STATUTORY INSTRUMENTS

2000 No. 1771

DEFENCE

The Royal Navy Terms of Service (Ratings) (Amendment) Regulations 2000

Made - - - - -	*4th July 2000*
Laid before Parliament	*10th July 2000*
Coming into force - -	*1st August 2000*

The Defence Council, in exercise of the powers conferred upon them 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 Navy Terms of Service (Ratings) (Amendment) Regulations 2000 and shall come into force on 1st August 2000.

Amendments to Regulations

2.—(1) The Royal Navy Terms of Service (Ratings) Regulations 1982(**b**) shall be amended in accordance with the following provisions of this regulation.

(2) In regulations 3A(2) (change in terms of engagement) and 5(1) (restrictions on the right to give notice), and in paragraphs (1), (4) and (5) of regulation 8 (continuance in service), the words "12 months'" shall be substituted for the words "18 months'" wherever they appear.

(3) For regulation 4 (right to transfer to the reserve) there shall be substituted—

"**4.**—(1) Subject to regulations 3A(2) and 5, a person who has entered the Royal Navy for a term of service 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 or from the relevant date, whichever is the later."

(4) For regulation 7 (right of recruit to claim discharge) there shall be substituted—

"**7.**—(1) Subject to the following provisions of this regulation, a person who enters the Royal Navy who has not previously so entered 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 recruit has completed 28 days' service and before the expiration of the period of 6 months beginning with the date of his engagement.

(**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.
(**b**) S.I. 1982/834, which has been amended by S.I. 1983/897, S.I. 1985/2003 and S.I. 1986/2074.

(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 ratings may be retained in service in the Royal Navy under the powers conferred by section 4 of the Armed Forces Act 1966 (postponement in certain cases of discharge of ratings), he shall not be entitled to be discharged so long as ratings are so retained.

(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."

(5) In Schedule 1 (Competent Naval Authorities)—

(a) the entry relating to Regulation 4(2) shall be omitted; and

(b) the words "The Naval Secretary" shall in each case be substituted for the words—

(i) "Director of Naval Manpower Planning";

(ii) "The Director General of Naval Manpower and Training"; and

(iii) "The Head of Naval Manpower and Training Division, Ministry of Defence".

Savings

3. The Royal Navy Terms of Service (Ratings) Regulations 1982 shall continue to apply without the amendment made by regulation 2(4) in relation to any person whose date of engagement is before 1st August 2000.

On behalf of the Defence Council

Mr John Spellar
4th July 2000

ADM Sir Michael Boyce
Members of the Defence Council

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Royal Navy Terms of Service (Ratings) Regulations 1982 ("the 1982 Regulations").

Regulation 2(2) and (3) amends regulations 3A(2), 4, 5(1) and 8 of the 1982 Regulations so as to reduce from 18 to 12 months the notice period required to be given by a person exercising his right under those provisions to be discharged or transferred to the reserve.

Regulation 2(4) substitutes a new regulation 7 into the 1982 Regulations which provides for the right of new recruits to determine their service. Under the new regulation, all recruits are entitled to determine service on the giving of 14 days' notice. Such notice may be given within the period starting after the recruit has completed 28 days' service and before he has completed 6 months' service. One of the effects of this change is that there are now no longer any circumstances in which a recruit is required to purchase his discharge.

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