

2018 No. 1210

DEFENCE

The Armed Forces (Aliens) (Amendment) Regulations 2018

Made - - - - 20th November 2018

Laid before Parliament 23rd November 2018

Coming into force - - 31st December 2018

The Defence Council makes the following Regulations in exercise of the powers conferred by sections 340(2) and 373(5) of the Armed Forces Act 2006(a).

Citation and commencement

1. These Regulations may be cited as the Armed Forces (Aliens) (Amendment) Regulations 2018 and come into force on 31st December 2018.

Amendment of the Armed Forces (Aliens) Regulations 2009

- 2.—(1) The Armed Forces (Aliens) Regulations 2009(b) are amended as follows.
- (2) Before regulation 2 insert the heading “Service in the Brigade of Gurkhas”.
- (3) In regulation 2 for “five” substitute “7”.
- (4) After regulation 2 insert—

“Transitional provision in respect of service in the Brigade of Gurkhas before 31st December 2018

3. In relation to a citizen or national of Nepal who was serving, or who has served, in the Brigade of Gurkhas before 31st December 2018, regulation 2 is to be read as if for “7 years” there were substituted “5 years”.

20th November 2018

Mark Lancaster
Stuart Andrew
Members of the Defence Council
Ministry of Defence

(a) 2006 c. 52.
(b) S.I. 2009/835.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 340 of the Armed Forces Act 2006 (c.52) prohibits aliens from serving in the regular forces or Her Majesty's forces raised under the law of a British overseas territory other than Gibraltar. However, the Defence Council may make regulations which exempt aliens who satisfy prescribed conditions from the prohibition.

The Armed Forces (Aliens) Regulations 2009 (the "principal Regulations") permit citizens or nationals of Nepal to serve in the Brigade of Gurkhas and, if they have served at least 5 years with the Brigade, to serve in other units of the regular forces or a force of a British overseas territory (other than Gibraltar). These Regulations amend the principal Regulations so that Nepali citizens or nationals must serve in the Brigade of Gurkhas for at least 7 years before transfer to such other units. This increase in the required period of service does not apply to Nepali citizens or nationals who were serving in the Brigade of Gurkhas before 31st December 2018.

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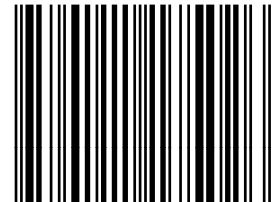
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