STATUTORY INSTRUMENTS

2024 No. 1059

DEFENCE

The Army and Royal Air Force (Terms of Service) (Amendment) Regulations 2024

Made - - - -	*15th October 2024*
Laid before Parliament	*28th October 2024*
Coming into force - -	*27th November 2024*

The Defence Council makes these Regulations in exercise of the powers conferred by section 329(1) and (2)(d) of the Armed Forces Act 2006(**a**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Army and Royal Air Force (Terms of Service) (Amendment) Regulations 2024.

(2) These Regulations come into force on 27th November 2024.

(3) These Regulations extend to England and Wales, Scotland, Northern Ireland, the Isle of Man, and the British overseas territories except Gibraltar.

Amendment of the Army Terms of Service Regulations 2007

2. The Army Terms of Service Regulations 2007(**b**) are amended in accordance with regulations 3 to 5.

Amendment to regulation 2 (application and interpretation)

3. In regulation 2(3), in the definition of "the competent military authority", for "the Director of Manning (Army)" substitute "the Head of Personnel Policy (Army)".

Amendment to regulation 15 (return of service commitment)

4. In regulation 15—

(a) in sub-paragraph (1)(a), omit "of a duration of less than 2 weeks";

(b) in paragraph (2)—

(i) for sub-paragraph (a) substitute—

(**a**) 2006 c. 52. There are amendments to section 329 which are not relevant to these Regulations. See section 328(5) for the definition of "prescribed". The Defence Council is treated as if it were a Minister of the Crown for the purposes of the Statutory Instruments Act 1946 (c. 36) by virtue of section 373(2) of the Armed Forces Act 2006.

(**b**) S.I. 2007/3382, amended by S.I. 2008/1849, 2009/1089, 2011/1523, 2014/3068 and 2018/1166.

"(a) in relation to permission to undergo a course of instructions, the period to be specified in the written consent;";

(ii) omit sub-paragraph (b).

Substitution of gender-neutral language

5. In each place it occurs—

(a) for "he attains" substitute "they attain";

(b) for "he completes" substitute "they complete";

(c) for "he exercises" substitute "they exercise";

(d) for "he had" substitute "they had";

(e) for "he has" substitute "they have";

(f) for "he is" substitute "they are";

(g) for "he may" substitute "they may";

(h) for "he shall" substitute "they shall";

(i) for "he was" substitute "they were";

(j) for "he will" substitute "they will";

(k) for "he wishes" substitute "they wish";

(l) for "he would" substitute "they would";

(m) for "him" substitute "them";

(n) for "his" substitute "their".

Amendment of the Royal Air Force Terms of Service Regulations 2007

6. The Royal Air Force Terms of Service Regulations 2007(**a**) are amended in accordance with regulation 7 and 8.

Amendment to regulation 12 (restrictions on the exercise of rights to determine service)

7. In regulation 12—

(a) in sub-paragraph (1)(a), omit "of a duration of not less than 3 weeks";

(b) in paragraph (2)—

(i) for sub-paragraph (a) substitute—

"(a) in relation to permission to undergo a course of instruction, the period to be specified in the written consent;";

(ii) omit sub-paragraph (b).

Substitution of gender-neutral language

8. In each place it occurs—

(b) for "he completes" substitute "they complete";

(c) for "he is" substitute "they are";

(d) for "he gives" substitute "they give";

(e) for "he may" substitute "they may";

(**a**) S.I. 2007/650, amended by S.I. 2008/1849, 2009/1089, 2011/1523, 2014/3068 and 2018/1166.

(f) for “him” substitute “them”;

(g) for “his” substitute “their”.

On Behalf of the Defence Council

Richard Knighton
Roland Walker
Members of the Defence Council
Ministry of Defence

15th October 2024

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Armed Forces Act 2006 (c. 52) and amend the Army Terms of Service Regulations 2007 (S.I. 2007/3382) (“the Army Regulations”) and the Royal Air Force Terms of Service Regulations 2007 (S.I. 2007/650) (“the Royal Air Force Regulations”).

Regulation 3 updates the definition of a competent military authority in the Army Regulations.

Regulations 4 and 7 remove the requirement in the Army Regulations and Royal Air Force Regulations that a course needs to be of a minimum duration to result in a Training Return of Service (“TRoS”) commitment requiring the person undertaking the course to consent to return to service after completion of the course. The period of time for which a person will need to return to service after completion of the course will be specified in the TRoS commitment.

Regulations 5 and 8 ensure that gender-neutral language is used throughout the Army Regulations and Royal Air Force Regulations.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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