



# Reserve Forces Act 1980

## 1980 CHAPTER 9

F1

An Act to consolidate certain enactments relating to the reserve and auxiliary forces, and the lieutenancies, with amendments to give effect to a recommendation of the Law Commission; and to repeal certain obsolete enactments relating to those forces. [20th March 1980]

### Textual Amendments

- F1** Act (except ss. 48, 55, 130 to 138, 140, 151, 156, 157 and 158) repealed (1.4.1997 except so far as relating to certain provisions as to which the repeal is *prosp.*) by 1996 c. 14, ss. 131(2), 132(4), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

### Modifications etc. (not altering text)

- C1** By **Criminal Justice Act 1988** (c. 33, SIF 39:1), s. 123, **Sch. 8 Pt. 1 paras. 1, 2** it is provided that in certain enactments including this Act for a reference to a detention centre or to a youth custody centre or to both there shall be substituted a reference to a young offender institution and for a reference (however expressed) to a detention centre order or to a sentence of youth custody or to both there shall be substituted a reference to a sentence of detention in a young offender institution
- C2** Power to amend Act conferred (1.4.1996) by 1994 c. 19, s. **61(3)** (with s.54(7)); S.I.1996/396, **art. 4, Sch. 2**
- C3** Act modified (1.4.1997) by 1996 c. 14, s. 128, **Sch. 8 para. 4(5)** ( with s. 72(5)): S.I. 1997/305, **art. 2(1)**
- C4** Act excluded (1.4.1997) by 1996 c. 14, s. **129(2)** ( with s. 72(5)); 1997/305, art. 2(2)

### Commencement Information

- I1** Act wholly in force at 20.4.1980 see s. 158(4)

*Status: Point in time view as at 01/01/1999.*

*Changes to legislation: Reserve Forces Act 1980 is up to date with all changes known to be in force on or before 02 June 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)*

**PART I**

THE RESERVE AND AUXILIARY FORCES

**Modifications etc. (not altering text)**

**C5** Pt. I applied (1.4.1997) by 1996 c.14, ss. 128, 132(4), **Sch. 8 para. 12** ( with s. 72(5))

*Naval and marine reserves*

**F2<sup>1</sup>** .  
.....

**Textual Amendments**

**F2** S. 1 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

**F3<sup>2</sup>** .  
.....

**Textual Amendments**

**F3** S. 2 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

**F4<sup>3</sup>** **Royal Marines Reserve.**  
.....

**Textual Amendments**

**F4** s. 3 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

*Army reserves and auxiliaries*

**F5<sup>4</sup>** .....  
.....

**Textual Amendments**

**F5** S. 4 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

**5** **F6<sup>6</sup>** .....  
.....

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**Textual Amendments**

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

**F7** 6 .....

**Textual Amendments**

**F7** S. 6 repealed (1.4.1997) by 1996 c. 14, ss. 128, 131(2), Sch. 8 para. 6, **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2(2)**

**F8** 7 .....

**Textual Amendments**

**F8** S. 7 repealed (1.7.1992) by Army Act 1992 (c. 39), **ss. 3(1), 5**

*Air force reserves and auxiliaries*

**F9** 8 .....

**Textual Amendments**

**F9** S. 8 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

**F10** 9 .....

**Textual Amendments**

**F10** S. 9 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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## PART II

### CALL OUT AND RECALL

#### *General provisions as to call out for permanent service*

#### 10 Call out for national danger.

- [<sup>F11</sup>(1) Any member of any reserve force other than an officer of the Royal Fleet Reserve may be called out for permanent service in any part of the world whenever an order of Her Majesty made under section 52(1)(a) of the Reserve Forces Act 1996 is in force.
- (2) Sections 50(6) and 52(3) to (6) of the Reserve Forces Act 1996 shall apply to persons subject to this section as if they were persons to whom section 52 of that Act applied.]
- (a) a proclamation shall be issued for the meeting of Parliament within 5 days; and
  - (b) Parliament shall accordingly meet and sit upon the day appointed by the proclamation; and
  - (c) Parliament shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.
- (4) In this section “reserve force” means any of the following bodies—
- (a) the Army Reserve;
  - (b) the Territorial Army;
  - (c) the Air Force Reserve;
  - (d) the Royal Auxiliary Air Force;
  - (e) the Royal Naval Reserve <sup>F12</sup> . . .
- [<sup>F13</sup>(ea) the Royal Fleet Reserve including its special class; and]
- (f) the Royal Marines Reserve.
- (5) An order under subsection (1) may authorise the calling out of the Ulster Defence Regiment for permanent service in Northern Ireland, and section 26 below applies for the purposes of this subsection as if the Ulster Defence Regiment were a reserve force within the meaning of subsection (4) above.
- (6) In relation to a man of the Royal Auxiliary Air Force in whose case it was agreed at the time of his enlistment that he was accepted for home service only, subsection (1) has effect as if for the reference to any part of the world there were a reference to the United Kingdom, the Channel Islands and the Isle of Man.

#### Textual Amendments

**F11** S. 10(1)(2) substituted (1.4.1997) by [S.I. 1997/306, art. 2\(a\)](#)

**F12** Words in s. 10(4)(e) omitted (1.4.1997) by [S.I. 1997/306, art. 2\(b\)](#)

**F13** S. 10(4)(ea) inserted (1.4.1997) by [S.I. 1997/306, art. 2\(c\)](#)

#### Modifications etc. (not altering text)

**C6** [S. 10\(5\)](#) applied (with modifications) (1.7.1992) by [Army Act 1992 \(c. 39\), ss. 3\(2\), 5](#)

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- [<sup>F14</sup>11
- (1) A person to whom this section applies shall be liable to be called out for permanent service in any part of the world whenever an order under section 54(1) of the Reserve Forces Act 1996 is in force.
  - (1A) Sections 50(6) and 54(3) to (6) of the Reserve Forces Act 1996 shall apply to persons subject to this section as if they were persons to whom section 54 of that Act applied.
  - (2) The persons to whom this section applies are—
    - (a) any member of the Army Reserve or the Air Force Reserve who became such a member on or after 1st April 1967 otherwise than in consequence of his having enlisted in the regular army or the regular air force before that day;
    - (b) any member of the Territorial Army who became such a member on or after 1st April 1967 by enlisting or re-engaging in the Territorial Army or by becoming an officer of the Territorial Army;
    - (ba) any officer of the Royal Fleet Reserve;
    - (c) any member of the special class of the Royal Fleet Reserve who became such a member on or after 1st April 1967 otherwise than in consequence of his having, before that day, been entered for non-continuous service in the naval service of Her Majesty or enlisted to serve in the royal marine forces;
  - (3) In subsection (2) above the references in paragraphs (a) and (c) to becoming a member of a reserve or class include references to remaining a member of it by virtue of a new engagement or other agreement.]

**Textual Amendments**

F14 S. 11 substituted (1.4.1997) by [S.I. 1997/306](#), [art. 3](#)

<sup>F15</sup>12 .....

**Textual Amendments**

F15 S. 12 repealed (1.4.1997) by [1996 c. 14](#), [s. 131\(2\)](#), [Sch. 11](#) (with [s. 72\(5\)](#)); [S.I. 1997/305](#), [art. 2](#)

[<sup>F16</sup>13 **Provisions supplemental to ss. 10 to 12.**

- <sup>F16</sup>(1) .....
- (2) A man of the Territorial Army or the Royal Auxiliary Air Force who is called out for permanent service shall, subject to subsections (3) and (4) below, be liable to serve—
    - (a) until Her Majesty no longer requires his services, or
    - (b) until the expiry of his term of service in that reserve or force,whichever first occurs, and a member of the special class of the Royal Fleet Reserve who is called out for permanent service by virtue of section 11(1) shall be under a like liability to serve.
  - (3) The period or aggregate of the periods during which a man is called out for service by virtue of section 11(1) during the term of his current engagement shall not without his consent exceed 12 months.

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- (4) Where the time at which (apart from this subsection)—
  - (a) the term of service in the special class of the Royal Fleet Reserve of a man of that class would expire, or
  - (b) a man of the Territorial Army would be entitled to discharge,
 occurs while he is called out for service by virtue of section 11(1), he may be required to continue in service under that subsection for such further period as may be ordered by—
  - (i) the Defence Council, or
  - (ii) an officer designated for the purposes of this subsection by the Defence Council,
 but the period so ordered (together with the period or aggregate of the periods of the man’s service under section 11(1) apart from this subsection during the term of his current engagement) shall not exceed 12 months.]

**Textual Amendments**  
**F16** S. 13 repealed (1.4.1997 except so far as it relates to s. 13(2)-(4) 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**

*Call out under special agreement*

<sup>F17</sup>**14** .....

**Textual Amendments**  
**F17** S. 14 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F18</sup>**15** .....

**Textual Amendments**  
**F18** S. 15 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 call out for service*

**16 Permanent service call out of naval and marine reserves.**

- (1) Every officer and man serving in—
  - (a) the Royal Naval Reserve and the Royal Fleet Reserve, except a man of the special class of the Royal Fleet Reserve to whom section 11 above applies,
  - (b) the Royal Marines Reserve,
 is liable, during the whole of that service, to be called out for permanent service [<sup>F19</sup>whenever an order under section 52(1)(b) of the Reserve Forces Act 1996 is in force.]

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The reference in this subsection to the United Kingdom shall be construed as if that expression included the Channel Islands and the Isle of Man.

[<sup>F20</sup>(1A) Sections 50(6), and 52(3) to (6) of the Reserve Forces Act 1996 shall apply to persons subject to this section as if they were persons to whom section 52 of that Act applied.]

(2) The provisions of subsection (1) above are in addition to, and not in substitution for, the provisions of any other enactment under which officers or men of the reserves mentioned in that subsection are liable to be called into permanent service.

#### Textual Amendments

**F19** Words in s. 16(1) substituted (1.4.1997) by S.I. 1997/306, reg. 4(a)

**F20** S. 16(1A) inserted (1.4.1997) after subsection (1) by S.I. 1997/306, reg. 4(b)

### 17 Naval and marine reserve service under ss. 10 and 16.

(1) Every officer and man of the Royal Naval Reserve, the Royal Fleet Reserve and the Royal Marines Reserve called out for permanent service by virtue of section 10 or section 16 above shall be—

- (a) liable to that service for a term of 3 years from the time of his coming into such service;
- (b) entitled to be discharged from that service at the expiry of that term.

(2) If in any emergency Her Majesty sees fit She may, by order signified under the hand of the Secretary of State, provide that at the date of the order the officers and men of the Royal Naval Reserve and the Royal Fleet Reserve in permanent service by virtue of section 10 or section 16 shall continue in that service for a period of 5 years from the date of their respectively coming into that service, if their services be so long required.

(3) The officers and men mentioned in subsection (2) above shall at the date of the order—

- (a) be liable to such permanent service accordingly; and
- (b) not be entitled to claim their discharge during that period.

(4) Where any officer or man of the Royal Naval Reserve and the Royal Fleet Reserve—

- (a) is called into permanent service by virtue of section 10 or section 16, and
- (b) is detained in that service for a period of less than 5 years,

he shall, during the period of 5 years from the date of his joining the reserve be liable from time to time to be again called into that service, and to serve accordingly for such period as with his former such service will make up a period of 5 years in that service.

### [<sup>F21</sup>18 Permanent service call out of Army Reserve.

[ Any officer or man of the Army Reserve shall be liable to be called out for permanent <sup>F22</sup>(1) service on home defence service whenever an order under section 52(1)(b) of the Reserve Forces Act 1996 is in force.]

[ Sections 50(6), and 52(3) to (6) of the Reserve Forces Act 1996 shall apply to persons <sup>F23</sup>(1A) subject to this section as if they were persons to whom section 52 of that Act applied.]

(2) Where a man of the Army Reserve is called out for permanent service—

- (a) he may be appointed to any corps;

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- (b) subsection (3) of section 3 of the <sup>M1</sup>Army Act 1955 shall apply to him as it applies to a soldier of the regular forces.

<sup>F21</sup>(3) . . . . .]

#### Textual Amendments

- F21** S. 18 repealed (1.4.1997 except so far as it relates to s. 18(1)(2) the repeal of which is still *prosp.*) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**
- F22** S. 18(1) substituted (1.4.1997) by S.I. 1997/306, **art. 5(a)**
- F23** S. 18(1A) inserted (1.4.1997) by S.I. 1997/306, **art. 5(b)**

#### Marginal Citations

- M1** 1955 c. 18.

### 19 Duration of Army Reserve permanent service.

- (1) Subject to this section and section 13(3) above, a man of the Army Reserve when called out for permanent service shall be liable to serve until Her Majesty no longer requires his services.
- (2) No man called out for permanent service shall be required to serve for a period exceeding in the whole the remainder unexpired of his term of service in the Army Reserve.
- [<sup>F24</sup>(3) Section 19A below shall apply to men of the Army Reserve called out for permanent service.
- (4) Section 13 of the Army Act 1955 so far as it relates to discharge shall apply to men of the Army Reserve called out for permanent service as it applies to soldiers of the regular forces.
- (5) Nothing in subsection (2) above shall prejudice the operation of subsections (3) and (4) above.]

#### Textual Amendments

- F24** S. 19(3)-(5) substituted for s. 19(3) (1.1.1999) by S.I. 1998/3086, **reg. 11**, **Sch. para. 6**

### [<sup>F25</sup>19A Postponement of discharge of members of Army Reserve during call out.

- (1) Where a man of the Army Reserve is called out on permanent service at a time when he would apart from this section be entitled to be discharged he may be retained in service for such period as is mentioned below, and his service may be prolonged accordingly.
- (2) No person shall be retained in service by virtue of this section later than the end of twelve months after the date on which apart from this section he would be entitled to be discharged.
- (3) Subject to subsection (2) above, a person who apart from this section would be entitled to be discharged may be retained in service for such period as the competent military authority may order.



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- (4) If while a man of the Army Reserve is being retained in service by virtue of this section it appears to the competent military authority that his services can be dispensed with, he is entitled to be discharged.
- (5) Where, at the time at which under subsections (1) to (4) above a man of the Army Reserve is entitled to be discharged, a state of war exists between Her Majesty and a foreign power—
  - (a) he may, by declaration made in the prescribed form before his commanding officer, agree to continue in service while such a state of war exists, and
  - (b) if the competent military authority approve, he may continue accordingly as if the period for which his term of service could be prolonged under subsections (1) to (4) above were a period continuing so long as a state of war exists; but this is subject to subsection (6) below.
- (6) If it is so specified in the declaration, he is entitled to be discharged at the end of three months' notice given by him to his commanding officer.
- (7) In subsections (3) to (5) above “the competent military authority” and “prescribed” have the same meaning as in Part I of the Army Act 1955.
- (8) Subject to subsection (9) below, in subsection (1) above the reference to a man of the Army Reserve being called out on permanent service is a reference to his being called out under an order made under—
  - (a) section 52 of the Reserve Forces Act 1996 (call out in the event of a national emergency, great danger or an actual or apprehended attack on the United Kingdom, the Channel Islands or the Isle of Man), or
  - (b) section 54 of the 1996 Act (call out because warlike operations are in preparation or in progress).
- (9) In relation to a man of the Army Reserve who enlisted in the Army Reserve before 1st April 1967, the reference to a man of the Army Reserve being called out on permanent service includes a reference to his being called out under an order under section 54 of the 1996 Act only if—
  - (a) he re-engaged in the Army Reserve on or after that date, or
  - (b) he has made an irrevocable election to that effect in the prescribed manner.]

**Textual Amendments**

**F25** S.19A inserted (1.1.1999) by 1998/3086, reg. 11, Sch. para. 6

**[<sup>F26</sup>20 Permanent service call out of Air Force Reserve.**

[ Any man of the Air Force Reserve shall be liable to be called out for permanent service <sup>F27</sup>(1) on home defence service whenever an order under section 52(1)(b) of the Reserve Forces Act 1996 authorising his call-out is in force.]

[ Sections 50(6) and 52(3) to (6) of the Reserve Forces Act 1996 shall apply to persons <sup>F28</sup>(1A) subject to this section as if they were persons to whom section 52 of that Act applied.]

(2) . . . . .]

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#### Textual Amendments

- F26** S. 20 repealed (1.4.1997 except so far as it relates to s. 20(1) the repeal of which is *prosp.*) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**
- F27** S. 20(1) substituted (1.4.1997) by S.I. 1997/306, **art. 7(a)**
- F28** S. 20(1A) inserted (1.4.1997) by S.I. 1997/306, **art. 7(b)**

### 21 Duration of Air Force Reserve permanent service.

- (1) Subject to this section and section 13(3) above, a man of the Air Force Reserve when called out for a permanent service shall be liable to serve until Her Majesty no longer requires his services.
- (2) No man called out for permanent service shall be required to serve for a period exceeding in the whole the remainder unexpired of his term of service in the Air Force Reserve, subject to section 69 below.
- [<sup>F29</sup>(3) Section 21A below shall apply to men of the Air Force Reserve called out for permanent service.
- (4) Section 13 of the Air Force Act 1955 so far as it relates to discharge shall apply to men of the Air Force Reserve called out for permanent service as it applies to airmen of the regular air force.
- (5) Nothing in subsection (2) above shall prejudice the operation of subsections (3) and (4) above.]

#### Textual Amendments

- F29** S. 21(3)-(5) substituted (1.1.1999) for s. 21(3) by S.I. 1998/3086, **reg. 11, Sch. para. 7(1)**

### [<sup>F30</sup>21A Postponement of discharge of members of Air Force Reserve during call out.

- (1) Where a man of the Air Force Reserve is called out on permanent service at a time when he would apart from this section be entitled to be discharged he may be retained in service for such period as is mentioned below, and his service may be prolonged accordingly.
- (2) No person shall be retained in service by virtue of this section later than the end of twelve months after the date on which apart from this section he would be entitled to be discharged.
- (3) Subject to subsection (2) above, a person who apart from this section would be entitled to be discharged may be retained in service for such period as the competent air force authority may order.
- (4) If while a man of the Air Force Reserve is being retained in service by virtue of this section it appears to the competent air force authority that his services can be dispensed with, he is entitled to be discharged.
- (5) Where, at the time at which under subsections (1) to (4) above a man of the Air Force Reserve is entitled to be discharged, a state of war exists between Her Majesty and a foreign power—

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- (a) he may, by declaration made in the prescribed form before his commanding officer, agree to continue in service while such a state of war exists, and
  - (b) if the competent air force authority approve, he may continue accordingly as if the period for which his term of service could be prolonged under subsections (1) to (4) above were a period continuing so long as a state of war exists; but this is subject to subsection (6) below.
- (6) If it is so specified in the declaration, he is entitled to be discharged at the end of three months' notice given by him to his commanding officer.
- (7) In subsections (3) to (5) above “the competent air force authority” and “prescribed” have the same meaning as in Part I of the Air Force Act 1955.
- (8) Subject to subsection (9) below, in subsection (1) above the reference to a man of the Air Force Reserve being called out on permanent service is a reference to his being called out under an order made under—
- (a) section 52 of the Reserve Forces Act 1996 (call out in the event of a national emergency, great danger or an actual or apprehended attack on the United Kingdom, the Channel Islands or the Isle of Man), or
  - (b) section 54 of the 1996 Act (call out because warlike operations are in preparation or in progress).
- (9) In relation to a man of the Air Force Reserve who enlisted in the Air Force Reserve before 1st April 1967, the reference to a man of the Air Force Reserve being called out on permanent service includes a reference to his being called out under an order under section 54 of the 1996 Act only if—
- (a) he re-engaged in the Air Force Reserve on or after that date, or
  - (b) he has made an irrevocable election to that effect in the prescribed manner.]

#### Textual Amendments

**F30** S. 21A inserted (1.1.1999) by S.I. 1998/3086, reg. 11, Sch. para. 7(2)

[<sup>F31</sup>22

- (1) Every officer and man of the Territorial Army and of the Royal Auxiliary Air Force shall be liable to be called out for home defence service whenever an order under section 52(1)(b) of the Reserve Forces Act 1996 authorising his call-out is in force notwithstanding that—
- (a) the Territorial Army or that part to which he belongs has not been called out for permanent service by virtue of section 10(1) or 11(1) above, or
  - (b) the Royal Auxiliary Air Force or that part to which he belongs has not been called out for permanent service by virtue of section 10(1).
- (2) Sections 50(6) and 52(3) to (6) of the Reserve Forces Act 1996 shall apply to persons subject to this section as if they were persons to whom section 52 of that Act applied.]

#### Textual Amendments

**F31** S. 22 substituted (1.4.1997) by S.I. 1997/306, art. 9

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<sup>F32</sup>23 .

**Textual Amendments**

**F32** S. 23 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1977/305, **art. 2**

**24 Permanent service call out of Ulster Defence Regiment.**

The Ulster Defence Regiment is liable to be called out for permanent service in Northern Ireland in defence of the United Kingdom against actual or apprehended attack.

**Modifications etc. (not altering text)**

**C7** S. 24 applied (with modifications) (1.7.1992) by **Army Act 1992 (c. 39), ss. 3(2), 5**

**25 Emergency service call out of Ulster Defence Regiment.**

- (1) Any officer authorised in accordance with this section to exercise the powers conferred by this subsection may (subject to that authority) call out the Ulster Defence Regiment or any part of it for emergency service in Northern Ireland if, and for so long as, it appears to that officer to be necessary or expedient for the defence of life or property in Northern Ireland against armed attack or sabotage, whether actual or apprehended.
- (2) The Secretary of State may—
- (a) grant authority in writing to any designated officer of the regular forces within the meaning of the <sup>M2</sup>Army Act 1955 of a rank not lower than major to exercise the powers conferred by subsection (1) above, and
  - (b) by that authority authorise that officer in turn to authorise any other officer designated by him (being an officer of the regular forces within the meaning of that Act of 1955 of a rank not lower than major) to exercise those powers, and any authorisation in pursuance of this subsection may be given either in general terms or subject to specified limitations.

**Modifications etc. (not altering text)**

**C8** S. 25 applied (with modifications) (1.7.1992) by **Army Act 1992 (c. 39), ss. 3(2), 5**

**Marginal Citations**

**M2** 1955 c. 18.

[<sup>F33</sup>25A **Application of section 62 of the Reserve Forces Act 1996**

Section 62 of the Reserve Forces Act 1996 (power to exempt persons from or relax call-out liability) shall apply to persons liable to be called out by virtue of the enactments mentioned in section 26(2) below as if in section 62 for the words “this Part” in both places in which they appear there were substituted the words “the Reserve Forces Act 1980”]

*Status: Point in time view as at 01/01/1999.*

*Changes to legislation: Reserve Forces Act 1980 is up to date with all changes known to be in force on or before 02 June 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)*

### Textual Amendments

**F33** S. 25A inserted (1.4.1997) by S.I. 1997/306, reg. 10

#### *Call-out notices under certain enactments*

[<sup>F34</sup>26

- (1) The power of the Secretary of State under section 58(1) of the Reserve Forces Act 1996 to call out a person liable to be called out under an order made under section 52 or 54 of that Act shall include a power to call out a person liable to be called out by virtue of the enactments mentioned in subsection (2) below.
- (2) The enactments referred to in subsection (1) above are—
  - (a) section 10(1) above;
  - (b) section 11(1) above;
  - (c) section 16(1) above;
  - (d) section 18(1) above;
  - (e) section 20(1) above;
  - (f) section 22 above;
  - (g) section 24 above;
  - (h) paragraph 15(1) of Schedule 8 to this Act; and
  - (i) sub-paragraphs (2), (3), (5) and (6) of paragraph 16 of that Schedule.
- (3) Sections 58 and 59 shall have effect in relation to any person called out by virtue of the enactments mentioned in subsection (2) above with the following modifications—
  - (a) section 58(3) shall have effect as if—
    - (i) paragraph (b) provided for the call-out notice to specify the provision of this Act by virtue of which the person concerned is liable to be called out; and
    - (ii) in paragraph (c), the words “under that order” were omitted;
  - (b) section 58(5) shall have effect as if—
    - (i) the words “on the authority of a call-out order” were omitted; and
    - (ii) in paragraph (a), the reference to the call-out order was a reference to the order made under Part VI of the Reserve Forces Act 1996 by virtue of which the person concerned is liable to be called out;
  - (c) section 59(5) shall have effect as if—
    - (i) for the word “under”, where it appears for the first time, there were substituted the words “by virtue of”; and
    - (ii) the words “under that call-out order” were omitted; and
  - (d) section 59(6) shall have effect as if—
    - (i) the words “under a call-out order” and “under that order” were omitted; and
    - (ii) paragraph (b) provided for the person concerned to be deemed to have been called out for service in accordance with this Act.
- (4) In the application of sections 58 and 59 of the Reserve Forces Act 1996 and of section 28 below—

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- (a) section 63 of the Reserve Forces Act 1996 shall apply in relation to this Act as it applies in relation to Part VI of that Act; and
- (b) “authorised officer” means an officer authorised by or in accordance with directions of the Defence Council for the purposes of Part VI of the Reserve Forces Act 1996, and any officer so authorised shall be deemed to be authorised for the same purposes in connection with any corresponding provision of this Act.]

#### Textual Amendments

**F34** S. 26 substituted (1.4.1997) by [S.I. 1997/306, art. 11](#)

<sup>F35</sup>27 .

#### Textual Amendments

**F35** S. 27 repealed (1.4.1997) by [1996 c. 14, ss. 131\(2\), 132\(4\), Sch. 11](#) (with [s.72\(5\)](#)); [S.I. 1997/305, art. 2](#)

## 28 Differing service liabilities of those called out.

- (1) Where a person—
  - <sup>F36</sup>(a) is in service in pursuance of a call-out notice under section 58 of the Reserve Forces Act 1996 specifying an enactment mentioned in section 26(2) above;]
  - (b) if he were not in service he would be liable to be called into service by a call-out notice under [<sup>F37</sup>section 58 of the Reserve Forces Act 1996] or, as the case may be, by such a call-out notice specifying a different enactment so mentioned,

the Secretary of State may direct that, on the date of the direction or a later date specified in the direction, that person shall be deemed to be called into service by a call-out notice under [<sup>F37</sup>section 58 of the Reserve Forces Act 1996] specifying such of those enactments applicable to him as is specified in the direction.
- (2) Where a person is deemed in pursuance of subsection (1) above to be called into service by virtue of an enactment specified in a direction under that subsection, his service under any other enactment by virtue of which he was previously serving shall cease.
- (3) The power to give a direction under this section includes power—
  - (a) to make provision for persons of such descriptions as are specified in the direction or in respect of an individual; and
  - (b) to make different provision for different circumstances.

#### Textual Amendments

**F36** S. 28(1)(a) substituted (1.4.1997) by [S.I. 1997/306, art. 12\(1\)\(a\)](#)

**F37** Words substituted (1.4.1997) by [S.I. 1997/306, art. 12\(1\)\(b\)](#)

*Status: Point in time view as at 01/01/1999.*

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## 29 End of service under call-out notices.

(1) In any case where—

- (a) the services of a person called into service by a call-out notice under [<sup>F38</sup>section 58 of the Reserve Forces Act 1996 specifying an enactment in section 26(2) above] above are no longer required, or
- (b) a person is in service in pursuance of such a call-out notice at the expiry of the period of his liability for service in pursuance of the enactment specified by the notice,

he shall be entitled to be released from [<sup>F38</sup>permanent] service in the prescribed manner with all convenient speed.

(2) The reference in paragraph (b) of subsection (1) above to a period of liability for service in pursuance of a particular enactment includes a reference to such a period as extended under any other enactment.

### Textual Amendments

**F38** Words in s. 29(1) substituted (1.4.1997) by S.I. 1997/306, art. 13(a)(b)

## [<sup>F39</sup>29A Application of provisions relating to recall

The provisions of this Act relating to recall shall not apply to any person to whom section 66 of the Reserve Forces Act 1996 applies.]

### Textual Amendments

**F39** S. 29A inserted (1.4.1997) by S.I. 1997/306, art. 14

*Recall of service pensioners and former soldiers*

## [<sup>F40</sup>30 Liability of naval and marine pensioners to recall.

[ Whenever a recall order under section 68 of the Reserve Forces Act 1996 authorising  
<sup>F41</sup>(1) the recall of persons who have served in the Royal Navy or Royal Marines is in force, persons to whom this section applies are liable—

- (a) by virtue of subsection (1A)(a) below, to be ordered to join the Royal Navy;
  - (b) by virtue of subsection (1A)(b) below, to be ordered to join the Royal Marines,
- and those so ordered shall serve while the recall order remains in force (unless released sooner) and while so serving section 76 of the Reserve Forces Act 1996 shall apply to them as it applies to persons described in that section.]

[ This section applies to any persons who—

- <sup>F42</sup>(1A) (a) have served as warrant officers, petty officers or seamen in the navy; or
- (b) have served as warrant officers, non-commissioned officers or men of the Royal Marines,

and are in receipt of pensions in respect of such service.]

*Status: Point in time view as at 01/01/1999.*

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- (2) The enactments concerning the discharge of seamen serving in the Royal Navy and becoming entitled to be discharged shall be applicable to and for the discharge of any of those serving under subsection (1) above, and becoming entitled to be discharged.

<sup>F40</sup>(3) .....

<sup>F40</sup>(4) .....]

#### Textual Amendments

- F40** S. 30 repealed (1.4.1997 except so far as relating to s. 30(1)(2) which repeal is still *prosp.*) by 1996 c. 14, ss. 131(2), 132(4), **Sch. 11** (with s.72(5)); S.I. 1997/305, **art. 2**
- F41** S. 30(1) substituted (1.4.1997) by S.I. 1997/306, **art. 15(2)**
- F42** S. 30(1A) inserted (1.4.1997) by S.I. 1997/306, **art. 15(3)**

### 31 Liability of army and air force pensioners to recall.

- (1) An army or air force pensioner to whom this section applies shall be liable under this section to be recalled for service in such circumstances and for such period as are specified in this section and in sections 32 and 33 below.
- (2) This section applies to army and air force pensioners whose service pensions have been assessed or re-assessed in accordance with pension provisions made on or after 16th December 1948, other than—
- pensioners whose service pensions were originally granted before 3rd September 1939;
  - pensioners being those of any description mentioned in Schedule 2 to this Act.
- (3) In subsection (2) above the expression “pension provisions made on or after 16th December 1948” means—
- in the case of army pensioners, the provisions of a Royal Warrant issued on or after 16th December 1948,
  - in the case of air force pensioners, the provisions of an Order by Her Majesty so issued,
- not being provisions as to which the Warrant or Order directs that they shall be disregarded for the purposes of this section.
- (4) A person shall cease to be liable under this section to be recalled for service when he attains the age of 60 years.
- (5) A person recalled for service under this section shall not suffer—
- any reduction in pay or other emoluments in respect of his service while recalled by reason of being in receipt of a service pension; or
  - the withholding or reduction of his service pension by reason of his being in receipt of any such pay or emoluments.
- (6) In this section—
- “army pensioner” and “air force pensioner” means persons who have been discharged from service as soldiers and as airmen respectively and are in receipt of service pensions,
- “service pension” means a pension granted in respect of service as a soldier of the regular forces or an airman of the regular air force or in respect of that



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service and other service, but does not include a pension awarded in respect of disablement,

and other expressions used in this section and in sections 32 and 33 below have in relation to army pensioners the same meanings as in the <sup>M3</sup>Army Act 1955, and in relation to air force pensioners the same meanings as in the <sup>M4</sup>Air Force Act 1955.

- (7) For the purposes of those sections, a person shall be deemed to be in receipt of a pension if the pension has been granted to him and has not been wholly forfeited, notwithstanding—
- (a) that any part of the pension has been commuted for a sum of money in lieu of the pension; or
  - (b) that the pension or any part of it is for the time being administered or otherwise applied for any purpose or paid to some other person; or
  - (c) that the pension or any part of it has not been paid for any period.

For the purposes of this subsection the forfeiture of a pension shall be disregarded if the whole or any part of the pension has been restored since the forfeiture was incurred.

#### Marginal Citations

**M3** 1955 c. 18.

**M4** 1955 c. 19.

## 32 Occasion for and period of recall under s. 31.

- (1) An army pensioner liable under section 31 above to be recalled for service may be recalled at any time when persons of the Army Reserve are called out for permanent service.

In this subsection the expression “called out for permanent service” means called out for permanent service under [<sup>F43</sup>a call-out order under section 52 of the Reserve Forces Act 1996].

- (2) An air force pensioner liable under section 31 to be recalled for service may be recalled at any time when persons of the Air Force Reserve are called out for permanent service.

In this subsection the expression “called out for permanent service” means called out for permanent service [<sup>F44</sup>a call-out order under section 52 of the Reserve Forces Act 1996].

- (3) A person recalled for service under section 31—
- (a) shall be deemed to be enlisted in the regular forces or the regular air force, according as he was an army pensioner or an air force pensioner, for the period mentioned in subsection (4) below, unless
  - (b) on his recall he requires to be enlisted for that period in accordance with section 2 of the Army Act 1955, or section 2 of the Air Force Act 1955, as the case may require, and upon such enlistment he shall not be deemed to have been enlisted by virtue of paragraph (a) above.
- (4) The period referred to in subsection (3) above is one—
- (a) beginning with the time as from which a person is recalled for service under section 31, and

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- [<sup>F45</sup>(b) ending with the date on which there is no longer a call-out order under section 52 of the Reserve Forces Act 1996 in force authorising the call-out of persons of the Army Reserve or the Air Force Reserve, as the case may be.]
- (5) Nothing in the following provisions shall prejudice the operation of the provisions of this section—
- (a) the provisions of the <sup>M5</sup>Army Act 1955 or the <sup>M6</sup>Air Force Act 1955 as to the term for which a person may be enlisted;
  - (b) the provisions of the <sup>M7</sup>Army and Air Force Act 1961 corresponding to the provisions mentioned in paragraph (a) above; and
  - (c) the provisions of section 2 of the <sup>M8</sup>Armed Forces Act 1966 and regulations made under that section corresponding to the provisions mentioned in paragraph (a).

#### Textual Amendments

**F43** Words in s. 32(1) substituted (1.4.1997) by [S.I. 1997/306, art. 16\(2\)](#)

**F44** Words in s. 32(2) inserted (1.4.1997) by [S.I. 1997/306, art. 16\(3\)](#)

**F45** S. 32(4)(b) substituted (1.4.1997) by [S.I. 1997/306, art. 16\(4\)](#)

#### Marginal Citations

**M5** 1955 c. 18.

**M6** 1955 c. 19.

**M7** 1961 c. 52.

**M8** 1966 c. 45.

<sup>F46</sup>**33** .....

#### Textual Amendments

**F46** [S. 33](#) repealed (1.4.1997) by [1996 c. 14, s. 131\(2\)](#), [Sch. 11](#) (with [s.72\(5\)](#)); [S.I. 1997/305, art. 2](#)

#### [<sup>F47</sup>**34** **Liability of certain former soldiers to recall.**

- (1) Any former soldier to whom this section applies may be recalled for service by the Secretary of State by [<sup>F48</sup>notice under section 35 below] at any time when men of the Army Reserve are called out for permanent service under [<sup>F49</sup>a call-out order under section 52 of the Reserve Forces Act 1996].
- (2) This section applies to any person who is not a woman and who is for the time being under the age of 45, and—
  - (a) who is not—
    - (i) a member of the armed forces of the Crown apart from this section;
    - (ii) liable to be recalled to service under section 31 above;
    - (iii) such a person as is mentioned in Schedule 2 to this Act;
  - (b) who enlisted in pursuance of regulations made under section 2 of the <sup>M9</sup>Armed Forces Act 1966;

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- (c) who has not been discharged in respect of that enlistment under section 14 of the <sup>M10</sup>Army Act 1955, or under any regulations made by virtue of section 2 of the Armed Forces Act 1966 conferring a right to discharge by purchase;
  - (d) who has not been granted a commission.
- (3) A person recalled for service by such a notice as is referred to in subsection (1) shall be deemed to be enlisted in the regular forces within the meaning of the Army Act 1955 for the period—
- (a) beginning with the time specified in the notice, and
  - [ ending (unless he is previously discharged) with the date on which there is
  - <sup>F50</sup>(b) no longer a call-out order under section 52 of the Reserve Forces Act 1996 in force.]

- <sup>F47</sup>(4) . . . . .
- <sup>F47</sup>(5) . . . . .
- <sup>F47</sup>(6) . . . . . ]

**Textual Amendments**

- F47** S. 34 repealed (1.4.1997 except for s. 34(1)-(3) the repeal of which is still *prosp.*) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**
- F48** Words in S. 34(1) substituted (1.4.1997) by S.I. 1997/306, **art. 17(2)(a)**
- F49** Words in S. 34(1) substituted (1.4.1997) by S.I. 1997/306, **art. 17(2)(b)**
- F50** S. 34(3)(b) substituted (1.4.1997) by S.I. 1997/306, **art. 17(3)**

**Marginal Citations**

- M9** 1966 c. 45.
- M10** 1955 c. 18.

**[<sup>F51</sup>35 Recall notices**

- (1) The Secretary of State may recall any person who is liable to be recalled under section 30, 31 or 34 above by serving a notice on him requiring him—
  - (a) to present himself for service at a specified time and place; and
  - (b) to remain at that place until he is either accepted into service or informed that he is not to be accepted into service in pursuance of the notice.
- (2) In the case of those liable to recall under section 31 above, the time specified in accordance with subsection (1)(a) shall be not earlier than the third day after the service of the notice.
- (3) Section 65(5) of the Reserve Forces Act 1996 shall have effect as if the reference to persons recalled for service under an order made under section 68 of that Act included a reference to persons recalled under section 30, 31 or 34 above.
- (4) Section 70(2) to (5), (7) and (8) of the Reserve Forces Act 1996 shall apply to a person subject to this section as if he were a person to whom section 70 of that Act applied, except that section 70(5)(a) shall not apply to a person to whom section 31 or 34 above applies.]

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#### Textual Amendments

**F51** S. 35 substituted (1.4.1997) by S.I. 1997/306, reg. 18

### [<sup>F52</sup>36 Application of sections 71, 73 to 75 and 77 of the Reserve Forces Act 1996 to persons recalled under section 30, 31 or 34

(1) Section 71 of the Reserve Forces Act 1996 shall apply to those liable to be recalled under section 30, 31 or 34 above as it applies to those to whom section 66 of that Act applies, but with the following amendments—

(a) section 71(5) of that Act shall apply to persons liable to be recalled under section 31 or 34 above as if for the first two lines there were substituted—

“When a call-out order under section 52 of the Reserve Forces Act 1996 is in force, and men of the Army Reserve or the Air Force Reserve, as the case may be, are in permanent service under it, any person who is thereby liable to be recalled under section 31 or 34 above who—”

;

(b) section 71(6) shall apply as if for paragraph (b) of that subsection there were substituted—

(b) “ he shall be deemed to have been recalled for service under section 30, 31 or 34 as the case may be.”

(2) Sections 73 and 74 of the Reserve Forces Act 1996 shall apply to those liable to recall under section 30, 31 or 34 above as they apply to those liable to recall under Part VII of that Act.

(3) Section 75 of the Reserve Forces Act 1996 shall apply to those liable to recall under section 30, 31 or 34 above as if—

(a) the reference in subsection (1) to section 66(1) of the Reserve Forces Act 1996 were a reference to sections 30, 31 and 34 above;

(b) for subsection (2) there were substituted—

(2) “The regulations shall secure that a person liable to provide information by virtue of this section shall cease to be liable to provide such information after he ceases to be a person liable to recall by virtue of section 31(4) of the Reserve Forces Act 1980 or, if section 34 applies to him, he reaches the age mentioned in section 34(2) of that Act or on such other grounds as may be prescribed by regulations made under section 73(a)  
F53 . . . .”

(4) Section 77 of the Reserve Forces Act 1996 shall have effect in relation to persons liable to recall under section 30, 31 or 34 as if the words “this Part” included a reference to sections 30 to 36A inclusive of the Reserve Forces Act 1980.]

#### Textual Amendments

**F52** S. 36 substituted (1.4.1997) by S.I. 1997/306, reg. 19

**F53** Words in s. 36(3)(b) repealed (1.1.1999) by S.I. 1998/3086, reg. 12

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[<sup>F54</sup>**36A Application of Part X of the Reserve Forces Act 1996 to persons liable to recall under section 30, 31 or 34**

For the avoidance of doubt, it is declared that Part X of the Reserve Forces Act 1996 (general offences) applies to a person liable to recall under section 30, 31 or 34 above as it applies to a person liable to recall under the Reserve Forces Act 1996.]

**Textual Amendments**

**F54** S. 36A inserted (1.4.1997) by S.I. 1997/306, reg. 20

*Call out for training*

<sup>F55</sup>**37** .....

**Textual Amendments**

**F55** S. 37 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s.72(5)); S.I. 1997/305, art. 2

**38 Army Reserve, Air Force Reserve and Territorial Army training.**

A person to whom this section applies by virtue of section 39 below may, in accordance with regulations made by the Secretary of State, be called out in any year for training in the United Kingdom or elsewhere—

- (a) for one period not exceeding 15 days, and
- (b) for such other periods as may be prescribed, none of which shall exceed 36 hours without the consent of the person in question,

and may while so called out be attached to and trained with any body of Her Majesty's forces.

[<sup>F56</sup>**39 Application of s. 38.**

(1) The persons to whom section 38 above applies are (subject to subsection (3) below)—

- (a) any member of the Army Reserve or the Air Force Reserve who became such a member on or after 1st April 1967 otherwise than in consequence of his having enlisted in the regular army or the regular air force before that day;
- (b) any member of the Territorial Army who became such a member on or after 1st April 1967 by enlistment or re-engagement or by becoming an officer; and

<sup>F56</sup>(c) .....

<sup>F56</sup>(2) .....

<sup>F56</sup>(3) .....]

**Textual Amendments**

**F56** S. 39 repealed (1.4.1997 except for s. 39(1)(a)(b) 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

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#### **40 Preliminary training of Royal Auxiliary Air Force.**

- (1) Every man of the Royal Auxiliary Air Force shall, by way of preliminary training during the first year of his original enlistment—
  - (a) if so provided by Order in Council, and
  - (b) for such periods not exceeding in the whole the number of days specified by the Order in Council,
 be trained at such places within the United Kingdom and at such times as may be prescribed, and for that purpose may be called out once or more often.
- (2) Whether or not such an Order in Council has been made he shall attend the number of drills and instructional parades and fulfil the other conditions prescribed for a recruit in the Royal Auxiliary Air Force.
- (3) The requirements of this section are in addition to the requirements of this Act relating to annual training.

#### **41 Annual training of Royal Auxiliary Air Force.**

- (1) Every man of the Royal Auxiliary Air Force shall by way of annual training be trained for not less than 8 or more than 15 days in every year at such times and at such places within the United Kingdom as may be prescribed, and may for that purpose be called out once or more often in every year.
- (2) Every such man shall attend the number of drills and instructional parades and fulfil the other conditions relating to training prescribed for the Royal Auxiliary Air Force.
- (3) The requirements of this section may be dispensed with in whole or in part—
  - (a) as respects any unit of the Royal Auxiliary Air Force by the prescribed air officer, and
  - (b) as respects an individual man of the Royal Auxiliary Air Force, by his commanding officer subject to any general directions of the prescribed air officer.

#### **Modifications etc. (not altering text)**

**C9** S. 41(1) modified (1.4.1997) by 1996 c. 14, S. 128, **Sch. 8 para. 10**; S.I. 1997/305 art. 2(1)

#### **42 Variation and cancellation of training periods for Royal Auxiliary Air Force.**

Her Majesty may by order in Council made in relation to all or any part of the Royal Auxiliary Air Force direct—

- (a) that the period of annual training in any year shall be extended to such period not exceeding 30 days as may be specified in the Order; or
- (b) that the period of annual training in any year shall be reduced to such period as to Her Majesty may seem fit; or
- (c) that the annual training in any year shall be dispensed with.

#### **[<sup>F57</sup>42A Application of section 23 of the Reserve Forces Act 1996**

Section 23 of the Reserve Forces Act 1996 (power to exempt persons from or relax training obligations) shall apply to persons to whom this Act applies other than

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members of the Royal Naval Reserve or the Royal Fleet Reserve as if in section 23 for the words “section 22” wherever they appear there were substituted the words “the Reserve Forces Act 1980”.]

**Textual Amendments**

**F57** S. 42A inserted (1.4.1997) by S.I. 1997/306, reg. 21

<sup>F58</sup> 43 .....

**Textual Amendments**

**F58** S. 43 repealed (1.4.1997) by 1996 c. 14, ss. 131(2), 132(4), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

**44 Requirement as to training of Ulster Defence Regiment in Northern Ireland.**

(1) Any member of the Ulster Defence Regiment may, in accordance with regulations under Part VII of this Act, be required to undergo training in Northern Ireland in any year—

- (a) for one or more periods which shall not exceed 12 days in the aggregate and of which—
  - (i) none shall exceed 8 consecutive days, and
  - (ii) except with his consent, not more than 2 shall exceed 36 consecutive hours, and
- (b) for such other periods as may be prescribed, none of which shall except with his consent exceed 2 hours,

and may while so undergoing training be attached to and trained with any body of Her Majesty’s forces which is for the time being in Northern Ireland.

(2) Regulations under that Part may provide—

- (a) for securing that subsection (1) above shall not apply to persons of such descriptions as may be prescribed to whom but for the regulations that subsection would apply; and
- (b) for relaxing, in such cases as may be prescribed, the liability imposed by subsection (1) on members of the force.

**Modifications etc. (not altering text)**

**C10** S. 44 applied (with modifications) (1.7.1992) by Army Act 1992 (c. 39), ss. 3(2)(3), 5

*Status: Point in time view as at 01/01/1999.*

*Changes to legislation: Reserve Forces Act 1980 is up to date with all changes known to be in force on or before 02 June 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)*

## PART III

### NAVAL AND MARINE RESERVES

#### *Officers of reserve to the Royal Navy*

<sup>F59</sup>45 .....

#### Textual Amendments

**F59** S. 45 repealed (1.4.1997) by 1996 c. 14, ss. 131(2), 132(4), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

46 .....

#### Modifications etc. (not altering text)

**C11** S. 46 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

#### *General provisions as to the naval and marine reserves*

#### 47 False answers on enlistment.

If a person offering himself to be entered for service in any of the naval reserve forces—

- (a) knowingly makes a false answer in connection with his entry into such service, and
- (b) that answer is to a question put to him in that connection by, or by the direction of, any officer or other person authorised by regulations made by the Defence Council to enter persons for such service,

he shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding [<sup>F60</sup>level 1 on the standard scale].

#### Textual Amendments

**F60** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G and (N.I.) S.I. 1984/703 (N.I. 3), arts. 5, 6

#### 48 Void enlistment in regular forces.

Where any officer or other person enlists a man to serve in Her Majesty's regular forces who at the time of such enlisting is entered to serve as a man of the Royal Naval Reserve, Royal Fleet Reserve or Royal Marines Reserve that enlisting shall be null and void.



*Status: Point in time view as at 01/01/1999.*

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<sup>F61</sup>49 .....

**Textual Amendments**

**F61** S. 49 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

**[50 Term of service in Royal Naval Reserve and Royal Fleet Reserve.**

- (1) Every man joining the Royal Naval Reserve shall be entered for a term of 5 years, and shall continue subject to this Act as a man of that reserve during and for no longer than that term, except as otherwise provided by this Act.
- (2) A man entitled to claim his discharge under subsection (1) above shall continue subject to the provisions of this Act as a man of the Royal Naval Reserve until actually discharged from that reserve by the Defence Council, or by some officer duly appointed by the defence Council to give such discharges.
- (3) The term of service of a man joining the Royal Fleet Reserve shall be regulated—
  - (a) in the case of a pensioner entitled to his pension subject to a condition of service in the Royal Fleet Reserve, by the conditions attached to the pension; and
  - (b) in any other case, by the terms of his enlistment.
- <sup>F62</sup>(4) For the avoidance of doubt, it is declared that subsections (1) and (3) above do not apply to any man being entered or re-entered for service in the Royal Naval Reserve or the Royal Fleet Reserve if, after being so entered or re-entered for service, he would not be a transitional member as defined in paragraph 3 of Schedule 9 to the Reserve Forces Act 1996.]

**Textual Amendments**

**F62** S. 50(4) inserted (1.4.1997) by S.I. 1997/306, **reg. 22**

<sup>F63</sup>51 .....

**Textual Amendments**

**F63** S. 51 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F64</sup>52 .....

**Textual Amendments**

**F64** S. 52 repealed (1.4.97) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F65</sup>53 .....

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#### Textual Amendments

**F65** S. 53 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F66</sup>**54** .....

#### Textual Amendments

**F66** S. 54 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

### **55 Admission to Greenwich Hospital.**

- (1) Every man of the Royal Naval Reserve, the Royal Fleet Reserve and the Royal Marines Reserve, under such regulations as may be made by the secretary of State, shall be—
  - (a) eligible for admission to the Royal Hospital at Greenwich; and
  - (b) thereupon entitled to the same privileges and advantages as those who are or have been in Her Majesty's navy.
- (2) The Greenwich Hospital Acts 1865 to 1967 have effect as if references in those Acts to any naval reserve force included references to the Royal Marines Reserve.

<sup>F67</sup>**56** .....

#### Textual Amendments

**F67** S. 56 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

#### *Special class of Royal Fleet Reserve*

### **57 Special class of Royal Fleet Reserve.**

- (1) The special class of the Royal Fleet Reserve shall consist of—
  - (a) men who, on engaging or re-engaging in the Royal Fleet Reserve or during a term of engagement or re-engagement in that reserve agree in writing—
    - (i) to be entered in or transferred to that class, and
    - (ii) to undertake the liability for service in that class specified in this Act,
 or
  - (b) men who, having before 16th December 1949 been entered for non-continuous service in the naval service of Her Majesty or enlisted to serve in the royal marine forces, on transfer to the Royal Fleet Reserve or during their service in that reserve pursuant to such transfer agree in writing—
    - (i) to be entered in or transferred to that class, and
    - (ii) to undertake the liability for service in that class specified in this Act;
 or
  - (c) men entered in that class in accordance with the following provisions of this section.

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- (2) Any man who—
- (a) having been entered for non-continuous service in the naval service of Her Majesty on or after 16th December 1949, or
  - (b) having been enlisted to serve in the royal marine forces on or after that date, is transferred to the Royal Fleet Reserve shall, if on his transfer he was designated by the Defence Council or an officer designated by the Defence Council as a man to whom this subsection applies, be entered in that class of the reserve and shall be liable to serve in that class as specified by this Act.
- (3) The following provisions shall have effect as to the duration of service in the special class of the Royal Fleet Reserve—
- (a) a man entered in that class or transferred to it in pursuance of an agreement under paragraph (a) of subsection (1) above shall be liable to serve in that class until the end of his term of engagement or re-engagement referred to in that paragraph;
  - (b) a man entered in or transferred to the special class in pursuance of an agreement under paragraph (b) of subsection (1) shall be liable to serve in the special class until the end of his term of service in the Royal Fleet Reserve in pursuance of his transfer to that reserve referred to in that paragraph (b); and
  - (c) a man entered in the special class by virtue of the provisions of subsection (2) above shall be liable to serve in that class until the expiry of the first 12 months of his service in the Royal Fleet Reserve and shall then be transferred from the special class to the general body of the reserve.
- (4) If a man to whom paragraph (c) of subsection (3) above applies agrees in writing to continue to serve in the special class during the residue of the term for which he is transferred to the Royal Fleet Reserve, he shall be liable to serve in that class in accordance with the agreement.
- (5) An agreement made for the purposes of subsection (1) or subsection (4) above may be revoked by 3 months' written notice.

## 58 Transfers to Royal Fleet Reserve.

References in section 57 above to transfer to the Royal Fleet Reserve shall be construed—

- (a) in relation to a man entered for non-continuous service in the naval service of Her Majesty, as references to being entered in the Royal Fleet Reserve in pursuance of a liability incurred under the terms of his engagement, in accordance with regulations made by the Defence Council under section 2 of the <sup>M11</sup>Armed Forces Act 1966 to serve in the Royal Fleet Reserve after the completion of his term of service in the navy; and
- (b) in relation to a man enlisted to serve in the royal marine forces, as references to being entered in the Royal Fleet Reserve in pursuance of a liability incurred under the terms of his engagement to serve in the Royal Fleet Reserve after the completion of his term of service in the Royal Marines.

### Marginal Citations

M11 1966 c. 45.

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*Pay, pensions and other payments in respect of naval and marine reserves*

F68<sup>59</sup> .....

**Textual Amendments**

F68 S. 59 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

F69<sup>60</sup> .....

**Textual Amendments**

F69 S. 60 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

F70<sup>61</sup> .....

**Textual Amendments**

F70 S. 61 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

**PART IV**

**ARMY RESERVE AND AIR FORCE RESERVE**

*Army Reserve*

F71<sup>62</sup> .....

**Textual Amendments**

F71 S. 62 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

**63 Exercise of powers vested in military office holder.**

- (1) Any power or jurisdiction given to, and any act or thing to be done by, to, or before, any person holding any military office may, in relation to the Army Reserve, be exercised by or done by, to, or before any other person for the time being authorised in that behalf according to the custom of the service.
- (2) Where by this Act, or by any order or regulation under this Act, any order is authorised to be made by any military authority, the order may be signified by an order, instruction or letter under the hand of any officer authorised to issue orders on behalf of that military authority, and an order, instruction or letter purporting to be signed by any

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officer who appears from it to be so authorised shall be evidence of his being so authorised.

<sup>F72</sup>64 .....

**Textual Amendments**

**F72** S. 64 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F73</sup>65 .....

**Textual Amendments**

**F73** S. 65 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

*Air Force Reserve*

<sup>F74</sup>66 .....

**Textual Amendments**

**F74** S. 66 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

**67 Exercise of powers vested in air force officer holder.**

- (1) Any power or jurisdiction given to, and any act or thing to be done by, to, or before, any person holding any air force office may, in relation to the Air Force Reserve, be exercised by or done by, to, or before any other person for the time being authorised in that behalf according to the custom of the service.
- (2) Where by this Act, or by any order or regulation under this Act, any order is authorised to be made by any air force authority, the order may be signified by an order, instruction or letter under the hand of any officer authorised to issue orders on behalf of that air force authority, and an order, instruction or letter purporting to be signed by any officer who appears from it to be so authorised shall be evidence of his being so authorised.

<sup>F75</sup>68 .....

**Textual Amendments**

**F75** S. 68 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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**69 Special reservist called out for permanent service.**

- (1) The Secretary of State may, by regulations under this Act, authorise any special reservist having the qualifications prescribed by those regulations to agree in writing that—
  - (a) if the time at which he would otherwise be entitled to be discharged from the Air Force Reserve occurs when he is called out for permanent service, then
  - (b) he will continue to serve in the Air Force Reserve until the expiry of such period, whether definite or indefinite, as may be specified in the agreement,
- (2) If any man who enters into such an agreement is called out for permanent service, he shall be liable to be detained in service for the period specified in his agreement in the same manner in all respects as if his term of service were still unexpired.

**70 Special reservist called out for special courses, etc.**

- (1) A special reservist may, in addition to being called out for annual training, be called out for a special course or special courses of training—
  - (a) at such place or places in the United Kingdom or the Isle of Man,
  - (b) at such time or times, and
  - (c) for such period or periods, not exceeding in the whole 6 months,
 as may be prescribed, in like manner and subject to the like conditions as if he were called out for annual training.
- (2) Where one of the conditions on which a special reservist was enlisted or re-engaged is that he shall not be called out for training, whether special or annual, for a longer period than the period specified in his attestation paper, he shall not be liable under this section to be called out for any longer period.

*Enlistment in Army Reserve and Air Force Reserve*

F7671 .....

**Textual Amendments**  
**F76** S. 71 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

F7772 .  
.....

**Textual Amendments**  
**F77** S. 72 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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## Offences

F78 73 .....

### Textual Amendments

F78 S. 73 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

F79 74 .....

### Textual Amendments

F79 S. 74 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

F80 75 .....

### Textual Amendments

F80 S. 75 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

F81 76 .....

### Textual Amendments

F81 S. 76 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

F82 77 .....

### Textual Amendments

F82 S. 77 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

F83 78 .  
.....

### Textual Amendments

F83 S. 78 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

F84 79 .....

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**Textual Amendments**

**F84** S. 79 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F85</sup>**80** .....

**Textual Amendments**

**F85** S. 80 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F86</sup>**81** .....

**Textual Amendments**

**F86** S. 81 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

*Miscellaneous*

<sup>F87</sup>**82** .....

**Textual Amendments**

**F87** S. 82 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F88</sup>**83** .....

**Textual Amendments**

**F88** S. 83 omitted (1.1.1999) by virtue of S.I. 1998/3086, reg. 11, **Sch. para. 8(1)(a)**

<sup>F89</sup>**84** .....

**Textual Amendments**

**F89** S. 84 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F90</sup>**85** .....



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**Textual Amendments**

**F90** S. 85 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F91</sup>**86** .....

**Textual Amendments**

**F91** S. 86 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

**87 Interpretation of Part IV.**

In this Part of this Act, except where the context otherwise requires—

“absence without leave” and “desertion” mean respectively absence without leave contrary to subsection (1) or (3) of section 73 above and desertion contrary to subsection (1) of that section, and “absentee without leave” and “deserter” shall be construed accordingly;

“airman” includes a warrant officer and a non-commissioned officer;

“soldier” includes a warrant officer and a non-commissioned officer; and

“special reservist” means a man of the Air Force Reserve who is serving in that reserve as a special reservist pursuant to section 68 above.

**PART V**

**TERRITORIAL ARMY AND ROYAL AUXILIARY AIR FORCE**

*Government, discipline and pay of Territorial Army and Royal Auxiliary Air Force*

<sup>F92</sup>**88** .....

**Textual Amendments**

**F92** S. 88 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F93</sup>**89** .....

**Textual Amendments**

**F93** S. 89 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F94</sup>**90** .....

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**Textual Amendments**

**F94** S. 90 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F95</sup>**91** .....

**Textual Amendments**

**F95** S. 91 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F96</sup>**92** .....

**Textual Amendments**

**F96** S. 92 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

**93 Exercise of powers of military and air force office holders.**

- (1) Any power or jurisdiction given to, and act or thing to be done by, to or before any person holding any military or air force office, may—
  - (a) in relation to the Territorial Army, or
  - (b) in relation to the Royal Auxiliary Air Force,
 as the case may be, be exercised by or done by, to or before any other person for the time being authorised in that behalf according to the custom of the service.
- (2) Where by this Part of this Act, or by any order or regulation in force under it, any order is authorised to be made by any military or air force authority—
  - (a) the order may be signified by an order, instruction or letter under the hand of any officer authorised to issue orders on behalf of that authority; and
  - (b) an order, instruction or letter purporting to be signed by any officer who appears from it to be so authorised shall be evidence of his being so authorised.

*Enlistment*

<sup>F97</sup>**94** .....

**Textual Amendments**

**F97** S. 94 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F98</sup>**95** .....

*Status: Point in time view as at 01/01/1999.*

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**Textual Amendments**

**F98** S. 95 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

**F99**<sup>96</sup> .

**Textual Amendments**

**F99** S. 96 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

**F100**<sup>97</sup> .

**Textual Amendments**

**F100** S. 97 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

*Discharge*

**F101**<sup>98</sup> .....

**Textual Amendments**

**F101** S. 98 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

**F102**<sup>99</sup> .....

**Textual Amendments**

**F102** S. 99 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

**100 Postponement of discharge: Territorial Army and Royal Auxiliary Air Force.**

- (1) Where the time at which a man of the Territorial Army or the Royal Auxiliary Air Force would otherwise be entitled to be discharged occurs during a period of emergency, he may be required to prolong his service for such further term, not exceeding 12 months, as the Defence Council or an officer designated by them may order.
- (2) A man shall not during a period of emergency be entitled to be discharged under <sup>F103</sup>section 16(2)(a) of the Reserve Forces Act 1996].
- (3) In this section the expression “period of emergency” means—

*Status: Point in time view as at 01/01/1999.*

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- (a) in relation to a man of the Territorial Army, any period while an order under <sup>F104</sup>section 52(1)(a) of the Reserve Forces Act 1996] is in force <sup>F104</sup>authorising members of] the Army Reserve to be called out for permanent service;
- (b) in relation to a man of the Royal Auxiliary Air Force, any period—
  - (i) while an order under <sup>F104</sup>section 52(1)(a) of the Reserve Forces Act 1996]is in force <sup>F104</sup>authorising members of] the Air Force Reserve to be called out for permanent service; or
  - (ii) while the man in question is called out for home defence service.

**Textual Amendments**

- F103** Words in s. 100(2) substituted (1.4.1997) by S.I. 1997/306, reg. 24(2)
- F104** Words in s. 100(3) substituted (1.4.1997) by S.I. 1997/306, reg. 24(3)(a)(b)

**101 Postponement of discharge: Territorial Army.**

- (1) A man of the Territorial Army who is a person to whom section 11 above applies shall not be entitled to be discharged under <sup>F105</sup>section 16(2)(a) of the Reserve Forces Act 1996] during any period while an order is in force under <sup>F105</sup>section 54 of the Reserve Forces Act 1996 authorising the call-out of members of the Territorial Army].
- (2) Subsections (1) and (2) of section 100 above shall have effect, in relation to a man who enlists or re-engages in the Territorial Army on or after 1st April 1967, as if the period of emergency within the meaning of that section included any period while he is called out for home defence service.

**Textual Amendments**

- F105** Words in s. 101(1) substituted (1.4.1997) by S.I. 1997/306, reg. 25(2)

<sup>F106</sup>**102** .....

**Textual Amendments**

- F106** S. 102 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

*Additional provisions as to call-out*

<sup>F107</sup>**103** .....

**Textual Amendments**

- F107** S. 103 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

*Status: Point in time view as at 01/01/1999.*

*Changes to legislation: Reserve Forces Act 1980 is up to date with all changes known to be in force on or before 02 June 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)*

**F108** **104** .....

**Textual Amendments**

**F108** S. 104 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

**105** .....

**Modifications etc. (not altering text)**

**C12** S. 105 repealed (1.4.1997) by 1996 c. 14, ss. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

*Offences*

**F109** **106** .....

**Textual Amendments**

**F109** S. 106 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

**F110** **107** .  
.....

**Textual Amendments**

**F110** S. 107 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

**F111** **108** .....

**Textual Amendments**

**F111** S. 108 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

**F112** **109** .....

**Textual Amendments**

**F112** S. 109 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

**F113** **110** .....

*Status: Point in time view as at 01/01/1999.*

*Changes to legislation: Reserve Forces Act 1980 is up to date with all changes known to be in force on or before 02 June 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)*

**Textual Amendments**

**F113** S. 110 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F114</sup>**111** .....

**Textual Amendments**

**F114** S. 111 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F115</sup>**112** .....

**Textual Amendments**

**F115** S. 112 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F116</sup>**113** .....

**Textual Amendments**

**F116** S. 113 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F117</sup>**114** .....

**Textual Amendments**

**F117** S. 114 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F118</sup>**115** .....

**Textual Amendments**

**F118** S. 115 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F119</sup>**116** .....

**Textual Amendments**

**F119** S. 116 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

*Status: Point in time view as at 01/01/1999.*

*Changes to legislation: Reserve Forces Act 1980 is up to date with all changes known to be in force on or before 02 June 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)*

*Miscellaneous*

<sup>F120</sup>**117** .....

**Textual Amendments**

**F120** S. 117 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F121</sup>**118** .....

**Textual Amendments**

**F121** S. 118 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F122</sup>**119** .....

**Textual Amendments**

**F122** S. 119 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

**120 Service of notices for Territorial Army and Royal Auxiliary Air Force.**

Notices required in pursuance of—

- (a) this Part of this Act, or
- (b) the orders and regulations in force under this Part,

to be given to men of the Territorial Army or of the Royal Auxiliary Air Force shall be served or published in such manner as may be prescribed and, if so served or published, shall be deemed to be sufficient notice.

**PART VI**

TERRITORIAL, AUXILIARY AND VOLUNTEER  
RESERVE ASSOCIATIONS, AND THE LIEUTENANCIES

*Army and air force associations*

<sup>F123</sup>**121** .....

**Textual Amendments**

**F123** S. 121 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

*Status: Point in time view as at 01/01/1999.*

*Changes to legislation: Reserve Forces Act 1980 is up to date with all changes known to be in force on or before 02 June 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)*

F124 **122** .....

**Textual Amendments**

F124 S. 122 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

F125 **123** .....

**Textual Amendments**

F125 S. 123 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

F126 **124** .....

**Textual Amendments**

F126 S. 124 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

F127 **125** .....

**Textual Amendments**

F127 S. 125 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

F128 **126** .....

**Textual Amendments**

F128 S. 126 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

F129 **127** .....

**Textual Amendments**

F129 S. 127 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

F130 **128** .....



*Status: Point in time view as at 01/01/1999.*

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**Textual Amendments**

**F130** S. 128 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F131</sup>**129** .....

**Textual Amendments**

**F131** S. 129 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

*The lieutenancies*

<sup>F132</sup>**130** .....

**Textual Amendments**

**F132** S. 130 repealed (1.7.1997) by 1997 c. 23, ss. 8(4), 9(2), **Sch. 3** (with s. 7(3), Sch. 2 para. 6)

<sup>F133</sup>**131** .....

**Textual Amendments**

**F133** S. 131 repealed (1.7.1997) by 1997 C. 23, ss. 8(4), 9(2), Sch. 3

<sup>F134</sup>**132** .....

**Textual Amendments**

**F134** S. 132 repealed (1.7.1997) by 1997 c. 23, ss. 8(4), 9(2), **Sch. 3** (with s. 7(3), Sch. 2 para. 6)

<sup>F135</sup>**133** .....

**Textual Amendments**

**F135** s. 133 repealed (1.7.1997) by 1997 c. 23, ss. 8(4), 9(2), **Sch. 3** (with s. 7(3), Sch. 2 para. 6)

<sup>F136</sup>**134** .....

*Status: Point in time view as at 01/01/1999.*

*Changes to legislation: Reserve Forces Act 1980 is up to date with all changes known to be in force on or before 02 June 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)*

**Textual Amendments**

**F136** s. 134 repealed (1.7.1997) by 1997 c. 23, ss. 8(4), 9(2), **Sch. 3** (with s. 7(3), Sch. 2 para. 6)

<sup>F137</sup>**135** .....

**Textual Amendments**

**F137** s. 135 repealed (1.7.1997) by 1997 c. 23, ss. 8(4), 9(2), **Sch. 3** (with s. 7(3), Sch. 2 para. 6)

<sup>F138</sup>**136** .....

**Textual Amendments**

**F138** S. 136 repealed (1.7.1997) by 1997 c. 23, ss. 8(4), 9(2), **Sch. 3**, (with s. 7(3), Sch. 2 para. 6)

<sup>F139</sup>**137** .....

**Textual Amendments**

**F139** S. 137 repealed (1.7.1997) by 1997 c. 23, ss. 8(4), 9(2), **Sch. 3**

**138 Commissioners of lieutenancy for City of London.**

<sup>F140</sup>(1) .....

(2) The City of London continues to be a separate county for the purposes of <sup>F141</sup> . . . the militia, <sup>F141</sup> . . . .

<sup>F140</sup>(3) .....

<sup>F140</sup>(4) .....

<sup>F140</sup>(5) .....

**Textual Amendments**

**F140** S. 138(1)(3)-(5) repealed (1.7.1997) by 1997 c. 23, ss. 8(4), 9(2), **Sch. 3**

**F141** Words in s. 138(2) repealed (1.7.1997) by 1997 c. 23, ss. 8(4), 9(2), **Sch. 3**

*Status: Point in time view as at 01/01/1999.*

*Changes to legislation: Reserve Forces Act 1980 is up to date with all changes known to be in force on or before 02 June 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)*

## PART VII

### ULSTER DEFENCE REGIMENT

#### *Membership of Ulster Defence Regiment*

#### **139 Enrolment, re-engagement and resignation.**

- (1) The provisions as to the enrolment, re-engagement and resignation of members of the Ulster Defence Regiment (otherwise than as officers) are—
- (a) a person volunteering and accepted for service in that force shall be enrolled for a prescribed period not exceeding 3 years;
  - (b) a member of that force may, if he so desires and is accepted for re-engagement, re-engage from time to time for a further such period;
  - (c) a member of that force may if he so desires cease to be a member of it upon the expiry of one month's notice of his desire so to cease given in writing to his commanding officer.

<sup>F142</sup>(2) .....

#### **Textual Amendments**

**F142** S. 139(2) repealed (1.7.1992) by [Army Act 1992 \(c. 39\)](#), ss. 3(1), 5

#### **Modifications etc. (not altering text)**

**C13** S. 139(1) applied (with modifications) (1.7.1992) by [Army Act \(c. 39\)](#), ss. 3(2), 5

#### **140 Orders and regulations as to acceptance and service.**

- (1) The conditions for the acceptance of persons as members of the Ulster Defence Regiment and the conditions of service of members of that force (including conditions as to pay, allowances and pensions or other grants in respect of death or disablement) shall be such as may be prescribed.
- (2) Orders or regulations shall provide for the organisation, administration, government and duties of the Ulster Defence Regiment, but shall not require members of that force to give whole-time service except—
- (a) during any period in which that force or the part of it to which they belong is called out under section 10, or section 24 or section 25 above, or
  - (b) while they are undergoing training under paragraph (a) of section 44(1) above, and those orders or regulations shall not require members of that force to serve or train outside Northern Ireland.
- (3) In this Part of this Act—
- (a) references to orders are to orders of Her Majesty signified under the hand of the Secretary of State, and
  - (b) references to regulations are to regulations made by the Secretary of State, and any orders or regulations under this Part shall be laid before Parliament after being made.

*Status: Point in time view as at 01/01/1999.*

*Changes to legislation: Reserve Forces Act 1980 is up to date with all changes known to be in force on or before 02 June 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)*

**Modifications etc. (not altering text)**

**C14** Ss. 140-144 applied (with modifications) (1.7.1992) by [Army Act 1992 \(c. 39\)](#), **ss. 3(2), 5**

*Military status of members of Ulster Defence Regiment*

**141 Membership of armed forces and application of military law.**

Persons of the Ulster Defence Regiment shall be members of the armed forces of the Crown, and—

- (a) any holder of a land forces commission who is for the time being assigned for duty with the Ulster Defence Regiment, and any other member of that force when serving on its permanent staff, shall be subject to military law;
- (b) any member of the Ulster Defence Regiment to whom paragraph (a) above does not apply shall be subject to military law—
  - (i) at all times when called out for service under sections 10, 24, 25 and 44 above or when undergoing training whether in pursuance of an obligation under those sections or not; and
  - (ii) at any other time when he is in possession, or when, in pursuance of any order given or permission granted by a superior officer of his, he is required or authorised to be in possession, of any arms or ammunition or of any prescribed description of equipment, being arms, ammunition or equipment belonging to Her Majesty.

**Modifications etc. (not altering text)**

**C15** Ss. 140-144 applied (with modifications) (1.7.1992) by [Army Act 1992 \(c. 39\)](#), **ss. 3(2), 5**

**142 Application of Army Act.**

References in Parts II to V of the <sup>M12</sup>Army Act 1955 to the regular forces shall include references to persons of the Ulster Defence Regiment while subject to military law, but any other references in that Act to the regular forces shall not include references to the Ulster Defence Regiment.

**Modifications etc. (not altering text)**

**C16** Ss. 140-144 applied (with modifications) (1.7.1992) by [Army Act 1992 \(c. 39\)](#), **ss. 3(2), 5**

**Marginal Citations**

**M12** 1955 c. 18.

*Offences*

**143 Failure to attend or comply.**

- (1) Any member of the Ulster Defence Regiment who—

*Status: Point in time view as at 01/01/1999.*

*Changes to legislation: Reserve Forces Act 1980 is up to date with all changes known to be in force on or before 02 June 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)*

- (a) when required by or in pursuance of regulations making any such provision as is mentioned in section 44 above to attend at any place fails without reasonable excuse to attend in accordance with the requirement, or
- (b) fails without reasonable excuse to comply with orders or regulations under this Part of this Act.

shall, whether otherwise subject to military law or not, be guilty of an offence and liable on conviction by court-martial to a fine not exceeding [<sup>F143</sup>£50].

- (2) That offence shall, for all purposes of and incidental to the trial of the offender, including the summary disposal of the case otherwise than by court-martial, be deemed to be an offence under the Army Act 1955.

**Textual Amendments**

**F143** Figure substituted by [Armed Forces Act 1981 \(c. 55, SIF 7:1\), s. 12](#)

**Modifications etc. (not altering text)**

**C17** [Ss. 140-144](#) applied (with modifications) (1.7.1992) by [Army Act 1992 \(c. 39\), ss. 3\(2\), 5](#)

**144 Assistance in desertion, etc.**

- (1) Any person who, in Northern Ireland or elsewhere—
  - (a) procures or persuades any member of the Ulster Defence Regiment to desert within the meaning of section 37 of the Army Act 1955 or to absent himself without leave, or
  - (b) knowing that any member of that force is about to desert as mentioned in paragraph (a) above or to absent himself without leave, assists him in so doing, or
  - (c) knowing any person to be a deserter within the meaning of that section 37 or an absentee without leave from that force, procures or persuades or assists him to remain such a deserter or absentee, or assists in his rescue from custody.

shall be liable—

- (i) on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding 3 months or to both;
- (ii) .....<sup>F144</sup>
- (iii) on conviction on indictment<sup>F145</sup> to a fine or to imprisonment for a term not exceeding 2 years or to both.

<sup>F146</sup>(2) .....

**Textual Amendments**

**F144** [S. 144\(1\) para. \(ii\)](#) repealed by [S.I. 1984/703 \(N.I. 3\), art. 19\(2\), Sch. 7](#)

**F145** Words repealed by [S.I. 1984/703 \(N.I. 3\), art. 19\(2\), Sch. 7](#)

**F146** [S. 144\(2\)](#) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\), Sch. 1 Pt. XIV](#) group2

**Modifications etc. (not altering text)**

**C18** [Ss. 140-144](#) applied (with modifications) (1.7.1992) by [Army Act 1992 \(c. 39\), ss. 3\(2\), 5](#)

*Status: Point in time view as at 01/01/1999.*

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## PART VIII

### MISCELLANEOUS AND SUPPLEMENTAL

#### *Reinstatement in civil employment, and protection of other civil interests*

#### [<sup>F147</sup>145 Reinstatement in civil employment.

<sup>F147</sup>(1) Where any person is, or is liable to be—

<sup>F147</sup>(a) .....

(b) recalled under section 34 above,

the provisions of the [<sup>F148</sup>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 [<sup>F148</sup>section 1(1)] of that Act.

(2) Where any person is, or is liable to be, called out under—

(a) section 10(5) above, or

(b) section 24 above, or

(c) section 25(1) above,

the provisions of that [<sup>F149</sup>Act of 1985] applicable to Northern Ireland 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 [<sup>F149</sup>section 1(1)] of that [<sup>F149</sup>Act of 1985].

<sup>F147</sup>(3) .....

#### Textual Amendments

**F147** 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

**F148** Words substituted by Reserve Forces (Safeguard of Employment) Act 1985 (c. 17, SIF 7:2), s. 21, Sch. 4 para. 7(a)

**F149** Words substituted by Reserve Forces (Safeguard of Employment) Act 1985 (c. 17, SIF 7:2), s. 21, Sch. 4 para. 7(b)

#### [<sup>F150</sup>146 Protection of other civil interests.

[ Any service rendered by virtue of—

<sup>F150</sup>(1)<sup>F150</sup>(a) .....

(b) section 34 above,

shall be relevant service within the meaning of the <sup>M13</sup>Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.]]

(2) Any service rendered by virtue of—

(a) section 10(5) above, or

(b) section 24 above, or

(c) section 25(1) above, or

*Status: Point in time view as at 01/01/1999.*

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(d) any continuous period of training of 7 days or longer performed as a member of the Ulster Defence Regiment, whether in pursuance of an obligation under section 44(1) above or under voluntary arrangements, shall be relevant service within the meaning of the provisions of that Act of 1951 applicable to Northern Ireland.

<sup>F150</sup>(3) .....

**Textual Amendments**

**F150** 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**

**Marginal Citations**

**M13** 1951 c. 65.

*Charitable property on disbanding of units*

<sup>F151</sup>**147** .....

**Textual Amendments**

**F151** 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**

<sup>F152</sup>**148** .....

**Textual Amendments**

**F152** 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**

<sup>F153</sup>**149** .....

**Textual Amendments**

**F153** 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**

*Further powers as to orders and regulations*

**150** .....

**Modifications etc. (not altering text)**

**C19** 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**

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**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.

<sup>F154</sup>152 .

.....

**Textual Amendments**

**F154** 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** ..... <sup>F155</sup>

**Textual Amendments**

**F155** 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**

[<sup>F156</sup>**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 <sup>F157</sup> . . .—

- (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 that 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.

(2) .....]

**Textual Amendments**

**F156** 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**

**F157** Words in s. 154(1) repealed (1.4.1997) by S.I.1997/306, **reg. 26**



*Status: Point in time view as at 01/01/1999.*

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## 155 Amendment of subordinate legislation.

Section 14 of the <sup>M14</sup>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

M14 1978 c. 30.

### *Other supplemental provisions*

## 156 Interpretation.

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

F158

“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;

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“prescribed” means prescribed by orders or regulations made under [<sup>F160</sup>the Reserve Forces Act 1996];

“regular air force” has the same meaning as in the <sup>M15</sup>Air Force Act 1955.

“regular army” means the regular forces within the meaning of the <sup>M16</sup>Army Act 1955, but in sections 11(4) and (5), 15, 39(2), 83(1) and (2) above, and paragraph 19 of Schedule 8 to this Act, does not include the Royal Marines;

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(2) Except where the context otherwise requires, other expressions in this Act—

- (a) relating to the Army Reserve and the Territorial Army, 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.

(3) This Act, [<sup>F162</sup>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.

*Status: Point in time view as at 01/01/1999.*

*Changes to legislation: Reserve Forces Act 1980 is up to date with all changes known to be in force on or before 02 June 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)*

- (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

- F158** 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)
- F159** Definition in s. 156(1) omitted (1.1.1999) by virtue of S.I. 1998/3068, reg. 11, Sch. para. 8(1)(b)
- F160** Words in definition in s. 156(1) substituted (1.4.1997) by S.I. 1997/306, reg. 27
- F161** Definition repealed by Reserve Forces Act 1982 (c. 14, SIF 7:2), s. 1(1)(a)
- F162** 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

- M15** 1955 c. 19.
- M16** 1955 c. 18.

### 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 <sup>M17</sup>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 <sup>M18</sup>Reserve Forces Act 1966.

#### Marginal Citations

- M17** 1978 c. 30.
- M18** 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.

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*Status: Point in time view as at 01/01/1999.*

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- (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.

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**Modifications etc. (not altering text)**

**C20** S. 158(3) extended by Reserve Forces Act 1982 (c. 14, SIF 7:2), s. 3(3)

*Status: Point in time view as at 01/01/1999.*

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## SCHEDULES

### <sup>F163</sup>SCHEDULE 1

#### Textual Amendments

**F163** Sch. 1 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

### SCHEDULE 2

Sections 31 and 34.

#### ARMY AND AIR FORCE PENSIONERS AND OTHER FORMER SOLDIERS NOT LIABLE TO BE RECALLED FOR SERVICE

- 1 A man in holy orders or a regular minister of any religious denomination.
- [<sup>F166</sup>2 A person who is receiving treatment for mental disorder as an in-patient in any establishment in the United Kingdom and is under the supervision of a registered medical practitioner.]

#### Textual Amendments

**F166** Sch. 2 para. 2 substituted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 32(2), **Sch. 9**, Pt. I para. 27

- 3 A person certified to be registered as a blind person—
- (a) by a local authority, as defined for the purposes of Part III of the <sup>M21</sup>National Assistance Act 1948, under arrangements made by the authority under section 29 of that Act;
  - (b) by a Health and Social Services Board in Northern Ireland under arrangements made under Article 15(1) of the <sup>M22</sup>Health and Personal Social Services (Northern Ireland) Order 1972.

#### Marginal Citations

**M21** 1948 c. 29.  
**M22** S.I. 1972/1265 (N.I. 14)

### <sup>F167</sup>SCHEDULE 3

*Status: Point in time view as at 01/01/1999.*

*Changes to legislation: Reserve Forces Act 1980 is up to date with all changes known to be in force on or before 02 June 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)*

**Textual Amendments**

**F167** Sch. 3 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

**F169**SCHEDULE 4

**Textual Amendments**

**F169** Sch. 4 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

**F170**SCHEDULE 5

**Textual Amendments**

**F170** Sch. 5 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

**F172**SCHEDULE 6

**Textual Amendments**

**F172** Sch. 6 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

**F174**SCHEDULE 7

**Textual Amendments**

**F174** Sch. 7 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

*Status: Point in time view as at 01/01/1999.*

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<sup>F185</sup>SCHEDULE 8

Section 157.

SAVING AND TRANSITIONAL PROVISIONS

**Textual Amendments**

**F185** Sch. 8 repealed (1.4.1997 except so far as relating to certain paras. and subparas. the repeals of which are still *prosp.*) by 1996 c. 14, ss. 131(2), 132(4), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

*General*

- 1 References in paragraph (b) of section 17(2) of the <sup>M29</sup>Interpretation Act 1978 to subordinate legislation made or other thing done under enactments repealed and re-enacted by this Act shall be construed as including references to subordinate legislation or other thing having effect as if made or done by virtue of—
  - (a) the <sup>M30</sup>Army Reserve Act 1950 section 29(4);
  - (b) the <sup>M31</sup>Air Force Reserve Act 1950 section 30(4);
  - (c) the <sup>M32</sup>Auxiliary Forces Act 1953 section 46(2).

**Marginal Citations**

- M29** 1978 c. 30.
- M30** 1950 c. 32.
- M31** 1950 c. 33.
- M32** 1953 c. 50.

- 2 .....
- 3 .....
- 4 A conviction for an offence under an enactment repealed by this Act shall be treated for the purposes of the Act as a conviction for an offence under the corresponding provision of the Act.

*Saving of amendments*

- [<sup>F186</sup>5 (1) The amendments made—
  - (a) by section 23(6) of, and paragraph 32 of Schedule 1 to, the <sup>M33</sup>Reserve Forces Act 1966, <sup>F187</sup>
  - (b) <sup>F187</sup>
- (2) The <sup>F188</sup>Royal Marine Forces Volunteer Reserve shall continue to be known <sup>F188</sup>as <sup>F188</sup>the Royal Marines Reserve, and references to that <sup>F188</sup>marine volunteer reserve in any enactment or instrument shall continue to be construed accordingly.
- (3) In section 210(2)(b) of the <sup>M34</sup>Army Act 1955 the reference to actual service shall continue to be construed as including a reference to permanent service in the marine forces in pursuance of section 11(1) above.]

*Status: Point in time view as at 01/01/1999.*

*Changes to legislation: Reserve Forces Act 1980 is up to date with all changes known to be in force on or before 02 June 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)*

#### Textual Amendments

- F186** Sch. 8 para. 5 repealed (1.4.1997 except so far as relating to para. 5(1)(3) 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**
- F187** Sch. 8 para. 5(1)(b) and the immediately preceding “and” repealed (with saving) by **Armed Forces Act 1981** (c. 55, SIF 7:1), s. 28(2), **Sch. 5 Pt. I**
- F188** Words repealed by **Reserve Forces Act 1982** (c. 14, SIF 7:2), **s. 1(3)**

#### Marginal Citations

- M33** 1966 c. 30.  
**M34** 1955 c. 18.

#### *Permanent service in naval and marine reserves*

- 6 Any reference in any enactment to actual service under section 4 of the <sup>M35</sup>Royal Naval Reserve (Volunteer) Act 1859 shall be construed as a reference to permanent service in the naval or marine forces by virtue of section 10(1) above.

#### Marginal Citations

- M35** 1859 c. 40.

#### *Militia storehouses*

- 7 (1) Notwithstanding the repeal by this Act of section 4 of the <sup>M36</sup>Territorial Army and Militia Act 1921, any enactment repealed by that Act which related to militia storehouses shall continue to apply in relation to militia storehouses provided before the commencement of that Act as though that Act and this Act had not been passed.

In this sub-paragraph “militia storehouses” means any building or premises provided for keeping in them the arms, accoutrements, clothing and other stores belonging to any regiment, battalion or corps of militia, when not embodied.

- (2) Any moneys—
- (a) which have been paid to and invested by or shall be paid to the proper officer of a county council on account of the proceeds of the sale of any place provided for keeping militia stores, and
- (b) which are not required for the purposes of the <sup>M37</sup>Militia Law Amendment Act 1854,

may be applied to any of the purposes to which money raised on the security of the county rate or stock is applicable or it may be invested in any security in which trustees may by law invest trust moneys, and the interest applied in aid of the county rate or stock, as shall be directed by the county council.

#### Marginal Citations

- M36** 1921 c. 37.  
**M37** 1854 c. 105.

*Status: Point in time view as at 01/01/1999.*

*Changes to legislation: Reserve Forces Act 1980 is up to date with all changes known to be in force on or before 02 June 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)*

*Enlistment in the <sup>M38</sup>Territorial Army or Royal Auxiliary Air Force  
prior to order or regulation under Auxiliary Forces Act 1953*

**Marginal Citations**

**M38** 1953 c. 50.

- 8 Where a man—
- (a) is a member of the Territorial Army or the Royal Auxiliary Air Force, and
  - (b) was enlisted before the date of any order or regulation under the Auxiliary Forces Act 1953,
- nothing in any order or regulation made under any provision of that Act or made or having effect under a corresponding provision of this Act shall render him liable without his consent to be appointed, transferred or attached to any military or air force body to which he could not without his consent have been appointed, transferred or attached if that order or regulation had not been made.

*Reserve of officers maintained under section 11(4) of Auxiliary Forces Act 1953*

- 9 In relation to the Reserve Forces Act 1966—
- (a) the provisions of section 3(2) of that Act (which abolished reserve divisions of the Territorial Army Reserve), and
  - (b) the repeal by that Act of section 11(7) of the Auxiliary Forces Act 1953,
- do not affect any reserve of officers maintained in pursuance of that section 11(7) immediately before 9th August 1966, but any such reserve may be abolished by order of Her Majesty signified under the hand of the Secretary of State.

*Transfers to reserve under Army Act and Air Force Act*

- 10 In this Act—
- (a) references to the <sup>M41</sup>Army Act 1955 in connection with transfers to the reserve include such transfers under the Army Act;
  - (b) references to the <sup>M42</sup>Air Force Act 1955 in connection with transfers to the reserve include such transfers under the Air Force Act.

**Marginal Citations**

**M41** 1955 c. 18.

**M42** 1955 c. 19.

*Modifications of other enactments*

- 11 Without prejudice to section 152(2) above—
- (a) any reference in any enactment to, or to provisions which include, section 5 of the <sup>M43</sup>Army Reserve Act 1950 or section 5 of the <sup>M44</sup>Air Force Reserve Act 1950 or to a proclamation ordering the calling out of the Army Reserve or the Air Force Reserve under those sections shall be construed



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respectively as, or as including, a reference to section 10 above or to an order authorising the calling out of the Army Reserve or the Air Force Reserve under that section 10;

- (b) any reference in any enactment to the embodying or disembodying of the Territorial Army or the Royal Auxiliary Air Force or any part or member of that reserve or force shall be construed—
- (i) in relation to a member of the Territorial Army, as a reference to his being called into, or released from, service by virtue of section 10(1) or section 11(1) above;
  - (ii) in relation to a member of the Royal Auxiliary Air Force, as a reference to his being called into, or released from, service by virtue of section 10(1).

**Marginal Citations**

**M43** 1950 c. 32.

**M44** 1950 c. 33.

*Naval and Marine Reserves Pay Act 1957*

- 12 Notwithstanding the repeal by this Act of the references to—
- (a) officers and men of the Royal Naval Volunteer Reserve, and
  - (b) officers and men of the Royal Naval Special Reserve,
- in Schedule 1 to the <sup>M45</sup>Naval and Marine Reserves Pay Act 1957, those officers and men described in paragraphs (a) and (b) above shall be deemed to be among those described in subsection (2) of section 59 above for the purposes of that section.

**Marginal Citations**

**M45** 1957 c. 32.

*The lieutenancies in England and Wales*

<sup>F189</sup>13 .....

**Textual Amendments**

**F189** Sch. 8 para. 13 repealed (1.7.1997) by 1997 c. 23, s. 8(4), **Sch. 3** (with s. 8(3), Sch. 2 para. 7)

*The lieutenancies in Scotland*

<sup>F190</sup>14 .....

**Textual Amendments**

**F190** Sch. 8 para. 14 repealed (1.7.1997) by 1997 c. 23, s. 8(4) Sch. 3 (with s. 8(3), Sch.2 para. 7)

*Status: Point in time view as at 01/01/1999.*

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*Permanent service call out of special class of Royal Fleet Reserve otherwise than under section 11*

- 15 (1) Where section 11 above does not apply to a man of the special class of the Royal Fleet Reserve he is liable during the whole of his service in that class of the reserve to be called out for permanent service at any time when warlike operations are in preparation or in progress outside the United Kingdom (including the Channel Islands and the Isle of Man), but this sub-paragraph—
  - (a) does not make the man liable to serve for a period or periods exceeding 12 months in all without his written consent,
  - (b) is without prejudice to any liability imposed on the man by section 16(1) above,
 and any exercise of the power under this sub-paragraph to call men out for permanent service shall be reported to Parliament forthwith.
- (2) The provisions of sub-paragraph (1) above are in addition to, and not in substitution for, the provisions of any other enactment under which officers or men of—
  - (a) the Royal Naval Reserve and the Royal Fleet Reserve, and
  - (b) the Royal Marines Reserve,
 are liable to be called out for permanent service.

*Permanent service call out of Army Reserve and Air Force Reserve otherwise than under section 11*

- <sup>F19</sup>16(1) .....
- (2) Where section 11 does not apply to a man—
  - (a) who enlisted in the regular forces within the meaning of the Army Act 1955 after 26th February 1964, and
  - (b) who was transferred to the Army Reserve in pursuance of—
    - (i) the <sup>M46</sup>Army Act 1955, or
    - (ii) the <sup>M47</sup>Army and Air Force Act 1961, or
    - (iii) regulations under section 2 of the <sup>M48</sup>Armed Forces Act 1966, and
  - (c) who on his transfer was designated by the competent military authority as subject to this provision for a specified period not exceeding 3 years beginning with the beginning of his service in the Army Reserve,
 he is liable to be called out for permanent service on overseas service at any time during that period.
- (3) Where section 11 does not apply to a man of the Army Reserve, that man, whether he entered the reserve—
  - (a) on transfer, or
  - (b) on re-engagement, or
  - (c) on being enlisted or on being deemed to be enlisted,
 shall, if he has entered into a written agreement (which may be revoked by 3 months’ written notice) to be so liable at the time in question, be liable at any time during his service in that reserve to be called out for permanent service on overseas service.

This sub-paragraph is without prejudice to sub-paragraphs (1) and (2) above.

- <sup>F191</sup>(4) .....

*Status: Point in time view as at 01/01/1999.*

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- (5) Where section 11 does not apply to a man—
- (a) who enlisted in the regular air force within the meaning of the Air Force Act 1955 after 26th February 1964, and
  - (b) who was transferred to the Air Force Reserve in pursuance of—
    - (i) the Air Force Act 1955, or
    - (ii) the Army and Air Force Act 1961, or
    - (iii) regulations under section 2 of the <sup>M49</sup>Armed Forces Act 1966, and
  - (c) who on his transfer was designated by the competent air force authority as subject to this provision for a specified period not exceeding 3 years beginning with the beginning of his service in the Air Force Reserve,
- he is liable to be called out for permanent service on overseas service at any time during that period.
- (6) Where section 11 does not apply to a man of the Air Force Reserve, that man, whether he entered the reserve—
- (a) on transfer, or
  - (b) on re-engagement, or
  - (c) on being enlisted or on being deemed to be enlisted,
- shall, if he has entered into a written agreement (which may be revoked by 3 months' written notice) to be so liable at the time in question, be liable at any time during his service in that reserve to be called out for permanent service on overseas service.
- This sub-paragraph is without prejudice to [<sup>F192</sup>sub-paragraph] (2) above.
- (7) A man shall not without his written consent be liable to serve under sub-paragraphs (1) to (6) above for a period which, together with any previous period for which he was called out under any of those sub-paragraphs, exceeds 12 months.
- (8) Any exercise of the power of calling out men under this paragraph shall be reported to Parliament forthwith.
- (9) The number of men for the time being called out under any of the provisions of this paragraph shall not be reckoned in the numbers for the time being authorised by Parliament for the regular forces or for the regular air force.
- (10) In this paragraph “overseas service” means service when the men in question are required for service outside the United Kingdom when warlike operations are in preparation or progress; and the reference to the United Kingdom in this sub-paragraph shall be construed as if that expression included the Channel Islands and the Isle of Man.]

#### Textual Amendments

**F191** Sch. 8 para. 16 repealed (1.4.1997 except so far as relating to para. 16(2)(3)(5)-(10) 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

**F192** Words in Sch. 8 para. 16(6) substituted (1.4.1997) by S.I. 1997/306, reg. 28.

#### Marginal Citations

**M46** 1955 c. 18.

**M47** 1961 c. 52.

**M48** 1966 c. 45.

*Status: Point in time view as at 01/01/1999.*

*Changes to legislation: Reserve Forces Act 1980 is up to date with all changes known to be in force on or before 02 June 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)*

**M49** 1966 c. 45.

*Call out for training of Army Reserve and Air Force Reserve otherwise than under section 38*

17 (1) Where section 38 above does not apply to a man of the Army Reserve he may be called out for annual training—

- (a) at such time or times, and
- (b) at such place or places within the United Kingdom, and
- (c) for such period or periods,

as may be prescribed, but he is not liable to be called out under this sub-paragraph in any one year for more than 12 days or 20 drills.

(2) Such a man may, during any period of training for which he may be called out, be attached to and trained with any body of the regular or auxiliary forces.

(3) Where section 38 does not apply to a man of the Air Force Reserve he may be called out for annual training—

- (a) at such time or times, and
- (b) at such place or places within the United Kingdom, and
- (c) for such period or periods,

as may be prescribed.

(4) The period or periods so prescribed shall not exceed in any one year—

- (a) 24 days in the case of a man who is serving as a qualified pilot or as a qualified navigator;
- (b) 6 months in the case of a man who is undergoing instruction with a view to his qualifying for service as a pilot or navigator;
- (c) 12 days or 20 drills or instructional parades in the case of any other man.

In this sub-paragraph “navigator” includes “observer”, and “qualified” means qualified in accordance with orders or regulations made under the provisions of this Act relating to the Air Force Reserve.

(5) A man of the Air Force Reserve may, during any period of training for which he may be called out or which he may be required to undergo, be attached to and trained with any body of the regular or auxiliary air force.

(6) Sub-paragraphs (3) to (5) above are subject to the provisions of this Act relating to special reservists.

*Call out for training of Territorial Army otherwise than under section 38*

.....  
18 (1) Where section 38 above does not apply to a man of the Territorial Army—

- (a) he shall during the first year of his original enlistment be subject to any requirements as to preliminary training provided for under section 40 above in the same way as a man of the Royal Auxiliary Air Force and he shall attend the number of drills and fulfil the other conditions prescribed for a recruit of his arm or branch of the Territorial Army accordingly;

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*Changes to legislation: Reserve Forces Act 1980 is up to date with all changes known to be in force on or before 02 June 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)*

- (b) he shall by way of annual training be trained for not less than 8 or more than 15 days (or, for the mounted branch, 18 days) in every year at such times and at such places within the United Kingdom as may be prescribed, and may for that purpose be called out once or more often in every year.
- (2) A man mentioned in sub-paragraph (1)(b) above shall (subject to the provisions of this paragraph) attend the number of drills and fulfil the other conditions relating to training prescribed for his arm or branch of the Territorial Army.
- (3) The requirements of this paragraph as to annual training may be dispensed with in whole or in part—
  - (a) as respects any unit of the Territorial Army, by the prescribed general officer, and
  - (b) as respects an individual man of the Territorial Army, by his commanding officer subject to any general directions of the prescribed general officer.
- (4) Her Majesty may by Order in Council made in relation to any man of the Territorial Army to whom this paragraph applies direct—
  - (a) that the period of annual training in any year shall be extended to such period not exceeding 30 days as may be specified in the Order; or
  - (b) that the period of annual training in any year shall be reduced to such period as to Her Majesty may seem fit, or
  - (c) that the annual training in any year shall be dispensed with.
- (5) Nothing in this paragraph shall be construed as preventing a man with his own consent, in addition to any other training, being called up for the purpose of duty or instruction in accordance with orders and regulations under this Act relating to the Territorial Army.

*Election for section 38 to apply*

- 19 A person who immediately before 1st January 1967 was a man of the regular army or the regular air force may elect irrevocably in the prescribed manner that, on his becoming a member of the Army Reserve or the Air Force Reserve, he shall be a person to whom section 38 above applies.

*Section 12 of Social Security (Miscellaneous Provisions) Act 1977*

- 20 Where section 12 of the <sup>M50</sup>Social Security (Miscellaneous Provisions) Act 1977 applied immediately before the commencement of this Act to any provision which is repealed and re-enacted by this Act that section continues to apply to that provision as so re-enacted as it applied immediately before that commencement.

**Marginal Citations**

**M50** 1977 c. 5.

*Status: Point in time view as at 01/01/1999.*

*Changes to legislation: Reserve Forces Act 1980 is up to date with all changes known to be in force on or before 02 June 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)*

F193 SCHEDULE 9

Section 157.

CONSEQUENTIAL AMENDMENTS

Textual Amendments

F193 Sch. 9 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2(1)

ORDERS

M51 *Industrial Relations (Northern Ireland) Order 1976*

Marginal Citations

M51 S.I. 1976/1043 (N.I. 16).

F194 19 .....

Textual Amendments

F194 Sch. 9 para. 19 repealed (1.7.1994) by S.I. 1993/2668 (N.I. 11), arts. 18(4), Sch.8; S.R. 1994/215, art. 2

*Industrial Relations (No. 2) (Northern Ireland) Order 1976*

F195 20 .....

Textual Amendments

F195 Sch. 19 para. 20 repealed (1.7.1994) by S.I. 1993/2668(N.I.11), arts. 18(4), Sch.8; S.R. 1994/215, art. 2

21 .....

Textual Amendments

F196 Sch. 9 para. 21 repealed by S.I. 1980/870 (N.I. 8), Sch. 4 Pt II

SCHEDULE 10.

Section 157.

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**Status:**

Point in time view as at 01/01/1999.

**Changes to legislation:**

Reserve Forces Act 1980 is up to date with all changes known to be in force on or before 02 June 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.