 17

COMPETENT AIR FORCE AUTHORITIES

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Regulation 4	For the purpose of approving an application to convert from a notice to a fixed term engagement.	The Air Secretary
Regulation 9	For the purpose of approving an application to transfer to the reserve by a person in air force service.	The Air Secretary
Regulation 12	For the purpose of approving the revocation of consent to the restriction of rights.	The Air Secretary
Regulation 13	For the purpose of approving a shorter term of service in the reserve.	The Air Secretary
Regulation 14	For the purpose of consenting to the conversion of terms of service of a person in air force service.	The Air Secretary
Regulation 15	For the purpose of consenting to the continuance of service of a person in air force service.	The Air Secretary
Regulation 16	For the purpose of consenting to the continuance of service of a person in air force service on an open engagement in the Princess Mary's Royal Air Force Nursing Service who is unable to complete 22 years' service before the date of his 55th birthday.	The Air Secretary

SCHEDULE 2

Regulation 19(1)

TRANSITIONAL PROVISIONS

1. In relation to a woman who enlisted before 1 April 1986 these Regulations shall have effect—
 - (a) with the words “determine her service” substituted for the words “be transferred to the reserve” wherever they occur in regulations 4 and 6,
 - (b) with the words “(which may include service in the reserve)” in regulation 4(1) omitted, and
 - (c) with a paragraph added to regulation 4 as follows—
 - “(4) Where a woman in exercise of a right conferred by this regulation serves a notice under regulation 10 and such notice expires at a time when airmen are required by an order under section 10 of the Act (continuation of air force service in imminent national danger) to continue in air force service, the woman's service shall not be determined so long as airmen are so required to continue in air force service.”

SCHEDULE 3

Regulation 19(2)

REVOCATIONS

Regulations revoked

Reference

The Royal Air Force Terms of Service Regulations 1985	S.I. 1985/1820
The Royal Air Force Terms of Service (Amendment) Regulations 1989	S.I. 1989/994
The Royal Air Force Terms of Service (Amendment) Regulations 1990	S.I. 1990/2374
The Royal Air Force Terms of Service (Amendment) Regulations 1997	S.I. 1997/231
The Royal Air Force Terms of Service (Amendment) Regulations 2001	S.I. 2001/542
The Royal Air Force Terms of Service (Amendment) Regulations 2003	S.I. 2003/2305

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Royal Air Force Terms of Service Regulations 1985. The principal changes are:

The definition of “the relevant date” in regulation 2(1) has the effect that, for all personnel enlisting on or after 1st April 2007, the term of their enlistment will run from the date of their attestation, irrespective of their age. For those men who enlisted before 1st April 2007 and those women who enlisted on or after 1st April 1975 and before 1st April 2007, and before the date of their 18th birthday, the term of their enlistment runs from the date of their 18th birthday.

Regulation 5 provides for a new type of engagement with the Princess Mary’s Royal Air Force Nursing Service, the Open Engagement, which enables persons of 17 years 10 months and older to be enlisted for a term of air force service of 22 years, or until the date of their 55th birthday (whichever period is the lesser), but with the right to be transferred to the reserve after 4 years’ service from the date of successful completion of Basic Nurse training.

Regulation 11 sets out the notice requirements attached to the right under regulation 5 to be transferred to the reserve.

Regulation 12 provides that the restrictions set out there on the exercise of rights conferred by regulations 4, 6, 7 and 15(2) also apply to rights conferred by the new regulations 5 and 16(2).

Regulation 13 provides that persons transferred to the reserve in consequence of the exercise of the rights conferred by regulations 4, 5, 6 and 7 or under regulation 9 do so for the period provided there.

Regulation 14(2) has the effect that those enlisted on the new type of engagement with the Princess Mary’s Royal Air Force Nursing Service will be able to apply under that regulation to extend their service until their 55th birthday.

Regulation 15 provides that those enlisted for 22 years or who have completed 22 years’ service may, during the last three years of their term, give notice of their desire to continue in service after the end of that term.

Regulation 16 provides that those enlisted on the 22 year Open Engagement who are unable to complete 22 years’ service before the date of their 55th birthday may apply to the competent air force authority to continue in service beyond the date of their 55th birthday as if their term were still unexpired.

Regulation 17(2) provides that the references to specified officers in the third column of Schedule 1 to the principal Regulations are to have effect as if they included references to any member of the staff of that officer who has been authorised by that officer to act on his behalf.

Schedule 1 prescribes the Air Secretary as a competent air force authority (in addition to the Defence Council and the Air Force Board) for the purposes of regulations 4, 9, 12, 13, 14, 15 and 16. The Air Secretary is the director of personnel management for members of the Royal Air Force.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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