



Reserve Forces Act 1980

1980 CHAPTER 9

PART VIII

MISCELLANEOUS AND SUPPLEMENTAL

Reinstatement in civil employment, and protection of other civil interests

[^{F1}145 Reinstatement in civil employment.

^{F1}(1) Where any person is, or is liable to be—

^{F1}(a)

(b) recalled under section 34 above,

the provisions of the [^{F2}Reserve Forces (Safeguard of Employment) Act 1985] shall apply to that person as they apply to a person who has entered, or, (as the case may be), may be required to enter, upon a period of whole-time service in the armed forces of the Crown in the circumstances mentioned in paragraph (a) of [^{F2}section 1(1)] of that Act.

^{F3}(2)

^{F1}(3)]

Textual Amendments

F1 S. 145 repealed (1.4.1997 except so far as relating to s. 145(1)(b)(2) the repeal of which is still *prosp.*) by [1996 c. 14](#) ss. 131(2), 132(4), Sch. 11 (with s. 72(5)); [S.I. 1997/305](#), [art. 2](#)

F2 Words substituted by Reserve Forces(Safeguard of Employment) Act 1985 (c. 17, SIF 7:2), s. 21, Sch. 4 para. 7(a)

F3 S. 145(2) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), Sch. 14 para. 21, [Sch. 17](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Changes to legislation: Reserve Forces Act 1980, Part VIII is up to date with all changes known to be in force on or before 26 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F4[146 **Protection of other civil interests.**

[Any service rendered by virtue of—

- F4(1) F4(a)
- (b) section 34 above,

shall be relevant service within the meaning of the ^{M1}Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.]

F5(2)

F4(3)

Textual Amendments

- F4 S. 146 repealed (1.4.1997 except so far as relating to s. 146(1)(b)(2) the repeal of which is still *prosp.*) by 1996 c. 14, ss. 131(2), 132(4), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**
- F5 S. 146(2) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by **Armed Forces Act 2006** (c. 52), s. 383(2), **Sch. 14** para. 22, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Marginal Citations

- M1 1951 c. 65.

Charitable property on disbanding of units

F6147

Textual Amendments

- F6 S. 147 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

F7148

Textual Amendments

- F7 S. 148 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

F8149

Textual Amendments

- F8 S. 149 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

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Further powers as to orders and regulations

150

Modifications etc. (not altering text)

C1 S. 150 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

151 Pensions and other grants under Home Guard Act 1951 c. 8.

The conditions as to pensions and other grants in respect of death or disablement from service in the Home Guard under the Home Guard Act 1951 shall be such as may be prescribed—

- (a) by orders of Her Majesty signified under the hand of the Secretary of State, or
- (b) by regulations made by the Defence Council,

and any such orders or regulations shall be laid before Parliament as soon as may be after they are made.

^{F9}**152** .

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Textual Amendments

F9 S. 152 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

Other provisions as to orders, schemes and regulations

153 ^{F10}

Textual Amendments

F10 S. 153 repealed by Reserve Forces Act 1982 (c. 14, SIF 7:2), **s. 2(3)** and expressed to be repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 3** (with s. 72(5)); S.I. 1997/305, **art. 2**

[^{F11}**154 Additional provisions as to Orders in Council and schemes.**

(1) In relation to any Order in Council under section 40 above, or paragraph (a) of section 42 above ^{F12} . . .—

- (a) before any such Order is made the draft of the Order shall be laid before each House of Parliament for a period of not less than 40 days during the session of Parliament, and
- (b) if either of those Houses before the expiry of those 40 days presents an address to Her Majesty against the draft Order or any part of it, no further proceedings shall be taken in respect of the Order, without prejudice to the laying of a new draft Order.

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(2)]

Textual Amendments

- F11** S. 154 repealed (1.4.1997 except so far as relating to s. 154(1) the repeal of which is still *prosp.*) by 1996 c. 14, ss. 131(2), 132(4), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**
- F12** Words in s. 154(1) repealed (1.4.1997) by S.I.1997/306, **reg. 26**

155 Amendment of subordinate legislation.

Section 14 of the ^{M2}Interpretation Act 1978 applies to this Act as if in paragraph (b) of that section there were no requirement that Orders in Council, orders or other subordinate legislation should be made by statutory instrument.

Marginal Citations

- M2** 1978 c. 30.

Other supplemental provisions

156 Interpretation.

(1) In this Act, except where the context otherwise requires—

^{F13}

“home defence service” means military or air force service in any place in the United Kingdom, the Channel Islands or the Isle of Man in defence of the United Kingdom or those islands against actual or apprehended attack;

“man”, in relation to—

- (a) the naval forces, means a person of or below the rate of warrant officer;
- (b) the military or air forces, includes a warrant officer and non-commissioned officer;

^{F14}

“prescribed” [^{F15}(except in subsections (3) to (5) and (7) of sections 19A and 21A and in section 140)] means prescribed by orders or regulations made under [^{F16}the Reserve Forces Act 1996];

[^{F17}“regular air force” has the same meaning as in the ^{M3}Air Force Act 1955.]

^{M4}

[^{F18}“the regular army” has the meaning given by section 374 of the Armed Forces Act 2006.]

^{F19}

(2) [^{F20}Except where the context otherwise requires, other expressions in this Act—

- (a) relating to the [^{F21}Regular Reserve] and the [^{F22}Army Reserve], have the same meanings as in the Army Act 1955;
- (b) relating to the Air Force Reserve and the Royal Auxiliary Air Force, have the same meanings as in the Air Force Act 1955.]

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- (3) This Act, ^[F23]except so much of it as relates to the Royal Fleet Reserve and the Royal Marines Reserve], applies to women as it applies to men.
- (4) In this Act—
- (a) in relation to the definition of “home defence service” in subsection (1) above, and
 - (b) for the purposes of sections 10(6), 68(3) and 96(3) above, service on any flight of which the points of departure and intended return are within the boundaries of the United Kingdom, the Channel Islands, and the Isle of Man, or of the territorial waters of the United Kingdom and those islands, shall be deemed to be service within the United Kingdom notwithstanding that the flight may in its course extend beyond those boundaries.
- (5) The expression “magistrates’ court”, in the application of this Act—
- (a) to Scotland, shall be construed as a reference to the sheriff sitting as a court of summary jurisdiction;
 - (b) to Northern Ireland, shall be construed as a reference to a court of summary jurisdiction.

Textual Amendments

- F13** Definition in s. 156(1) repealed (1.7.1997) by 1997 c. 23, ss. 8(4),9(2), Sch. 3 (with s. 7(3), Sch. 2 para. 6)
- F14** Definition in s. 156(1) omitted (1.1.1999) by virtue of S.I. 1998/3068, reg. 11, Sch. para. 8(1)(b)
- F15** Words in s. 156(1) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), Sch. 14 para. 23(2)(a); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F16** Words in definition in s. 156(1) substituted (1.4.1997) by S.I. 1997/306, reg. 27
- F17** Words in s. 156(1) omitted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by virtue of Armed Forces Act 2006 (c. 52), s. 383(2), Sch. 14 para. 23(2)(b); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F18** Words in s. 156(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), Sch. 14 para. 23(2)(c); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F19** Definition repealed by Reserve Forces Act 1982 (c. 14, SIF 7:2), s. 1(1)(a)
- F20** S. 156(2) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), Sch. 14 para. 23(3), Sch. 17; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F21** Words in Act substituted (1.10.2014) by Defence Reform Act 2014 (c. 20), s. 44(3)(a)(4)50(1) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)
- F22** Words in Act substituted (1.10.2014) by Defence Reform Act 2014 (c. 20), s. 44(3)(b)(4)50(1) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)
- F23** Words “except so much of it as relates to the Royal Fleet Reserve and the Royal Marines Reserve” substituted (*retrospectively*) for words “so far as it relates to the military and air forces” by Reserve Forces Act 1982 (c. 14, SIF 7:2), s. 20(3)

Marginal Citations

- M3** 1955 c. 19.
M4 1955 c. 18.

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157 Saving and transitional provisions, consequential amendments and repeals.

- (1) Subject to the saving and transitional provisions contained in Schedule 8 to this Act—
- (a) the enactments specified in Schedule 9 to this Act have effect subject to the amendments (being amendments consequent on this Act) specified in that Schedule, and
 - (b) the enactments specified in Part I of Schedule 10 to this Act (repeal of obsolete enactments) and those specified in Part II of that Schedule (consequential repeals) are repealed to the extent specified in the third column of that Schedule,
- but nothing in Schedule 8 or in Schedule 9 shall be taken as prejudicing the operation of sections 15 to 17 of the ^{M5}Interpretation Act 1978 (which relate to the effect of repeals).
- (2) Paragraphs 15 to 19 of Schedule 8 contain provisions made transitory by operation of the ^{M6}Reserve Forces Act 1966.

Marginal Citations

- M5** 1978 c. 30.
M6 1966 c. 30.

158 Citation, extent and commencement.

- (1) This Act may be cited as the Reserve Forces Act 1980.
- (2) This Act extends to Northern Ireland.
- (3) Her Majesty may by Order in Council direct that any of the provisions of this Act shall extend to the Isle of Man, subject to such exceptions and modifications, if any, as may be specified in the Order.
- (4) This Act shall commence on the expiry of the period of one month beginning on the date of its passing.

Modifications etc. (not altering text)

- C2** S. 158(3) extended by [Reserve Forces Act 1982 \(c. 14, SIF 7:2\)](#), s. 3(3)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act excluded (prosp.) by [1996 c. 14 s. 129\(2\)](#)
- Act modified (prosp.) by [1996 c. 14 s. 128Sch. 8 para. 4\(5\)](#)
- Act repealed (except s.048, 55, 130-138,140,151,156,157, 158) (prosp.) by [1996 c. 14 s. 131\(2\)Sch. 11](#)