EXPLANATORY MEMORANDUM TO

THE ARMY TERMS OF SERVICE (AMENDMENT ETC.) REGULATIONS 2008
2008 No. 1849

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 (Amendment etc.) Regulations 2008 ("the Regulations") amend the Army Terms of Service Regulations 2007 ("the 2007 Regulations") in respect to the right to transfer to the reserve. The Regulations amend the way in which the notice period, which soldiers enlisted in the regular army have to complete before they have the right to be transferred to the reserve, is calculated. The Regulations provide that the notice period begins either on the date of enlistment or the person's 18th birthday, whichever is the later.

2.2 The Regulations revoke the Army Terms of Service (Part-time Service in Northern Ireland) Regulations 1992.

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

None.

4. Legislative Background

4.1 The Regulations amend the Army Terms of Service Regulations 2007 (S.I. 2007/3382) and revoke the Army Terms of Service (Part-time Service in Northern Ireland) Regulations 1992 (S.I. 1992/1366).

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 The 2007 Regulations introduced a new type of engagement (the "versatile engagement") designed to give greater flexibility over soldier career options for recruits enlisting in the regular army on or after 1 January 2008.

The amendment made by the Regulations is needed to correct an omission by reinserting the pre-1 January 2008 minimum period for which soldiers who enlist before attaining the age of 18 years must serve in the regular army before they have the right to request a transfer to the reserve. This is to ensure that the deployable manning levels of the army are maintained as soldiers under the age of 18 years are not fully deployable on operations and follows consultation with Directorate of Manning (Army), the Army Recruiting and Training Division and subordinate Directorates responsible for enlistment in the Army. The amendment affects persons who enlist in the regular army after 6 August 2008 before they have attained the age of 18 years.

7.2 The revocation of the Army Terms of Service (Part-time Service in Northern Ireland) Regulations 1992 is due to the disbandment, in July 2007, of the Northern Ireland resident battalions of the Royal Irish Regiment, to which they relate.

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 this instrument.