

**1977 No 1097****DEFENCE****The Royal Air Force Terms of Service Regulations 1977***Laid before Parliament in draft**Made*        -        -        -        29th June 1977*Coming into Operation in accordance with Regulation 1*

The Defence Council in exercise of the powers conferred upon them by section 2 of the Armed Forces Act 1966(a) and section 2 of the Armed Forces Act 1976(b) 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 Air Force Terms of Service Regulations 1977 and shall come into operation on such date as section 2 of the Armed Forces Act 1976(b) comes into force.

*Interpretation*

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

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

“the Act of 1955” means the Air Force Act 1955(d):

“the relevant date” means, in relation to a person, the date of his attestation except in relation to:—

(a) a man who enlists and

(b) a woman who enlists on or after 1st April 1975

before attaining the age of 18 years, in which excepted cases “the relevant date” means the date of that person’s attaining the age of 18 years; other expressions have the same meaning as in the Act of 1955.

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(a) 1966 c. 45.

(b) 1976 c. 52.

(c) 1889 c. 63.

(d) 1955 c. 19.

*Duration of terms of enlistment*

3.—(1) A person may be enlisted in the Royal Air Force for such a term as is specified in paragraph (2) of this Regulation beginning with the date of his attestation.

(2) The term referred to in paragraph (1) shall be a term expiring 22 years after the relevant date, or expiring on a date falling between 6 months and 12 years after the relevant date.

(3) The term for which a person may be enlisted may be a term wholly of air force service or may be, except in the case of women, a term partly of air force service and partly of service with the air force reserve.

*Rights to determine air force service and to transfer to the reserve*

4.—(1) Subject to Regulation 7, a person in air force 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 6 to be transferred to the reserve or, in the case of a woman, to determine her service.

(2) Without prejudice to the generality of the preceding Regulation—

(a) A man who has attained the age of 17 years 6 months may be enlisted in the Royal Air Force for a term of not less than 3 years nor more than 9 years air force service from the relevant date with the right, subject to Regulation 7 and exercisable in accordance with Regulation 6, 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 period of training whichever is the later or at any time thereafter.

(b) A woman who has attained the age of 17 years may be enlisted in the Royal Air Force for a term of not less than 3 years nor more than 9 years air force service from the relevant date with the right, subject to Regulation 7 and exercisable in accordance with Regulation 6 to determine her service, either

(i) at the end of the period of 3 years beginning with the date of her attaining the age of 18 years or the date of the expiration of her period of training whichever is the later or at any time thereafter, or

(ii) at the end of the period of 4 years beginning with relevant date or at any time thereafter

as is specified in the form of attestation.

(3) Subject to Regulation 7, a person who enlists in the Royal Air Force under the age of 17 years 6 months for a term of air force 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 6 to be transferred to the reserve (or in the case of a woman, to determine her service) 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 period of training (including, where appropriate, such further period of service as is designated "Improver Service" at the time of attestation) 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.

(4) Subject to Regulation 7 a person who enlists in the Royal Air Force for a term of more than 12 years air force service shall have the right exercisable in accordance with Regulation 6 to determine his service at the end of the period of 12 years beginning with the relevant date or at any time thereafter.

(5) A person who enlists in the regular air force who has not previously so enlisted and who had attained the age of 18 years on the date of his attestation shall have the right to claim his discharge before the expiration of the period of 3 months beginning with the date of his attestation.

(6) A person who enlists in the regular air force who has not previously so enlisted and who had not attained the age of 18 years on the date of his attestation shall 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.

(7) A person claiming his discharge by virtue of paragraph (5) above shall, on payment of a sum not exceeding £20, be entitled to be discharged and a person claiming his discharge by virtue of paragraph (6) above shall, if he had attained the age of 17 years and 6 months on the date of his attestation, on payment of a sum not exceeding £20, 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 if any such claim is made by an airman at a time when airmen are required by an order under section 10 of the Act of 1955<sup>(a)</sup> (continuation of air force service in imminent national danger) to continue in air force service, he shall not be entitled to be discharged so long as airmen are so required to continue in air force service.

#### *Transfer to the reserve with consent*

5. A man, but not a woman, in air force service, whose application to his commanding officer for transfer to the reserve is approved by the competent air force authority may be transferred to the reserve.

#### *Exercise of rights conferred by Regulation 4*

6. A right to determine air force service and a right to be transferred to the reserve conferred by Regulation 4 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 his service is to be determined or as the case may be he is to be transferred to the reserve.

#### *Restrictions on the exercise of rights conferred by Regulations 4 and 10(2)*

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

- (a) being permitted to undergo a course of instruction of a duration of not less than 3 weeks, or

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<sup>(a)</sup> 1955 c. 19.

- (b) receiving any other benefit or advantage, consents in writing to be restricted in the exercise of the rights conferred by Regulations 4 and 10(2) shall not exercise such rights 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, the duration of which is not more than 3 months, a period of not more than 3 years and, in relation to permission to undergo a course of instruction of longer duration, a period of not more than 5 years.
    - (b) in relation to the receipt of any other benefit or advantage, a period of not more than 6 years.
  - (3) The rights conferred by Regulation 4 and Regulation 10(2) shall not be exercisable by a person in air force service enlisted on or after the 1st day of January 1962 for 22 years who has given an undertaking pursuant to any regulations made under Part I of the Act of 1955 (a) not to determine his air force service, before the expiration of the period specified in such undertaking.

*Service in the reserve*

- 8.—(1) A man transferred to the reserve in consequence of the exercise of the right conferred by Regulation 4(1), (2) or (3) shall serve in the reserve for a period of 3 years from the date of his being transferred thereto.
- (2) A man transferred to the reserve under Regulation 5 with the approval of the competent air force authority shall serve in the reserve until the expiration of the term for which he would otherwise be liable to serve in air force service or such shorter term as the competent air force authority may in his case approve.

*Conversion of terms of service*

- 9.—(1) A person in air force service enlisted for a term of shorter duration than the longest term provided for in these Regulations may, after giving notice to the competent air force authority and with the approval of that authority, which approval shall be notified to such person, be treated as if he had enlisted for an extended term (which, in the case of a man but not a woman, may include service in the reserve) being either (a) a term of a duration provided for by these Regulations or (b) a term so as to end not later than the day on which he attains the age of 55 years, and in either case specified in the notice and notification of approval.
- (2) A person shall not give notice under paragraph (1) of this Regulation to be treated as if he had enlisted for a term longer than 15 years unless he has completed 4 years service at the time he gives notice under that paragraph.
- (3) In reckoning for the purposes of this Regulation the period of service completed by any person, there shall be included, in addition to any period served by him in air force service since the relevant date, any period served by him since that date in the reserve, and, if before his attestation he has at any time served as an officer or airman of the regular air force in air force service

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(a) 1955 c. 19.

or in the reserve or the Royal Auxiliary Air Force, any period so served by him before his attestation other than any period served before attaining the age of 18 years in service in the regular air force as an apprentice or a boy entrant.

(4) A person in air force service enlisted for a term of service provided for in these Regulations, or such a term subsequently extended under these Regulations, may, after giving notice to the competent authority and with the approval of that authority, which approval shall be notified to such person, be treated as if his term of service were of such shorter duration as may be permitted by the competent authority.

(5) A person in air force service enlisted for the longest term provided for in these Regulations may, after giving notice to his commanding officer and with the consent of the competent air force authority, be treated as if he had enlisted for such a term, ending not later than the date on which he attains the age of 55 years, as may be specified in the notice and notification of approval.

#### *Continuance in service*

**10.—**(1) A person in air force service enlisted for a term of 22 years or a person in air force service who enlisted otherwise than for that term who has completed 22 years service in Her Majesty's forces may, at any time during the last 12 months of the term for which he enlisted or if that term has been extended under these Regulations or under any enactment repealed by these Regulations, that term as so extended, give notice to his commanding officer of his desire to continue in service after the end of that term, or as the case may be, of that term as so extended, and, if the competent air force authority consent, he may, after the end of that term, or as the case may be, that term as so extended, be continued as an airman of the regular air force in all respects (subject to paragraph (2) of this Regulation) as if his term were still unexpired.

(2) Where a person is continued in service under this Regulation—

- (a) Regulations 5 and 9 of these Regulations shall not apply to him;
- (b) subject to Regulation 7 of these Regulations he may claim his discharge at the expiration of any period of 3 months beginning with the date on which he gives to his commanding officer notice of his wish to be discharged.

#### *Competent Air Force Authorities*

**11.** In relation to the provisions of the Regulations specified in the first column of Schedule 1 to these Regulations and for the purposes specified opposite thereto in the second column of that Schedule, the Officers specified opposite thereto in the third column of that Schedule shall, in addition to the Defence Council and Air Force Board, be competent air force authorities.

#### *Forms*

**12.** The Defence Council shall publish and provide forms of application, consents and notices for the purpose of these Regulations and references in these Regulations to applications, consents or notices shall be construed as referring to such forms or to forms substantially to the like effect.

*Revocations, Savings and Consequential Amendments*

13.—(1) The Regulations specified in Part 1 of Schedule 2 to these Regulations are hereby revoked.

(2) The revocation effected by this Regulation shall not affect the term of service (either as respects duration, or as respects liability to air force service or any liability to serve in the reserve) for which any person who is in air force service immediately before the commencement of these Regulations is serving immediately before such commencement.

(3) The enactments specified in Part 2 of Schedule 2 to these Regulations shall have effect subject to the amendments specified in relation thereto in that Schedule being amendments consequential on these Regulations.

On behalf of the Defence Council

*Neil Cameron,*  
*James Wellbeloved,*  
Members of the Defence Council.

Dated 29th June 1977.

## ORDERS AND ENACTMENTS

Regulation 11

## SCHEDULE 1

## COMPETENT AIR FORCE AUTHORITIES

Column 1	Column 2	Column 3
Regulation 5 .. ..	For the purpose of approving an application to transfer to the reserve by a man in air force service.	The Director of Personnel Management (Airmen) (RAF).
Regulation 8 .. ..	For the purpose of approving a shorter term of service in the reserve by a man transferred pursuant to Regulation 5.	The Director of Personnel Management (Airmen) (RAF).
Regulation 9 .. ..	For the purpose of consenting to the conversion of terms of service of a person in air force service.	The Director of Personnel Management (Airmen) (RAF).
Regulation 10.. ..	For the purpose of consenting to the continuance of service of a person in air force service.	The Director of Personnel Management (Airmen) (RAF).

## SCHEDULE 2

Regulation 13(1)

## PART 1

Regulations revoked	Reference
The Royal Air Force Terms of Service Regulations 1971	SI 1971/510 (1971 I p. 1500).
The Royal Air Force Terms of Service (Amendment) Regulations 1972.	SI 1972/355 (1972 I p. 1414).
The Royal Air Force Terms of Service (Second Amendment) Regulations 1972.	SI 1972/1922 (1972 III p. 5714).
The Royal Air Force Terms of Service (Amendment) Regulations 1974.	SI 1974/818 (1974 II p. 3215).
The Royal Air Force Terms of Service (Amendment) Regulations 1975.	SI 1975/224 (1975 I p. 571).
The Royal Air Force Terms of Service (Second Amendment) Regulations 1975.	SI 1975/1900 (1975 III, p. 7095).

## SCHEDULE 2

Regulation 13(3)

## PART 2

## CONSEQUENTIAL AMENDMENTS

<i>Enactment</i>	<i>Amendment</i>
The Air Force Act 1955 (3 & 4 Eliz. 2. c. 19).	<p>In section 17(2) the reference to the provisions of Part I of the Air Force Act 1955 shall include a reference to these Regulations.</p> <p>In section 20(1), the words "sections four to six", shall be omitted.</p> <p>In section 20(5), for the words "is mentioned in paragraph (a) of sub-section (2) of section four of this Act" there shall be substituted the words "may be specified in regulations made in pursuance of section 2(1)(a) and (b) of the Armed Forces Act 1966".</p>
The Army and Air Force Act, 1961 (9 & 10 Eliz. 2. c. 52).	<p>In sections 13(1) and 13(2) for the references to the right conferred by section 9(1) of the Army and Air Force Act, 1961 there shall be substituted a reference to the right conferred by regulations made under section 2(1)(c) of the Armed Forces Act, 1966.</p> <p>In Section 13(3), for the words "paragraph (a) of sub-section (2) of section 9 of this Act or paragraph (c) of sub-section (1) of section 11 thereof" there shall be substituted the words "regulations made in pursuance of section 2 of the Armed Forces Act, 1966 or under any enactment repealed by such regulations".</p> <p>In Schedule 2 (minor and consequential amendments of enactments), in the amendment to section 37(3) of the Act of 1955, the reference to section 8 of the Act of 1955 and section 12 of the Army and Air Force Act, 1961 shall be construed as including reference to these Regulations.</p>

## EXPLANATORY NOTE

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

These Regulations, which come into operation the same date as section 2 of the Armed Forces Act 1976, revoke and substantially reproduce the Royal Air Force Terms of Service Regulations 1971 as amended by subsequent amending regulations. The only significant new provisions are:

In Regulation 9(2) a period of 15 years is substituted for 12 years; this will enable a person to extend an engagement to 15 years earlier in service.

Regulation 9(4) provides that a person may reduce a term of service with the approval of the competent authority; this is required for special circumstances, and will obviate the existing requirement for discharge and re-enlistment. This paragraph of the Regulations is made in exercise of the power conferred by section 2 of the Armed Forces Act 1976.

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