

1972 No. 558

## DEFENCE

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

<i>Made</i>	- - -	<i>7th April 1972</i>
<i>Laid before Parliament</i>		<i>10th April 1972</i>
<i>Coming into Operation</i>		<i>1st May 1972</i>

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 (Amendment) Regulations 1972 and shall come into operation on the 1st May 1972.

(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.**—(1) The following Regulations shall be substituted for Regulations 3A, 3B, 3C, 3D and 3E of the Principal Regulations:—

*“Rights to transfer to the reserve*

**3A.** Subject to Regulation 3D, a person in naval service shall, at the end of the period of 9 years beginning with the relevant date and at any time thereafter, have the right exercisable in accordance with Regulation 3C to be transferred to the reserve.

**3B.**—(1) Without prejudice to the generality of Regulation 3 a person who has attained the age of 17 years 6 months may, after the commencement of these Regulations, be entered in the Royal Navy for a term of not less than 3 years naval service from the relevant date with the right, subject to Regulation 3D and exercisable in accordance with Regulation 3C, to be transferred to the reserve at the end of the period of 3 years beginning with the relevant date or the date of the expiration of his initial period of training, whichever is the later, or at any time thereafter.

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(a) 1966 c. 45.

(b) 1889 c. 63.

(c) S.I. 1967/1821 (1967 III, p. 4855).

(d) The relevant amending instrument is S.I. 1971/517 (1971 I, p. 1518).

(2) Subject to Regulation 3D, a person who, after the commencement of these Regulations, is entered in the Royal Navy under the age of 17 years 6 months for a term of naval service expiring on a date falling later than 3 years after the date of his attaining the age of 18 years shall have the right exercisable in accordance with Regulation 3C to be transferred to the reserve at the end of the period of 3 years beginning with the date of his attaining the age of 18 years or the date of the expiration of his initial period of training, whichever is the later, or at any time thereafter provided that the person in question has given notice in writing to his commanding officer not more than 28 days after his attaining the age of 18 years.

**3C.** A right to be transferred to the reserve conferred by Regulation 3A or 3B shall be exercised by notice in writing given by the person in question to his commanding officer not less than 18 months before the expiration of the period at the end of which he is to be transferred to the reserve.

**3D.**—(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 conferred by Regulation 3A or 3B 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) “The appropriate period” shall be—

(a) in relation to permission to undergo a course of instruction, a period of not more than 3 years, and

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

#### *Service in the reserve*

**3E.** A person transferred to the reserve in consequence of the exercise of a right conferred by Regulation 3A or 3B shall, subject to Regulation 3, serve in the reserve for a period of 3 years from the date of his being transferred thereto.”.

(2) In Regulation 4 of the Principal Regulations for the words “the appropriate minimum age” there shall be substituted the words “the age of 17 years 6 months”.

#### *Saving*

**3.** The amendments effected by Regulation 2 in so far as they relate to the rights conferred by the substituted Regulation 3B of the Principal 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.

On behalf of the Defence Council,

*Peter Kirk,*

*D. F. Spotswood,*

Members of the Defence Council.

Dated 7th April 1972.

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#### EXPLANATORY NOTE

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

These Regulations further amend the Royal Navy Terms of Service Regulations 1967 by conferring on all persons entered in the Royal Navy at any time after 9 years a right to be transferred to the reserve provided 18 months prior notice is given to their commanding officer.

Provision is also made for persons over the age of  $17\frac{1}{2}$  years to be entered in the Royal Navy after the 1st May 1972 with the right to be transferred to the reserve at any time after 3 years from the end of training (or from age 18 if later) on similar notice being given. Similar rights are conferred on those entering under  $17\frac{1}{2}$  years provided they give notice of their intention to take them up within 28 days of reaching the age of 18. Persons may consent, in consideration of "benefits or advantages", e.g. being permitted to undergo courses of instruction, to be restricted in the exercise of the above rights. The period to be served in the reserve is 3 years provided total service does not exceed 12 years.

The amendment made by Regulation 2(2) is necessary to preserve the reference to the age of  $17\frac{1}{2}$  years after the raising of "the appropriate minimum age" from that age to 18 years by the Armed Forces Act 1971 (c. 33).

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