EXPLANATORY MEMORANDUM TO

THE ROYAL AIR FORCE TERMS OF SERVICE (AMENDMENT) REGULATIONS 2026

2026 No. 166

1. Introduction

1.1 This Explanatory Memorandum has been prepared by Ministry of Defence and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Louise Sandher-Jones, Minister for Veterans and People, at the Ministry of Defence confirms that this Explanatory Memorandum meets the required standard.

2.2 Victoria Titchen, Deputy Director People, at the Royal Air Force Directorate of People confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Wing Commander David Lewis at the Royal Air Force Directorate of People can be contacted by email at the following address with any queries regarding the instrument: Air-People-STE-EmpPol@mod.gov.uk. Alternatively, the department can be contacted by telephone: 03033812009.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The instrument amends the Royal Air Force Terms of Service Regulations 2007 ("the 2007 Regulations"). The amendments introduce a new Foundation Engagement to allow recruits to join the Royal Air Force on a short engagement of 12 to 24 months.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the UK, the Isle of Man and the British Overseas Territories (except Gibraltar).

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is to members of the regular Royal Air Force wherever they are in the world.

5. Policy Context

What is being done and why?

5.1 The Royal Air Force Terms of Service (Amendment) Regulations 2026 introduce the 'Foundation Year' initiative into the Royal Air Force. This conforms with the requirement set out in the Strategic Defence Review for the Services to deliver entry pathways for short-term employment engagements which will provide participants with a valuable introduction to military careers. It will offer an entry route which will enable individuals to acquire and develop skills and experiences, and give them the opportunity to extend into a longer commitment within the Armed Forces. The Royal Air Force

Foundation Engagement will be for a duration of a minimum of 12 months, during which individuals will be productive, operational members of the Service, and after which they can exit Service or, will be able to transfer onto a full Notice Engagement with approval of the competent miliary authority.

What was the previous policy, how is this different?

5.2 Currently, the Royal Air Force only offers a Notice Engagement with a minimum period of service of 3 years. For the Royal Air Force to adhere to the Strategic Defence Review, and offer a short-term 'Foundation Year" engagement, between 12 to 24 months, a new Foundation Engagement is required.

6. Legislative and Legal Context

How has the law changed?

6.1 The Royal Air Force Terms of Service (Amendment) Regulations 2026 introduce a new Foundation Engagement of 12 to 24 months service with the Royal Air Force. The individual must be aged 17 years and 42 weeks at the date of enlistment. There will be no Training Return of Service for the training they complete whilst serving on the Foundation Engagement. Those enlisted on a Foundation Engagement will be able to determine their service without attracting any reserve liability, though individuals will be able to apply to transfer to reserves with approval of the competent air force authority. After serving a minimum of 28 days but before the expiration of 6 months from the date of enlistment, individuals will be able to determine their service by giving 14 days' notice; thereafter, they can leave the Service by giving 28 days' notice. On completion of the Foundation Engagement, individuals can exit Service or will be able to transfer onto a Royal Air Force Notice Engagement with approval of the competent air force authority.

Why was this approach taken to change the law?

6.2 As the previous rules relating to Terms of Service are contained in regulations made by the Defence Council in exercise of the powers conferred by section 2 of the Armed Forces Act 1966, they need to be amended by way of legislation. Consequently, making these amendments by way of statutory instrument was considered to be the most expedient way of changing the law. The regulation-making power is exercisable by the Defence Council, which is the highest level of military command and administration under His Majesty. For the purpose of making these Regulations, the Defence Council is treated as a Minister of the Crown.

7. Consultation

Summary of consultation outcome and methodology

7.1 There has been no formal consultation on this instrument. Introduction of the 'Foundation Year' initiative is a requirement of the Strategic Defence Review, and the introduction of the Foundation Engagement into the Royal Air Force enables the Service to comply with this requirement.

8. Applicable Guidance

8.1 The Royal Air Force will publish new editions of the King's Regulations and its Terms and Conditions of Service which will include policy guidance and supplementary information relating to the new Foundation Engagement.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because there is no, or no significant, impact on businesses, charities or the public sector.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the impact of the instrument concerns new entrants into the Royal Air Force and the length of time that they can serve for.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because the impact of the instrument concerns new entrants into the Royal Air Force and the length of time that they can serve for.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The single Service policies impacted by this change are subject to annual review.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").