STATUTORY INSTRUMENTS

1972 No. 1864

DEFENCE

The Royal Navy Terms of Service (Second Amendment) Regulations 1972

Made - - -	*1st December* 1972
Laid before Parliament	*8th December* 1972
Coming into Operation	*1st January* 1973

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, commencement and interpretation

1.—(1) These Regulations may be cited as the Royal Navy Terms of Service (Second Amendment) Regulations 1972 and shall come into operation on 1st January 1973.

(2) The Interpretation Act 1889(**b**) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) In these Regulations "the Principal Regulations" means the Royal Navy Terms of Service Regulations 1967(**c**), as amended(**d**).

Amendments to the Principal Regulations

2. There shall be inserted in the Principal Regulations the following Regulations:—

"*Right of recruit to claim discharge*

4A.—(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 £20, and if

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(a) 1966 c. 45. **(b)** 1889 c. 63.
(c) S.I. 1967/1821 (1967 III, p. 4855).
(d) There are no relevant amending instruments.

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.".

On behalf of the Defence Council,

Antony Buck,

D. F. Spotswood,

Members of the Defence Council.

Dated 1st December 1972.

EXPLANATORY NOTE

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

These Regulations amend the Royal Navy Terms of Service Regulations by incorporating provisions relating to the rights of recruits to claim their discharge from the Royal Navy contained in other regulations of the Defence Council.

The rights are (*a*) if over 18 when attested, within the first 3 months on payment of a sum not exceeding £20 (*b*) if between 17½ and 18, within the first 6 months (but not after reaching 18¼) on payment of a similar sum and (*c*) if under 17½, within the first 6 months on 14 days' notice. They are exercisable only after a period of service not exceeding 8 weeks and ratings may not be discharged at a time when they are liable to be retained in naval service.

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