



# Reserve Forces Act 1980

## 1980 CHAPTER 9

### PART VII

#### ULSTER DEFENCE REGIMENT

##### *Membership of Ulster Defence Regiment*

#### <sup>F1</sup>139 Enrolment, re-engagement and resignation.

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#### Textual Amendments

**F1** S. 139 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 14 para. 18, Sch. 17](#); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)

#### 140 Orders and regulations as to [<sup>F2</sup>pensions and other grants] .

(1) [<sup>F3</sup>The conditions as to pensions and other grants in respect of death or disablement arising out of service in the Ulster Defence Regiment shall be such as may be prescribed by orders or regulations.

(1A) The reference in subsection (1) to service in the Ulster Defence Regiment includes service in the regular army by a relevant person during the relevant period.

(1B) In subsection (1A)—

“regular army” has the meaning given by section 374 of the Armed Forces Act 2006;

“relevant person” means a person who, immediately before 1 July 1992, was a member of the Ulster Defence Regiment;

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“relevant period”, in relation to a relevant person, means the period beginning with 1 July 1992 and ending at the end of his term of service which was current on that date.]

- (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 [F4section] —
- (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 [F5section] shall be laid before Parliament after being made.

#### Textual Amendments

- F2** Words in s. 140 substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 19\(a\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F3** S. 140(1)-(1B) substituted for s. 140(1)(2) (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 19\(b\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F4** Word in s. 140(3) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 19\(c\)\(i\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F5** Word in s. 140(3) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 19\(c\)\(ii\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

### *Military status of members of Ulster Defence Regiment*

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

[F6Persons 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

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- (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.]

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**Textual Amendments**

- F6** Ss. 141-144 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), Sch. 14 para. 20, [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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

- C1** Ss. 140-144 applied (with modifications) (1.7.1992) by [Army Act 1992 \(c. 39\)](#), [ss. 3\(2\)](#), 5

## 142 Application of Army Act.

[<sup>F6</sup>References in Parts II to V of the <sup>M1</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.]

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**Textual Amendments**

- F6** Ss. 141-144 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), Sch. 14 para. 20, [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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

- C2** Ss. 140-144 applied (with modifications) (1.7.1992) by [Army Act 1992 \(c. 39\)](#), [ss. 3\(2\)](#), 5

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**Marginal Citations**

- M1** 1955 c. 18.

## Offences

### 143 Failure to attend or comply.

- [<sup>F6</sup>(1) Any member of the Ulster Defence Regiment who—
- (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>F7</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.]

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#### Textual Amendments

- F6** Ss. 141-144 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), Sch. 14 para. 20, [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F7** Figure substituted by [Armed Forces Act 1981 \(c. 55, SIF 7:1\)](#), s. 12

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

- C3** Ss. 140-144 applied (with modifications) (1.7.1992) by [Army Act 1992 \(c. 39\)](#), ss. 3(2), 5

### 144 Assistance in desertion, etc.

- [<sup>F6</sup>(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>F8</sup>
  - (iii) on conviction on indictment<sup>F9</sup> to a fine or to imprisonment for a term not exceeding 2 years or to both.
- <sup>F10</sup>(2) .....]

#### Textual Amendments

- F6** Ss. 141-144 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), Sch. 14 para. 20, [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F8** S. 144(1) para. (ii) repealed by S.I. 1984/703 (N.I. 3), art. 19(2), [Sch. 7](#)
- F9** Words repealed by S.I. 1984/703 (N.I. 3), art. 19(2), [Sch. 7](#)
- F10** S. 144(2) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. XIV](#) group2

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

- C4** Ss. 140-144 applied (with modifications) (1.7.1992) by [Army Act 1992 \(c. 39\)](#), ss. 3(2), 5

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

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