EXPLANATORY MEMORANDUM TO

THE ROYAL NAVY (RATINGS) AND ROYAL MARINES TERMS OF SERVICE (AMENDMENT) REGULATIONS 2023

2023 No. 1087

1. Introduction

1.1 This explanatory memorandum has been prepared by the Ministry of Defence and is laid before Parliament by Command of His Majesty.

2. Purpose of the instrument

2.1 This instrument amends The Royal Navy Terms of Service (Ratings) Regulations 2006 (S.I. 2006/2918) and The Royal Marines Terms of Service Regulations 2006 (S.I. 2006/2917). The amendment introduces alternative lengths of engagements and establishes alternative routes to obtaining a longer engagement. These amendments provide greater flexibility to implement workforce planning requirements.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 This instrument extends to the United Kingdom, the Isle of Man and British overseas territories (except Gibraltar).

4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is worldwide.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 The terms of service for enlisted members of the Royal Navy and the Royal Marines, are set out in two mirror regulations: the Royal Navy Terms of Service (Ratings) Regulations 2006 (S.I. 2006/2918) and the Royal Marines Terms of Service Regulations 2006 (S.I. 2006/2917). These Regulations were made under section 2 of the Armed Forces Act 1966, but now have effect as if made under the power under section 329 of the Armed Forces Act 2006 as the provisions of section 329 of that Act are identical in terms to the existing provisions under which those statutory instruments are made.

6.2 This instrument makes amendments to these regulations under the powers provided under sections 328 and 329 of the Armed Forces Act 2006.

6.3 The regulation-making power is exercisable by the Defence Council, which is the highest level of military command and administration under His Majesty.

7. Policy background

What is being done and why?

7.1 The terms under which sailors and marines serve have been reviewed to ensure they give the Royal Navy the ability to react and efficiently manage their workforce needs.

7.2 These amendments enable the changes required to offer alternative terms and conditions of service to give effect to those agreed under the Unified Career Management (UCM) operating model. UCM is an operating model that enables combined pan-Defence career management of specific professions or specialisations across the single Services and necessitates alignment of Terms and Conditions of Service to occur, to ensure parity.

7.3 On the 1st January 2024, subject to these amendments, the medical branch will transition to UCM. The medical branch has both officer and rating specialisations. The specialisations for ratings include nurses, dental nurses and allied health professionals. This amendment creates the necessary options for medical branch ratings. The amendments provided for via this instrument will introduce different lengths of initial engagement to be available up to and including 12 years, and to provide for the option to select those who enlist via that route for a second engagement up to 20 years' service or age 40, whichever is the later. There is currently no route to a longer engagement for those who enter for a period of less than 12 years, therefore this amendment will additionally provide for those to be able to be selected for a longer engagement if desired.

7.4 The existing provisions enabling enlistment for a 12-year period and the pathway that will automatically transfer that person to a longer engagement on promotion to substantive Other Ranks 4 (OR4), is maintained.

7.5 This will create the legislative framework to provide for current UCM alignment for the medical branch and enable any further UCM alignment, if required, in future. It will also provide increased flexibility to enable single Service workforce modelling to respond to the needs of the Service and the aspirations of recruits by being able to offer alternative enlistment routes if needed.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 There are no plans to consolidate the regulations at present, but we will keep this under review.

10. Consultation outcome

10.1 In January 2020 the Chiefs of Staff agreed to and directed the implementation of Unified Career Management (UCM) for the cyber profession and medical branch and in February 2021, the Defence Council issued a Defence Council appointing the Lead Command to develop and operate a Unified Career Management Approach and directing the single Services to support and enable the implementation of Unified Career Management and the Terms and Conditions of each Service for each profession or discipline. UCM policy has been agreed in consultation with each

Service who have made contributions and confirmed their agreement to their effect. A public consultation has not been undertaken.

11. Guidance

11.1 Detailed policy guidance will be published in internal RN publications and where applicable in Joint Service Publications (JSP), which will be available to all service personnel and to administrators. Specific policy to relating to the alignment of TACOS to enable medical cohorts to be managed under the UCM concept has been developed, including a comprehensive communications campaign.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because there is no significant impact on business, charities, voluntary bodies and the public sector.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 In order to ensure that combat effectiveness is not adversely affected by the amendments made through this instrument, the Services will monitor the new arrangements. Additionally, the Armed Forces Act 2006 is subject to quinquennial review.

15. Contact

15.1 Cdr Richard Gobey at the Directorate of People and Training, of the Royal Navy Telephone: 0300 157 5844 or email: richard.gobey390@mod.gov.uk can be contacted with any queries regarding the instrument.

15.2 Cdre David Joyce, Deputy Director for People and Training Strategy, at the Royal Navy Directorate of People and Training can confirm that this Explanatory Memorandum meets the required standard.

15.3 Rt Hon Dr Andrew Murrison MP, Minister for Defence People, Veterans and Service Families at the Ministry of Defence can confirm that this Explanatory Memorandum meets the required standard.