EXPLANATORY MEMORANDUM TO

THE ROYAL NAVY TERMS OF SERVICE (RATINGS) REGULATIONS 2006
2006 No. 2918

THE ROYAL MARINES TERMS OF SERVICE REGULATIONS 2006
2006 No. 2917

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 These Regulations, respectively, introduce a new engagement system for ratings in the Royal Navy and other ranks in the Royal Marines. By revoking and replacing the Regulations currently in force (see paragraph 4 below), these instruments provide greater flexibility for future recruits to the Royal Navy and Royal Marines in terms of the engagement options available to them, and to those ratings and other ranks currently serving who wish to continue in service beyond the end of their existing engagement. The Regulations, respectively, set out the different terms under which recruits can enter the Royal Navy or enlist in the Royal Marines; the circumstances in which ratings and other ranks can apply to be discharged or transferred to the reserve, and the options for individuals to extend their service beyond a normal engagement.

2.2 The standard length of engagement will, in future, be 18 years or until a recruit's 40th birthday, whichever date is the later. However, dependent on Service needs, individuals will also be able to join the Royal Navy or Royal Marines for terms varying in length from 6 months to 17 years. The Regulations also make provision for individuals to be continued in service beyond the period for which they are originally engaged, for periods ranging from 1-15 years.

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

None.

4. Legislative Background

4.1 The Defence Council has power under section 2 of the Armed Forces Act 1966 to make regulations as to the engagement of persons in the regular forces. Under the Royal Navy Terms of Service (Ratings) Regulations 1982 (SI 1982/834), a recruit can be entered in the Royal Navy for a term not exceeding 22 years. The 1982 Regulations have been amended on 5 separate occasions (SIs 1983/897, 1985/2003, 1988/2074, 2000/1771 and 2001/1521) but the provision regarding the length of engagement not exceeding 22 years remains. Rather than further amending the 1982 Regulations, the Royal Navy Terms of Service (Ratings) Regulations 2006 revoke the previous Regulations in their entirety and introduce the new and more flexible terms of service described in paragraph 2 above.

4.2 Separate Regulations are in force in respect of the terms of service for other ranks in the Royal Marines. The Royal Marines Terms of Service Regulations 1988 (SI 1988/1395) provide for marines to be enlisted for a term not exceeding 22 years. The 1988 Regulations have been amended on 3 separate occasions (SIs 2000/1772, 2001/1520 and 2002/201) but the provision regarding the length of engagement not exceeding 22 years remains in force in respect of the Royal Marines. Instead of further amending the 1988 Regulations, the Royal Marines Terms of Service Regulations 2006 revoke and replace the 1988 Regulations and introduce the new and more flexible terms of enlistment for other ranks in the Royal Marines described in paragraph 2 above.

5. Extent

These instruments 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 reinvigoration of the engagement system for ratings and other ranks, offering more flexible employment options for those who join the Royal Navy and Royal Marines, is entitled Flexible Career Structures (FCS) and is part of the wider Navy Board Personnel Change Programme.

7.2 The FCS scheme will replace the existing Open Engagement (which is for 22 years' service) and Second Open Engagement (which is for further service in blocks of 5 and 10 years) with a system that will give the Naval Service flexibility by tailoring Lengths of Service to suit current and future manning needs. It will allow for more flexible employment patterns and fuller integration for Regulars and Reserves in a way that better meets the needs of the Service. Furthermore, FCS is designed to match the aspirations of potential enlistees, so as to enable the Navy to expand its recruiting activities beyond traditional recruiting pools.

7.3 The introduction of a single FCS system for all 3 Services in the short to medium term is not currently considered possible. The Army's flatter structure and need for a means of regulating excess manpower at junior ranks and the RAF's slower promotion rates do not match the Naval Service's general requirement to pull-through as many Junior Ratings/NCOs to Senior Rate/NCO as quickly as possible. However, the Army, RAF and MOD Centre have been consulted throughout the development process. They have no difficulty with the introduction of FCS by the Navy, and do not consider it to be inconsistent or unworkable in a Joint environment in the future.

7.4 A 2006 Defence Instruction Notice (DIN) 02-278 has been promulgated on a Navy wide basis announcing the introduction of FCS and its impact on new recruits and those currently serving who may wish to extend their service in future.

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: 0202 7218 0564 can answer any queries regarding these instruments**.**