

CHAPTER 54

LEAVING THE SERVICE

POINT OF CONTACT - PART 7

CONTENTS

SECTION 1 - EARLY TERMINATION

Para

- 5401. Early Termination - Introduction
- 5402. Earliest Date to Apply for Early Termination
- 5403. Officers - voluntary withdrawal from training
- 5404. Ratings and Other Ranks - Statutory right of Discharge
- 5405. Application for Early Termination
- 5406. Impact of Early Termination
- 5407. Consideration of Applications for Early Termination
- 5408. Release Abroad
- 5409. Early Release within standard 12 month waiting period
- 5410. Ratings and Other Ranks - Requests for non-standard Early Termination
- 5411. Application for Early Termination on Grounds of Conscientious Objection
- 5412. Withdrawal of an Application for Early Termination
- 5413. Assignment notice after withdrawal of notice for Early Termination
- 5414. Re-application for Early Termination

SECTION 2 - INVALIDING

- 5415. Officers, Ratings and Other Ranks - Invaliding
- 5416. Naval Service Medical Employability Board
- 5417. NSMEB Considerations
- 5418. Refunds and Return of Service
- 5419. Invaliding Benefits
- 5420. Discretionary Awards Panel

SECTION 3 - COMPLETION OF COMMISSION (OFFICERS)

- 5421. Introduction
- 5422. Extensions of Service
- 5423. Commission Transfers
- 5424. Completion of Commission - Initial Commission (IC) or Short Career Commission (SCC)/Short Commission (SC)
- 5425. Career Commission (CC) - Excluding Medical, Dental and QARNNS Officers
- 5426. Full Term Commission - Excluding Medical, Dental and QARNNS Officers
- 5427. FTC (Aviator) - Excluding Medical, Dental and QARNNS Officers
- 5428. Medical, Dental and QARNNS Officers
- 5429. Retirement Ages for Officers with Military Service Prior to 1 Apr 99
- 5430. SUY/SCC - Retirement Age

SECTION 4 - RESIGNATION BY OFFICERS

- 5431. Applications to Resign Commission by Officers
- 5432. Waiting Period
- 5433. Consideration of Applications
- 5434. Withdrawal of Resignation Application
- 5435. Applications from Officers Subject to Disciplinary/Administrative Process
- 5436. Consequences of Resignation
- 5437. Reserve Liability

SECTION 5 - OTHER DISCHARGES - OFFICERS

- 5438. Compulsory Withdrawal from Training - Officers on the Untrained Strength
- 5439. Administrative Discharge - Officers on the Trained Strength
- 5440. Entitlements following Administrative Discharge - Officers
- 5441. Dismissal

SECTION 6 - DISCHARGES - RATINGS AND OTHER RANKS

- 5442. Discharges - General
- 5443. Medical Discharge - Not Finally Approved (Medical)
- 5444. Discharge SHORE – General Instructions
- 5445. Circumstances in which Discharge SHORE may be Appropriate
- 5446. Discharge Services No Longer Required (SNLR) - General Instructions
- 5447. Circumstances in which Discharge Services No Longer Required (SNLR) may be Appropriate
- 5448. Complaints Against Discharge SHORE/SNLR
- 5449. Compassionate Discharge
- 5450. Assessment and Recommendations for Further Naval Service

SECTION 7 - RELEASE PROCEDURES AND PAYMENTS ON RETIREMENT

- 5451. Retirement Advice
- 5452. Release Procedure
- 5453. Release Actions
- 5454. Promulgation of Release
- 5455. Terminal Leave
- 5456. Payments on Retirement
- 5457. Retired Pay
- 5458. Terminal Grants
- 5459. Commutation
- 5460. Preserved Pension
- 5461. Resettlement Grant
- 5462. Death Benefits
- 5463. Premature Discharge within 3 months of completing service and pension entitlement
- 5464. Other Pension Arrangements
- 5465. Discharge - Additional procedures to be adopted for Foreign & Commonwealth members of the Naval Service
- 5466. Valedictory Letters and Certificates

SECTION 8 - RESERVE LIABILITY

5467. Reserve Liability under the Reserve Forces Acts 1980 and 1996

ANNEXES

Annex 54A	Delegation of Powers to Approve Discharges and Other Administrative Actions
Annex 54B	Application Format for the Advisory Committee on Conscientious Objectors
Annex 54C	Format for Statement Concerning Applicant to be Completed by Commanding Officer for Information of the Advisory Committee
Annex 54D	Discharge on the Grounds of Temperamental Unsuitability
Annex 54E	Types of discharge and Supporting Documentation
Annex 54F	Commanding Officer's step by step Guide to the Discharge Process
Annex 54G	Valedictory Letters and Certificates
Annex 54H	HM Forces/UK Border Agency Discharge Proforma
Annex 54I	Reserve Liability/Eligibility Guide
Annex 54J	Template - Waiver of right to submit representation

CHAPTER 54

LEAVING THE SERVICE

SECTION 1 - EARLY TERMINATION

5401. Early Termination - Introduction

Individuals who are not due for compulsory retirement but who wish to leave the Service, for whatever reason, before reaching the end of their Commission/Career/Engagement may apply for Early Termination provided the conditions outlined in the Paras below are met.

5402. Earliest Date to Apply for Early Termination

a. **Officers.** Officers have the opportunity to apply to leave (voluntarily withdraw from training) up until their Premature Termination of Career Training (PTCT) point (see [Para 5403](#)). Beyond this point, they are required to complete their initial training and become eligible to leave the Service on completion of any outstanding initial training return of service (ROS) commitment (see [Table 53B-1](#)); officers may apply for Early Termination to run concurrently with the end of the ROS period.

b. **Ratings and Other Ranks.** Ratings and other ranks have a statutory right to leave within their first six months' service or until age 18 (see [Para 5404](#)), if this comes after the expiration of the initial six month statutory discharge period. Beyond these points, individuals are required to complete their initial training (if applicable) and then become eligible to apply for Early Termination on completion of a Minimum Time to Serve (MTS) period following the Standard Initial Training Period. See [Para 5304](#) for more information. The earliest date of discharge will have been recorded on the S3049 which individuals sign when they enlist in the Service (a copy of which is given to individuals). This date is then entered in JPA.

5403. Officers - voluntary withdrawal from training

a. During initial training, YOs may request permission to withdraw from training up until their PTCT point. Requests will normally be granted provided the YO has not passed beyond the stage of training specified in [Table 54-1](#), although student aircrew/ATCO will still be required to be interviewed at the NAAB in accordance with [Para 5743](#) to investigate the circumstances surrounding their request to leave. Officers who pass their PTCT point are required to complete their initial training and serve out the specified ROS for the training received. Details of the minimum ROS required of YOs for the cost of their initial training are shown in [Table 53B-1](#). Only in exceptional circumstances will the Navy Command/Head of Terms of Service, on behalf of the Assistant Chief of Naval Staff (Personnel)/Naval Secretary, consider voluntary withdrawal from training (VWFT) requests submitted by individuals who have passed their PTCT point.

b. Medical and Dental officers selected for specialisation courses lasting two or more years are required to waive their right to voluntary retirement.

Table 54-1. Premature Termination of Career Training

Branch/Specialisation	PTCT Point
Warfare (except Air)	Day before passing out of BRNC Dartmouth
Engineering	Day before passing out of BRNC Dartmouth
Training Management	Day before passing out of BRNC Dartmouth
Logistics	Day before passing out of BRNC Dartmouth
Aircrew (Pilot, Observer and Air Traffic Control)	Day before completion of Grading
Medical and Dental Cadets (cadetships awarded prior to 1 Mar 07)	Throughout training up until one month before publication of the final examination results leading to their basic professional qualification (i.e. the point at which the cadets qualify professionally as doctors (and end of the 3 years maximum sponsorship period)
Medical and Dental Cadets (cadetships awarded after 1 Mar 07)	a. Medical Cadets. One calendar year after joining the RN b. Dental Cadets. One calendar year after joining the RN or on achieving GDC registration, whichever is the earlier.
Medical Services Environmental Health Officers	Day before passing out of BRNC Dartmouth
Royal Marines	Day before completion of Phase 1 training (end of week 36)

c. The CO BRNC has delegated authority for the management of VWFT requests for all YOs during the period up to passing out of BRNC.

d. The Commandant CTCRM has delegated authority for the management of VWFT requests for RM officers during Phase 1 training at CTCRM.

e. The CO BRNC/Commandant CTCRM is responsible for informing the YO in writing of the outcome of their request and in his/her letter must include details of any financial liability.

f. The CO BRNC/Commandant CTCRM and his/her staff must ensure that all officers are fully counselled before accepting and approving the request.

g. If after counselling it is established that an individual wishes to transfer branch/specialisation (or in the case of a RM YO, wishes to transfer to the RN), the CO BRNC/Commandant CTCRM is to submit the request, together with their recommendation, to the Officer Terms of Service Manager who, in turn, will consult the Navy Command/FOST SO1 Training Pipeline Manager, the approving authority for branch/specialisation transfers by officers undergoing initial training (see [Para 5104](#) to [Para 5107](#)).

h. Throughout the process, it is important that the CO BRNC/Commandant CTCRM continues to liaise closely with the FOST SO1 Training Pipeline Manager so as to ensure both current and future manning requirements against Fleet Gains to the Trained Strength (GTS) targets remain as balanced as possible.

- i. **Aircrew and ATC Officers.** A YO who wishes to apply for VWFT should submit a request in writing to their CO through the chain of command. The CO should interview the YO to satisfy himself/herself as to the reasons for the request and remind the YO of the requirement to acknowledge his/her uniform/equipment and education costs. If the YO still wishes to proceed, his/her letter together with all of the appropriate documentation should be forwarded to the NAAB (see [Para 5743](#)).
- j. The NAAB will arrange to interview the YO as soon as possible. Where he/she cannot be seen by the NAAB within a reasonable timescale, a holdover assignment may be arranged. The NAAB will submit a written report to Navy Command ACOS(CSAV), together with all of the appropriate documentation and recommendations, as to the disposal of the case. After consideration, Navy Command ACOS(CSAV) will forward the case and all of the appropriate documentation, including the YO's full training record, the NAAB report and Navy Command ACOS(CSAV)'s own recommendations, to the Officer Terms of Service Manager for approval, who will inform the YO in writing of the final decision (copied to Navy Command ACOS(CSAV) and the NAAB).
- k. Where an inter-FAA transfer is approved by Navy Command ACOS(CSAV), P/NAAB will forward the approval to the Officer Terms of Service Manager for agreement of the terms and conditions of the transfer.
- l. **Upper Yardman (Engineering) UY(E) scheme.** UY(E) officers who, having completed the University of Portsmouth (UoP) degree course as a precursor to joining the Officer Corps, do not subsequently become an officer on the trained strength, whether through voluntary or compulsory withdrawal from training, will return to the Ratings Corps (preferably in their source specialisation) to complete the balance of any ROS accrued (for completing the UoP degree course) as a rating on the trained strength. See [Para 5310](#) for more details.

5404. Ratings and Other Ranks - Statutory right of Discharge

a. Within First Six Months of Service

- (1) All new recruits enlisting in the Naval Service, who have not previously so enlisted, have a statutory right to claim discharge within their first six months of service provided that they have completed a minimum of four weeks' service (excluding leave periods and any forfeited service) from the date of their entry. From this point, recruits exercising their right to leave the Service will be entitled to release no later than 14 days after giving notice in writing to their CO and recording their request to leave on JPA. Procedures for 'Applying for Early Termination' can be found in the JPA Employee Self Service Assistance Guide. The 14 days' notice period will commence from the date on which the recruit records the request on JPA unless they are in detention (see [Para 5404 a sub para \(5\)](#)). COs have the discretion to reduce the 14 days' notice period when special circumstances warrant such action.

(2) **Re-entry.** Discharge under the provisions of this paragraph cannot be exercised by individuals who re-enlist in the same Service, i.e. it is only allowed when a former rating rejoins as an RM recruit and vice versa, with the RN and RM being considered as separate Services for the purposes of this paragraph. However, recruits who are discharged 'Not Finally Approved (Medical)' (NFA(Med)) (in accordance with BR1750A) retain their right to statutory discharge on re-enlisting in the same Service.

(3) **Ratings and Other Ranks Recruited Abroad.** Any recruit who was domiciled outside the UK and was accepted in that country for regular service in the RN, RM or QARNNS is entitled, on discharge, to conveyance at public expense to a selected place of residence in the UK (or Irish Republic if recruited from or normally domiciled there) or in the country from which they were recruited for service in the Regular Naval Service. Travel at public expense to any other destination outside the UK or Irish Republic is not permitted.

(4) **Absence from Duty.** Recruits are to be instructed that, should they wish to claim their discharge during a period of absence on leave or for any other reason, they are to inform their CO by Recorded Delivery letter. Where appropriate, the 14 day notice period for recruits will count from the date of receipt of the letter by the CO. Applicants for discharge will, however, be required to return to duty before their discharge can be completed.

(5) **Effect of a Sentence of Detention.** A sentence of detention or imprisonment will run its normal course irrespective of whether a recruit exercises their option before or during it.

(6) **Outstanding Disciplinary Action.** See Para 5442 [sub para I](#).

b. **Until age 18**

(1) Further to Para 5404 [sub para a](#), ratings and other ranks who have served for six months now retain a statutory right to end their service up until their 18th birthday by giving notice in writing to their CO. Ratings and other ranks wishing to leave the Service under this regulation will be required to complete a notice period of 3 months. This will act as a cooling-off period, providing the safeguard of a period for reflection in which the Under 18 may rescind a hasty and subsequently regretted decision and, as such, if an individual revokes their written notice to the CO, their entitlement to be discharged as of right will cease. There will be no limit to the number of occasions on which someone can apply to leave before their 18th birthday. Someone who gives notice at the final opportunity, namely the day before their 18th birthday, may serve until the day before they reach the age of 18 years 3 months.

(2) Where a person under the age of 18 submits notice under this regulation, the 3 month notice period may be reduced to a lesser period if agreed between the individual and their CO. As with those leaving within their first 6 months' service, individuals who exercise their right to leave before reaching age 18 will not have any reserve or recall liability. The provisions described in this paragraph should now be used instead of the former Discharge SHORE Unhappy Under 18 category which has become obsolete in consequence of the legislative changes. COs retain the power to discharge an individual regardless of age for other reasons but they should generally not consider individuals unsuitable because they have previously exercised the right both to apply for discharge and to remove that notice.

(3) On reaching the age of 18, ratings and other ranks who are still within their 6 month statutory discharge period as a new recruit will have the balance of this period to decide whether or not to leave.

(4) **Parental Consent.** The right of recruits aged under 18 to exercise their discharge option is without regard to parental consent but COs are to notify parents or guardians in advance of the date and reason for the recruit's discharge and also inform them that the recruit will be issued with a railway warrant to their home unless the parents or guardians indicate otherwise.

5405. Application for Early Termination

a. With the exception of officers on the untrained strength, applications for Early Termination from members of the Naval Service are to be made via the JPA workflow system; this process is recorded on JPA as Early Termination. Procedures for submitting an application can be found under 'Application for Early Termination' in the JPA User Guide. The guide also gives procedures and guidance on the handling of applications for Line Managers and COs, and for Career Managers. If personnel are unable to access JPA they should follow the procedure for Proxy Application through the JPAC Enquiry Centre. An application from an officer to exercise their notice option or to resign should initially be submitted through the CO and be accompanied by a certificate of an officer's conduct.

b. **Waiting Period.** Subject to the special provisions at [sub para \(1\)](#) being in force, an individual's date of discharge will be 12 calendar months from the date of their application (with the exception of Medical officers for whom it will be six calendar months), subject to confirmation by the relevant Career Manager. Personnel may apply to leave at less than the normal waiting period and such applications will be considered in accordance with [Para 5409](#).

(1) When circumstances dictate, the Naval Service is empowered to impose shorter notice periods, subject to a minimum notice period of 6 months. Twice yearly, in July and December, the Navy Command Headquarters will issue an RNTM giving advance notice of any specialisations where the normal 12 month notice period will be reduced and specifying the revised notice period that will apply. Under no circumstances will a notice period be reduced retrospectively. In cases where the notice period is reduced, individuals will receive confirmation of their revised Terminal Expiry (TX) date from an appropriate Competent Authority (see [Annex 54A](#)) within one month of submitting their notice to the CO via the JPA workflow system.

c. Before applying for Early Termination, personnel should be aware of the possible implications of this type of release on matters such as: additional pay and allowances (including specialist pay), retired pay (especially FTC(A) personnel who may lose entitlement to an enhanced pension), LSAP, Resettlement Grant (JSPs 752 and 754); Annual and Terminal Leave (see JSP 760) and Graduated Resettlement Time (JSP 534). Queries on these issues should be forwarded in the first instance to the Unit Personnel Office. Individuals must also be aware that withdrawal of an application for Early Termination is not a right. See [Para 5412](#).

d. **ROS.** (See [Chapter 53](#) for more information). Personnel should not apply for Early Termination until they are within a year of completing any outstanding ROS accrued as a result of:

- (1) Training (initial or further) or courses undertaken
 - (2) Financial incentives or bonus payments. (Personnel wishing to exercise their notice option whilst under an FRI commitment may do so but will be required to return some or all of the financial incentive in accordance with JSP 754).
- e. The ROS requirement should be reflected by the Earliest Exit Date recorded in JPA. However, if this date is not recorded correctly it does not override the requirement to complete the ROS term. Personnel may serve out their waiting period concurrently with the final 12 months (six months for Medical officers) of any outstanding ROS.
- f. **Application for Early Termination having Accepted the Offer of a Commission Transfer or a Period of EC or 2OE.** Individuals who have accepted an offer of a commission transfer, 2OE or EC will not be able to leave on their original TX date but will be required to submit an application for Early Termination if they wish to leave earlier than the end of the commission or period of 2OE or EC that they have accepted (see Chapter 49 [Section 3](#) (Commission transfers) and [Para 4945](#) (EC)).
- g. **Applications for Early Termination from Officers under Quarterly Report.** Officers will not be permitted to exercise the notice option in order to avoid compulsory retirement for unsuitability or inefficiency, except in exceptional circumstances, e.g. in accordance with [Para 5409](#). Applications from officers under quarterly report will be placed in abeyance until they have been removed from quarterly report. The basic date for calculation of release date is, however, the date of the workflow application for Early Termination even if the officer applied whilst on quarterly report.

5406. Impact of Early Termination

a. On Promotion:

- (1) Individuals who apply for Early Termination will not be considered for promotion by Selection Boards. If, therefore, such individuals are recommended for promotion, the recommendation will be conditional on them withdrawing their application, albeit provided manning levels permit. Personnel who apply for Early Termination, following selection but before the effective date of promotion, will be automatically de-selected.
- (2) When individuals have their application to withdraw their request for Early Termination approved, hence becoming eligible for consideration for promotion, the Promotions Section is to be advised immediately by signal or e-mail to enable their presentation to the Board.

b. On Financial Liability for Degree Studies (Officers)

- (1) Officers in receipt of sponsorship from the RN or RM in respect of a bursary or a university cadetship/nomination, including Medical and Dental Cadets, are liable to refund the costs of the sponsorship, namely tuition fees, bursary awards and/or education grants, in full if they withdraw, or are withdrawn (compulsorily or voluntarily), from training or apply for Early Termination. See also [Para 4805 sub para f](#). Officers whose appointments are terminated for whatever reason will be required to return their principal items of uniform and luggage. A charge will be made for any item(s) not returned. Those officers who entered prior to 1 Apr 06 will be required to refund the cash grant paid for the purchase of suitable luggage unless they can provide a receipt for the luggage bought (see JSP 752 for detailed regulations).

(2) It should be noted that this financial liability is quite separate from the ROS liability and expiry of the liability to repay degree sponsorship costs in no way affects an officer's ROS liability.

c. **On LSAP.** Personnel in receipt of a LSAP will not normally be allowed to apply for, or be granted Early Termination unless the LSAP has been repaid in full or they have made acceptable arrangements to repay the LSAP in full. Applications for Early Termination must include details of any LSAP balance outstanding, plus the applicant's proposals for its repayment. For full details, see JSP 752 (Allowances) Chapter 2 Para 0428.

5407. Consideration of Applications for Early Termination

a. On receipt of a workflow Application for Early Termination, Career Managers are to check that the application has been submitted correctly, including Line Manager and CO's comments, and that there are no outstanding ROS commitments. The application will be processed in JPA in accordance with the JPA User Guide. Individuals will be notified as to whether their application has been approved and given an indication of when they can expect to be released, i.e. their Last Day of Duty (LDD) or last day of paid service.

b. Individuals whose applications are rejected because they have not given sufficient effective service in return for their training or for any other reason, will be told the date on which they may re-submit their application if they so wish. Once an LDD has been approved by the Career Manager, personnel should not be released before or after this date without prior agreement from the individual.

c. Individuals who apply for Early Termination whilst undertaking further training will be immediately removed from training and re-assigned, unless it is in the Service interest to do otherwise. Rules for ROS in this instance can be found at [Para 5309](#).

5408. Release Abroad

a. Individuals serving abroad, who would otherwise be sent home to the UK to be released from the service, either under notice or at the end of their Commission/Career/Engagement may apply to be released from the station in which they are serving, by forwarding an application to the appropriate Career Management Authority. The application is to be accompanied by relevant details about the position of any dependants, in order that it can be confirmed that the applicant is making reasonable provision for the maintenance of any dependants in the United Kingdom. Career Managers will assign individuals who apply for release abroad to HMS NELSON for administration of the release process. Where individuals applying for discharge abroad, signify their intention to remain in the country of discharge for a considerable period after discharge, they should be instructed to check with the local authorities and, where necessary, through the British High Commission/British Embassy/Consulate that they can legally remain in the country of discharge. The CO is to check that all necessary immigration formalities have been completed before release.

b. Individuals serving abroad being discharged from the Service for other reasons may also apply to be discharged from the station in which they are serving using the same process outlined above.

5409. Early Release within standard 12 month waiting period

a. **Eligibility Criteria.** Early release at less than 12 months is not a right and should therefore not be relied upon if applying for civilian employment. *Individuals must not accept an offer of employment which would commence earlier than the end date of the 12 month waiting period* until their application for early release is approved officially. It should be noted that approval is normally only given in exceptional circumstances; however, special consideration will be given in the following instances:

- (1) Compassionate reasons are stated and are supported in a Naval Personal & Family Service (NPFS) Social Inquiry Report. In instances where the financial health of a family business is a factor, applications should be supported by documentary evidence relating to that business.
- (2) The individual is a candidate for holy orders; documentary evidence of acceptance by a theological college is required.
- (3) The applicant wishes to stand for Parliament.
- (4) The release of the individual to take up civilian employment is deemed to be in the National Interest (supported by a comprehensive statement from a prospective employer which will allow a proper assessment of the case to be made).
- (5) The CO deems the individual's release to be in the best interests of the Service (based on knowledge of the individual and his performance/character to date).
- (6) The individual's specialisation is overmanned.
- (7) The individual wishes to join another Service (see Para 5410 [sub para c](#)).

b. **Applications.** Requests for release at less than 12 months should be made to the relevant Career Manager and must contain the recommendations of the individual's CO. It should indicate whether the unit would be capable of bearing the gap until the individual's original date of Terminal Leave if the application for early release were approved. Evidence must be provided to show why an individual should be allowed, exceptionally, to be released early. Applications will be considered when:

- (1) No ROS commitment will be breached by early release.
- (2) The applicant's CO has confirmed that any resulting gap is acceptable or a relief will be in place by the time of the applicant's new (early) release date.
- (3) The long-term manning situation permits.
- (4) For squadded personnel, even if the CO recommends the request, the Career Management Cell may reject the application as they may be able to employ the junior rate in another gapped unit.

c. **Impact on Terminal Leave.** All successful applicants are entitled to receive full terminal benefits according to the length of their service, including Terminal Leave (see JSP 760). However, if an application is submitted at short notice, such that there is insufficient time for all Terminal Leave to be taken prior to the new (early) release date, the individual concerned is to be granted as much leave as possible but must accept any shortfall. Career Managers are to ensure that acceptance of a shortfall in Terminal Leave is clearly stated in the application response, be it by signal, letter or e-mail.

5410. Ratings and Other Ranks - Requests for non-standard Early Termination

a. Ratings and other ranks who have completed six months' service from enlistment and are over 18 (see [Para 5404](#)) have the chance to seek prior approval from the Navy Command Headquarters to apply for Early Termination before the end of their MTS period. Similarly, ratings and other ranks, who have completed their MTS period but are ineligible to submit notice as a result of an outstanding need to provide a return of service (ROS) for undertaking further training or receipt of financial remuneration, have the opportunity to seek permission to submit an Early Termination application. Early release from a ROS commitment is not a right and is not guaranteed - see [Para 5410 sub para b](#). As such, ratings and other ranks should not rely on receiving a positive decision if they are considering applying for civilian employment.

b. **Early Release Criteria.** Approval to submit an Early Termination request in non-standard cases will only be granted in exceptional circumstances, however, as a rule, special consideration will be given if any of the criteria set out at [Para 5409 sub para a](#) apply.

c. **Applications.** Ratings and other ranks who are restricted in their right to give notice but wish to seek prior approval to apply for early release are to apply in writing to their CO, in the first instance, providing reasons in support of the request to leave early. In turn, COs are asked to provide a covering submission, offering their view on whether the application is supported or not and providing any background information about the individual which is considered relevant (e.g. are there any compassionate grounds, have other authorities been consulted (NPFS, welfare, pastoral), is the individual motivated or are there any disciplinary issues). Ratings and other ranks who wish to leave early with a view to joining another Service should make this clear in their submission and provide a completed application form, contained at [Annex 52A](#). See also (see [Para 5410 d sub para \(2\)](#)). Further details regarding the 'Service transfer' process can be found at [Para 5206](#). There is no need for COs to submit a special SJAR as part of their submission and, likewise, individuals do not need to be given the opportunity to make a representation given that they are already required to make an application in writing to their CO to leave early. On completion, the CO is to send the paperwork to the appropriate address:

(1) If a rating is still under training - to FOST-TA UTS Pipeline Manager, HMS RALEIGH, Torpoint, Cornwall PL11 2PD.

(2) If an other rank is still under training - to OC Commando Training Wing, CTCRM Lymstone, Exmouth, Devon EX8 5AR.

(3) If a rating or other rank is on the trained strength - to the Ratings and Other Ranks Terms of Service Manager, Navy Command Headquarters, Room 48, West Battery, Whale Island, Portsmouth PO2 8DX.

d. On receipt, the appropriate Competent Authority, shown at [Annex 54A](#) and acting with the delegated authority of the Naval Secretary, will consider the individual merits of the request, with particular emphasis given to the criteria set out at Para 5410 [sub para a](#). Ratings and other ranks will be informed of the decision via their CO, with a copy going to their Career Manager for information:

(1) If approval is granted, service transfer requests apart, a formal Early Termination application can then be made on JPA, effective from the date on which the permission was given (this will be communicated in the letter). As a result, an individual will be able to leave 12 months later unless an earlier release date is agreed by a Competent Authority (see [Annex 54A](#)) in consultation with the unit. As at Para 5410 [sub para a](#), ratings and other ranks wishing to take up civilian employment on leaving the Service should not rely on being released early within the standard 12 month notice period. It should be noted that a ROS waiver (release before the end of a ROS period) will, if granted, not negate an individual's obligation to repay any financial liability if appropriate, e.g. for a FRI.

(2) If approval is given for a request from a rating or other rank who wishes to leave the Naval Service before the end of their MTS period or a ROS period with a view to joining the Army or RAF, the Terms of Service team will initiate action to process the 'transfer' application form submitted with the paperwork. Requirements and Career Managers will be consulted to establish the individual's earliest possible discharge date prior to the appropriate paperwork being sent to the appropriate Personnel Management Authority in the Army or RAF.

(3) If the request is rejected, advice will be given on alternative options that might be pursued by the chain of command.

5411. Application for Early Termination on Grounds of Conscientious Objection

a. Any RN/RM officer or rating/other rank who claims to have developed a genuine conscientious objection to further service may apply for Early Termination without regard to length of service or the manpower situation in the branch. Whenever possible, the application should be accompanied by the individual's own written statement of the grounds on which they are applying.

b. It may be appropriate in certain cases to suggest that an applicant should defer a request for a week or two and give the matter further thought. Such a delay must however be of only short duration. For example, deferments of six months are not acceptable. If, after a short period of reflection, the officer/rating/other rank reaffirms the claim to conscientious objection, the application should be processed as soon as possible and the claimant should be informed of the financial and other consequences.

c. This discharge concession requires all cases to be examined with particular care to avoid abuse by those who simply wish to circumvent the normal discharge procedures. It is, therefore, most important that the individual's CO and the Chaplain should do all they can to establish the genuine nature or otherwise of the person's convictions. COs should then submit the application, together with a report and their personal recommendations to the appropriate Administrative Authority. The report should be as full as possible and should cover the following points:

(1) The nature of the conscientious objection and how and when it began and an assessment of the veracity of the claim.

- (2) Information about the individual's service and conduct including details of operational experience, relevant offences and punishments awarded.
- (3) The individual's general bearing and behaviour and whatever is known about their influence on shipmates.
- (4) Whether the individual is due for a new assignment and at what date.
- (5) Details of any counselling sought by individuals, and that given, regarding conflicts between their personal beliefs and their military tasks.

d. **Applications:**

(1) *Officers on trained strength.* Officers who claim to develop a conscientious objection may apply to resign their commission. Application is to be made in writing and is to include a detailed statement of the grounds on which the officer is applying. The CO should then submit this application together with a report and personal recommendation through the appropriate chain of command and the officer's Career Manager to the Navy Command Headquarters Casework Cell (see [Annex 1E](#)). The report should be as full as possible but only need cover Para 5411 c [sub para \(1\)](#), [sub para \(3\)](#) and [sub para \(5\)](#). The information required by Para 5411 c [sub para \(2\)](#) and [sub para \(4\)](#) will be provided by the Career Manager. Where it is accepted that resignation, with immediate effect, is appropriate, the Admiralty Board will be invited to approve. While any outstanding return of service may be waived in these circumstances, it will be a condition of release that the officer must agree to repay any uniform or educational costs for which he is liable. If, however, there is considered to be no case for allowing the officer to resign on the grounds of conscience, the officer will be advised accordingly and will be free to apply to leave in accordance with the terms of [Chapter 54](#).

(2) *Officers on the untrained strength.* Resignation is only applicable to officers on the trained strength. Young Officers who claim conscientious objection after their Premature Termination of Career Training (PTCT) point has passed may apply to voluntarily withdraw from training. Young Officers may request to voluntarily withdraw, through their chain of command, for any reason before the PTCT and this will normally be accepted. The procedure for making an application and the conditions are generally as described in Para 5411 d [sub para \(1\)](#) It will not, however, be necessary for Admiralty Board approval to be sought where it is accepted that a request for voluntary withdrawal from training is appropriate. If there is considered to be no case for allowing a Young Officer to voluntarily withdraw on the grounds of conscience after the PTCT, he/she will be advised accordingly.

(3) *Ratings and Other Ranks.* Application is to be made in writing to the CO. Applications made in accordance with this Article will be decided on their merits by an appropriate Administrative Authority, e.g. the Commander-in-Chief Fleet, Chiefs of Staff (Capability) or (Personnel), Flag Officer Scotland Northern England and Northern Ireland or Flag Officer Sea Training. If approved, the discharge will be categorised as compassionate on JPA and release is to be effected as soon as possible. There is no entitlement to terminal leave. Conscientious Objectors are invariably to be assessed as "Not recommended for further Naval service in accordance with [Para 5450](#)" on Appraisal Reports raised by final employing units prior to joining their nominated Release Centres.

e. **The Advisory Committee on Conscientious Objectors.** An Advisory Committee appointed by the Lord Chancellor is available to hear appeals by Service personnel who claim a conscientious objection to further service and whose applications have been turned down by the Services. This Advisory Committee conducts its hearings in public and tenders its advice to the Secretary of State for Defence's representative (in practice to the Central Legal Services division). The Advisory Committee is also available to consider applications that might arise from Reservists in the event of recall.

f. A successful appeal to the Advisory Committee will be accepted as decisive on the question of conscience and any person whose objection to further service is found by the Committee to be genuine will be granted a release under the terms of Para 5411 d [sub para \(1\)](#) and [sub para \(3\)](#). Any person whose case is rejected by the Committee will be required to continue their service, although they may of course apply for Early Termination in the normal way.

g. The procedure for an appeal to the Advisory Committee, which is separate from any statutory complaint submitted by Service Personnel in accordance with JSP 831, is as follows:

- (1) Individuals are to complete and sign the application in the format shown at [Annex 54B](#) and may include in it a written statement of the case that they wish to make.
- (2) The CO is to complete the statement at [Annex 54C](#) in duplicate to provide the necessary information and summary of the case for the Committee. Both forms should be forwarded to the Casework Cell through the appropriate chain of command which will add any other relevant information to the initial application.
- (3) The Casework Cell will forward the application, together with any supporting papers, to CLS-LegC, the secretariat branch for the Committee, who will convene a hearing and advise all participants accordingly.
- (4) As the Committee prefers an officer with personal knowledge of the appellant to attend the hearing, the CO should state in a covering letter whether such an officer can be made available and if so, state their name.
- (5) Arrangements for the hearing of the case, the attendance of the witnesses etc, will be notified to the CO. It is the responsibility of the appellant to notify any representatives and/or witnesses of the arrangements for their attendance.
- (6) The finding of the Advisory Committee will be promptly notified to the CO by CLS-LegC; the CO is to inform the individual without delay. If the appeal is successful, the discharge of ratings/ranks will be authorised by the authorities listed in Para 5444 [sub para b](#). Discharge of officers will be endorsed by the Admiralty Board and notified by in due course.

h. General Notes

(1) The procedure is unconnected with the commission of disciplinary offences. Should offences be committed, whether or not they are alleged to have been committed on grounds of conscience, they must be dealt with in the usual way. If appropriate, this point should be explained to any person professing conscientious objection, but if the applicant commits an offence which may be relevant to the case while a decision by the Administrative Authority or the Advisory Committee is pending, this should be reported without delay.

(2) While submission of an application will not in itself be regarded as justifying interference with normal assignment, the CO should draw special attention when submitting reports to any overseas assignments that may be imminent. The procedure will extend to any persons serving overseas under normal peacetime conditions at the time of their application or appeal and they will, if necessary, be brought home (costs to be borne locally) to appear before the Advisory Committee as soon as practicable.

5412. Withdrawal of an Application for Early Termination

a. Withdrawal of an Application for Early Termination, once approved, is not a right and, before such a request is granted, consideration will be given to the global manpower situation. Clearance will not normally be forthcoming in branches which are either currently or forecast to go into surplus. Applications from individuals within four months of their termination date are unlikely to be successful; nevertheless the application process outlined below should still be followed.

b. Individuals wishing to withdraw their Application for Early Termination should do so via JPA workflow by following the procedures under 'Application for Early Termination' in the JPA User Guide (this also covers the process for withdrawal of an application). However, if the request is made within two months of the TX date, or units are not able to access JPA, a signal or e-mail should be sent to the CNPS PPLANR WO1 (for RN), or CNPers NPT(RM) CORPS REC (for RM) to ensure a timely decision.

c. The authority to withdraw an application for Early Termination rests with the Requirements Manager.

d. The following are pre-requisites for a withdrawal application to be considered:

(1) Individual is P2 or in a fully deployable medical category.

(2) Individual is in date for RNFT on the date of the application to withdraw their request for Early Termination on JPA.

(3) Ratings are to be Educationally Qualified for Leading Hand (QELH - at least NAMET 5:5 or to have gained Basic Skills level 1 in Numeracy and Literacy).

(4) *Other Ranks.* The general procedures and criteria for the Naval Service outlined above apply to all Royal Marines who should also apply to withdraw their Early Termination using JPA workflow, or in extenuating circumstances, by e-mail or signal. It should be noted that each application will be considered on its own merits, taking into consideration the circumstances of the individual at the time.

e. Each application will be considered on its own merits, and will be judged in the context of the manning situation and forecasts at the time.

f. The manning situation is subject to change so individuals should refrain from making assumptions/future plans ahead of formal acknowledgement of approval to withdraw their application.

5413. Assignment notice after withdrawal of notice for Early Termination

In cases where individuals successfully withdraw their notice for Early Termination, the portion of assignment notice that has expired prior to the date of original application will continue to count towards notice of the next assignment. For example, a rating who submits their notice two months after being assigned to sea service and who then applies to withdraw their application, will only receive three months notice of any subsequent sea assignment.

5414. Re-application for Early Termination

Applications from individuals reapplying for Early Termination will be considered taking into account the requirements of the Service at that time. Each will be considered as if it was a new application and individuals will not necessarily be allowed to be released at the time originally approved.

SECTION 2 - INVALIDING

5415. Officers, Ratings and Other Ranks - Invaliding

Personnel found to be permanently unfit for full naval service will be brought before a Naval Service Medical Board of Survey (NSMBOS) to determine their correct medical category in accordance with BR 1750A. The Board may recommend downgrading and invaliding from the Service or retention in a permanently reduced category. The wishes of the individual concerned will nevertheless be given due weight. Special guidelines are laid down where invaliding is proposed in an individual's last year of service (see BR 1991).

5416. Naval Service Medical Employability Board

The Naval Service Medical Employability Board (NSMEB) considers, on paper, every case where a NSMBOS has recommended consideration of retention in a reduced medical category. Its task is to ensure that personnel whose medical category falls below the standard required for general service but who may be able to give limited service should be given the opportunity, wherever possible, of completing their chosen career. The Board is composed of the Director of Health (Navy) (on behalf of Hd RNMS) as President and representatives of CNPS/ACOS(PS), the Naval Secretary and Commodore Maritime Reserves.

5417. NSMEB Considerations

No individual will be retained in the Service against their wishes if being in a restricted medical category is a major bar to future employment or promotion for which the individual was fit and eligible in all respects before the medical downgrading. If less than a full career, within the reasonable expectations due to rank and skills was envisaged, the Board may offer the individual the choice between retention with limitations (e.g. no prospect of promotion), retention to complete present assignment or retention for a specified time (e.g. until the end of current engagement) or invaliding. Before reaching a decision on whether an individual should be retained, invalidated or, exceptionally, recommended for discharge by other means (see [Para 5439](#)), the NSMEB will include in its consideration the following factors:

- a. Time left to serve.
- b. Whether medical limitations preclude continued employment in own branch.
- c. Whether a full career can be offered (notably promotion prospects and sea service where appropriate).
- d. The effect of retention on other members of the branch.
- e. Whether a branch change is possible.
- f. The written personal statement of the individual, showing preference.
- g. A CO's report when called for.

5418. Refunds and Return of Service

Liability for refunds in accordance with Para 5406 [sub para b](#) and fulfilment of ROS ([Chapter 53](#)) will be waived.

5419. Invaliding Benefits

- a. Service Invaliding Retired Pay (SIRP) and a tax-free terminal grant of three times the annual rate of SIRP may be awarded to officers who have given two years' service over age 18. SIRP at enhanced rates is payable to officers with at least five years' service over age 18, of which two years have been served over the age of 21. If the cause of invaliding is found by the SPVA to be directly attributable to service, the individual may be entitled to additional benefits from the DOH, SPVA and MOD, the amount being related to rank and degree of disability. The MOD award is known as Service Attributable Retired Pay (SARP) and both SIRP and SARP are index-linked.
- b. SCC and IC officers on gratuity-earning commissions are not eligible for non-attributable invaliding benefits but can qualify for attributable benefits.

5420. Discretionary Awards Panel

Service invaliding benefits are at the discretion of the Secretary of State. Although they are normally awarded in full, cases occur when, though invaliding may be the appropriate form of discharge, it would be wrong to award full invaliding benefits or, exceptionally, any invaliding benefits at all. Responsibility for considering cases where full invaliding benefits may not be appropriate is vested in the Discretionary Awards Panel (DAP), which is normally composed of representatives of the Chief of Naval Personnel & Training/Second Sea Lord (CNP&T/2SL) and 2nd PUS. Referral to the DAP is rare. Each case is considered on its merits but, in practice, any reduction in invaliding benefits is restricted to those cases where the individual has contributed to their medical condition, e.g. through excessive drinking or refusing treatment. The DAP award will not affect any decision on Service attributable benefits, which are determined by the DSS.

SECTION 3 - COMPLETION OF COMMISSION (OFFICERS)

5421. Introduction

Officers completing the period of service required by their respective commissions will retire in accordance with the following regulations. The Defence Council or Admiralty Board also have discretion to retire officers found medically unfit for further service at any age (see [Para 5415](#) to [Para 5420](#)) and to remove officers from the Active List found unfit for further service due to incapacity, unsuitability or misconduct (See [Para 5439](#)).

5422. Extensions of Service

Extensions of service beyond retirement age may be granted to meet Service requirements (see [Para 5811](#)).

5423. Commission Transfers

Regulations for transfer of commission are contained in [Chapter 49](#).

5424. Completion of Commission - Initial Commission (IC) or Short Career Commission (SCC)/Short Commission (SC)

The retirement date for officers serving on an IC, SC or SCC is determined by the length of that commission, subject to the regulations on Normal Retirement Age (NRA) or rank related retirement - the latter is appropriate to officers with military service prior to 31 Mar 99 (see [Table 54-2](#) and [Table 54-3](#))

5425. Career Commission (CC) - Excluding Medical, Dental and QARNNS Officers

Officers serving on a CC will retire on completion of 16 years' reckonable service over the age of 21 or from date of entry - whichever is later - subject to rank related retirement (applicable to officers with military service prior to 31 Mar 99) or a normal retirement age of 55 (NRA55) (applicable to officers entering on or after 1 Apr 03). For individuals entering the Service post 6 Apr 05, and for those who elected to transfer to the AFPS05 scheme, the CC is for 18 years from date of entry subject to a minimum retirement age of 40. See [Para 4901 sub para b](#) for more details.

5426. Full Term Commission - Excluding Medical, Dental and QARNNS Officers

For officers on a FTC, termination of commission is on retirement. The retirement date for officers serving prior to 1 Apr 99 is determined by the substantive rank held by the officer as shown at [Table 54-2](#). The alignment of RM OF4/5 and 6 retirement ages (RA) with their RN counterparts and the transitional arrangements are detailed at [Table 54-3](#). The NRA date for officers joining on or after 1 Apr 99 is age 55.

5427. FTC (Aviator) - Excluding Medical, Dental and QARNNS Officers

Officers serving on the FTC (Aviator) scheme will retire at age 55, regardless of whether they have military service prior to 1 Apr 99.

5428. Medical, Dental and QARNNS Officers**a. Officers in-service prior to 1 Apr 03.**

(1) *MCC*. Medical, Dental and QARNNS officers serving prior to 1 Apr 03 who do not elect to transfer to the new commission structure and are not selected for transfer to a Full Commission (FC) remain on their existing MCC until its completion or until their appropriate rank related retirement (see [Table 54-2](#)).

(2) *FCC*. Medical, Dental and QARNNS officers serving prior to 1 Apr 03, who do not elect to transfer to the new commission, remain on their existing FCC until their appropriate rank related retirement age as shown in [Table 54-2](#).

b. Officers entering/transferring to the new structure from 1 Apr 03.

(1) *MC*. For Medical and Dental officers joining on or after 1 Apr 03, or transferring to the new commission structure, the length of the MC is 18 years' reckonable service from date of commissioning or age 21 - whichever is the later - subject to NRA58. For QARNNS officers joining on or after 1 Apr 03, or transferring to the new commission structure, completion of the MC is upon attaining 16 years' reckonable service from date of initial entry or age of 21 - whichever is the later - subject to NRA55 (JSP 527 Chapter 1 Section 5.1 and Chapter 2 Section 2.1 refer).

(2) *FC*. For Medical and Dental officers joining on or after 1 Apr 03 or transferring to the new commission structure, the FC ends upon reaching 58. For QARNNS officers joining on or after 1 Apr 03 or transferring to the new commission structure, the FC ends upon reaching 55 (JSP 527 Chapter 1 Section 5.1 and Chapter 2 Section 2.2 refer).

5429. Retirement Ages for Officers with Military Service Prior to 1 Apr 99

See [Table 54-2](#) and [Table 54-3](#).

Table 54-2. Retirement dates by rank for officers with Military Service prior to 1 Apr 99

Serial	Rank	Retirement Age
1	Temporary Sub Lieutenant (FTC50)	50
2	Temporary Lieutenant (FTC50)	50
3	Lieutenant (FTC50)	50
4	Captain RM (FTC50)	50
5	Lieutenant (Careers Service)	55
6	Lieutenant (Family Services)	50
7	Lieutenant Commander (FTC50)	50
8	Major RM (FTC50)	50
9	Surgeon Lieutenant Commander	48 or on completion of 16 years' full pay service, to maximum age of 60

BR 3
PART 7

Serial	Rank	Retirement Age
10	Surgeon Lieutenant Commander (D)	48 or on completion of 16 years' full pay service, to maximum age of 55
11	Surgeon Lieutenant Commander(D) (FC)	58
12	Lieutenant Commander (FNS)	50 but with option to retire at 48
13	Lieutenant Commander QARNNS	53
14	Commander (FTC53) (former GL and SD)	53
15	Commander (FTC50) (former SL)	50
16	Lieutenant Colonel RM (FTC50)	50 - See Table 54-3
17	Surgeon Commander	60
18	Surgeon Commander (D)	55
19	Chaplain	55
20	Colonel RM (FTC51)	51 - See Table 54-3
21	Commander QARNNS	53
22	Captain (FTC55)	55
23	Surgeon Captain	60
24	Surgeon Captain (D)	57
25	Principal Chaplain	55 or on ceasing to hold the assignment, whichever is the earlier
26	Captain QARNNS	55 or on completion of assignment
28	Commodore (FTC55)	55
29	Brigadier RM (FTC51)	51 - See Table 54-3
30	Surgeon Commodore (D)	57 or on ceasing to hold the assignment

Serial	Rank	Retirement Age
31	Chaplain of the Fleet	60 or on ceasing to hold the assignment
32	Commandant Nursing Officer Director of Defence Nursing Service	55 or on ceasing to hold the assignment
33	Rear Admiral	55 or until it is decided that the officer will no longer be employed, whichever is earlier
34	Major General RM	55 or until it is decided that the officer will no longer be employed, whichever is earlier
35	Surgeon Rear Admiral Medical Director General (Navy)	60 or on ceasing to hold the assignment
36	Surgeon Rear Admiral (D) CE/Director Dental Agency	60 or on ceasing to hold the assignment
37	Vice Admiral	55 or until it is decided that the officer will no longer be employed, whichever is earlier
38	Lieutenant General RM	55 or until it is decided that the officer will no longer be employed, whichever is earlier
39	Surgeon Vice Admiral Surgeon General	65 or on ceasing to hold the assignment
40	Admiral	55 or until it is decided that the officer will no longer be employed, whichever is earlier
41	Admiral of the Fleet	Borne on the Active List for life

Notes:

1. *Except where otherwise indicated, officers will retire on the date that they reach their retirement age, e.g. Lt Cdrs (FTC50) will retire on the day before their 50th birthday.*
2. *In July 2001, NRA55 was introduced for all Flag and General officers in the Naval Service with the exception of the Medical and Dental officers.*

Table 54-3. RM Alignment of Retirement Ages - Transitional Arrangements

If TX date is	Lt Col	Lt Col Retained Rights	Colonel	Colonel Retained Rights	Brigadier	Brigadier Retained Rights
(a)	(b)	(c)	(d)	(e)	(f)	(g)
1/7/10 to 30/6/14	53	50	54	51	54	51
01/07/14 onwards	53	50	55	51	55	51

Note. All RM OF4/5 and 6 will have their Retirement Ages (RA) extended by 1-4 years depending on their TX date/RA [column (a)] and rank [columns (b), (d) and (f)], unless they choose to retain their reserved rights. This applies to officers in their substantive rank (GL, SOLE and Band Service).

5430. SUY/SCC - Retirement Age

Individuals promoted through the SUY and SCC schemes (excluding QARNNS, Family Services and the Careers Service) who do not have sufficient time to complete an IC before their rank related retirement age are permitted to serve until the day that their rating or other rank engagement was due to end. This creates two distinct groups:

a. **SUY/SCC Candidates promoted prior to 1 Apr 99.** To maintain an equitable career opportunity for all officers serving before the introduction of the 3TC, SUY/SCC candidates promoted to the Officers Corps prior to 1 Apr 99 will serve to their existing officer rank related retirement age unless it is specifically extended for a particular rank. In this event, individuals so affected will retain the right to leave at the existing rank related retirement age if they so wish.

Note. No SUY/SCC personnel were promoted between 1 Apr 99 and 31 Dec 00.

b. **SUY/SCC Candidates promoted from 1 Jan 01.** They will retire on their officer rank related retirement date or on the day that their former rating engagement was due to end, whichever is the later. RM OF4 SO(LE) officers RA will align with their FTC(50)/(53) equivalent at [Table 54-3](#).

c. **Former SUY/SCC Officers on a CC or FTC.** These officers retire on their rank related retirement date.

SECTION 4 - RESIGNATION BY OFFICERS

5431. Applications to Resign Commission by Officers

- a. Early Termination option is the normal way of leaving the Service prematurely. In civilian life, the term "resignation" is often used but resignation has a special meaning within the Naval Service. Officers have no absolute right to resign their commission; however, they may be permitted to do so, in exceptional circumstances at the Admiralty Board's discretion. Resignation is appropriate when an officer wishes to sever all connection with the Service. Circumstances that would warrant resignation rather than the other types of discharge are where an individual holds actions or beliefs/attitudes that fundamentally conflict with the concept of military service. The primary consideration of the Admiralty Board's acceptance of resignation is the best interests of the Service.
- b. Resignation is only applicable to officers on the trained strength.
- c. An application from an individual to resign their commission should be submitted through their CO to the Casework Cell (see [Annex 1E](#)).

5432. Waiting Period

Officers will not be allowed to resign until the Admiralty Board has approved their application. If the Admiralty Board decides to approve the application, release is normally with immediate effect, i.e. as soon as the administrative process allows. Whilst any outstanding ROS may be waived in these circumstances, it will be a condition of release that the officer must agree to repay any costs for which they may be liable (see [Chapter 53](#)).

5433. Consideration of Applications

- a. Resignation applications, which should include a detailed statement of the grounds on which the officer is applying, are to be passed through the individual's chain of command to the appropriate Career Manager and thence to the Casework Cell. Each case will be examined prior to submission to the Admiralty Board to ensure the applicant is not confusing resignation with Early Termination or that there is no avoidance, inadvertent or otherwise, of administrative discharge procedures. Applications are then considered and decided upon by two members of the Admiralty Board. If the resignation is approved, release is with immediate effect. If, however, there is considered to be no case for allowing the officer to resign on the grounds submitted, the officer will be free to apply for Early Termination in accordance with [Section 1](#).
- b. Where officers make a prima facie case for resignation, they may be removed from their current assignment/course and re-assigned. If they are in or near the zone for promotion they may not be considered further for promotion and they may not be eligible for redundancy.

5434. Withdrawal of Resignation Application

Officers have no right to withdraw an application to resign once the Admiralty Board has approved their application, however, they may be permitted to do so if the Naval Secretary determines that this will be in the best interests of the Service.

5435. Applications from Officers Subject to Disciplinary/Administrative Process |

Officers are not normally allowed to resign when subject to disciplinary or administrative considerations, including Quarterly Reporting or discharge. However, exceptionally, the Admiralty Board may accept resignation in these circumstances if it is considered that the interests of the Service will best be met by the early release of an officer.

5436. Consequences of Resignation |

As with Early Termination, before requesting to resign, officers should make themselves aware of the possible implications of this type of release on matters such as: retired pay, LSAP, resettlement grant (JSP 752 and JSP 754); annual and terminal leave (JSP 760) and graduated resettlement time (JSP 534).

5437. Reserve Liability |

Officers who are permitted to resign will be removed from the Active List and will not be placed on the Retired or Emergency Lists. They totally sever their connection with the Service and will no longer hold any form of Naval Service commission and will have no further entitlement to the use of their naval rank or to wear naval uniform. This does not, however, exempt them from any statutory liability that they may have under the National Service Acts and related legislation.

SECTION 5 - OTHER DISCHARGES - OFFICERS

5438. Compulsory Withdrawal from Training - Officers on the Untrained Strength

- a. **Phase 1 Training - RN Officers.** The CO BRNC has delegated authority for the management of compulsory withdrawal from training (CWFT) applications for all YOs during the period up to passing out of BRNC.
- b. Where an officer's performance (Professional or Character and Leadership) falls below the standard required and the appropriate warnings have been applied (see [Para 5731](#) and [Para 5732](#)) but he/she has still failed to achieve the standard required, Director of Training BRNC and COs during IFT may submit an application to the CO BRNC for their CWFT.
- c. Where transfer is being recommended as an alternative to CWFT, the CO BRNC is to submit the transfer request to the Officer Terms of Service Manager for consideration under the YO transfer regulations (see [Para 5104](#) to [Para 5107](#)).
- d. Whilst a CWFT request is being considered, the CO BRNC must decide whether the officer should be sent home on leave or retained in the ship/establishment (if he/she is not considered to be a disruptive element to other YOs) until the outcome of the CWFT decision is known.
- e. The CO BRNC is responsible for informing the YO in writing of the outcome of the CWFT decision. The letter must include details of any financial liability (see [Para 5406 sub para b](#)).
- f. **Phase 2 Training - RN Officers (except Aircrew and ATC officers during professional training).** Where an officer's performance (Professional or Character and Leadership) falls below the required standard and the appropriate warnings have been applied (see [Para 5733](#) to [Para 5739](#)), COs in the Fleet and Commodores and COs of Shore Establishments, may submit a request for the officer's CWFT to the Head of Terms of Service, the approving authority (on behalf of the Naval Secretary) for the CWFT of all officers during the above phase of training. In these cases, the request must be submitted with a recently completed SRF together with the YO's E190/Training Record and the contemporaneous record. In considering the request, the FOST SO1 Training Pipeline Manager and appropriate Career Manager will be consulted and, in some cases, the YO may be called forward for interview by a Naval Advisory Board before a decision is made (see [Para 5744](#)).
- g. Where transfer is being recommended as an alternative to CWFT, approval is subject to the YO transfer regulations (see [Para 5104](#) to [Para 5107](#)).
- h. Before a CWFT request and accompanying paperwork is forwarded, the CO should decide in conjunction with the Career Manager whether the officer should be sent home on leave or retained in the ship/establishment (if he/she is not considered to be a disruptive element to other YOs) until the outcome of the CWFT decision.

BR 3
PART 7

i. The Terms of Service Team will inform the YO in writing of the Service's decision through their CO (notifying as appropriate the YO directly if at home). All officers withdrawn from training will have their final day on Naval pay calculated by their release office and entitlement to terminal leave calculated in accordance with JSP 760.

j. **RM Officers.** The Commandant CTCRM has delegated authority for the management of CWFT applications for all YOs during the period up to the end of Phase 1 training (week 36).

k. For those in Phase 2 training, the Commandant CTCRM may submit a recommendation to the Head of Terms of Service for the CWFT of a RM officer who has not met the required professional or character and leadership standards required of a RM officer following appropriate warnings (see [Chapter 57](#)). Where a Service transfer is being sought as an alternative to CWFT, approval is subject to the YO transfer regulations (see [Para 5104](#) to [Para 5107](#)).

l. Before a CWFT request and accompanying paperwork is forwarded, CTCRM should decide in conjunction with the Career Manager whether the officer should be sent home on leave or retained in the unit (if he/she is not considered to be a disruptive element to other YOs) until the outcome of the CWFT decision.

m. The Terms of Service Team will inform RM YOs in writing of the Services' decision through their CO (notifying as appropriate the YO directly if at home). RM officers withdrawn from training will have their final day on pay calculated by their release office and entitlement to terminal leave calculated in accordance with JSP 760.

n. **Aircrew and ATC officers during professional training.** Following suspension from flying duties, similar procedures to those shown in [Para 5403 sub para i](#), [sub para j](#) and [sub para k](#) apply to Aircrew and ATC officers who are recommended for withdrawal from training and termination of commission.

o. If an inter-FAA transfer is approved by ACOS(CSAV) as an alternative to CWFT, P/NAAB will ask the Terms of Service Team to determine the terms and conditions of the transfer. In the case of a branch/specialisation transfer outside the FAA, Navy Command/ACOS(CSAV) will recommend transfer to the Officer Terms of Service Manager.

p. **Officer Candidates promoted from the Lower Deck - Failure to complete Initial Training.** See [Para 5010](#).

q. **Representation.** Individuals who are being considered for CWFT must be given full disclosure of ALL paperwork related to their application. Subjects should be given a hard copy of the draft application and all supporting evidence. There may be exceptional circumstances where this is not possible however, these circumstances must be discussed with and approved by the Navy Command Headquarters Terms of Service Team. This forms the case against them and allows them to properly represent their position. They should be given 24 hours to decide whether to make a representation against the application or such longer period as is considered appropriate and necessary by the CO. Should the individual decide to make a representation, they should be given a further 48 hours to prepare that representation or such longer time as reasonable in the circumstances. In addition, the CO must ensure that the individual is afforded the services of an Assisting Officer. Those officers who choose not to submit a representation are to sign a waiver to this effect (an example is at [Annex 54J](#)). If the person decides to submit a representation, the CO should take this into account before finalising the application to the Casework Cell, acknowledging this formally in the application letter. In all cases COs must ensure that the points above are fully detailed and recorded. For Phase 2 training cases, the application and all supporting evidence, including the finalised SPEC report, should be forwarded to the Terms of Service team.

5439. Administrative Discharge - Officers on the Trained Strength

a. **Introduction.** An officer whose performance or conduct falls short of the standards required may be discharged from the Active List. All discharges, where the application recommends the retention of an individual's commission, will be considered by the Naval Secretary. Where the application includes a recommendation to terminate an individual's commission, it is to be considered by the Admiralty Board. It is of paramount importance that correct procedures are followed. COs and Career Managers are therefore to seek the advice of the Casework Cell at an early stage in all cases where the outcome is likely to be administrative discharge.

b. **Types of Discharge.** An application for discharge may be made under the following categories:

- (1) *Incapacity Due to Causes Beyond the Officer's Control.* These include an officer's inability to reach the required professional standards and defect of temperament.
- (2) *Unsuitability Due to Causes within the Officer's Control.* This includes inefficiency, unsatisfactory performance of duties and other defects not warranting discharge for misconduct.
- (3) *Misconduct.* This includes an act or acts of misconduct and intemperate or irregular habits of life, rendering the officer unfit or unworthy of further employment.

For specific information relating to the administrative discharge of officers on the grounds of Temperamental Unsuitability, see [Annex 54D](#).

c. **Procedure for Discharge.** Officers recommended for discharge due to incapacity or unsuitability will normally have been placed under quarterly reporting to provide for fair warning and monitoring with a view to recovering their professional or personal standing. A recommendation for discharge for misconduct may be without recourse to quarterly report procedures, e.g. after a single act of gross misconduct.

d. The application should be addressed to the NCHQ Casework Cell and, as a minimum, include the following sub-headings:

(1) *Introduction.* The appropriate references should be detailed and it should be articulated on which of the 3 types of administrative discharge the CO is applying.

(2) *Background.* An outline of the history of the case should be provided including details of periods of quarterly reporting, MPARs, significant failures in professional performance and any administrative or disciplinary action taken against the individual.

(3) *Considerations.* Other than in exceptional circumstances determined by the NCHQ Casework Cell after liaison with them, an application for administrative discharge must demonstrate the following:

(a) *For Incapacity or Unsuitability.* An individual has had their failures clearly identified to them, they have been afforded a reasonable time period to rectify their shortcomings and, having been afforded that opportunity, they have failed to improve sufficiently to render their position in the Service tenable. It must be clearly explained why other measures such as Removal From Assignment or seeking a branch transfer are not appropriate in the circumstances.

(b) *For Misconduct.* An individual's conduct has fallen so far short of the standard expected of an officer such as to render the individual's position in the Service untenable. Misconduct includes but is not limited to, the commission of a serious offence, continued inappropriate, malicious or vexatious correspondence with senior officers or a succession of actions that demonstrate a failure to uphold the high standards expected of an officer and the traditions of the Service.

(4) *Representation.* Individuals who are being considered for administrative discharge must be given full disclosure of ALL paperwork related to their application. Subjects should be given a hard copy of the draft application and all supporting evidence. There may be exceptional circumstances where this is not possible however, these circumstances must be discussed with and approved by the NCHQ Casework Cell. This forms the case against them and allows them to properly represent their position. They should be given 24 hours to decide whether to make a representation against the application or such longer period as is considered appropriate and necessary by the CO. Should the individual decide to make a representation, they should be given a further 48 hours to prepare that representation or such longer time as reasonable in the circumstances. In addition, the CO must ensure that the individual is afforded the services of an Assisting Officer. If the person decides to submit a representation, the CO should take this into account before finalising the application to the Casework Cell, acknowledging this formally in the application letter. In all cases COs must ensure that the points above are fully detailed and recorded.

(5) *Recommendation.* The CO should conclude the application by summarising why and on what basis the application is being made. Assessment must be made on whether the individual should retain their Commission ([Para 5440](#)) and a recommendation made accordingly.

(6) *Enclosures.* An application for administrative discharge must be accompanied by a copy of a Special (SPEC) OJAR, Representation or Waiver of Representation and, where relevant, copies of all the individual's quarterly reports. Other enclosures relevant to the circumstances detailed in the application may also be included. All documentation must be disclosed to the individual.

e. **Staffing Process.** The staffing process is both comprehensive and rigorous and is necessary to ensure the application is well founded, complies with the rules of disclosure and meets with the requirements of Administrative Law:

(1) *Individual's Unit.* The individual's CO is responsible for the submission of the application for discharge, fully detailing the reasons for applying and ensuring all the relevant paperwork is disclosed to the individual.

(2) *Casework Cell.* The Casework Cell staff the application, ensure it is procedurally correct and prepare a brief for the Deciding Authority (NAVSEC or the Admiralty Board). Legal advice is also provided by a Naval Barrister.

(3) *CNPers.* CNPers, in conjunction with the Career Manager, is to provide a brief to the Deciding Authority stating they have considered the application and outline whether or not they support it. In the brief, they must consider whether the individual is suitable for a branch transfer or an internal trade transfer, e.g. a move to the General Service from the Submarine Service.

(4) *Naval Secretary's Office.* Where there is no recommendation to terminate an individual's Commission the Naval Secretary will be the Deciding Authority. Where there is a recommendation to terminate an individual's commission, the Naval Secretary will forward the application to the Admiralty Board for consideration. Should the application be forwarded to the Admiralty Board, the Naval Secretary will provide a brief stating they have considered the application and outline whether or not they support it.

f. **Informing the Individual.** Once a decision has been made on the application, either by the Admiralty Board or the Naval Secretary, the individual's Commanding Officer will be notified in writing by the Naval Secretary and guidance will be provided on how to progress the outcome of the decision letter.

5440. Entitlements following Administrative Discharge - Officers

a. Termination of Commission on Administrative Discharge

(1) When officers are administratively discharged, consideration may be given to terminating their commission. If they retain the latter, they will be entitled to use their rank and wear uniform on state and certain ceremonial occasions (see Part 6).

(2) Officers administratively discharged who retain their commission, may be placed on the Retired List or the Emergency List (the regulations are contained within BR61). The letter notifying them of discharge will inform them of whether they will be placed on such a List. If placed on a List, they will be liable for recall in an emergency.

(3) In serious misconduct cases, where it would be inappropriate for officers to continue to be associated with the Service, their commission will normally be terminated.

(4) Officers whose commission has been terminated are not entitled to wear uniform or to use their rank. They will not be listed in the Retired or Emergency Lists and will not be liable to recall in an emergency. This does not, however, provide exemption from any statutory liability under the National Service Acts and related legislation.

(5) Termination of commission of itself does not entail financial or other penalties besides the loss of those privileges accorded to an officer retained on the Retired or Emergency Lists, although other such penalties may flow from the reasons for discharge.

(6) An officer's liability for refunds of sponsorship or education costs (see Para 5406 [sub para b](#)) will normally be waived only in the event of discharge for incapacity (see Para 5439 b [sub para \(1\)](#)) whereas a ROS will be waived when an officer is administratively discharged under any of the categories in Para 5439 [sub para a](#).

b. **Benefits.** Officers discharged due to causes beyond their control will be awarded the benefits appropriate to compulsory retirement. If discharged for causes within their control, any benefits admissible will be those which would have been awarded on voluntary retirement. Where discharge is for misconduct, the maximum award will be that admissible on voluntary retirement, but a lower award may be made where the Admiralty Board judges the offence to be particularly serious.

c. **Terminal Leave.** Where officers are discharged for incapacity or unsuitability, a recommendation will be made as to whether they should receive terminal leave. Officers discharged for misconduct or any other reason not amounting to misconduct, but of such a nature as may be deemed to render the grant of leave unjustified, will not be eligible for terminal leave.

5441. Dismissal

a. Officers charged with an offence under the Military Discipline Legislation can be dealt with either by Summary Hearing or tried at Court Martial. In some cases tried by court martial, this could result in dismissal or, exceptionally, dismissal with disgrace.

b. Officers dismissed by sentence of court martial are not eligible for terminal leave. Where appropriate, refunds will normally be required.

SECTION 6 - DISCHARGES - RATINGS AND OTHER RANKS

5442. Discharges - General

a. **RN Ratings.** Discharges (except Invaliding) of ratings serving in the UK or in ships in home waters, e.g. compassionate discharge, Discharge SHORE or SNLR, may be carried out as follows:

- (1) For those serving in shore establishments (including RN Air Stations) or in self accounting ships - direct from such establishment or ship.
- (2) For those serving in non-self accounting ships - through the parent ship or establishment bearing their accounts or, in urgent cases, through the nearest self-accounting ship or establishment.
- (3) However, where it is at all practical, it is to the advantage of both the Service and the rating for the discharge procedure to be carried out at a Release Centre so that the rating receives the maximum benefit of discharge and resettlement information.

b. **Ratings' Documentation.** Ships and establishments are to ensure that ratings assigned to Release Centres for discharge are in possession of all necessary documentation (see Para 5442 [sub para c](#)). For appraisal reporting requirements see [Para 5450](#), [Para 5723](#) and [Para 5724](#). Care is to be taken that all request action due, e.g. award of Good Conduct Badges, has been completed. Service documents of ratings sentenced to dismissal and detention/imprisonment are invariably to be forwarded to HMS NELSON Release Office. Medical documents, including completed Form F Med, 1 and 2, are to be forwarded in sufficient time to reach the Release Centre before the arrival of the rating.

c. **Ratings' Discharge Procedures.** Release Centres (or units carrying out the discharge of ratings in accordance with Para 5442 [sub para a](#)) are to ensure that discharge procedures are correctly followed, namely:

- (1) Enrolment of eligible men and women into the Regular Reserve (see [Section 8](#))
- (2) Recording of cause of discharge and other notations.
- (3) Rendering of pay-related documentation (JSP 754).
- (4) Disposal of Service Documents.
- (5) Issue of Form S1300 where appropriate.
- (6) Issue of Discharge Certificate (Form S1560 or R111).

d. **Service Family Accommodation (SFA) and Hirings.** All discharges of ratings paying for SFA or hiring charges are to be reported by the unit via signal to SPVA and the appropriate Defence Housing Executive Officer.

e. **RM Other Ranks Serving Under the Armed Forces Act.** Individuals whose discharge are approved or becomes due while they are serving under the Armed Forces Act (except those invalidated from the Service while inpatients in Services Hospitals) will be discharged as follows:

- (1) If serving in the Plymouth area - by Commando Logistic Regiment RM.
- (2) If serving elsewhere - by RM Poole.
- (3) At any other RM home unit with the approval of the Career Manager.

f. **Ratings and Other Ranks Serving Abroad.** Ratings and other ranks are to be sent home from abroad in time for discharge on completion of their career or engagement unless their service is being extended or prolonged (see [Para 5811](#)) or they have applied for discharge abroad (see [Para 5408](#)).

g. **Service in the Regular Reserves.** The liability and eligibility of all individuals for service in the Royal Fleet Reserve (RFR) are to be assessed as part of the procedure to complete their release from the Active Service. Assessment and, where applicable, enrolment in the RFR is to be completed before individuals are dispersed to terminal leave in accordance with [Para 5467](#).

h. **Parliamentary Correspondence.** When the question of an individual's discharge becomes the subject of Parliamentary Enquiry or correspondence, the case should be forwarded, with the full Service Documents and other relevant papers, to the Head of Terms of Service before any decision is taken (see [Para 5444 sub para b](#) and [Para 5446 sub para g](#)).

i. **Postponement of discharge and transfer to the reserve.** (See JSP 830 (Manual of Service Law) Vol 1 Chap 18 para 20). Members of the regular forces may be retained beyond their discharge date or transfer to the reserve date. The maximum extension period that can be authorised for an individual who would have transferred to the reserve is the same as that they could have been required to serve if called out as part of their regular reserve liability (under RFA 96 s.53(6), national danger etc – 3 years; s.55(6), warlike operations – 12 months; s.57(6), certain operations – 9 months). For those who would have been discharged, the period for retention is a maximum of 12 months. This period accords with the time that a member of the reserve forces could be retained beyond the end of his/her current term if call out was authorised under RFA 96, section 52¹. Individuals retained may be transferred to the reserve or discharged by the competent authority when services are no longer required. A person entitled to be transferred to the reserve or discharged may by declaration to his CO² (see JSP 830 Ch 18 Annexes C and D) remain in the Service if warlike operations exist and a call-out order is in force under RFA 96, section 54. He/she is entitled to give three months' notice of this extension to his/her CO. Periods of extended service count towards reserve service. Individuals on extended service outside the UK are entitled to be discharged or transferred to the reserve in the UK, according with the provisions for individuals serving overseas under normal conditions of engagement.

j. JSP 830 (Manual of Service Law) Vol 1 Chapter 18 Annex A lists the competent authorities who may authorise a transfer to the Reserve.

1. In accordance with the powers under RFA 96, section 17(2).

2. The Armed Forces (Discharge and Transfer to the Reserve Forces) (No.2) Regulations 2009/1091, regulation 8.

k. **Discharge of Fraudulent Entries.** When individuals are found to have made false statements, whether as to fitness or as to previous service in the Forces or Reserves, in the documents signed on entry, the authorities in Para 5444 [sub para b](#) are authorised to approve their discharge, subject to any action required by Para 5442 k [sub para \(2\)](#) and having regard to their response to training and their future usefulness to the Service.

(1) If personnel are found to have enlisted while belonging to the Army, Army Reserve, RAF or RAF Reserve, reference should first be made to the Officer Commanding of the unit to which the individual belonged to ascertain whether it is desired to claim them under their original engagement. If they are not claimed, the question of retention or discharge will then be decided.

(2) In cases where discharge is authorised locally, the details of the discharge are to be recorded on JPA.

(3) *Royal Marines.* When an other rank is discovered either to have enlisted without having been discharged from a previous enlistment or to have made a false statement on enlisting in the RM, a report of the circumstances is to be forwarded to the NPT(RM) Career Manager for instructions.

l. **Outstanding Disciplinary Action.** When an individual faces charges under the Armed Forces Act, the release procedure should not continue unless legal advice has been sought.

m. **Right of Warrant Officers to discharge after reduction in rank.** A Warrant Officer who has been reduced to the lowest rank or rate as a result of a sentence in Service proceedings has a right to claim discharge unless warlike operations exist or a call-out order is in force under RFA 96 sections 52, 54 or 56. A claim for discharge should be made within one month of the reduction in rank and discharge must be effected as soon as reasonably practicable. This allows former Warrant Officers to leave the Service promptly following conviction or administrative reduction in rank or rate if they do not wish to remain in the Service. Further details are at JSP 830 Chapter 18 Annex B.

n. **Types of Discharge.** [Annex 54E](#) outlines the minimum required documentation for each type of discharge. It can be used in conjunction with [Annex 54F](#) which sets out a step by step CO's guide to the discharge process.

5443. **Medical Discharge - Not Finally Approved (Medical)**

a. **Eligibility.** Ratings and other ranks who, during their initial Phase 1 training, are found to be unfit under the terms of BR1750A are to be discharged from the Service on medical grounds under the Not Finally Approved (Medical) (NFA (Med)) category. This will normally be within the first nine weeks of training for ratings and the first 15 weeks for other ranks, however, the time may be extended due to medical assessment, back-classing, rehabilitation and leave. Discharge under this category must be undertaken within the first year of joining, otherwise a Naval Service Medical Board of Survey (NSMBOS) (see [Para 2804](#) and [Para 5809 sub para c](#)) will be required. It should not be delayed pending final diagnosis of the condition. Full details of each case that is dealt with under this instruction is to be reported to the Navy Command Headquarters Medical Division. See BR1750A Para 0308 for further information about the circumstances in which NFA (Med) should be used and the medical categories to be applied.

b. **Other Discharge Categories.** Recruits who are considered to be unfit for service but who do not meet the NFA (Med) criteria should be subject to a full investigation and if necessary brought forward for surveying and invaliding ([Para 5415](#)). In other circumstances, it may be more appropriate to consider discharge SHORE routes such as 'Unsuitable' or 'Fraudulent Entry' ([Para 5445](#)).

5444. Discharge SHORE – General Instructions

a. **Discharge SHORE is not a punishment.** It is the normal method of dispensing with the services of ratings and other ranks whose retention is undesirable because of unsuitability or possibly for reasons largely beyond their control, but whose discharge cannot appropriately be affected by any of the methods prescribed elsewhere in the regulations. It may be recommended in the circumstances set out in [Para 5445](#) or where discharge is in the best interests of the Service.

b. **Authority Required.** [Annex 54A](#) details those personnel who are delegated authority to approve applications for Discharge SHORE. Applications should be forwarded to the Casework Cell (see [Annex 1E](#)). Where the case is subject to Parliamentary correspondence or enquiry, the Navy Command Policy Secretariat should be informed at the earliest opportunity and the Casework Cell should be notified on receiving the application.

c. **Warnings.** Full detail and explanation of the Warnings process is covered in [Chapter 57](#) and should be read in full before any application for Discharge SHORE is made.

d. **Documentation Required.** Normally an application to the Casework Cell should include the CO's application letter, a signed Representation or waiver of the right to submit a Representation (an example is at [Annex 54J](#)), all warning proformas and a SPEC SJAR. If applicable, a Specialist's report should also be submitted, e.g. Psychologists/INM. A signed copy of all documentation must be sent to the Casework Cell, however, a fax/scanned copy is acceptable whilst the application is in the post in order to expedite the process. See [Annex 54E](#) for further details of relevant documentation.

e. **Reporting Approval of Discharge SHORE.** When Discharge SHORE is approved, the Career Manager must be advised (by the Casework Cell) and JPA is to be annotated accordingly (see JSP 760).

f. **Date of Discharge.** The operative date of Discharge SHORE should be the earliest date on which discharge formalities can be completed after approval for discharge has been received onboard. Those discharged on grounds of inadequacy who have over 18 (FC) or 22 (OE) years' service will be given two months' notice, not including terminal leave. For such individuals serving abroad, the two months' notice should date from time of arrival in the UK (see JSP 760 for full details).

g. **Discharge for Misconduct or for Reasons within the Individual's Control.** Summaries of all Discharge SHORE cases of individuals with 18 (FC), 22 (OE) or more years' reckonable service are to be forwarded through normal channels to the Casework Cell with the recommendation as to whether the circumstances of discharge amount to misconduct, incapacity, unsuitability or inefficiency within the individual's own control. The Administrative Authority ordering discharge is to send a copy to SPVA. Individuals are to be told to seek advice from the JPAC regarding the calculation of their pension.

h. **Process and Representation.** When an application is made for a person to be discharged SHORE, or when it is to be approved locally, the individual is to be given the opportunity to make any representation they may wish on the subject. The ability to make representation is their right to a fair hearing. Individuals recommended for discharge will be told of the reasons, given a copy of the CO's application and supporting documentation (that the individual has been given a copy of this documentation is to be specifically stated within the application) and given a reasonable period, e.g. 24 hours, to determine if they wish to make a Representation and a further reasonable period, e.g. 48 hours, to make that Representation in writing or such time deemed to be reasonable in the circumstances. They should also be offered an Assisting Officer to aid them. If the CO can approve the discharge, the individual is to be given the opportunity to make oral or written representation before the decision is made. Where higher approval is required, any written representation by the individual is to accompany the application for discharge (see also [Chapter 23](#), QRRN 4201-4207 - Representations and Complaints - and JSP 831). Those who chose not to submit a Representation are to sign a waiver to this effect (an example is at [Annex 54J](#)). If the individual chooses to make a Representation, the CO should consider the comments and then decide whether to still make application. A SPEC report should be raised in support of the application. The application and all supporting evidence, including the finalised SPEC report, should be forwarded to the Casework Cell. If the individual chooses not to submit a Representation, a waiver is to be signed and accompany the application (an example is at [Annex 54J](#)).

i. Where a rating or other rank has been informed of the grounds for application for their discharge but the reason for discharge is subsequently amended, the subject must be advised of the change and given the opportunity to state further representation before any action is taken by the approving authority.

j. Individuals discharged should be reminded of their right to make a Service complaint in accordance with JSP 831.

k. Advice on pensions, terminal grants, terminal leave and resettlement entitlement can be sought by the individual from the relevant SMEs including JPAC, Resettlement Team, UPO, Career Manager and the individual's own JPA account.

5445. Circumstances in which Discharge SHORE may be Appropriate

a. The following are the different circumstances where Discharge SHORE may be appropriate. When placed on warnings, an individual is to be specifically informed which circumstance they are being warned for. An individual may be on more than one warning concurrently, e.g. Inadequacy and RNFT or Inadequacy and Discharge SNLR (Unruly):

(1) *Discharge SHORE (Fraudulent Entry).*

(a) When individuals are found to have made false statements, whether as to fitness or as to previous service in the Forces or Reserves, in the documents signed on entry, the authorities in Para 5444 [sub para b](#) are authorised to approve their discharge, subject to any action required by Para 5445 a (1) [sub para \(c\)](#) and having regard to their response to training and their future usefulness to the Service.

(b) If personnel are found to have enlisted while belonging to the Army, Army Reserve, RAF or RAF Reserve, reference should first be made to the Officer Commanding of the unit to which the individual belonged to ascertain whether it is desired to claim them under their original engagement. If they are not claimed, the question of retention or discharge will then be decided.

(c) In cases where discharge is authorised locally, the details of the discharge are to be recorded on JPA.

(d) Royal Marines. When an other rank is discovered either to have enlisted without having been discharged from a previous enlistment or to have made a false statement on enlisting in the RM, a report of the circumstances is to be forwarded to the NPT(RM) Career Manager for instructions.

(2) *Discharge SHORE (Deemed Unsuitable During Training) (DUDT).*

(a) In establishments carrying out initial (Phase 1, 2 or 3) training, a rating or other rank who is reported to be unsuitable for retention for causes other than medical unfitness (but including enuresis) maybe discharged SHORE. Ratings in the Initial Training Pipeline (ITP) are effectively under probation and, should they fail to meet the required standard in accordance with [Annex 54A](#), the Naval Secretary has delegated authority to certain officers within training establishments authorising them to end a rating's service on the grounds of Discharge SHORE "Deemed Unsuitable During Training" (DUDT). Before doing so, the CO may consider whether the individual might prove suitable for another branch and/or specialisation dependent on the Service requirement

(b) Discharge may be authorized only by those officers detailed in [Annex 54A](#) carrying out initial (Phase 1, 2 or 3) training in the case of Able Rates Branch Designator 2 (BD2) of the following branches: Warfare, Medical, Weapons Engineering, Marine Engineering, Air Engineering, Logistics and RM other ranks during their initial training. This authority cannot be sub delegated within the unit.

(c) The exception is in Phase 1 where the Deputy Stream Leader (normally CO HMS RALEIGH) Naval Core Training Stream has devolved authority from the Commodore Core Stream to approve Discharge SHORE DUDT. While COs of Training Establishments (of Capt RN or above in command) may approve such discharges without application to higher authority, it is important to maintain a clear audit trail of events leading to this decision.

(d) [Chapter 57](#) articulates the warning procedures that are to be followed for all Naval ratings on the untrained strength (UTS). Training establishments should therefore refer to this Chapter in full. There are 4 distinct DUDT categories which can be applied:

- i. *DUDT Academic*. Encompasses all trainees who are unable to complete the academic requirements of their UTS training.
- ii. *DUDT NGT*. For trainees who are unable to complete the requirement in the ARFSD OPS and Training Performance Standard (TPS).
- iii. *DUDT Contributory*. This will be applicable to any trainee who has failed to achieve the required standard on their professional course or is deemed by the Training School to be unsuitable for further training or unable to conduct their branch training and refuses any branch transfer which is offered by the Pipeline Manager.
- iv. *DUDT Administrative*. Suitable for any trainee who leaves the Service due to an administrative issue.

(e) It is important that COs give unequivocal guidance on whether individuals who have been dismissed on the grounds of DUDT should be allowed to re-enter, and if so, how long should elapse between discharge and re-entry. Each of the four categories has a recommended guideline for re-applying to join the RN of:

- i. DUDT Academic - 12-60 months.
- ii. DUDT NGT - 18-60 months.
- iii. DUDT Contributory - 18-36 months.
- iv. DUDT Administrative - 3-60 months.

(f) All trainees being considered for Discharge SHORE DUDT, and those considering an Early Termination application, are to be interviewed by the establishment's Diversity & Inclusion Officer or a HOD to ensure that they have been fairly treated, and informed of the following:

- i. Naval policy on D&I (see [Chapter 30](#)).
- ii. Definition of discrimination, harassment and bullying (JSP 763).
- iii. Complaints procedure (see [Chapter 23](#)).

Trainees interviewed by the D&I Officer are required to sign a 'Certificate of D&I Advice' to confirm that they have received such advice.

(3) *Discharge SHORE (Inadequacy).*

(a) It should be noted that ratings and other ranks that hold the rate of Leading Hand (or equivalent) and above and who are unable to perform their duties due to inadequacy must first be warned for reversion following the normal warning process and reverted in accordance with the relative rates table at [Annex 65A](#). If ratings and other ranks are still unable to perform the duties of the lowest rank/rate to which they can be reverted because of physical or mental incapacity (not of a nature to warrant invaliding) or incompetence or they may be discharged SHORE. Proof of inadequacy should normally be given by individuals' SJAR, warning reports and [Annex 57D](#) (formal warning proforma). These documents catalogue their failing and show that they have been ineffective for a period long enough to rule out any possibility of improvement. In appropriate cases, individuals may volunteer for transfer to another branch (dependent upon the Service requirement) or be recommended for reversion to their original branch and/or specialisation, as an alternative to Discharge SHORE.

(b) *Inadequacy of Individuals who have Completed more than 18 Years' (on an FC) or 22 Years' (on an OE1) Pensionable Service.* The provisions of Para 5445 a (3) [sub para \(a\)](#) are not considered appropriate for individuals whose effectiveness deteriorates unduly after they have completed time for pension. The following procedure is to be followed therefore when ratings and other ranks who have completed more than 18 (FC)/22 (OE) years' pensionable service become so ineffective in the discharge of their duties that, if they had less service, the question of reversion would have to be considered:

i. Individuals are first to be interviewed by their Head of Department and informed of their shortcomings. They are also to be warned in accordance with [Chapter 57](#) (Level 2 warning) that, if no improvement takes place, their case will be reported to the CO with a view to early discharge from their engagement.

ii. If still dissatisfied, the Head of Department will report the case to the CO who will investigate it personally. Individuals are to be allowed to state their case with the assistance, if they wish, of an officer who need not be a Divisional Officer.

iii. If not satisfied, the CO is to warn such individuals in accordance with [Chapter 57](#) (Level 3 warning) that an application will be made to the higher authority with a view to their discharge if a satisfactory improvement has not taken place at the end of one month.

iv. If, at the end of one month, the CO is still not satisfied, an application on the case, including the CO's opinion whether or not such person's ineffectiveness is within their own control, should be forwarded with the supporting evidence for decision to the administrative authority in accordance with Para 5444 [sub para b](#) above.

(4) *Discharge SHORE (Inadequacy - RNFT failure)*. The warning procedure for failure of the RNFT is detailed in the RNFT Policy and Protocols booklet. Persistent failure of the RNFT may result in Discharge SHORE on the grounds of inadequacy (see Para 5445 a (3) [sub para \(a\)](#)). Applications forwarded to the Casework Cell for this reason should be accompanied by the relevant completed warning certificates, and report by INM, as detailed in the RNFT Policy and Protocols booklet

(5) *Discharge SHORE (Failure of Naval Annual Personnel Weapons Test)(NAPWT)*. After an appropriate warning period, persistent failure of a mandatory NAPWT may result in Discharge SHORE under this Para if the rating or other rank is on the trained strength or, in the case of New Entry ratings and other ranks, Discharge SHORE under Para 5445 a [sub para \(2\)](#) (DUDT). The NAPWT failure policy is detailed in BR 8988 Chapter 12.

(6) *Discharge SHORE (Financial Irresponsibility)*. Ratings and other ranks may be discharged SHORE for financial irresponsibility in accordance with QRRN Chapter 36.

(7) *Discharge SHORE (Obesity)*. Ratings and other ranks who are unable to perform their duties satisfactorily due to obesity may be discharged SHORE - see BR1750A (Handbook of Naval Medical Standards).

(8) *Discharge SHORE (Alcohol)*. Addiction to alcohol is not compatible with service in the Armed Forces. Under circumstances where an individual's efficiency, physical condition or value to the Service becomes materially impaired, Discharge SHORE may be recommended. See [Para 5770](#) for more information. JSP 835 contains guidance for those with alcohol issues. Any application should normally demonstrate that the full range of treatments available to the individual within the RN has been utilised prior to submission.

(9) *Discharge SHORE (Medical Reasons)*.

(a) Discharge SHORE of ratings and other ranks may be recommended on medical grounds, even where they may still be capable of performing satisfactorily the duties of the lowest rate/rank to which they can be reverted. These grounds include:

- i. Sea sickness.
- ii. Enuresis, provided that it is not a symptom of a more serious illness.
- iii. RM other ranks who have appeared before the Naval Service Medical Board of Survey (NSMBOS) and are assessed as being Physically Unsuitable for Commando Service or training.
- iv. Discharge SHORE is not to be recommended for those who can more properly be dealt with by invaliding - see BR1991 (Instructions for the RN Medical Service). Applications for discharge on medical grounds must be accompanied by appropriate supporting medical evidence.

(b) Discharge in relation to Para 5445 a (9) (a) [sub para \(iii\)](#) and [sub para \(iv\)](#) above are to be referred to the NSMBOS and NSMEB. A medical recommendation for Discharge SHORE for seasickness or enuresis is to be brought to the immediate attention of the CO of the ship or establishment to which individuals are sent after medical examination (see BR1991). Unless, exceptionally, the Commodore, Captain RN or CO considers that the medical recommendation cannot be supported, discharge may be authorised in accordance with [Para 5444](#) and [Para 5445](#). The individual should remain with the establishment until a decision is communicated.

(10) *Discharge SHORE (Temperamental Unsuitability)*. Discharge SHORE of ratings and other ranks may be recommended for unsuitability of temperament, even where they may still be capable of satisfactorily performing the duties of the lowest rate/rank to which they can be reverted. Discharge SHORE on these grounds is an Executive responsibility but does require an assessment of the individual by a Service Consultant Psychiatrist in order to exclude any medical problem and to assess the severity of any degree of temperamental unsuitability. When a discharge is recommended because of temperamental unsuitability, this must be accompanied by supporting psychiatric evidence. See [Annex 54D](#) for specific instructions.

(a) *Discharge of Ratings Approaching Pension*. Consideration of whether to discharge a rating approaching pension must take full account of the great financial consequences in loss of terminal grant and immediate pension. If an individual is within three years of pension, the case must be forwarded to the Casework Cell for a decision. When a warning is appropriate under Chapter 57 [Section 8](#), a record of the warning must be recorded on a Special SJAR and included in any submission for discharge.

(b) *Authority*. Discharge SHORE under [Para 5445](#) and certain cases of temperamental unsuitability as detailed in DINs, may be authorised by COs of Captain RN and Colonel RM level and above.

(11) *Discharge SHORE (Best Interests of the Service)*. Although the above types of Discharge SHORE are the normal method of dispensing with the services of ratings and other ranks whose retention is undesirable because of their unsuitability, it is not possible for the regulations to cover every eventuality. Where Command is unable to determine an appropriate method as detailed above, then an application may be considered on the basis of the Best Interests Of the Service. This method of discharge will only be available in wholly exceptional circumstances. For example, a rating who won the National Lottery but who was behaving inappropriately, such as paying colleagues to cover his duties. This method is not to be used to capture a number of minor transgressions which are covered by other methods of discharge or to amalgamate them into sufficient reason to discharge an individual. Each instance will be considered on a case by case basis and advice should be sought in the first instance from the Casework Cell.

5446. Discharge Services No Longer Required (SNLR) - General Instructions

a. Discharge Services No Longer Required (SNLR) is not a punishment but neither is it an honourable release and it can impair a rating or other rank's prospects of employment on return to civil life.

b. Discharge SNLR is the appropriate method of dispensing with the services of personnel who have tested positive for prohibited/non-prescribed drugs, personnel who have involved themselves in the misuse of drugs (including the possession of drugs paraphernalia) or unruly or undisciplined individuals whose retention would be to the detriment of the Service but who have not committed an offence which, either in itself or in association with their past record, would justify a sentence of dismissal.

c. Discharge SNLR is not only appropriate to ratings and other ranks whose service conduct merits discharge but also when a conviction by the civil power makes their retention undesirable (see QRRN 3906.4). In the case of the later, application for Discharge SNLR would be in the form of a Service Penalty (C57).

d. It should not normally follow during or immediately after a sentence of detention but may do so exceptionally when it is obvious that the sentence has had no reformatory effect. In such a case, if it is considered that a rating should not return to the Fleet on completion of their sentence, even for a short time, a recommendation for a rating's discharge should be submitted. The exception to this is those individuals who have been sentenced to a period of detention following their conviction for a drugs related offence where application for their discharge would be the normal course of action. In all such cases, the advice of the Casework Cell must be sought prior to any application being made.

e. **Process and Representation.** When an application is made for a person to be discharged or when it is to be approved locally, the individual is to be given the opportunity to make any representation they may wish on the subject. The ability to make representation is their right to a fair hearing. Individuals recommended for discharge will be told of the reasons, given a copy of the CO's application and supporting documentation (that the individual has been given a copy of this documentation is to be specifically stated within the application) and given a reasonable period, e.g. 24 hours, to determine if they wish to make a Representation and a further reasonable period, e.g. 48 hours, to make that Representation in writing or such time deemed to be reasonable in the circumstances. They should also be offered an Assisting Officer to aid them. If the CO can approve the discharge, the individual is to be given the opportunity to make oral or written representation before the decision is made. Where higher approval is required, any written representation by the individual is to accompany the application for discharge (see also [Chapter 23](#), QRRN 4201-4207 - Representations and Complaints - and JSP 831). Those who chose not to submit a Representation are to sign a waiver to this effect (an example is at [Annex 54J](#)). If the individual chooses to make Representation, the CO should consider the comments and then determine whether he still wishes to make application. A SPEC report should be raised in support of the application. The application and all supporting evidence including the finalised SPEC report should be forwarded to the Casework Cell. If the individual chooses not to submit a Representation a waiver is to be signed and accompany the application (An example is at [Annex 54J](#)).

f. Where a rating or other rank has been informed of the grounds for application for their discharge but the reason for discharge is subsequently amended, the subject must be advised of the change and given the opportunity to state further representation before any action is taken by the approving authority.

g. **Authority Required.** [Annex 54A](#) details those personnel who are delegated authority to approve applications for Discharge SNLR. Applications should be forwarded to the Casework Cell. If the case is subject to Parliamentary correspondence or enquiry, it should be brought to the attention of the Navy Command Policy Secretariat at the earliest opportunity and the Casework Cell on receiving the application.

h. **Warnings.** Full detail and explanation of the Warnings process is covered in [Chapter 57](#) and should be read in full before any application for Discharge SNLR is made. In all cases (bar CDT and drug abuse), it is expected that individuals will normally have been formally warned by the CO/Executive Officer of their shortcomings and given a period in which to reform as in Para 5444 [sub para c](#) (also see Chapter 57 [Section 7](#)) before an application is made for discharge. [Para 5445](#) is to apply to warnings if the individual is approaching pension. This warning may be dispensed with in cases in which it would not be appropriate, for example after a serious civil conviction.

i. **Documentation Required.** As a minimum, an application to the Casework Cell should include the CO's application letter, a signed Representation or waiver of the right to submit a Representation (an example is at Annex 54J), all warning proformas and a SPEC SJAR. If applicable, a specialist's report should also be submitted, e.g. Service Police/CDT. A signed copy of all documentation must be sent to the Casework Cell, however, a fax/ scanned copy is acceptable whilst the application is in the post in order to expedite the process.

j. **Reporting Approval of Discharge SNLR.** When Discharge SNLR is approved, the Career Manager must be advised (by the Casework Cell) and JPA is to be annotated accordingly (see JSP 760).

k. **Date of Discharge.** The operative date of Discharge SNLR should be the earliest date on which discharge formalities can be completed after approval for discharge has been received onboard. When a rating or other rank is approaching pension, the provisions of [Para 5445](#) are to be applied. All individuals serving abroad will be returned to the UK for discharge formalities except those who are to be discharged on the station at own request ([Para 5408](#)) and those to be discharged as a Naval penalty who will complete their career or engagement whilst undergoing a sentence of imprisonment. Individuals who cannot carry out the normal discharge routine - i.e. those at home who have not returned to duty following civil conviction by the time approval is received to discharge them as a Naval penalty, and those abroad who are to be discharged as a Naval penalty and are not to return to the UK for discharge formalities - will be discharged while serving their civil sentence.

l. Individuals discharged should be reminded of their right to make a Service complaint against discharge in accordance with JSP 831.

m. Advice on pensions, terminal grants, terminal leave and resettlement entitlement can be sought by the individual from the relevant SMEs including JPAC, Resettlement Team, UPO, Career Manager and the individual's own JPA account.

n. **Forfeiture of Long Service and Good Conduct Medal.** Forfeiture of the LS & GC Medal is a consequential effect of Discharge SNLR (see QRRN Para 3906.5 and JSP 830 (Manual of Service Law)).

5447. Circumstances in which Discharge Services No Longer Required (SNLR) may be Appropriate

The following are the different circumstances where Discharge SNLR may be appropriate. When placed on warnings, an individual is to be specifically informed which circumstance they are being warned for. An individual may be on more than one warning concurrently e.g. Discharge SNLR (Unruly) and Discharge SHORE (Inadequacy).

a. **Discharge SNLR (Unruly).** When considering a decision to apply for Discharge SNLR in cases of unruliness, COs should be mindful that the Headquarters will usually expect to see evidence that the individual is on warnings for Discharge SNLR (Unruly) and has received one of the following punishments in the past but has re-offended, thus demonstrating that the punishment has not had the desired reformatory effect, these being: Dismissal, Detention, Disrating, Service Supervision Punishment Order (SSPO) (Second Class for Conduct (Under the NDA)) (these were collectively known as "warrant punishments" under the Naval Discipline Act). Individuals who have not previously received one of the above punishments will only be considered for Discharge SNLR (Unruly) in exceptional circumstances.

b. **Discharge SNLR (Compulsory Drugs Test)(CDT) or (Drugs Misuse).** The unique position of the Armed Forces is such that misuse of drugs is incompatible with the Service. Positive results from CDT are certain to result in Discharge SNLR in all but the most exceptional cases. COs are advised to consult tri-Service policy on a positive CDT result or drug misuse in JSP 835 and at Chapter 21 [Section 4](#) (ethos, values, standards and personal matters).

5448. Complaints Against Discharge SHORE/SNLR

a. Ratings and other ranks who complain against a decision to discharge them authorised under the provisions of this Chapter will not be retained in the Service pending a decision on their complaint.

b. Service personnel due to be discharged are to be reminded of their right of complaint in accordance with JSP 831 and informed that, if they wish, they may have a period of up to 24 hours in which to decide whether to state a complaint. Those who so decide are allowed a period of up to 48 hours to prepare their complaint. Discharge will be effective immediately on completion of the statement of complaint and the discharge routine.

c. Guidelines on handling complaints are as follows:

(1) The Career Manager is to be advised without delay, by signal, where discharge is associated with a complaint under action.

(2) MoD(Navy) has no jurisdiction to restrict the movements of a discharged rating or other rank pending resolution of the individual's complaint. At the time they state their complaint, it should be explained to them that their absence from their permanent address - to which notification of the decision on their complaint will be sent - may lead to delay in their return to service if the complaint is upheld since they may be required officially for reasons connected with their complaint. It is the complainant's responsibility to keep their former CO informed of any changes of address and/or circumstances.

(3) At the time an individual states a complaint, they should be informed that there may be some delay in finalising their pay and any monetary adjustments pending resolution of the complaint. Whilst immediate pension payments will be made at the appropriate date and recovered if the complaint is upheld, any lump sums due will be withheld pending resolution of the complaint.

(4) If the complainant is reinstated, individuals are to be paid as if they had not been discharged. The period between discharge and reinstatement, if attracting full salary, will count as reckonable service. Any Special Pay or other forms of additional pay, as specified in JSP 754, to which the individual was entitled during the period missed will be paid retrospectively. If the complainant is reinstated, but disgraced/reduced in rank, they are to receive back pay and Special Pay or additional pay to which they were entitled for the period between discharge and reinstatement at the higher rate/rank. Time in the lower rate/rank, for the purpose of re-advancement or re-promotion, is to be counted from the day they re-enlist in the Service.

(5) The Career Manager will advise the Defence Housing Executive of any cases where the complainant is the occupant of Service Families Accommodation (SFA). Provided that the complaint is resolved within the 93 day notice to quit period, there should be no difficulty for entitled persons occupying married quarters whose complaint is subsequently upheld.

(6) Release Centres will hold documentation until the complaint has been resolved. The Service records need not be closed and no record of discharge need appear if subsequently the complaint is upheld. At the time they state their complaints, individuals should be informed that their final documentation will be delayed pending the resolution of the complaint.

(7) Release Centres are to retain the complainant's kit until their discharge has been confirmed.

(8) Where a complaint is upheld and the complainant does not wish to return to the Service, their release should be annotated as discharge as of right on notice with the notice period being waived, unless stipulated otherwise by the Admiralty Board.

(9) All complaints against Discharge SHORE/SNLR are to be treated expeditiously.

5449. Compassionate Discharge

a. **Personal compassionate discharge.** Personal compassionate discharge is made at the request of the individual and may only be granted when the personal circumstances of the applicant make their permanent presence at home essential which is incompatible with Naval Service.

b. Individuals seeking personal compassionate discharge will be required to request a Social Inquiry Report from the appropriate welfare authority, which will be forwarded to the CO with a clear recommendation regarding the application. Personal compassionate discharge applications will not be considered without a Social Inquiry Report.

c. **Special compassionate discharge.** This may be considered for individuals wishing to take up Holy Orders or stand for Parliament.

d. Application for compassionate and special discharge should be made in writing to COs (and via JPA - see Para 5449 [sub para e](#)). There is no length of service qualification.

e. **Registering applications on JPA.** Individuals should record their application for compassionate discharge on JPA. The work flow will require comment by the individual's Divisional Officer and CO. The application should then be sent via JPA to the appropriate NPT Career Manager, who will forward the application for consideration by the Navy Command Headquarters authority detailed within [Annex 54A](#) and await approval from Navy Command Headquarters prior to terminating the individual's engagement.

f. **Forwarding written applications and social inquiry reports.** COs should forward the written application from the individual and, for personal compassionate cases, the Social Inquiry Report to the appropriate NPT Career Manager. COs must also forward a copy of the application to the Navy Command Headquarters Policy Secretariat for those who wish to stand for Parliament and/or for any case that is the subject of parliamentary correspondence, to allow consultation within the Navy Command Headquarters authority.

g. **Refund of re-entry/retention financial incentives.** Any financial liability is to be repaid on discharge. However, the authority approving an individual's discharge has discretion to remit part, or in extreme cases, the whole of the repayment. The amount to be repaid is to be, in every case, the maximum proportion of the sum due which the rating or other rank or their family can reasonably pay, taking into account any Service gratuity due.

5450. **Assessment and Recommendations for Further Naval Service**

a. All Naval officers, ratings and other ranks about to be discharged are to receive an appraisal report (Occasion: Prior to Retirement) from the final employing unit prior to joining the nominated Release Centre.

b. Those who leave the Service before normal retirement age, except for those for whom the reason for discharge precludes consideration for further service (officers administratively discharged; or ratings/other ranks discharged 'Deserted', 'Dismissed', 'SNLR', or 'SHORE'), are to be assessed and a recommendation made as to their suitability for further Naval Service. The statement 'Recommended for further Naval Service' or 'Not recommended for further Naval Service' is to be included in the 2RO potential narrative.

c. Further detail may be found in [Chapter 57](#) (Appraisal and Warnings) and [Para 1211](#).

SECTION 7 - RELEASE PROCEDURES AND PAYMENTS ON RETIREMENT

5451. Retirement Advice

A retirement package containing advice on future employment, civil and Service benefits, transition into civilian life and Naval Associations is provided to every officer leaving the Service by the Service Personnel Veterans Agency (SPVA).

5452. Release Procedure

a. Officers placed on the Retired List, Emergency list or who are otherwise discharged from the Service will normally be assigned to HMS DRAKE, HMS NELSON or CTCRM for release procedures. Attendance at these Release Centres by the individual officer is not usually necessary.

b. **Ratings and Other Ranks Serving in the UK.** The discharge of individuals on completion of a Career or Engagement or on 12 months' notice is to be undertaken by Unit Release Centres. Ratings will be assigned to appropriate Unit Release Centres by their Career Manager, with a copy of the Assignment Order being sent to the Release Centre concerned.

5453. Release Actions

The following actions need to be completed:

a. **Medical Examination.** All personnel are to be given a final release medical examination before leaving the Service in accordance with BRd 1991 Para 2005.

b. **Personal Loan Items.** Personal loan items (e.g. respirators) are to be returned on release to the nearest Naval ship or establishment or to the Base Supply Officer.

c. **Documentation.** Under current arrangements, all Service Leavers will receive a Service Leaver's Pack from the Termination Cell, SPVA(G), about 9 months prior to their termination date.

d. On release, personnel are to surrender Form S1511 (Royal Naval Identity Card), all Service rail and coach cards and other forms of security pass to their ship or establishment's administration office or Base Supply Officer.

e. Two copies of MOD Form 135 (Official Secrets Act) are included in the current termination packs and must be signed by all officers on release from the Service. Release Centres are to verify this or ensure that a copy of MOD Form 135 is signed in their presence and one copy forwarded to SPVA (the other copy is to be retained by the officer).

5454. Promulgation of Release

The details of officers completing active service are promulgated in the Officers' Assignment List, which is the authority for release and gives the final date for pay. An entry in the London Gazette is made for officers leaving the Service on completion of commission, at a break point, on voluntary retirement, on invaliding, or on redundancy.

5455. Terminal Leave

Terminal leave is granted so that, entitled personnel may use their last weeks in the Service to seek employment and make appropriate domestic arrangements. Regulations concerning an individual's entitlement are contained in JSP 760.

5456. Payments on Retirement

The detailed regulations for retired pay, gratuities and terminal grants are incorporated in JSP 754. Individual enquiries from personnel concerning entitlement should be addressed to SPVA, Kentigern House, 65 Brown Street, Glasgow G2 8EX.

5457. Retired Pay

a. An officer must have completed at least 16 years' reckonable service over the age of 21 to be awarded immediate retired pay. Awards are governed by rank and length of service with specific adjustments dependent upon the period of time substantive, higher and acting rank may have been held.

b. Retired pay is not normally index-linked until age 55 when interim and subsequent pension increases are applied.

5458. Terminal Grants

When immediate retired pay is awarded, a tax-free terminal grant is paid equal to three times the annual rate of basic retired pay.

5459. Commutation

Commutation is a method of raising a lump sum in addition to the terminal grant by agreeing to receive a lower rate of retired pay. Commutation is subject to medical fitness and MOD approval. Specific regulations are applied to the amount of resettlement and life commutation that may be paid.

5460. Preserved Pension

A preserved pension and, in certain circumstances, a preserved terminal grant, is awarded to those on pensionable terms who do not qualify for an immediate pension but have completed two years' service. A preserved terminal grant of three times the annual value of the pension may be payable in certain circumstances. The preserved pension and preserved terminal grant are payable at age 60, increased in value to restore the purchasing power which they had on first award and maintained at that level through annual pension increases. The preserved pension and preserved terminal grant are not awarded to officers on gratuity earning short career commissions.

5461. Resettlement Grant

Officers who leave the Service with the award of a preserved pension may be awarded a resettlement grant provided they have completed at least nine years' reckonable service.

5462. Death Benefits

On the death of a Service person, payment of their pay or pension, or proportions thereof, to the widow/widower and entitled children is dependent upon specific factors. Details are included in JSP 754.

5463. Premature Discharge within 3 months of completing service and pension entitlement

a. Eligibility (Armed Forces Pension Scheme 1975 (AFPS 75))

(1) Ratings and other ranks who are serving on an Open Engagement (OE1) and are members of AFPS 75 are eligible to apply for premature discharge under this rule. Such individuals may apply to their CO for permission to take premature discharge not more than 91 days before the discharge date for the purpose of taking up an offer of civilian employment or educational study if the offer cannot be held open until after the OE1 discharge date. Individuals who are serving on OE1 (and have not accepted Second Open Engagement (2OE) or Extended Career (EC)) must have completed at least 21 years 274 days' reckonable service before leaving in order to qualify for an immediate pension. Pension benefits will be calculated on the basis of reckonable service earned up until the actual date of leaving.

(2) Individuals who are serving on a 2OE/EC and are members of the AFPS 75 may also apply for premature discharge not more than 91 days before the discharge date for the purpose of taking up an offer of civilian employment or educational study if the offer cannot be held open until after the 2OE/EC discharge date. Individuals in this circumstance should have already fulfilled the reckonable service requirement for an immediate pension by having completed OE1³.

b. Eligibility (Armed Forces Pension Scheme 2005 (AFPS 05))

(1) Ordinarily under this pension scheme, any individual who applies for premature discharge before their Normal Retirement Age (NRA) of 55 will qualify for a tax-free Early Departure Payment (EDP) lump sum, equivalent to three times their annual preserved pension, and a monthly taxable EDP income worth not less than 50% of their annual preserved pension. This will increase to 75% of their preserved pension at age 55. Once they reach age 65, the monthly EDP income ceases and at this point the individual will receive their preserved pension and pension lump sum.

(2) However, since 6 Apr 10, all officers, ratings and other ranks who are members of the AFPS 05 are also eligible to apply for premature discharge under "the 91 day rule" as long as they are serving on a commission, career or engagement that will give them a NRA of 55. These individuals may apply to their CO for permission to take premature discharge not more than 91 days before their 55th birthday for the purpose of taking up an offer of civilian employment or educational study if the offer cannot be held open until after the discharge date. The period between their actual date of leaving and age 55 will be recognised as qualifying service but not reckonable service for pension purposes. That means that the calculation of their pension and pension lump sum will be based on reckonable service earned up until their actual date of leaving and paid when an individual reaches age 55 (JSP 764 Para 0301 refers).

3. The Naval and Marines Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010 effective 6 Apr 10 refers

c. **Ineligibility.** The following personnel cannot apply for premature discharge under this rule:

- (1) Officers who are members of AFPS 75.
- (2) Ratings and other ranks who are members of AFPS 75, are serving on an OE1 and have already accepted and signed up to a period of 2OE/EC, since their discharge date will already have been amended to reflect the end date of the 2OE/EC.
- (3) Individuals who are members of AFPS 05 whose NRA is before age 55 or who applies for premature discharge to leave before age 55 (except where permitted under the 91 day rule).

d. **Authority for Premature Release.** COs may authorise premature discharge, subject to verification of the reasons why the offer could not be held open until the normal date of discharge and clarification of the individual's pension position. The appropriate NPT Career/Requirements Manager should be advised of the change in date of discharge, whereupon the necessary JPA action will be taken.

e. **Effects on Conditions of Service**

- (1) Individuals are strongly recommended to seek clarification of the effects that any early release may have on their pension entitlement from the SPVA (Pension Division), noting that generic printed advice and in particular the online Pensions Calculator are not sophisticated enough to incorporate the 91-day dispensation by design.
- (2) The length of service requirement for 91-day rule applicability dictates that eligible individuals will necessarily qualify for maximum Graduated Resettlement Time (GRT) and Terminal Leave (TL). GRT is designed to be taken in the period 2 years prior to discharge whereas TL is granted on completion of service. It follows that circumstances will arise when all, some or no GRT has been taken at the time early discharge under the 91-day rule is approved. In turn, the ability to take GRT during foreshortened service will depend on time remaining, the opportunity and permission to undertake specific GRT activity. It may be possible to take GRT in lieu of TL (JSP 534 Article 0356 applies), with the effect that the service leaver is "on duty" and entitled to duty travel and subsistence. GRT cannot be used to defer an individual's discharge date (exceptionally allowed elsewhere where GRT entitlement cannot be utilised). Eligible personnel on Terminal Leave may undertake concurrent paid civilian employment in accordance with JSP 534 Article 0357.
- (3) In all cases, individual circumstances should be discussed and agreed with Line Managers, COs and Requirements/Career Managers at the earliest opportunity.

5464. Other Pension Arrangements

Detailed advice concerning the transfer of pension rights and the purchase of added years and other Additional Voluntary Contributions may be obtained from the SPVA.

5465. Discharge - Additional procedures to be adopted for Foreign & Commonwealth members of the Naval Service

Foreign and Commonwealth (F&C) members of the Naval Service, i.e. those who are nationals of countries from outside the EU, who have not been granted UK citizenship lose their 'exempt from UK immigration control' status⁴ at the point they are discharged from the RN or RM. In order to fulfil the MoD's duties as a responsible employer, the UK Border Agency (UKBA) has directed that they must be notified of F&C personnel who are discharged, or about to be discharged, from the Naval Service so that appropriate arrangements can be made to regularise their immigration status in the UK, post-discharge. COs of Release Centres⁵, and other units that have responsibility for the release of F&C Naval Service personnel, are to ensure that the following actions are carried out.

a. In advance of the discharge.

(1) **Inform UKBA.** Where the date of discharge is known in advance, the proforma at [Annex 54H](#) is to be completed by the unit and faxed to the UKBA to enable them to prepare any paperwork necessary. In order to assist the individual with a smooth transition to civilian life, this action should be taken, wherever possible, up to 10 weeks before the actual discharge date. The names of any spouse/civil partner and dependant children are to be included. The name and address, telephone and fax numbers of the discharging unit must also be included. The discharging unit is to retain the original proforma on unit files.

(2) **Provide advice to F&C members of the Naval Service in advance of discharge date.** At least 3 months prior to discharge, if possible, COs are to ensure that officers, ratings or other ranks:

(a) Are informed that if they have not sought British citizenship and wish to apply for settlement, their applications for Indefinite Leave to Remain (ILR) may be submitted on Form SET(O) to the UKBA up to 10 weeks prior to the date of discharge (see Para 5465 [sub para b](#)). If they apply at this point their transition to civilian life will be eased as UKBA will provide them with an 'indicative' letter to assist them in making appropriate arrangements for employment after discharge and for liaising with the relevant authorities for housing, healthcare and benefits during transition to civilian life and be able to grant them ILR the day after their discharge providing they meet the requirements of the Immigration Rules (immigration law does not permit Service personnel to be granted ILR whilst still serving and exempt from control).

(b) Are advised by the unit that it is their personal responsibility to regularise their immigration status if they wish to remain in the UK⁶ and to seek work after their discharge. Units should provide officers, ratings or other ranks seeking discharge with the UKBA contact details at Para 5465 [sub para i](#) and assist them in obtaining the appropriate application forms and any further information they require.

4. At the point that a F&C citizen enlists into the Armed Forces, he or she automatically becomes exempt from UK immigration control under Section 8(4)(a) of the Immigration Act 1971; any existing UK visa restrictions are suspended whilst serving.

5. Where Naval personnel are discharged from MCTC, the MCTC is to liaise with the individual's former unit to ensure that their responsibility for briefing the individual and notifying the UKBA has been carried out. If it has not, the MCTC is to assume this responsibility.

6. Individuals who have not already sought UK citizenship and who have completed 4 years' service with HM Forces may apply for settlement (also known as Indefinite Leave to Remain) up to 10 weeks prior to discharge – see sub-para b.

(c) Are informed that individuals who have served for a period of four years or more in the RN/RM will have this time taken into account by the UKBA if they, their spouse/civil partner and their dependants apply for ILR/settlement in the UK (i.e. permission to reside and work in the UK for an indefinite period). Where an individual is being medically discharged with less than four years' Naval Service directly due to injuries sustained on operations, special arrangements are in place for indefinite leave applications; additional detail is provided at Para 5465 [sub para g](#).

(3) **At the time of discharge.** COs are to ensure that:

(a) On the final day of service, or immediately if an officer, rating or other rank refuses to release their passport, and preferably on the same page as the "Exempt from immigration control" stamp, the individual's passport should be endorsed with the cessation stamp (see below) plus the date of discharge stamp which should appear immediately below the cessation stamp. Neutral date stamps must be used: unit stamps that identify the individual as a current or former member of the Naval Service must not be used and the "Exempt from immigration control" stamp must not be struck through. The format and wording to be used for the cessation stamp is:

Reason for exemption from immigration control ceased on [Date]
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In the absence of an available stamp, this wording and the date may be 'Exempt from immigration control' endorsement.

Note. From 1 Feb 10, the "Exempt from immigration control" stamp has been replaced by a vignette inserted into the passport. The above cessation stamp is still to be used and is to be placed on the vignette.

(b) On the day of discharge, the UKBA will send faxed letters to the unit for the officer, rating or other rank (and separately for any spouse/civil partner and dependants). The letters will normally grant the individual and any dependants 28 days 'Leave to Remain' in the UK. During these 28 days, the spouse/civil partner or dependants may continue to work but all are required to apply for further Leave to Remain (as appropriate) or to leave the country before this period of leave expires. Once the individual and their dependants have lodged applications for Further Leave to Remain, they are able to remain in the UK legally whilst their applications are processed. Where units are aware of individuals seeking employment immediately after discharge, who need advice about working legally and their immigration status, they should refer them to the UKBA for advice.

(c) If the unit does not receive the faxed letter(s) from UKBA on the day of discharge, they should contact the UKBA Armed Forces Team; contact details are at Para 5465 [sub para i](#). One copy of the faxed letter(s) should be handed directly to the officer, rating or other rank who should be asked to confirm receipt by signing the letter. If the individual is not present, or if they refuse to provide a signature of receipt, the discharging officer should sign and endorse the letter accordingly. The unit is to fax a copy of the signed letter(s), together with a copy of the completed [Annex 54H](#) proforma (after updating column B), to the UKBA.

b. **Further advice to be given on discharge.** When the officer, rating or other rank is in receipt of the faxed letter(s) from UKBA, they should again be reminded by the Discharging Officer that a person discharged from the Armed Forces after four years' service or more may apply for settlement under the HM Forces rule. The individual must be made to understand that they are personally responsible for contacting the UKBA and for applying for further Leave to Remain or, otherwise, to leave the country before any leave to remain they may have been granted expires. Applications for ILR should be made on form SET(O) and sent, with the appropriate fee, to the address given on the form. Individuals should make it clear on the application form that they are applying under the terms of the '*HM Forces Rule*' and provide documentary evidence of time spent in the Armed Forces. Discharging units may assist by providing individuals with a unit letter confirming the period of service.

c. **Cases where no advance notice to UKBA is possible.** Discharging units should make every effort to give the UKBA advance warning of the date of discharge from the Naval Service, even if this is only possible on the day of discharge itself. However, there may be occasions where this does not prove possible. In such cases, discharging units should at the very least attempt to endorse the individual's passport with the cessation stamp and ensure that a copy of the [Annex 54H](#) proforma giving the individual's details (and those of any dependants) including his/her post-discharge UK address and column B details is faxed to UKBA. The individual should also be given the advice detailed in Para 5465 [sub para a](#) and Para 5465 [sub para b](#), plus the UKBA contact details.

d. **Imprisonment leading to discharge.** In cases where a F&C officer, rating or other rank has committed a criminal offence and is discharged from the Naval Service and sent to a UK prison, the officer, rating or other ranks' passport is to be endorsed as above and notification provided to the UKBA along with details of the sentence. There is no specific authority entitling members of HM Forces to hold the passport of a F&C citizen and therefore it may be helpful (for instance at courts-martial) if the Judge Advocate directs that the individual is to surrender their passport for the appropriate action to be taken. The Home Office is responsible for any subsequent administrative action. Units should seek advice from the UKBA Armed Forces Team if required. Service support to families in such cases is provided in the same way as for British Citizens in respect of continued entitlement to Service Families Accommodation or Families Maintenance Grants and advice should be sought from the appropriate JSP.

e. **Advice for units administering medical dischargees with serious conditions.** Current Naval Service medical discharge procedures apply (BR1991, Chapter 18, Royal Naval Medical Service, Medical Boards). Individuals with serious medical conditions who have served for four years and are eligible for ILR may apply up to 10 weeks prior to their actual discharge date along with any immediate family (spouse/civil partner and dependant children under the age of 18) citing any permanent need for medical care as the reason for this. Unit letters and medical evidence should support such applications. UKBA will consider such cases under the normal rules. If the officer, rating or other rank is eligible for ILR, the UKBA will provide the unit with an 'indicative' letter in advance of the discharge date confirming that ILR will be granted and that the individual and their dependants will be eligible to apply for public funds. This will enable the unit, in conjunction with the individual concerned, to arrange private accommodation or to facilitate an application to an appropriate UK Local Authority (LA) for accommodation and or any specialist care. Individuals seeking support from a LA normally have to demonstrate recent residency or family ties. Support and aftercare is normally provided in the UK in accordance with current Service regulations and can include assistance through the Divisional System, NPFS/RMW, JSHAO, Service Personnel & Veterans Agency, and various Naval Service charities (i.e. RNBT) and the individual's own disability/legal representatives in conjunction with any local authority support.

f. It should be noted that the current legal position is that the UKBA is unable to grant settlement/ILR until the day an individual is actually discharged from HM Forces.

g. **Medical discharge as a direct result of injuries sustained on operations where less than four years has been served.** Where a F&C member of the Naval Service is medically discharged as a direct result of injury sustained in an operational theatre, the requirement for them to have completed at least four years' service before they can qualify for a grant of ILR will generally be waived. This means that individuals discharged in these circumstances will normally qualify for ILR even if they have not completed four years' RN/RM service. Where settlement is granted, the accompanying spouse/civil partner and dependant children will normally also qualify for ILR at the same time. COs are to ensure that individuals are briefed that they will need to submit supporting medical evidence with their application.

h. **Other forms of discharge with less than four years' HM Forces service.** Prior to deciding whether to submit an application for Further or Indefinite Leave to Remain, individuals are advised to consult the rules and guidance published on the UKBA website in order to decide what type of application may be appropriate. All applications will be considered by the UKBA in accordance with the immigration rules and the relevant guidance. The UKBA has confirmed that each case will be decided on its merits, taking account of all factors, including misconduct or criminal behaviour, and any supporting evidence submitted by the applicant, e.g. concerning the source and details of any injury or medical condition. Where discharge results from injury sustained during initial training or is due to a medical condition not attributable to Naval Service, it would not normally be appropriate to waive the requirement to have completed four years' service prior to discharge for the purpose of considering an application for settlement. However, where a substantial part of the minimum four years' service requirement has been served prior to discharge, discretion may be exercised by the UKBA to allow settlement. These conditions would also apply if an application was raised for settlement from an individual medically discharged as a result of a pre-existing medical condition being exposed after enlistment.

i. **Further Information.** For more information on visa eligibility, settlement, fees etc, refer to the UKBA website. Advice can also be obtained through the Army's intranet site. Contact the Terms of Service Team or the UKBA, contact details below:

Navy Command Headquarters Terms of Service Team

Caryn Chamberlain	Tel: 023 9262 8655 or 93832 8655
Alan Doughty	Tel: 023 9262 8900 or 93832 8900

UK Border Agency

Armed Forces Team	Tel: 0845 410 5996
Fax	Tel: 0208 196 4089

Postal Address:	ICC2 UK Border Agency 17 th Floor Lunar House 40 Wellesley Road Croydon Surrey CR9 2BY
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UKBA Application Forms	Tel: 0870 241 0645
UKBA Enquiry Bureau	Tel: 0870 606 7766

5466. Valedictory Letters and Certificates

For details of required Valedictory Letters and Certificates, see [Annex 54G](#).

SECTION 8 - RESERVE LIABILITY

5467. Reserve Liability under the Reserve Forces Acts 1980 and 1996

Personnel leaving the Service normally have a Reserve Liability. This Liability will depend on a number of factors and will be shown on the Certificate of Termination. The completion of the Certificate at the end of engagement/career/commission is the responsibility of JPAC. For all other situations it is the responsibility of the appropriate Career Manager.

- a. **Officers.** The Retired List is restricted to officers serving on pensionable commissions on the trained strength who are released from the Active List and whose commissions have not been resigned or terminated by the Service. Thus, officers leaving the service on Early Termination will retain their reserve liability.
- b. **Ratings and Other Ranks.** All ratings and other ranks released under usual circumstances (including Early Termination) will normally have a reserve liability when leaving the Service. The type of reserve service and period of liability will depend on the Reserve Forces Act (RFA) to which individuals are subject when they are released.
- c. For details on Reserve Liability, see [Annex 54I](#).

For Medical, Dental and QARNNS officers on the new commission structure, reserve commitment details are contained in JSP 527 Chapter 1 Section 6 and Chapter 2 Section 4.