STATUTORY INSTRUMENTS

1982 No. 834

DEFENCE

The Royal Navy Terms of Service (Ratings) Regulations 1982

Made - - -	17*th June* 1982
Laid before Parliament	22*nd June* 1982
Coming into Operation	1*st September* 1982

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 Navy Terms of Service (Ratings) Regulations 1982 and shall come into operation on 1st September 1982.

Application and Interpretation

2.—(1) These regulations shall apply to entry in the Royal Navy as a rating and to the terms of service of persons who have so entered.

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

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

"competent naval authority" means—

(i) the Defence Council;

(ii) the Admiralty Board;

(iii) the authorities specified in Schedule 1 hereto;

"the relevant date" means, in relation to a person, the date of his engagement to serve in the Royal Navy except that in relation to a person who enters before attaining the age of 18 years, "the relevant date" means the date of that person's attaining the age of 18 years.

(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.

(a) 1966 c.45; section 2(1)(*f*) was amended by the Armed Forces Act 1976 (c.52), section 2.

Duration of terms of engagement

3.—(1) A person may be entered in the Royal Navy for a term beginning with the date of his engagement to serve in the Royal Navy and ending on a date falling not later than 22 years after the relevant date.

(2) The term for which a person may be entered may be a term wholly of naval service or may be a term partly of naval service and partly of service with the Royal Fleet Reserve.

Right to transfer to the reserve

4.—(1) Subject to Regulation 5 and paragraphs (4) and (5) of Regulation 8, a person who has entered the Royal Navy for a term of more than 5 years naval service may on or after attaining the age of 20 years 6 months give 18 months notice in writing to his commanding officer of his desire to be transferred to the reserve and he shall, upon the expiration of such notice, be so transferred:

Provided that no such notice may be given—

(*a*) until the expiration of 2 years 6 months from the completion by such person of his period of initial training; or

(*b*) in the event of there being an agreed period of naval service, so as to have effect prior to the expiration of such period.

(2) A person who has entered the Royal Navy for a term of naval service may, with the consent of the competent naval authority, on or after attaining the age of 19 years 6 months, give 18 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:

Provided that no such notice may be given until the expiration of 18 months from the completion by such person of his period of initial training.

(3) In this Regulation "agreed period of naval service" means the period agreed at the time of engagement or at any time thereafter, being a period of 9 years.

5.—(1) A person who, in consideration of—

(*a*) being permitted to undergo a course of instruction of a duration of not less than 8 weeks, or

(*b*) receiving any other benefit or advantage,

consents in writing to be restricted in the exercise of the right to give 18 months' notice conferred by Regulation 4 shall not exercise such right 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) In this Regulation "appropriate period" means—

(*a*) in relation to permission to undergo a course of instruction, a period of not more than 18 months, and

(*b*) in relation to the receipt of any other benefit or advantage, a period of not more than 4 years 6 months.

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 of his engagement to serve in the Royal Navy or for such shorter period as the competent naval authority may, in his case, determine.

Right of recruit to claim discharge

7.—(1) A person who enters the Royal Navy who has not previously so entered shall have the right to claim his discharge before the expiration of the period of 3 months beginning with the date of his engagement to serve and a person entered as aforesaid who, on the date of his engagement to serve, had not attained the age of 18 years shall also have the right to claim his discharge—

(*a*) if he had not attained the age of 17 years and 9 months on the said date, at any time before the expiration of the period of 6 months beginning with that date, or

(*b*) if he had attained the age of 17 years and 9 months on the said date, at any time before he attains the age of 18 years and 3 months.

(2) A person claiming his discharge by virtue of paragraph (1) above shall, if he had attained the age of 17 years and 6 months on the date of his engagement to serve, on payment of a sum not exceeding 7 days' gross pay, and if he had not attained such age on the said date, at the end of 14 days after giving notice in writing to his commanding officer, be entitled to be discharged:

Provided that—

(*a*) the right conferred by this paragraph shall not be exercisable before the expiration of a period not exceeding 8 weeks beginning with the said date, and

(*b*) if any such claim is made by a rating 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.

Continuance in service

8.—(1) A person in naval service may, at any time during the term for which he is entered, give to his commanding officer notice of his desire to continue in naval service after the end of that term for such a period not exceeding 22 years as may be specified in the notice: and, if the competent naval authority approve, he may, after the end of that term, be continued as a person in naval service for the period specified in the notice in all respects (but subject to paragraph (4) of this Regulation) as if that term were still unexpired.

(2) A person in naval service for the time being continued in service under 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 of his desire to continue further in naval service after that date for such period not exceeding 15 years as may be specified in the notice, and, if the competent naval authority approve, he may after that date be further continued as a person in

naval service for the period specified in the notice in all respects (but subject to paragraph (4) of this Regulation) as if the term for which he was previously continued were still unexpired.

(3) Paragraph (2) of this Regulation shall apply to persons in naval service continued in service thereunder as it applies to such persons continued in service under paragraph (1) of this Regulation.

(4) Where a person is continued in naval service under this Regulation he may, subject to paragraph (5) of this Regulation, give 18 months' notice in writing to his commanding officer of his desire to be discharged and he shall, upon the expiration of such notice, be so discharged.

(5) A person who, in consideration of—

(*a*) being permitted to undergo a course of instruction of a duration of not less than 8 weeks, or

(*b*) receiving any other benefit or advantage,

consents in writing to be restricted in the exercise of the right to give 18 months' notice conferred by paragraph (4) of this Regulation shall not exercise such right 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.

(6) For the purposes of paragraph (5) of the Regulation 'the appropriate period' shall be—

(*a*) in relation to permission to undergo a course of instruction, a period of not more than 18 months, and

(*b*) in relation to the receipt of any other benefit or advantage, a period of not more than 4 years 6 months.

Forms

9. The competent naval 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. These regulations shall not affect the term of service (either as respects duration or as respects liability to naval service or any liability to serve in the reserve) for which any person in naval service is serving immediately before the commencement of these Regulations.

Revocations

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

On behalf of the Defence Council
Henry Leach,
Jerry Wiggin,
Members of the Defence Council.

17th June 1982.

SCHEDULE 1 *Regulation 2*

COMPETENT NAVAL AUTHORITIES

Column 1	Column 2	Column 3
Regulation 4(2)	For the purpose of approving an application by a person in naval service to be transferred to the reserve.	Commanding Officers of H M Ships and Establishments.
Regulation 6	For the purpose of determining length of service in the reserve.	Director of Naval Manpower Planning.
Regulation 8	For the purpose of approving the continuance in service of a person in naval service.	The Director General of Naval Manpower and Training. The Director of Naval Recruiting. Commanding Officers of H M Ships and Establishments.
Regulation 9	For the purpose of publishing and providing forms of consent and notices under these Regulations.	The Head of Naval Manpower and Training Division, Ministry of Defence.

SCHEDULE 2

REGULATIONS REVOKED BY REGULATION 11

Title	Year and Number
The Royal Navy Terms of Service Regulations 1967.	S.I. 1967/1821
The Royal Navy Terms of Service (Amendment) Regulations 1970.	S.I. 1970/539
The Royal Navy Terms of Service (Amendment) Regulations 1971.	S.I. 1971/517
The Royal Navy Terms of Service (Amendment) Regulations 1972.	S.I. 1972/558
The Royal Navy Terms of Service (Second Amendment) Regulations 1972.	S.I. 1972/1864
The Royal Navy Terms of Service (Amendment) Regulations 1973.	S.I. 1973/916
The Royal Navy Terms of Service (Amendment) Regulations 1976.	S.I. 1976/729
The Royal Navy Terms of Service (Amendment) Regulations 1979.	S.I. 1979/192
The Royal Navy Terms of Service (Amendment) Regulations 1980.	S.I. 1980/61
The Royal Navy Terms of Service (Amendment No. 2) Regulations 1980.	S.I. 1980/718

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations make provision as to terms of service for ratings in the Royal Navy.

Regulation 3 provides for terms of engagement to be of a duration of not more than 22 years.

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

Regulation 7 confers on recruits the right to claim discharge from naval service, ordinarily within three months of the date of engagement.

Regulation 8 enables persons who have completed periods of naval service to remain in naval service with the consent of the competent naval authority for a period not exceeding 22 years. A person serving on such continued service under these Regulations is required to give 18 month's notice to obtain his discharge.

Regulation 10 provides that the terms of service of persons entered before the commencement of these Regulations shall not be thereby prejudiced.

SI 1982/834
ISBN 0-11-026834-2

