1971 No. 510

DEFENCE

The Royal Air Force Terms of Service Regulations 1971

Laid before Parliament in draft

Made - - - - 23*rd March* 1971

Coming into Operation 1*st April* 1971

The Defence Council, in exercise of the powers conferred upon them by section 2 of the Armed Forces Act 1966(a) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation and commencement

1. These Regulations may be cited as the Royal Air Force Terms of Service Regulations 1971 and shall come into operation on the 1st April 1971.

Interpretation

2.—(1) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

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

"the Act of 1955" means the Air Force Act 1955(c):

"the relevant date" means, in relation to a person, the date of his attestation except in relation to a man, but not a woman, who enlisted before attaining the age of 18 years, in which excepted case "the relevant date" means the date of that man's attaining the age of 18 years; other expressions have the same meaning as in the Act of 1955.

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.

(2) The term referred to in paragraph (1) shall be a term expiring 22 years after the relevant date, or expiring on a date falling between 6 months and 12 years after the relevant date.

(3) A person who has not attained the appropriate minimum age shall not be enlisted for a term ending later than 12 years from the relevant date.

(4) The term for which a person may be enlisted may be a term wholly of air force service or may be, except in the case of women, a term partly of air force service and partly of service with the air force reserve.

Rights to determine air force service and to transfer to the reserve

4.—(1) Subject to Regulation 7, a person in air force service enlisted for a term of more than 12 years air force service shall have the right exercisable in accordance with Regulation 6 to determine his service at the end of the period of 12 years beginning with the relevant date.

(a) 1966 c. 45. (b) 1889 c. 63. (c) 1955 c. 19.

(2) A woman may be enlisted in air force service for a term of 6 years with the right to determine her service, subject to Regulation 7 and in accordance with the provisions of Regulation 6, at the end of the period of 4 years beginning with the date of her attestation.

(3) A person in air force service enlisted under the appropriate minimum age for a term of air force service expiring on a date falling later than 3 years after the date of his attaining the age of 18 years shall have the right exercisable in accordance with Regulation 6(3) to be transferred to the Reserve (or, in the case of a woman, to determine her service) at the end of the period of 3 years after the date of attaining such age or the date of the expiration of his period of training, including, where appropriate, such further period of service as is designated as " Improver Service " at the time of attestation, whichever is the later.

Transfer to the reserve with consent

5. A man, but not a woman, in air force service, whose application to his commanding officer for transfer to the reserve is approved by the competent air force authority may be transferred to the reserve.

Exercise of rights conferred by Regulation 4

6.—(1) A right to determine air force service conferred by paragraph (1) or paragraph (2) of Regulation 4 shall be exercised by notice in writing given by the person in question to his commanding officer not less than 12 months (or, in the case of a notice given by a woman 6 months) before the expiration of the period at the end of which his service is to be determined.

(2) Notice given by a person under paragraph (1) of this Regulation may be withdrawn by notice in writing given by him to his commanding officer at any time before the expiration of the period mentioned in that paragraph, but where a notice under this paragraph is given in the last 6 months of that period it shall be of no effect unless approved by the competent air force authority.

(3) A right to be transferred to the reserve or, as the case may be, to determine air force service, conferred by paragraph (3) of Regulation 4 shall be exercised by notice in writing given by the person in question to his commanding officer not more than 28 days after the attaining by that person of the age of 18 years.

(4) Notice given by a person under paragraph (3) of this Regulation may be withdrawn by notice in writing given by him to his commanding officer at any time before the expiration of the period mentioned in that paragraph.

Restrictions on the exercise of rights conferred by Regulations 4 *and* 10(2)

7.—(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 the rights conferred by Regulations 4 and 10(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 and, in relation to permission to undergo a course of instruction of longer duration, a period of not more than 5 years,

(*b*) in relation to the receipt of any other benefit or advantage, a period of not more than 6 years.

(3) The rights conferred by Regulation 4 and Regulation 10(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 Air Force Act, 1955 not to determine his air force service, before the expiration of the period specified in such undertaking.

Service in the reserve

8.—(1) A man transferred to the reserve in consequence of the exercise of the right conferred by Regulation 4(3) shall serve in the reserve for a period of 3 years from the date of his being transferred thereto.

(2) A man transferred to the reserve under Regulation 5 with the approval of the competent air force authority shall serve in the reserve until the expiration of the term for which he would otherwise be liable to serve in air force service or such shorter term as the competent air force authority may in his case approve.

Conversion of terms of service

9.—(1) A person in air force service enlisted for a term of shorter duration than the longest term provided for in these Regulations may, after giving notice 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, in the case of a man but not a woman, may include service in the reserve) being either (*a*) a term of a duration provided for by these Regulations or (*b*) a term so as to end not later than the day on which he attains the age of 55 years, and in either case specified in the notice and notification of approval.

(2) A person shall not give notice under this Regulation to be treated as if he had enlisted for a term longer than 12 years unless he has completed 4 years service at the time he gives notice under this Regulation.

(3) Regulations 4(1) and (2) shall not apply to a person who has been treated as having enlisted for a longer term than that for which he was previously enlisted.

(4) In reckoning for the purposes of this Regulation the period of service completed by any person, there shall be included, in addition to any period served by him in air force service since the relevant date, any period served by him since that date in the reserve, and, if before his attestation he has at any timed served as an officer or airman of the regular air force in air force service or in the reserve or the Royal Auxiliary Air Force, any period so served by him before his attestation other than any period served before attaining the age of 18 years in service in the regular air force as an apprentice or a boy entrant.

(5) A person in air force service enlisted for the longest term provided for in these Regulations may, after giving notice to his commanding officer and with the consent of the competent air force authority, be treated as if he

had enlisted for such a term, ending not later than the day on which he attains the age of 55 years, as may be specified in the notice and notification of approval.

Continuance in service

10.—(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 may, at any time during the last 12 months of the term for which he enlisted or if that term has been extended under these Regulations or under any enactment repealed by these Regulations, that term as so extended, give notice 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 an airman of the regular air force 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 5 and 9 of these Regulations shall not apply to him ;

(*b*) subject to Regulation 7 of these Regulations he may claim his discharge at the expiration of any period of 3 months beginning with the date on which he gives to his commanding officer notice of his wish to be discharged.

Competent Air Force Authorities

11. In relation to the provisions of the Regulations specified in the first column of Schedule 1 to these Regulations and for the purposes specified opposite thereto in the second column of that Schedule, the officers specified opposite thereto in the third column of that Schedule shall, in addition to the Defence Council and Air Force Board, be competent air force authorities.

Forms

12. The Defence Council shall publish and provide forms of application, consents and notices for the purposes of these Regulations and references in these Regulations to applications, consents or notices shall be construed as referring to such forms or to forms substantially to the like effect.

Repeals and Revocations, Savings and Consequential Amendments

13.—(1) The enactment specified in Part 1 of Schedule 2 to these Regulations is hereby repealed to the extent specified in column 3 of that Schedule.

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

(3) The repeal and 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 commencment.

(4) The enactments specified in Part 3 of Schedule 2 to these Regulations shall have effect subject to the amendments specified in relation thereto in that Schedule being amendments consequential on these Regulations.

On behalf of the Defence Council
A. Lambton,
John Grandy, C.A.S.,
Members of the Defence Council.

Dated 23rd March, 1971.

Regulation 11

SCHEDULE 1

COMPETENT AIR FORCE AUTHORITIES

Column 1	Column 2	Column 3
Regulation 5 ...	For the purpose of approving an application to transfer to the reserve by a man in air force service.	The Director of Personal Services 1 (R.A.F.) Ministry of Defence, and the Air Officer Commanding R.A.F. Record and Pay Office.
Regulation 6(2) ...	For the purpose of approving a notice given by a person in air force service to withdraw a notice given for the purpose of regulation 6(1).	The Air Officer Commanding R.A.F. Record and Pay Office.
Regulation 8 ...	For the purpose of approving a shorter term of service in the reserve by a man transferred pursuant to regulation 5.	The Air Officer Commanding R.A.F. Record and Pay Office.
Regulation 9 ...	For the purpose of consenting to the conversion of terms of service of a person in air force service.	The Commander, Far East Air Force for persons enlisted in the R.A.F. (Malaya), the Air Officer Commanding-in-Chief, Near East Air Force or Air Commander, Royal Air Force, Malta, where delegated for persons enlisted in the R.A.F. (Malta) and the Air Officer Commanding R.A.F. Record and Pay Office in all other cases.
Regulation 10 ...	For the purpose of consenting to the continuance of service of a person in air force service.	The Commander, Far East Air Force for persons enlisted in the R.A.F. (Malaya), the Air Officer Commanding-in-Chief, Near East Air Force or Air Commander, Royal Air Force, Malta, where delegated for persons enlisted in the R.A.F. (Malta) and the Air Officer Commanding R.A.F. Record and Pay Office in all other cases.

Regulation 13(1)

SCHEDULE 2

PART 1

ENACTMENT REPEALED

Chapter	Short Title	Extent of Repeal
9 & 10 Eliz. 2. c. 52.	The Army and Air Force Act 1961.	Sections 8 to 12, 14 and 15.

SCHEDULE 2

Regulation 13(2)

PART 2

REGULATIONS REVOKED

The Royal Air Force (Determination of Service) (No. 2) Regulations 1967 (S.I. 1967/633).

SCHEDULE 2

Regulation 13(4)

PART 3

CONSEQUENTIAL AMENDMENTS

Enactment	*Amendment*
The Air Force Act 1955 (3 & 4 Eliz. 2. c. 19).	In section 17(2) the reference to the provisions of Part I of the Air Force Act 1955 shall include a reference to these Regulations. In section 20(1), the words " sections four to six ", shall be omitted. In section 20(5), for the words " is mentioned in paragraph (*a*) of subsection (2) of section four of this Act " there shall be substituted the words " may be specified in regulations made in pursuance of section 2(1)(*a*) and (*b*) of the Armed Forces Act 1966 ".
The Army and Air Force Act 1961 (9 & 10 Eliz. 2. c. 52).	In sections 13(1) and 13(2) for the references to the right conferred by section 9(1) of the Army and Air Force Act 1961 there shall be substituted a reference to the right conferred by regulations made under section 2(1)(*c*) of the Armed Forces Act 1966. In section 13(3), for the words " paragraph (*a*) of subsection (2) of section 9 of this Act or paragraph (*c*) of subsection (1) of section 11 thereof " there shall be substituted the words " regulations made in pursuance of section 2 of the Armed Forces Act 1966 or under any enactment repealed by such regulations ". In Schedule 2 (minor and consequential amendments of enactments), in the amendment to section 37(3) of the Act of 1955, the reference to section 8 of the Act of 1955 and section 12 of the Army and Air Force Act 1961 shall be construed as including reference to these Regulations.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which come into operation on 1st April 1971, revoke and replace the provisions of the Army and Air Force Act 1961 and regulations made under the Armed Forces Act 1966 so far as they relate to terms of enlistment.

Regulation 3 provides for terms of enlistment to be of a duration of between 6 months and 12 years or 22 years.

Regulation 4 confers on persons enlisted for more than 12 years a right to determine service after 12 years air force service and enables women to be enlisted for 6 years and to determine their service after 4 years. The regulation also confers on persons enlisted under the age of 17½ years the right to be transferred to the reserve (or, in the case of women, to determine service) on reaching the age of 21 or 3 years after the end of training, including, where appropriate, improver service, whichever is the later.

Regulation 5 provides that a man may be transferred to the reserve if his request is approved by the competent air force authority.

Regulation 6 sets out the length of notice required to be given to determine service or to be transferred to the reserve and in particular provides that the right to leave air force service at 21 or 3 years after the end of training and, where appropriate, improver service, must be exercised by notice given within 28 days after reaching the age of 18.

Regulation 7 provides that persons who consent, in consideration of "benefits or advantages", e.g. being permitted to undergo courses of instruction, shall be restricted in the exercise of their rights to determine service, and similar provision is made in respect of persons who, under earlier regulations, received benefits and advantages and undertook not to exercise such rights.

Regulation 8 provides for the length of time to be served by a man who transfers to the reserve.

Regulation 9 enables certain persons in air force service to extend their service with the approval of the competent air force authority up either to the longest period provided by these Regulations, or up to their 55th birthday. Provision is made so that persons who extend their terms of service do not acquire rights to determine service.

Regulation 10 enables airmen who have enlisted for 22 years or who have completed 22 years of air force service to remain in air force service with the consent of the competent air force authority. Paragraph (2) provides for the period of notice of a wish to be discharged which an airmen serving on such extended service under these Regulations is required to give.

Regulation 11 and Schedule 1 state the officers who, in addition to the Defence Council and Air Force Board, are the competent air force authorities for giving approvals under these Regulations.

Regulation 13, besides providing for repeals and revocations, provides that the terms of service of persons enlisted under the old law shall not be thereby prejudiced and makes minor consequential amendments.