



# Reserve Forces Act 1980

## 1980 CHAPTER 9

### PART VIII

#### MISCELLANEOUS AND SUPPLEMENTAL

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

#### **[<sup>F1</sup>145 Reinstatement in civil employment.**

<sup>F1</sup>(1) Where any person is, or is liable to be—

<sup>F1</sup>(a) .....

(b) recalled under section 34 above,

the provisions of the [<sup>F2</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>F2</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>F3</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>F3</sup>section 1(1)] of that [<sup>F3</sup>Act of 1985].

<sup>F1</sup>(3) .....]

*Status: Point in time view as at 01/07/1997.*

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**Textual Amendments**

- F1** S. 145 repealed (1.4.1997 except so far as relating to s. 145(1)(b)(2) the repeal of which is still*prosp.*) by 1996 c. 14 ss. 131(2), 132(4), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2
- F2** Words substituted by Reserve Forces(Safeguard of Employment) Act 1985 (c. 17, SIF 7:2), s. 21, Sch. 4 para. 7(a)
- F3** Words substituted by Reserve Forces (Safeguard of Employment) Act 1985 (c. 17, SIF 7:2), s. 21, Sch. 4 para. 7(b)

**[<sup>F4</sup>146 Protection of other civil interests.**

[ Any service rendered by virtue of—

- <sup>F4</sup>(1) <sup>F4</sup>(a) .....
- (b) section 34 above,

shall be relevant service within the meaning of the <sup>M1</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
- (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>F4</sup>(3) .....

**Textual Amendments**

- F4** S. 146 repealed (1.4.1997 except so far as relating to s. 146(1)(b)(2) the repeal of which is still*prosp.*) by 1996 c. 14, ss. 131(2), 132(4), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

**Marginal Citations**

- M1** 1951 c. 65.

*Charitable property on disbanding of units*

**<sup>F5</sup>147 .....**

**Textual Amendments**

- F5** 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>F6</sup>148 .....**

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**Textual Amendments**

**F6** 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>F7</sup>**149** .....

**Textual Amendments**

**F7** 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)**

**C1** S. 150 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

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

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

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

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

<sup>F8</sup>**152** .  
.....

**Textual Amendments**

**F8** 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>F9</sup>

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#### Textual Amendments

- F9** 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>F10</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>F11</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 than 40 days during the session of Parliament, and
  - (b) if either of those Houses before the expiry of those 40 days presents an address to Her Majesty against the draft Order or any part of it, no further proceedings shall be taken in respect of the Order, without prejudice to the laying of a new draft Order.

(2) . . . . .]

#### Textual Amendments

- F10** 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
- F11** Words in s. 154(1) repealed (1.4.1997) by S.I.1997/306, reg. 26

### 155 Amendment of subordinate legislation.

Section 14 of the <sup>M2</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

- M2** 1978 c. 30.

#### *Other supplemental provisions*

### 156 Interpretation.

- (1) In this Act, except where the context otherwise requires—
- <sup>F12</sup> . . .
- “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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“permanent service” includes actual service;

“prescribed” means prescribed by orders or regulations made under [<sup>F13</sup>the Reserve Forces Act 1996];

“regular air force” has the same meaning as in the <sup>M3</sup>Air Force Act 1955.

“regular army” means the regular forces within the meaning of the <sup>M4</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;

<sup>F14</sup>

- (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>F15</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.
- (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

**F12** 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)

**F13** Words in definition in s. 156(1) substituted (1.4.1997) by S.I. 1997/306, reg. 27

**F14** Definition repealed by Reserve Forces Act 1982 (c. 14, SIF 7:2), s. 1(1)(a)

**F15** Words “except so much of it as relates to the Royal Fleet Reserve and the Royal Marines Reserve” substituted (*retrospectively*) for words “so far as it relates to the military and air forces” by Reserve Forces Act 1982 (c. 14, SIF 7:2), s. 20(3)

#### Marginal Citations

**M3** 1955 c. 19.

**M4** 1955 c. 18.

## 157 Saving and transitional provisions, consequential amendments and repeals.

- (1) Subject to the saving and transitional provisions contained in Schedule 8 to this Act—

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- (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>M5</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>M6</sup>Reserve Forces Act 1966.

#### **Marginal Citations**

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

#### **158 Citation, extent and commencement.**

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

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

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

**Status:**

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**Changes to legislation:**

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