STATUTORY INSTRUMENTS

2006 No. 2917

DEFENCE

The Royal Marines Terms of Service Regulations 2006

Made - - - -	*3rd November 2006*
Laid before Parliament	*9th November 2006*
Coming into force - -	*1st December 2006*

The Defence Council, in exercise of the powers conferred by section 2 of the Armed Forces Act 1966(**a**), hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Royal Marines Terms of Service Regulations 2006 and shall come into force on 1st December 2006.

Application and interpretation

2.—(1) These Regulations shall apply to enlistment in the Royal Marines as a marine and to the terms of service of persons who have so enlisted.

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

"commanding officer" means the commanding officer of the establishment, unit or ship in which the person in question is serving;

"competent authority" means—

(i) the Defence Council;

(ii) the Admiralty Board;

(iii) the authorities specified in Schedule 1 hereto;

"the reserve" means the Royal Fleet Reserve.

(3) Reference in these Regulations to any person as the holder of an office shall in the event of a change in the title or abolition of that office be construed as a reference to the person who after such change or abolition shall exercise the functions previously exercised by such person referred to in these Regulations.

Duration of terms of enlistment

3.—(1) A person may be enlisted in the Royal Marines for a term beginning with the date of his attestation in the Royal Marines and ending 18 years after that date or on the date of his 40th birthday, whichever is the later.

(**a**) 1966 c.45; section 2(1)(f) was amended by section 2 of the Armed Forces Act 1976 (c.52). Other amendments have been made to section 2 which are not relevant to these Regulations.

(2) Alternatively, a person may be enlisted in the Royal Marines for a term expiring on a date falling between 6 months and 17 years after the date of his attestation in the Royal Marines.

(3) The term for which a person may be enlisted may be a term wholly of service in the Royal Marines or may be a term partly of service in the Royal Marines and partly of service in the reserve.

Right to transfer to the reserve

4.—(1) Subject to regulation 5, a person who is serving in the Royal Marines for a term of 4 or more years may give 12 months' notice in writing to his commanding officer of his desire to be transferred to the reserve and he shall, upon expiration of such notice, be so transferred.

(2) No such notice may be given until the expiration of 2 years and 6 months from the date he completed his period of initial training.

5. A person who consents in writing to be restricted in the exercise of the right conferred by regulation 4 to give 12 months' notice of his desire to be transferred to the reserve, in consideration of being permitted to undergo a course of instruction or receiving any other benefit or advantage, shall not exercise such right before the expiration of the period specified in such consent.

Service in the reserve

6. A person transferred to the reserve in consequence of the exercise of a right conferred by regulation 4 shall serve in the reserve until the expiration of the term for which he has enlisted to serve in the Royal Marines or for such shorter period as the competent authority may, in his case, determine.

Right of recruit to claim discharge

7.—(1) Subject to the following provisions of this regulation, a person who enlists in the Royal Marines who has not previously so enlisted shall have the right to determine his service by giving notice in writing to his commanding officer.

(2) The notice referred to in paragraph (1) shall not have effect unless it is given after the person has completed 28 days' service and before the expiration of 6 months beginning with the date of his attestation.

(3) Subject to paragraph (4), a person claiming his discharge by virtue of paragraph (1) shall be entitled to be discharged at the end of a period of 14 days beginning with the date on which he gave notice.

(4) If such notice expires at a time when marines are required by an order under paragraph 4B of Schedule 7 of the Army Act 1955(**a**) (continuation of service in the Royal Marines in time of imminent national danger) to continue in service in the Royal Marines he shall not be entitled to be discharged so long as marines are so required to continue in service.

(5) In calculating any period of time referred to in this regulation, no account shall be taken of any day during the whole or part of which the person was absent either on leave or for an unauthorised purpose.

Continuance in service

8.—(1) A person enlisted in the Royal Marines for a term of service in accordance with regulation 3(1) or a person enlisted for a term of service which began before the commencement of these Regulations may, at any time during the term for which he is enlisted, give to his commanding officer notice in writing of his desire to continue to serve in the Royal Marines after the end of that term for such period as, subject to paragraph 4 of this regulation, may be specified

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(**a**) 1955 c.18; paragraph 4B was substituted by the Armed Forces Act 1966 (c.45), section 13(1) and Schedule 3, paragraph 1.

in the notice and, if the competent authority approve, he may, after the end of that term, continue to serve in the Royal Marines for the period specified in the notice in all respects as if that term were still unexpired and he shall not then be entitled to be discharged at the expiration of his original term unless he has previously given 12 months' notice in writing to his commanding officer of that intention.

(2) A person who continues to serve in the Royal Marines in accordance with paragraph (1) of this regulation may, before the date on which the period for which he is so continued will end, give to his commanding officer notice in writing of his desire to continue to serve further in the Royal Marines after that date for such period as, subject to paragraph 4 of this regulation, may be specified in the notice, and, if the competent authority approve, he may after that date be further continued as a person in the Royal Marines for the period specified in the notice in all respects as if the term for which he was previously continued were still unexpired.

(3) Paragraph (2) of this regulation shall apply to persons who continue to serve in the Royal Marines thereunder as it applies to such persons continued in service under paragraph (1) of this regulation.

(4) Subject to the approval of the competent authority, a person may continue to serve in the Royal Marines for any period of 12 or more months up to a maximum of 15 years from the date his service would otherwise have ended under the term for which he was originally enlisted to serve in the Royal Marines.

(5) Where a person continues to serve in the Royal Marines under this regulation he may, subject to paragraph (6) of this regulation, give 12 months' notice in writing to his commanding officer of his desire to be discharged and he shall, upon the expiration of such notice, or upon the expiration of a period of 12 months' notice in writing given by him to his commanding officer at any time during the last 12 months' service of the original term, be so discharged.

(6) A person who consents in writing to be restricted in the exercise of the right conferred by paragraph (5) of this regulation to give 12 months' notice, in consideration of being permitted to undergo a course of instruction or receiving any other benefit or advantage, shall not exercise such right before the expiration of the period specified in such consent.

Forms

9. The competent authority shall publish and provide forms of consents and notices for the purposes of these Regulations and references in these Regulations to consents or notices shall be construed as referring to such forms or to forms substantially to the like effect.

Savings

10.—(1) Subject to paragraph (2) of this regulation, these Regulations shall not affect the term of service (either as respects duration or as respects liability to service in the Royal Marines or any liability to serve in the reserve) of any person serving in the Royal Marines immediately before the commencement of these Regulations.

(2) A person serving in the Royal Marines immediately before the commencement of these Regulations may be continued in service pursuant to regulation 8.

Revocations

11. The Regulations specified in Schedule 2 are hereby revoked.

On behalf of the Defence Council

Derek Twigg
Jonathon Band
Members of the Defence Council

3rd November 2006

SCHEDULE 1

Regulation 2

COMPETENT AUTHORITIES

Column 1	*Column 2*	*Column 3*
Regulation 6	For the purpose of determining length of service in the reserve.	The Naval Secretary.
Regulation 8	For the purpose of approving the continuance in service of a person in the Royal Marines.	The Naval Secretary. The Director of Naval Career Management. Commanding Officers of HM Establishments and Ships.
Regulation 9	For the purpose of publishing and providing forms of consent and notices under these Regulations.	The Naval Secretary.

SCHEDULE 2

REGULATIONS REVOKED BY REGULATION 11

Title	*Year and Number*
The Royal Marines Terms of Service Regulations 1988	S.I. 1988/1395
The Royal Marines Terms of Service (Amendment) Regulations 2000	S.I. 2000/1772
The Royal Marines Terms of Service (Amendment) Regulations 2001	S.I. 2001/1520
The Royal Marines Terms of Service (Amendment) Regulations 2002	S.I.2002/201

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision as to the terms of enlistment for other ranks in the Royal Marines.

Regulation 3 provides for terms of enlistment in the Royal Marines to be of 18 years' duration from the date of attestation or until the date of the recruit's 40th birthday, if that date is later. Alternatively, recruits in the Royal Marines may be enlisted for terms of any length between 6 months and 17 years from the date of attestation.

Regulations 4, 5 and 6 enable persons in the Royal Marines to transfer to the reserve. Such rights can be restricted by agreement.

Regulation 7 confers on recruits the right to claim discharge from the Royal Marines within 6 months of the date of attestation.

Regulation 8 enables persons who have completed periods of service in the Royal Marines to remain in the Royal Marines for a further period or periods of at least 12 months' duration but not exceeding 15 years in total.

Regulation 10 is a saving provision the effect of which is that a person who enlisted in the Royal Marines before the commencement of these Regulations is not affected by them, except that he may be continued in service in the Royal Marines under regulation 8.

Regulation 11 revokes the Royal Marines Terms of Service Regulations 1988 and the subsequent amending Regulations set out in Schedule 2.

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