EXPLANATORY MEMORANDUM TO

THE ROYAL AIR FORCE TERMS OF SERVICE REGULATIONS 2007
2007 No. 650
THE AIR FORCE ACT 1955 (PART 1) REGULATIONS
2007 No. 651

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 Terms of Service Regulations revoke and replace the Royal Air Force Terms of Service Regulations 1985, making provision as to the terms of service for those enlisted in the Air Force. They deal with such matters as the different terms under which recruits can enter the Royal Air Force; the circumstances in which other ranks can apply to be discharged or transferred to the reserve, and the options for individuals to extend their service beyond a normal engagement. The Air Force Act Regulations make provision in respect of enlistment of recruits and generally for the carrying into effect of Part 1 of the Air Force Act 1955. These Regulations, respectively, introduce Terms of Service for the Princess Mary's Royal Air Force Nursing Service (PMRAFNS) which will bring their terms of service into line with those of the other two services. They provide for an open engagement of 22 years. In addition the Return of Service expected will increase from 3 to 4 years bringing the PMRAFNS in line with the Army and the Royal Navy nursing services. The relevant date for reckonable service will change to reflect the date of attestation of an individual irrespective of their age. Personnel who enlisted before 1st April 07 and before their 18th Birthday will have their term of enlistment run from their 18th birthday.

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

None.

4. Legislative Background

4.1 The Defence Council has power under section 2 of the Armed Forces Act 1966 to make regulations as to the engagement of persons in the regular forces. The Royal Air Force Terms of Service Regulations 1985 were made under that power and were amended by SI's 1986/2073, 1989/994, 1990/2374, 1997/231, 2001/542 and 2003/2305. The Royal Air Force Terms of Service Regulations2007 revoke and replace the Royal Air Force Terms of Service Regulations 1985 (as amended).The Air Force Act 1955(Part 1) Regulations 2007 make provision in respect of enlistment of recruits and generally for the carrying into effect of Part 1 of the Air Force Act 1955. They revoke and replace the Air Force Act 1955 (Part 1) Regulations 2001 (as amended), which Regulations were not made by statutory instrument but were amended by statutory instrument in 2003 (SI 2003/786). Section 22 of the Air Force Act 1955 governs the procedural requirements for regulations made under Part 1 of

that Act. At the time the 2001 Regulations were made, section 22 simply provided that "the defence council may make such regulations as appear to them necessary or expedient for the purposes of, or in connection with, the enlistment of recruits for the regular Air Force and generally for carrying this Part of the Act into effect". Regulations made under this power were therefore simply signed by the Defence Council and were subject to no further procedural requirements. Section 22(2) was inserted into the Air Force Act 1955 by section 4(1) of the Armed Forces Act 1996. Section 22(2) came into force on 1st May 2001 by virtue of SI 2001/1519 and states that "any power conferred by this Part of this Act to make regulations (including the power under paragraph 5 of Schedule 1 to this Act) shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament". Therefore the 2007 Regulations are subject to the procedural requirements set out in section 22(2) and have been made in the form of a statutory instrument and are now laid before Parliament.

5. Extent

These instruments 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 The reinvigoration of the engagement system for PMRAFNS, bringing them in to line with the nursing services of the other 2 services came about following the Service Personnel Policy Board (SPPB) directing the Surgeon General to propose Common Terms of Service for Nurses following their endorsement of the principle that it is more important that the terms of service for the medical services are consistent with each other than with their parent service.

7.2 The initial paper to do this was withdrawn in Nov 1998 as it was thought the paper needed further work. Following consultation with the Joint Service Job Evaluation Team, Single Service Pay Colonels, Manning Agencies and Medical General Agencies, a further paper was submitted in Jan 2000. To enhance this further a Tri-Service working group was formed to develop the Common Terms of Service.

7.3 Work continued with these parties resulting in the introduction of Common Terms of Service for Nurses in the Defence Medical Services with effect from 1 Apr 2003.

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: 0202 7218 0564 can answer any queries regarding these instruments**.**