



Ministry  
of Defence

Navy Command FOI Section  
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12 July 2016

Dear [REDACTED]

Release of Information

Thank you for your correspondence dated 22 June 2016, which requested the following information under the Freedom of Information Act 2000:

*'Are the Royal Marines a separate corps of the Army under Army Act 1995? If they are not, why?'*

A search has now been completed within the Ministry of Defence and I can confirm that the information you have requested is held.

The brief answer to your question is "no", and the full explanation has been obtained from the Naval Legal Service and is as follows.

There is no Army Act 1995. There is, however, an Army Act 1955 (AA55). AA55 section 210(1) provides that "The Royal Marines shall be a separate corps of the regular forces." Regular forces are, in turn, defined in AA55 section 225 as "any of Her Majesty's military forces other than the army reserve, the Territorial Army and the Home Guard, and other than forces raised under the law of a colony..." Therefore, under AA55, the Royal Marines were capable of being a separate corps of the military forces (i.e. the regular Army), for the purposes of that Act.

However, more recently, with the introduction of the Armed Forces Act 2006 (AFA06), the Army Act 1955 was repealed together with the Air Force Act 1955 and the Naval Discipline Act 1957. Therefore AA55 has ceased to have legal effect and is superseded by AFA06.

AFA06 section 374 provides a definition of "the regular army" which does not include the Royal Marines. It does, however, provide a definition of "the regular forces". It states that the "regular forces" means "the Royal Navy, the Royal Marines, the regular army or the Royal Air Force" and goes on to say that references to "a regular force" in the Act are to be read accordingly." A copy of AFA 06 is available online via the Legislation Internet website at this hyperlink:

[http://www.legislation.gov.uk/ukpga/2006/52/pdfs/ukpga\\_20060052\\_en.pdf](http://www.legislation.gov.uk/ukpga/2006/52/pdfs/ukpga_20060052_en.pdf)

Queen's Regulations for the Royal Navy (QRRN) are made in exercise of prerogative powers granted under an Order in Council. In the current edition of QRRN (BRd2), Paragraph 0101.1 provides that the Royal Marines are a constituent part of the Naval Service and also states that the Naval Service is governed by the Admiralty Board of the Defence Council. A copy of QRRN (BRd2) is available online via the Royal Navy Internet website at this hyperlink:

<http://www.royalnavy.mod.uk/~media/royal%20navy%20responsive/documents/reference%20library/br%202/20150520-brd2-home.pdf>

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 2<sup>nd</sup> floor, Zone N MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://.ico.org.uk>.

Yours sincerely,

Navy Command Secretariat - FOI Section