

**Changes to legislation:** Reserve Forces Act 1980 is up to date with all changes known to be in force on or before 26 April 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) View outstanding changes

## SCHEDULES

### <sup>F1</sup>SCHEDULE 1

#### Textual Amendments

**F1** Sch. 1 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

#### *Special agreements*

.....

#### *Notices*

.....

#### *Length of call out*

.....

#### *Calculation of length of service*

.....

#### *Special agreements and the [<sup>F4</sup>Army Reserve]*

#### Textual Amendments

**F4** Words in *Act* substituted (1.10.2014) by Defence Reform Act 2014 (c. 20), s. 44(3)(b)(4)50(1) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)

- 7 Any notice given by any person under section 98(1) above of his desire to be discharged from the [<sup>F4</sup>Army Reserve] shall be deemed to include notice of revocation of any agreement entered into by that person for the purposes of section 14 above.
- 8 If the term of any person's enlistment in the [<sup>F4</sup>Army Reserve] expires during the period specified in any agreement entered into by that person for the purposes of section 14 above or during the term of any service by him by virtue of that section, he shall not be entitled to be discharged from the [<sup>F4</sup>Army Reserve] before the expiry of that period or term.

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- 9 Where a member of the [<sup>F4</sup>Army Reserve] has been called out for army service under section 14 above, and if he so desires, there shall be taken, as soon as may be convenient after the end of the term of his service by virtue of that section, all such steps as are necessary to enable him to serve again in the corps and unit of the [<sup>F4</sup>Army Reserve] in which he was serving at the time when he was so called out.

*Application of the Army Act 1955*

.....

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>F5</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**

- F5** 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

- [<sup>F6</sup>2A. A person registered as severely sight-impaired in a register kept under section 77(1) of the Care Act 2014 [<sup>F7</sup>or section 18(1) of the Social Services and Well-being (Wales) Act 2014] .]

**Textual Amendments**

- F6** Sch. 2 para. 2A inserted (1.4.2015) by [The Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015 \(S.I. 2015/914\)](#), art. 1(2), **Sch. para. 26** (with arts. 1(3), 3)
- F7** Words in Sch. 2 para. 2A inserted (E.W.) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **32(a)**

- 3 A person certified to be registered as a blind person—
- (a) [<sup>F8</sup>by a local authority, as defined for the purposes of Part III of the <sup>M3</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>M4</sup>Health and Personal Social Services (Northern Ireland) Order 1972.

**Textual Amendments**

- F8** Sch. 2 para. 3(a) omitted (E.W.) (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **32(b)**

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#### Marginal Citations

- M3** 1948 c. 29.  
**M4** S.I. 1972/1265 (N.I. 14)

### F<sup>9</sup>SCHEDULE 3

#### Textual Amendments

- F9** 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**

#### *Enlistment*

#### *Procedure on attestation*

- 2 (1) The recruiting officer shall warn the person to be enlisted that if he makes any false answers to the questions to be read out to him he will be liable to be punished as provided by this Act.
- (2) He shall then read, or cause to be read, to that person the questions set out in the attestation paper and satisfy himself that he understands each of those questions and that his answers thereto have been duly recorded in the attestation paper.
- (3) He shall then ask that person to make and sign the declaration set out in the attestation paper as to the truth of the answers and shall administer to him the oath of allegiance as set out in the attestation paper.
- (4) Upon signing the declaration and taking the oath the said person shall become a man of the [F<sup>10</sup>Regular Reserve] , the Air Force Reserve, the [F<sup>4</sup>Army Reserve] or the Royal Auxiliary Air Force, as the case may be.
- (5) The recruiting officer shall by signature attest, in the manner required by the attestation paper, that the requirements of this Act as to the attestation of the recruit have been carried out and deliver the attestation paper duly dated to such person as may be prescribed by regulations of the Defence Council.
- (6) When in accordance with the regulations the recruit is finally approved for service, the officer by whom he is approved shall at his request furnish him with a certified copy of the attestation paper.

#### Textual Amendments

- F4** Words in Act substituted (1.10.2014) by Defence Reform Act 2014 (c. 20), s. 44(3)(b)(4)50(1) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)
- F10** Words in Act substituted (1.10.2014) by Defence Reform Act 2014 (c. 20), s. 44(3)(a)(4)50(1) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)

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*Validity of attestation and enlistment*

- 3 (1) Where a person has signed the declaration required by paragraph 2 above (and in the case of either the [<sup>F10</sup>Regular Reserve] or the Air Force Reserve has thereafter received pay as a person of one of those reserves)—
- (a) the validity of his enlistment shall not be called in question on the ground of any error or omission in his attestation paper;
  - (b) if within 3 months from the date on which he signed the declaration he claims that his enlistment is invalid by reason of any non-compliance with the requirements of this Act as to enlistment or attestation, or any other ground whatsoever (not being an error or omission in his attestation paper) on which apart from this sub-paragraph the validity of his enlistment could have been called in question, the claim shall be submitted as soon as may be to the Defence Council, and if the claim is well founded the Defence Council shall cause him to be discharged with all convenient speed;
  - (c) if—
    - (i) when he signed the declaration he had not attained the appropriate minimum age, and
    - (ii) within 3 months from the date on which he signed the declaration he, or any person whose consent to the enlistment was required under paragraph 1(3) above but who did not duly consent, claims that his enlistment is invalid by reason of any non-compliance with the requirements of this Act as to enlistment or attestation, or any other ground whatsoever (not being an error or omission in his attestation paper) on which apart from this sub-paragraph the validity of his enlistment could have been called in question, the claim shall be submitted as soon as may be to the Defence Council, and if the claim is well founded the Defence Council shall cause him to be discharged with all convenient speed;
  - (d) subject to the provisions of paragraphs (b) and (c) above, he shall be deemed as from the expiry of the said 3 months to have been validly enlisted notwithstanding any such non-compliance or other grounds as aforesaid;
  - (e) notwithstanding any such non-compliance or other grounds as aforesaid, or the making of a claim in pursuance of paragraph (b) or paragraph (c) above, he shall be deemed to be a man of the [<sup>F10</sup>Regular Reserve] , the Air Force Reserve, the [<sup>F4</sup>Army Reserve] , or the Royal Auxiliary Air Force, as the case may be, until his discharge.
- (2) Where a person has received pay as a man of the [<sup>F10</sup>Regular Reserve] or the Air Force Reserve, as the case may be, without having previously signed the declaration required by paragraph 2, then—
- (a) he shall be deemed to be a man of the [<sup>F10</sup>Regular Reserve] or the Air Force Reserve, as the case may be, until discharged;
  - (b) he may claim his discharge at any time, and if he does so the claim shall be submitted as soon as may be to the Defence Council, who shall cause him to be discharged with all convenient speed.
- (3) Nothing in this paragraph shall be construed as prejudicing the determination of any question as to the term for which a person was enlisted or as preventing the discharge of a person who has not claimed his discharge.

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#### Textual Amendments

- F4** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(b\)\(4\)50\(1\)](#) (with s. 49(3)(5)); [S.I. 2014/2370, art. 4\(a\)](#)
- F10** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(a\)\(4\)50\(1\)](#) (with s. 49(3)(5)); [S.I. 2014/2370, art. 4\(a\)](#)

#### *False answers in attestation papers*

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#### *Evidence as to attestation papers*

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#### *Interpretation of Schedule 3*

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### <sup>F12</sup>SCHEDULE 4

#### Textual Amendments

- F12** 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](#)

### <sup>F13</sup>SCHEDULE 5

#### Textual Amendments

- F13** 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](#)

#### *Arrest of deserters and absentees without leave*

- 1 (1) A constable may arrest any person whom he has reasonable cause to suspect of being an officer or man of the reserve forces (that is, in this Schedule, an officer or man of the [<sup>F10</sup>Regular Reserve] , Air Force Reserve, [<sup>F4</sup>Army Reserve] and Royal Auxiliary Air Force) who has deserted or is absent without leave.
- (2) Where no constable is available, any officer, warrant officer, non-commissioned officer or soldier of the regular forces, or airman of the regular air force, or any other person, may arrest any person whom he has reasonable cause to suspect of having deserted or being absent without leave as mentioned in sub-paragraph (1) above.
- (3) Any person having authority to issue a warrant for the arrest of a person charged with crime, if satisfied by evidence on oath that there is, or is reasonably suspected of

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being, within his jurisdiction an officer or man of the reserve forces who has deserted or is absent without leave or is reasonably suspected of having deserted or being absent without leave, may issue a warrant authorising his arrest.

(4) Any person is custody in pursuance of this paragraph shall as soon as practicable be brought before a magistrates' court.

(5) This paragraph shall have effect in the United Kingdom and in any colony.

#### Textual Amendments

**F4** Words in Act substituted (1.10.2014) by Defence Reform Act 2014 (c. 20), s. 44(3)(b)(4)50(1) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)

**F10** Words in Act substituted (1.10.2014) by Defence Reform Act 2014 (c. 20), s. 44(3)(a)(4)50(1) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)

*Proceedings before a civil court where persons suspected of illegal absence*

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*Deserters and absentees without leave surrendering to police*

.....

*Certificates of arrest or surrender of deserters and absentees*

.....

*Duties of governors of prisons and others to receive deserters and absentees*

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## F15 SCHEDULE 6

#### Textual Amendments

**F15** 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

*General provisions as to evidence*

- 1 (1) The following provisions of this paragraph shall have effect with respect to evidence in proceedings under Part IV or Part V of this Act, whether before a court-martial, a civil court or otherwise.
- (2) A letter, return or other document stating that any person—
- (a) was or was not serving at any specified time or during any specified period in any part of Her Majesty's forces or was discharged from any part of those forces at or before any specified time, or
  - (b) held or did not hold at any specified time any specified rank or appointment in any of those forces, or had at or before any specified time been attached,

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posted or transferred to any part of those forces, or at any specified time or during any specified period was or was not serving or held or did not hold any rank or appointment in any particular country or place, or

- (c) was or was not at any specified time authorised to use or wear any decoration, badge, wound stripe or emblem,

shall, if purporting to be issued by or on behalf of the Defence Council or by a person authorised by them, be evidence of the matters stated in the document.

(3) A record made in any service book or other document prescribed by Queen’s Regulations for the purposes of this sub-paragraph, being a record made in pursuance of any Act or of Queen’s Regulations, or otherwise in pursuance of military or air-force duty, as the case may be, and purporting to be signed by the commanding officer or by any person whose duty it was to make the record, shall be evidence of the facts stated therein.

(4) A copy of a record (including the signature thereto) in any such book or other document as aforesaid, purporting to be certified to be a true copy by a person stated in the certificate to have the custody of the book or other document, shall be evidence of the record.

(5) A document purporting to be issued by order of the Defence Council and to contain instructions or regulations given or made by the Defence Council shall be evidence of the giving of the instructions or making of the regulations and of their contents.

(6) A certificate purporting to be issued by or on behalf of the Defence Council or by a person authorised by them, and stating—

- (a) that a decoration of a description specified in or annexed to the certificate is a military, naval or air force decoration, or
- (b) that a badge, wound stripe or emblem of a description specified in or annexed to the certificate is one supplied or authorised by the Defence Council,

shall be evidence of the matters stated in the certificate.

(7) A certificate purporting to be signed by a person’s commanding officer or any officer authorised by him to give the certificate, and stating the contents of, or of any part of, standing orders or other routine orders of a continuing nature made for—

- (a) any formation or unit or body of troops, or
- (b) any formation or unit or body of the air force, or
- (c) any command or other area, garrison or place, or
- (d) any ship, train or aircraft,

shall in proceedings against the said person be evidence of the matters stated in the certificate. <sup>F16</sup>

(7A) .....

(8) Where, in relation to one of the [<sup>F10</sup>Regular Reserve] , the Air Force Reserve, the [<sup>F4</sup>Army Reserve] or the Royal Auxiliary Air Force, any document would be evidence in any proceedings under Part IV or Part V of this Act by virtue of this paragraph, or paragraph 5 of Schedule 3 to this Act, that document shall—

- (a) in like manner,
- (b) subject to the same conditions, and
- (c) for the like purpose,

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be evidence in the like proceedings in relation to any other of the [<sup>F10</sup>Regular Reserve],  
, Air Force Reserve, [<sup>F4</sup>Army Reserve] or the Royal Auxiliary Air Force.

#### Textual Amendments

- F4** Words in Act substituted (1.10.2014) by Defence Reform Act 2014 (c. 20), s. 44(3)(b)(4)50(1) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)
- F10** Words in Act substituted (1.10.2014) by Defence Reform Act 2014 (c. 20), s. 44(3)(a)(4)50(1) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)
- F16** Sch. 6 para. 1(7A) (which was inserted by Reserve Forces Act 1982 (c. 14, SIF 7:2), s. 2(4)(5)) repealed (1.1.1992) by Armed Forces Act 1991 (c. 62, SIF 7:1) s. 26(1)(2), Sch. 2, para. 11(4), Sch.3; S.I. 1991/2719, art.2, Sch.

#### *Proof of outcome of civil trial*

#### <sup>F17</sup>SCHEDULE 7

#### Textual Amendments

- F17** 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

#### <sup>F28</sup> SCHEDULE 8

Section 157.

#### SAVING AND TRANSITIONAL PROVISIONS

#### Textual Amendments

- F28** 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>M11</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>M12</sup>Army Reserve Act 1950 section 29(4);
  - (b) the <sup>M13</sup>Air Force Reserve Act 1950 section 30(4);
  - (c) the <sup>M14</sup>Auxiliary Forces Act 1953 section 46(2).



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#### Marginal Citations

- M11 1978 c. 30.
- M12 1950 c. 32.
- M13 1950 c. 33.
- M14 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>F29</sup>5 (1) The amendments made—
- (a) by section 23(6) of, and paragraph 32 of Schedule 1 to, the <sup>M15</sup>Reserve Forces Act 1966, <sup>F30</sup>
  - (b) <sup>F30</sup>
- (2) The <sup>F31</sup>Royal Marine Forces Volunteer Reserve shall continue to be known <sup>F31</sup>as <sup>F31</sup>the Royal Marines Reserve, and references to that <sup>F31</sup>marine volunteer reserve in any enactment or instrument shall continue to be construed accordingly.
- (3) [<sup>F32</sup>In section 210(2)(b) of the <sup>M16</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.]]

#### Textual Amendments

- F29** 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**
- F30** 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. 1**
- F31** Words repealed by **Reserve Forces Act 1982** (c. 14, SIF 7:2), **s. 1(3)**
- F32** Sch. 8 para. 5(3) 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. 24(2), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

#### Marginal Citations

- M15 1966 c. 30.
- M16 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>M17</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.

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**Marginal Citations**

M17 1859 c. 40.

*Militia storehouses*

- 7 (1) Notwithstanding the repeal by this Act of section 4 of the <sup>M18</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>M19</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**

M18 1921 c. 37.

M19 1854 c. 105.

*Enlistment in the <sup>M20</sup>[<sup>F4</sup>Army Reserve] or Royal Auxiliary Air Force prior to order or regulation under Auxiliary Forces Act 1953*

**Marginal Citations**

M20 1953 c. 50.

- 8 Where a man—
- (a) is a member of the [<sup>F4</sup>Army Reserve] 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.

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*<sup>M21</sup>Reserve of officers maintained under section 11(4) of Auxiliary Forces Act 1953*

**Marginal Citations**

**M21** 1953 c. 50.

- 9 In relation to the <sup>M22</sup>Reserve Forces Act 1966—
- (a) the provisions of section 3(2) of that Act (which abolished reserve divisions of the Territorial [<sup>F10</sup>Regular 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.

**Textual Amendments**

**F10** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(a\)\(4\)50\(1\)](#) (with [s. 49\(3\)\(5\)](#)); [S.I. 2014/2370, art. 4\(a\)](#)

**Marginal Citations**

**M22** 1966 c. 30.

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

- 10 [<sup>F33</sup>In this Act—
- (a) references to the <sup>M23</sup>Army Act 1955 in connection with transfers to the reserve include such transfers under the Army Act;
  - (b) references to the <sup>M24</sup>Air Force Act 1955 in connection with transfers to the reserve include such transfers under the Air Force Act.]

**Textual Amendments**

**F33** Sch. 8 para. 10 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. 24\(3\)](#), [Sch. 17](#); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)

**Marginal Citations**

**M23** 1955 c. 18.

**M24** 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>M25</sup>Army Reserve Act 1950 or section 5 of the <sup>M26</sup>Air Force Reserve Act 1950 or to a proclamation ordering the calling out of the [<sup>F10</sup>Regular 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 [<sup>F10</sup>Regular Reserve] or the Air Force Reserve under that section 10;

- (b) any reference in any enactment to the embodying or disembodying of the [<sup>F4</sup>Army Reserve] 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 [<sup>F4</sup>Army Reserve] , 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).

**Textual Amendments**

- F4** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(b\)\(4\)50\(1\)](#) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)
- F10** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(a\)\(4\)50\(1\)](#) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)

**Marginal Citations**

- M25** 1950 c. 32.
- M26** 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>M27</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**

- M27** 1957 c. 32.

*The lieutenancies in England and Wales*

<sup>F34</sup>13 .....

**Textual Amendments**

- F34** 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>F35</sup>14 .....

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### Textual Amendments

**F35** 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)

#### *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 [F10Regular Reserve] and Air Force Reserve otherwise than under section 11*

- [F36]16<sup>F36</sup>(1) .....
- (2) [F37]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 [F10Regular Reserve] in pursuance of—
    - (i) the <sup>M28</sup>Army Act 1955, or
    - (ii) the <sup>M29</sup>Army and Air Force Act 1961, or
    - (iii) regulations under section 2 of the <sup>M30</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 [F10Regular 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 [F10Regular 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,

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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>F36</sup>(4) . . . . .

(5) [<sup>F38</sup>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>M31</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>F39</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 [<sup>F40</sup>regular army or for the Royal 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.]

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#### Textual Amendments

**F36** 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

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- F37** Sch. 8 para. 16(2) 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. 24(4)(a)**, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F38** Sch. 8 para. 16(5) 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. 24(4)(b)**, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F39** Words in Sch. 8 para. 16(6) substituted (1.4.1997) by S.I. 1997/306, **reg. 28**.
- F40** Words in Sch. 8 para. 16(9) 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. 24(4)(c)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

#### Marginal Citations

- M28** 1955 c. 18.  
**M29** 1961 c. 52.  
**M30** 1966 c. 45.  
**M31** 1966 c. 45.

#### *Call out for training of [<sup>F10</sup>Regular Reserve] and Air Force Reserve otherwise than under section 38*

- 17 (1) Where section 38 above does not apply to a man of the [<sup>F10</sup>Regular Reserve] he may be called out for annual training—
- at such time or times, and
  - at such place or places within the United Kingdom, and
  - 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—
- at such time or times, and
  - at such place or places within the United Kingdom, and
  - for such period or periods,
- as may be prescribed.
- (4) The period or periods so prescribed shall not exceed in any one year—
- 24 days in the case of a man who is serving as a qualified pilot or as a qualified navigator;
  - 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;
  - 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.

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

*Call out for training of [F<sup>4</sup>Army Reserve] otherwise than under section 38*

- 18 (1) Where section 38 above does not apply to a man of the [F<sup>4</sup>Army Reserve] —
- (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 [F<sup>4</sup>Army Reserve] accordingly;
  - (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 [F<sup>4</sup>Army Reserve] .
- (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 [F<sup>4</sup>Army Reserve] , by the prescribed general officer, and
  - (b) as respects an individual man of the [F<sup>4</sup>Army Reserve] , 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 [F<sup>4</sup>Army Reserve] 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 [F<sup>4</sup>Army Reserve] .

*Election for section 38 to apply*

- 19 [F<sup>41</sup>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 [F<sup>10</sup>Regular Reserve] or the Air Force Reserve, he shall be a person to whom section 38 above applies.]



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**Textual Amendments**

- F10** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(a\)\(4\)50\(1\)](#) (with [s. 49\(3\)\(5\)](#)); [S.I. 2014/2370, art. 4\(a\)](#)
- F41** Sch. 8 para. 19 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. 24\(5\), Sch. 17](#); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)

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

- 20 Where section 12 of the <sup>M32</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**

- M32** [1977 c. 5.](#)

<sup>F42</sup>SCHEDULE 9

Section 157.

CONSEQUENTIAL AMENDMENTS

**Textual Amendments**

- F42** 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

<sup>M33</sup> *Industrial Relations (Northern Ireland) Order 1976*

**Marginal Citations**

- M33** [S.I. 1976/1043 \(N.I. 16\).](#)

- <sup>F43</sup>19 .....

**Textual Amendments**

- F43** 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*

- <sup>F44</sup>20 .....

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**Textual Amendments**

**F44** 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 ..... **F45**

**Textual Amendments**

**F45** 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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**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 1-9 (Pt. 1) applied (prosp.) by [1996 c. 14 s. 128Sch. 8 para. 12](#)
- s. 6 repealed (prosp.) by [1996 c. 14 s. 128Sch. 8 para. 6](#)
- s. 41(1) modified (prosp.) by [1996 c. 14 s. 128Sch. 8 para. 10](#)
- s. 130133-137 excluded (temp.) by [S.I. 1996/1867 art. 4\(2\)\(c\)](#)
- s. 133(2) repealed in part (prosp.) by [1996 c. 14 s. 121\(1\)Sch. 6 para. 2\(a\)](#)
- s. 133(4) amended (prosp.) by [1996 c. 14 s. 121\(1\)Sch. 6 para. 2\(b\)](#)
- s. 133(5) amended (prosp.) by [1996 c. 14 s. 121\(1\)Sch. 6 para. 2\(c\)\(ii\)](#)
- s. 133(5) repealed in part (prosp.) by [1996 c. 14 s. 121\(1\)Sch. 6 para. 2\(c\)\(i\)\(iii\)](#)
- s. 135(1A)(1B) added (prosp.) by [1996 c. 14 s. 121\(1\)Sch. 6 para. 3](#)
- s. 136 repealed in part (prosp.) by [1996 c. 14 s. 121\(1\)Sch. 6 para. 4](#)
- s. 136(b) repealed (prosp.) by [1996 c. 14 s. 121\(1\)Sch. 6 para. 4](#)
- s. 137(1) amended (prosp.) by [1996 c. 14 s. 121\(1\)Sch. 6 para. 5\(a\)\(i\)\(ii\)](#)
- s. 137(1) repealed in part (prosp.) by [1996 c. 14 s. 121\(1\)Sch. 6 para. 5\(a\)\(iii\)](#)
- s. 137(2) repealed in part (prosp.) by [1996 c. 14 s. 121\(1\)Sch. 6 para. 5\(b\)](#)

**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](#)