



Reserve Forces Act 1996

1996 CHAPTER 14

PART IV

SPECIAL AGREEMENTS FOR CALL OUT

Supplementary

35 Exercise of certain functions under section 32 or 33

- (1) The Secretary of State may authorise—
 - (a) the Defence Council;
 - (b) any particular officers; or
 - (c) any officers of a description specified in the authorisation,to exercise any function of his under section 32 or 33, subject to such limitations and conditions as may be so specified.
- (2) An authorisation under subsection (1) relating to the exercise of any function of the Secretary of State by the Defence Council shall (unless the authorisation provides otherwise) be deemed to permit the Defence Council to authorise—
 - (a) any particular officers; or
 - (b) any officers of a description determined by the Defence Council,to exercise the function, subject to such limitations and conditions as may be so specified.
- (3) Arrangements made under subsection (1) or (2) for the discharge of any function shall not prevent the exercise of the function by the Secretary of State or (in the case of arrangements under subsection (2)) the Defence Council.

36 Parliamentary control of numbers and reports

- (1) The number of persons in a reserve force who are liable to be called out under this Part shall not exceed the number for that force for the time being authorised by Parliament.

Status: This is the original version (as it was originally enacted).

- (2) Any persons who are in service under this Part shall not be reckoned in any numbers for the time being authorised by Parliament for any of the regular services.
- (3) The Secretary of State shall from time to time lay before each House of Parliament a report with respect to the exercise of his powers to call out persons under this Part.
- (4) Any such report may be made either with respect to any use made, or with respect to any use proposed to be made, of those powers.

37 Interpretation of Part IV

- (1) In this Part—
 - “authorised officer” means an officer authorised by or in accordance with directions of the Defence Council for the purposes of this Part;
 - “call-out notice” means a notice under section 32(1);
 - “service under this Part” and “service” mean permanent service on being called out under this Part;
 - “qualifying employment” means employment under a contract of service which normally involves employment for 14 hours or more weekly (and “new qualifying employment” shall be construed in accordance with section 30(7)); and
 - “special agreement” means a written agreement by which a person accepts the obligations mentioned in section 28(1).
- (2) This Part shall have effect in relation to any member of a reserve force who is a Crown servant as if he were employed under a contract of service with such person as may be specified in directions of the Secretary of State as his employer for the purposes of this Part.
- (3) The Secretary of State may by regulations make provision as to when a contract of service is to be treated for the purposes of this Part as normally involving or not involving employment for 14 hours or more weekly.
- (4) Regulations under subsection (3) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) The Secretary of State may by order amend the definition of “qualifying employment” and subsection (3) so as to substitute, for the number of hours for the time being specified, such number (not being more than 14) as is specified in the order.
- (6) An order under subsection (5) shall be made by statutory instrument; but no such instrument shall be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.