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Reserve Forces Act 1980

1980 CHAPTER 9

PART VI

TERRITORIAL, AUXILIARY AND VOLUNTEER RESERVE ASSOCIATIONS, AND THE LIEUTENANCIES

Army and air force associations

^{F1}121

Textual Amendments

F1 S. 121 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

^{F2}122

Textual Amendments

F2 S. 122 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

^{F3}123

Textual Amendments

F3 S. 123 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

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F4 124

Textual Amendments

F4 S. 124 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

F5 125

Textual Amendments

F5 S. 125 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

F6 126

Textual Amendments

F6 S. 126 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

F7 127

Textual Amendments

F7 S. 127 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

F8 128

Textual Amendments

F8 S. 128 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

F9 129

Textual Amendments

F9 S. 129 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**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

130 Lieutenancies in England and Wales.

(1) Her Majesty—

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- (a) shall appoint a lord-lieutenant for each county in England and Wales and for Greater London; and
- (b) may appoint lieutenants for each county and for Greater London.

[^{F10}(1A) For the purposes of the provisions of this Act relating to the lieutenancies in England, “county” shall, subject to the following provisions of this section, have the same meaning as in the Sheriffs Act 1887.]

- (2) For the purposes of the provisions of this Act relating to the lieutenancies—
 - (a) “Greater London” in subsection (1) above does not include the City of London, or the Inner Temple and the Middle Temple, but otherwise shall be treated as a county; and
 - (b) the Isles of Scilly shall be deemed to form part of the county of Cornwall.
- (3) Paragraph (a) of subsection (2) above—
 - (a) so far as it provides that Greater London other than the City shall be treated as a county, and
 - (b) so far as it relates to Schedule 7 to this Act,has effect subject to any order made by virtue of section 84(3) of the ^{M1}London Government Act 1963.

[^{F11}(4) In this section and in sections 133 to 137 below “county” means, in relation to Wales, a preserved county (as defined by section 64 of the Local Government (Wales) Act 1994).]

Textual Amendments

F10 S. 130(1A) inserted (E.W.) (1.4.1996) after subsection (1) by S.I. 1995/1748, reg. 9

F11 S. 130(4) added (1.4.1996) by 1994 c. 19, s. 61(1) (with s. 54(7)); S.I. 1996/396, art. 4, Sch. 2

Modifications etc. (not altering text)

C1 S. 130 excluded (E.W.) (*temp. 19.7.1996 to 31.3.1998*) by S.I. 1996/1867, arts. 2(1), 4(2)(c)

C2 S. 130: Power to amend s. 130 conferred (1.4.1996) by 1994 c. 19, s. 61(2) (with s. 54(7)); S.I. 1996/396, art. 4, Sch. 2

Marginal Citations

M1 1963 c. 33.

131 Lieutenancies in Scotland.

[^{F12}(1) Her Majesty—

- (a) shall appoint a lord-lieutenant for each area of Scotland; and
- (b) may appoint lieutenants for each area of Scotland.

(1A) For the purposes of the provisions of this Act relating to lieutenancies, Her Majesty—

- (a) shall by Order in Council divide Scotland into such areas as She thinks fit; and
- (b) may in such an Order make such provision with respect to deputy lieutenants as is mentioned in subsection (1B) below.

(1B) Where an Order in Council is made under subsection (1A) above, any deputy lieutenant holding office immediately before the date on which the Order is made shall (without prejudice to any power of removal or directing removal from any office)

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continue to hold office on and after that date as deputy lieutenant of the area or city in which he resides or of such other area or city as may be specified in the Order.]

- (2) The Lord Provost of the cities of Aberdeen, Dundee, Edinburgh and Glasgow shall by virtue of his office be lord-lieutenant for ^{F13} . . . the city concerned and Her Majesty may appoint lieutenants for each [^{F14}such city].

^{F15}(3)

^{F15}(4)

- (5) In this section “[^{F16}area]” does not include ^{F17} . . . the cities of Aberdeen, Dundee, Edinburgh and Glasgow.

Textual Amendments

- F12** S. 131(1)(1A)(1B) substituted (S.) (1.4.1996) for subsection (1) by 1994 c. 39, s. 180(1), **Sch. 13 para. 116(2)(a)**; S.I. 1996/323, 4(1)(c)
- F13** Words in s. 131(2) repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 116(2)(b)(i), **Sch. 14**; S.I.1996/323, art. 4(1)(c), **Sch. 2**
- F14** Words in s. 131(2) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 116(2)(b)(ii)**; S.I.1996/323, art. 4(1)(c)
- F15** S. 131(3)(4) repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 116(2)(c), **Sch. 14**; S.I.1996/323, art. 4(1)(c), **Sch. 2**
- F16** Word in s. 131(5) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 116(2)(d)(i), **Sch. 14**; S.I.1996/323, art. 4(1)(c), **Sch. 2**
- F17** Words in s. 131(5) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 116(2)(d)(ii), **Sch. 14**; S.I.1996/323, art. 4(1)(c), **Sch. 2**

132 Lieutenancies in Northern Ireland.

The provisions of this Part of this Act relating to the lieutenancies do not affect the provisions of the ^{M2}Northern Ireland (Lieutenancy) Order 1975, made under section 36(5) of the ^{M3}Northern Ireland Constitution Act 1973.

Marginal Citations

- M2** S.I. 1975/156.
M3 1973 c. 36.

133 Deputy lieutenants.

- (1) A lord-lieutenant appointed under section 130 or section 131 above shall from time to time appoint such persons as he thinks fit to be his deputy lieutenants.
- (2) A person may be appointed to be a deputy lieutenant for a county in England and Wales, or for an area in Scotland, if—
- he has a place of residence in the county or area, or within 7 miles from the boundary of the county or area; and
 - he is shown [^{F18}to the satisfaction of the Secretary of State]to have rendered either—

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- (i) worthy service as a member of, or in a civil capacity in connection with, Her Majesty's naval, military or air forces, or
 - (ii) such other service as, [^{F18}in the Secretary of State's opinion], makes him suitable for appointment as a deputy lieutenant.
- (3) The lord-lieutenant—
- (a) shall certify to Her Majesty the name of every person whom he proposes to appoint deputy lieutenant; and
 - (b) shall not grant a commission as deputy lieutenant to any person until informed by the Secretary of State that Her Majesty does not disapprove of the granting of such a commission.
- (4) The commission of a deputy lieutenant shall not be vacated by the lord-lieutenant who granted it ceasing to be a lord-lieutenant [^{F19}; but the commission may be revoked by the lord-lieutenant of the county or area.].
- (5) The clerk of the lieutenancy shall [^{F20}(at the cost of the county rate], or, in Scotland, [^{F21}the non-domestic rate or the council tax]) arrange for the publication in the London Gazette [^{F22}or the Edinburgh Gazette]of the names of the persons appointed deputy lieutenants, with the dates of their commissions, [^{F20}in like manner as commissions of officers of Her Majesty's land forces are published].
- [^{F23}(6) In relation to Wales, subsection (5) above shall have effect as if the words from “(at” to “rate)” were omitted.]

Textual Amendments

- F18** Words in s. 133(2) shall cease to have effect (1.4.1997) by 1996 c. 14, s. 121(1), **Sch. 6 para. 2(a)** (with s. 72(5)); S.I. 1997/305, **art. 2(1)**
- F19** Words in s. 133(4) added (1.4.1997) by 1996 c. 14, s. 121(1), **Sch. 6 para. 2(b)** (with s. 72(5)); S.I. 1997/305, **art. 2(1)**
- F20** Words in s. 133(5) shall cease to have effect (1.4.1997) by 1996 c. 14, 121(1), Sch. 6 para. 2(c)(i)(iii) (with s. 72(5)); S.I. 1997/305, **art. 2(1)**
- F21** Words in s. 133(5) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 116(3)**; S.I. 1996/323, **art. 4(1)(c)**
- F22** Words in s. 133(5) inserted (1.4.1997) by 1996 c. 14, s. 121(1), **Sch. 6 para. 2(c)(ii)** (with s. 72(5)); S.I. 1997/305, **art. 2(1)**
- F23** S. 133(6) added (1.4.1996) by 1994 c. 19, s. 61(5) (with s. 54(7)); S.I. 1996/396, art. 4, **Sch. 2**

Modifications etc. (not altering text)

- C3** S. 133 excluded (E.W.) (*temp. 19. 7.1996 to 31.3.1998*) by S.I. 1996/1867, **art. 4(2)(c)**

134 Absence or disability of lord-lieutenant.

Where—

- (a) the lord-lieutenant of a county or, in Scotland, an area, is absent from the United Kingdom, or by reason of sickness or otherwise is unable to act, or
- (b) there is no lord-lieutenant of a county or an area,

Her Majesty may authorise any three deputy lieutenants, or lieutenants appointed under section 130(1) or section 131(1) above, of that county or area to act as its lord-lieutenant, and such deputy lieutenants or lieutenants while so authorised—

- (i) may do all acts which might be done by the lord-lieutenant; and

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- (ii) shall for all purposes stand in the lord-lieutenant's place.

Modifications etc. (not altering text)

C4 S. 134 excluded (E.W.) (*temp. 19.7.1996 to 31.3.1998*) by S.I. 1996/1867, arts. 2(1), 4(2)(c)

135 Appointment of vice lord-lieutenant.

- (1) The lord-lieutenant of a county, or, in Scotland, an area, with Her Majesty's approbation, may appoint any deputy lieutenant, or any lieutenant appointed under section 130(1) or section 131(1) above, of that county or area as vice lord-lieutenant to act for him during his absence from the county or area, sickness or other inability to act.
- [^{F24}(1A) The commission of a vice lord-lieutenant may, with Her Majesty's approbation, be revoked by the lord-lieutenant of the county or area.
- (1B) Where the person who appointed a vice lord-lieutenant dies or otherwise ceases to be lord-lieutenant, the commission of the vice lord-lieutenant shall not be vacated until a new lord-lieutenant is appointed.]
- (2) Every such vice lord-lieutenant, until his appointment is revoked or he is removed by Her Majesty (and without prejudice to Her Majesty's authority to make other provision under section 134 above)—
- (a) may from time to time, whenever such absence, sickness or inability occurs, do all acts which might be done by the lord-lieutenant; and
 - (b) shall for all purposes stand in his place.

Textual Amendments

F24 S. 135(1A)(1B) inserted (1.4.1997) by 1996 c. 14, s. 121(1), Sch. 6 para. 3; S. I. 1997/305, art. 2(1)

Modifications etc. (not altering text)

C5 S. 135 excluded (E.W.) (*temp. 19.7.1996 to 31.3.1998*) by S.I. 1996/1867, arts. 2(1), 4(2)(c)

136 Removal of vice lord-lieutenant and deputy lieutenants.

Whenever Her Majesty may think fit to signify her pleasure to the lord-lieutenant of any county, or, in Scotland, of any area, that any vice lord-lieutenant or deputy lieutenants of the county or area be removed, that lord-lieutenant shall—

- (a) forthwith remove them; [^{F25}and]
- [^{F25}(b) appoint others in their place, subject to the provisions of this Part of this Act.]

Textual Amendments

F25 S. 136(b) and the word “and” immediately preceeding it shall cease to have effect (1.4.1997) by 1996 c. 14, s. 121(1), Sch. 6 para. 4; S.I. 1997/305, art. 2(1)

Modifications etc. (not altering text)

C6 S. 136 excluded (E.W.) (*temp. 19.7.1996 to 31.3.1998*) by S.I. 1996/1867, art. 4(2)(c)

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137 Statutory functions of lord-lieutenant and deputy lieutenants.

- (1) The lord-lieutenant [^{F26},lieutenants] and deputy lieutenants appointed under this Part of this Act for any county, or, in Scotland, for any area, shall respectively have such [^{F27}functions and privileges (whether provided for under an enactment or otherwise) as are for the time being exercisable by or] vested in the lord-lieutenant [^{F26},lieutenants] and the deputy lieutenants respectively for that county or [^{F28}area under any Act for the time being in force.]
- (2) The lord-lieutenant of every county, or, in Scotland, of every area, shall appoint a clerk of the lieutenancy, and he may remove that clerk if he thinks fit, [^{F29}and appoint another in his place.]

Textual Amendments

- F26** Words in s. 137(1) inserted (1.4.1997) by 1996 c. 14, s. 121(1), **Sch. 6 para. 5(a)(i)** (with s. 72(5)); S.I. 1997/305, **art. 2(1)**
- F27** Words in s. 137(1) inserted (1.4.1997) by 1996 c. 14, s. 121(1), **Sch. 6 para. 5(a)(ii)** (with s. 72(5)); S.I. 1997/305, **art. 2(1)**
- F28** Words in s. 137(1) shall cease to have effect (1.4.1997) by 1996 c. 14, s. 121(1), **Sch. 6 para. 5(a)(iii)** (with s. 72(5)); S.I. 1997/305, **art. 2(1)**
- F29** Words in s. 137(2) shall cease to have effect (1.4.1997) by 1996 c. 14, s. 121(1), **Sch. 6 para. 5(b)** (with s. 72(5)); S.I. 1997/305, **art. 2(1)**

Modifications etc. (not altering text)

- C7** S. 137 excluded (*temp. 19.7.1996 to 31.3.1998*) by S.I. 1996/1867, **arts. 1, 4(2)(c)**

138 Commissioners of lieutenancy for City of London.

- (1) Her Majesty may issue commissions of lieutenancy in respect of the City of London to such persons as She thinks fit to be such lieutenants.
- (2) The City of London continues to be a separate county for the purposes of the lieutenancies and the militia, and so far as is consistent with the special enactments relating to the City the provisions of this Part of this Act relating to the lieutenancies apply accordingly.
- (3) Her Majesty's Commissioners of Lieutenancy for the City of London are for the purposes of those special enactments and those provisions the lieutenant of the county, but the provisions of this Part with respect to deputy lieutenants do not apply to the City.
- (4) Nothing in this Part affects the raising and levying of the Trophy Tax in the City.
- (5) The proceeds of that tax may be applied by the Commissioners of Lieutenancy for the City of London (if in their discretion they see fit) for the purposes of any of the powers and duties of an association established under this Part for the City.

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