



Reserve Forces Act 1980

1980 CHAPTER 9

PART VIII

MISCELLANEOUS AND SUPPLEMENTAL

Reinstatement in civil employment, and protection of other civil interests

145 Reinstatement in civil employment

- (1) Where any person is, or is liable to be—
- (a) called out under section 14(1) above, or
 - (b) recalled under section 34 above,

the provisions of the Reinstatement in Civil Employment Act 1950 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 section 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 Act of 1950 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 section 1 of that Act of 1950.

- (3) It is declared—
- (a) that for the purposes of that Act of 1950 service for which a person is accepted—
 - (i) by virtue of section 27 above is service in pursuance of a call-out notice under section 26(1) above, ,

Status: This is the original version (as it was originally enacted).

- (ii) by virtue of section 36 above is service in pursuance of a notice under section 33 above or section 35 above, as the case may be ; and
- (b) that nothing in this Act shall be taken as prejudicing the application of that Act of 1950.

146 Protection of other civil interests

- (1) Any service rendered by virtue of—
 - (a) section 14(1) above, or
 - (b) section 34 above,
 shall be relevant service within the meaning of the 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.
- (3) It is declared—
 - (a) that for the purposes of that Act of 1951 service for which a person is accepted—
 - (i) by virtue of section 27 above is service in pursuance of a call-out notice under section 26(1) above,
 - (ii) by virtue of section 36 above is service in pursuance of a notice under section 33 above or section 35 above, as the case may be; and
 - (b) that nothing in this Act shall be taken as prejudicing the application of that Act of 1951.

Charitable property on disbanding of units

147 Charities in England and Wales on disbanding of units

- (1) Where by warrant of Her Majesty—
 - (a) a unit of the Territorial Army or the Army Reserve is designated as the successor of a body of either of those reserves which has been or is to be disbanded, or
 - (b) a unit of the Royal Auxiliary Air Force is designated as the successor of a body of that force which has been or is to be disbanded,
 any charitable property held for the purposes of the body in question shall (subject to the provisions of this section), as from the time at which the warrant comes into force, be held for the corresponding purposes of the unit so designated.
- (2) The Secretary of State shall, as soon as may be after it is made, deliver a copy of any such warrant by post or otherwise to the Charity Commissioners and to a trustee of the charity in question.

- (3) If the Commissioners consider that subsection (1) above should not apply to all or part of the property affected by the warrant they may at any time within the period—
- (a) beginning with the date on which the warrant is made, and
 - (b) ending with the expiry of 6 months beginning with the date on which the warrant comes into force,

make an order providing that that subsection shall not apply or shall cease to apply to the property or part.

- (4) If—
- (a) a charity affected by such a warrant as is mentioned in subsection (1), or
 - (b) any trustee of or person interested in such a charity,

considers that subsection (1) should not apply to all or part of any property which belongs to the charity and is affected by the warrant, then the charity, trustee or person interested, as the case may be, may, at any time within the period of 6 months beginning with the date on which the warrant comes into force, apply to the court for an order providing that subsection (1) shall cease to apply to the property or part.

An application under this subsection is subject to subsections (2) to (5) of section 28 of the Charities Act 1960 (which provide that charity proceedings may not be begun without the consent of the Charity Commissioners or leave of a judge of the High Court).

- (5) For the purposes of section 28(5) of that Act of 1960 in its application to proceedings under subsection (4) above an application for an order of the Charity Commissioners authorising such proceedings shall be deemed to be refused if it is not granted during the period of one month beginning with the day on which the application is received by the Commissioners.
- (6) No such warrant or order as mentioned above shall affect the validity of anything done or omitted with respect to any property affected by the warrant or order before a copy of it is served on a trustee of the charity in question.

- (7) In any case where—
- (a) an order is made under the foregoing provisions of this section, or
 - (b) the Secretary of State requests the Commissioners to make provision with respect to any charitable property held for the purposes of a body of the Territorial Army, the Army Reserve or the Royal Auxiliary Air Force which has been or is to be disbanded,

the Commissioners may, notwithstanding anything in subsection (4) of section 18 of the Charities Act 1960, exercise their jurisdiction under that section with respect to the property to which the order or request relates.

- (8) The foregoing provisions of this section shall not apply to any charitable property held for the purposes of such a body as is mentioned in subsection (1) if, under the terms on which the property is so held—
- (a) any interest of the charity in question in the property is determined on the disbanding of that body, and
 - (b) any person or charity other than the charity in question has an interest in the property contingent upon the determination of the interest of the charity in question.

Status: This is the original version (as it was originally enacted).

- (9) Where subsection (1) applies to any charitable property, the same jurisdiction and powers shall be exercisable in relation to the charity in question as would be exercisable if that subsection were not a provision of an Act of Parliament regulating the charity.
- (10) In this section—
- (a) "charitable property" means property belonging to a charity, and
 - (b) "the court" and "charity" mean the same as in the Charities Act 1960,
- and references to disbandment of a body include references to its amalgamation with another body.

148 Charities in Scotland on disbanding of units

- (1) Where by warrant of Her Majesty—
- (a) a unit of the Territorial Army or the Army Reserve is designated as the successor of a body of either of those reserves which has been or is to be disbanded, or
 - (b) a unit of the Royal Auxiliary Air Force is designated as the successor of a body of that force which has been or is to be disbanded,
- any property which is held for charitable purposes for the body in question and which is administered for those purposes according to the law of Scotland shall (subject to the provisions of this section), as from the time at which the warrant comes into force, be held for the corresponding purposes of the unit so designated.
- (2) The Secretary of State shall, as soon as may be after it is made, deliver a copy of any such warrant by post or otherwise to a trustee of the trust in question.
- (3) Where the Secretary of State considers that subsection (1) above should not apply to all or part of the property affected by the warrant he may at any time within the period—
- (a) beginning with the date on which the warrant is made, and
 - (b) ending with the expiry of 6 months beginning with the date on which the warrant comes into force,
- make a direction that that subsection shall not apply or shall cease to apply to the property or part.
- (4) If any trustee of or person interested in any property held for charitable purposes affected by such a warrant as is mentioned in subsection (1) considers that that subsection should not apply to all or part of such property, that person may, at any time within the period of 6 months beginning with the date on which the warrant comes into force, apply by petition to the Court of Session—
- (a) for the court to make such a direction as is mentioned in subsection (3) above in relation to that property or part, and
 - (b) to exercise, with respect to that property or part, any of the court's powers relating to a charitable or other permanent endowment,
- and the court, if it is satisfied that on the making of such a direction it would be entitled to exercise its powers in the manner craved and that it is necessary for these purposes to make that direction, may itself make such a direction.
- (5) No such warrant or direction as mentioned above shall affect the validity of anything done or omitted with respect to any property affected by the warrant or direction before a copy of the warrant or direction is served on a trustee of the trust in question.

- (6) The foregoing provisions of this section shall not apply to any property held for charitable purposes for such a body as is mentioned in subsection (1) if, under the terms on which the property is so held, any person has an interest charitable or otherwise in the property contingent upon the determination of the charitable interest therein of that body.
- (7) Where a body of the Territorial Army, the Army Reserve or the Royal Auxiliary Air Force has been or is to be disbanded, the Secretary of State may apply by petition to the Court of Session for the court to exercise, with respect to any property held for charitable purposes for the body in question, any of the court's powers relating to a charitable or other permanent endowment.
- (8) In this section—
- (a) references to disbandment of a body include references to its amalgamation with another body ; and
 - (b) the power to give directions includes power to make different provision for different circumstances.

149 Charities in Northern Ireland on disbanding of units

- (1) Where by warrant of Her Majesty—
- (a) a unit of the Territorial Army or the Army Reserve is designated as the successor of a body of either of those reserves which has been or is to be disbanded, or
 - (b) a unit of the Royal Auxiliary Air Force is designated as the successor of a body of that force which has been or is to be disbanded,
- any charitable property held for the purposes of the body in question and which is administered for those purposes according to the law of Northern Ireland shall (subject to the provisions of this section), as from the time at which the warrant comes into force, be held for the corresponding purposes of the unit so designated.
- (2) The Secretary of State shall, as soon as may be after it is made, deliver a copy of any such warrant by post or otherwise to the Department of Finance for Northern Ireland and to a trustee of the charity in question.
- (3) If the Department considers that subsection (1) above should not apply to all or part of the property affected by the warrant it may at any time within the period—
- (a) beginning with the date on which the warrant is made, and
 - (b) ending with the expiry of 6 months beginning with the date on which the warrant comes into force,
- make an order providing that that subsection shall not apply or shall cease to apply to the property or part.
- (4) If—
- (a) charity affected by such a warrant as is mentioned in subsection (1), or
 - (b) any trustee of or person interested in such a charity,
- considers that subsection (1) should not apply to all or part of any property which belongs to the charity and is affected by the warrant, then the charity, trustee or person interested, as the case may be, may, at any time within the period of 6 months beginning with the date on which the warrant comes into force, apply to the court for an order providing that subsection (1) shall cease to apply to the property or part.

Status: This is the original version (as it was originally enacted).

An application under this subsection is subject to section 29(3) of the Charities Act (Northern Ireland) 1964 (under which an application for an order of the court in connection with the administration of a charity may not be made without the consent of the Attorney General for Northern Ireland).

(5) No such warrant or order as mentioned above shall affect the validity of anything done or omitted with respect to any property affected by the warrant or order before a copy of it is served on a trustee of the charity in question.

(6) In any case where—

- (a) an order is made under the foregoing provisions of this section, or
- (b) the Secretary of State requests the Department of Finance for Northern Ireland to make provision with respect to any charitable property held for the purposes of a body of the Territorial Army, the Army Reserve or the Royal Auxiliary Air Force which has been or is to be disbanded,

the Department may, notwithstanding anything in subsection (1) of section 13 of the Charities Act (Northern Ireland) 1964 and irrespective of the value of the property in question exercise its jurisdiction under that section with respect to the property to which the order or request relates.

(7) The foregoing provisions of this section shall not apply to any charitable property held for the purposes of such a body as is mentioned in subsection (1) if, under the terms on which the property is so held—

- (a) any interest of the charity in question in the property is determined on the disbanding, of that body, and
- (b) any person or charity other than the charity in question has an interest in the property contingent upon the determination of the interest of the charity in question.

(8) Where subsection (1) applies to any charitable property, the same jurisdiction and powers shall be exercisable in relation to the charity in question as would be exercisable if that subsection were not a provision of an Act of Parliament regulating the charity.

(9) In this section—

- (a) "charitable property" means property belonging to a charity,
- (b) "the court" and "charity" mean the same as in the Charities Act (Northern Ireland) 1964,

and references to disbandment of a body include references to its amalgamation with another body.

Further powers as to orders and regulations

150 Further power for Secretary of State to make regulations

(1) The Secretary of State may make regulations for prescribing anything falling to be prescribed under the following provisions of this Act—

- (a) subsections (2), (4) and (5) of section 11,
- (b) section 13(1),
- (c) section 27,
- (d) section 29(1),

- (e) section 38,
- (f) section 39,
- (g) section 65,
- (h) section 83(2).
- (i) subsections (2) and (3) of section 117, and
- (j) paragraph 19 of Schedule 8,

and any regulations under this subsection shall be laid before Parliament after being made.

(2) The power to make regulations—

- (a) under subsection (1) above, and
- (b) under section 129(1) above,

includes power (without prejudice to any other power in this Act to make regulations) to make different provision for different circumstances.

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.

152 Application and modification of enactments

(1) Her Majesty may by Order in Council apply, with the necessary adaptations—

- (a) to the Territorial Army or the Royal Auxiliary Air Force, or
- (b) to the officers or men of that reserve or that force,

any enactment passed before 2nd August 1907 and in force at that date relating to the Militia or Volunteers, or officers or men of the Militia or Volunteers, other than enactments with respect to the raising, service, pay, discipline or government of the Militia or Volunteers.

An Order in Council under this subsection shall be laid before Parliament after being made.

(2) Her Majesty may by Order in Council make such modifications of any enactment relating to any of the armed forces of the Crown as She considers expedient in consequence of the passing of the Reserve Forces Act 1966, including any enactment as amended by that Act.

A draft of any Order in Council proposed to be made under this subsection shall be laid before Parliament.

Status: This is the original version (as it was originally enacted).

Other provisions as to orders, schemes and regulations

153 Provisions as to Statutory Instruments Act 1946 c. 36

For the purposes of the Statutory Instruments Act 1946 the provisions of this Act—

- (a) relating to the Army Reserve, in sections 4, 18, 19 and 23, in Part IV and in paragraphs 16 and 17 of Schedule 8.
- (b) relating to the Air Force Reserve, in sections 8, 20, 21 and 23, in Part IV and in paragraphs 16 and 17 of Schedule 8,
- (c) relating to the Territorial Army and the Royal Auxiliary Air Force, as the case may be, in sections 5, 9, 22, 40 to 43, in Part V, in section 152(1), and in paragraph 18 of Schedule 8,
- (d) relating to territorial, auxiliary and volunteer reserve associations, in sections 121 to 129,

shall be deemed to be provisions of an Act passed before the commencement of that Act of 1946, and any reference in regulations under section 8(1) of that Act of 1946 to—

- (i) any provision of the Reserve Forces Act 1882,
- (ii) any provision of that Act of 1882 as applied to the Air Force Reserve by the Air Force Reserve Order 1924,
- (iii) any provision of the Territorial and Reserve Forces Act 1907,

shall, without prejudice to any power to vary the regulations under that Act of 1946, be construed as a reference to the corresponding provision of this Act.

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, or paragraph 18(4)(a) of Schedule 8 to this Act—

- (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) In relation to any scheme under section 122(1) above or any Order in Council under section 152(1) above—

- (a) every such scheme or Order in Council shall be laid before Parliament within 40 days after it is made, or, if Parliament is not then sitting, within 40 days after the beginning of the next session of Parliament, and
- (b) if an address is presented to Her Majesty by either House of Parliament within the next following 40 days, praying that any such scheme or Order may be annulled, Her Majesty may thereupon by Order in Council annul it, and the scheme or Order so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under it.

155 Amendment of subordinate legislation

Section 14 of the 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.

Other supplemental provisions

156 Interpretation

- (1) In this Act, except where the context otherwise requires—
 - " 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;
 - " permanent service " includes actual service;
 - "prescribed" means prescribed, by orders or regulations made under this Act;
 - "regular air force" has the same meaning as in the Air Force Act 1955;
 - " regular army " means the regular forces within the meaning of the 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;
 - "Territorial Army" means the Territorial and Army Volunteer Reserve.
- (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, so far as it relates to the military and air forces, 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.

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 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 Reserve Forces Act 1966.

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.