



Reserve Forces Act 1996

1996 CHAPTER 14

PART V

EMPLOYEE AGREEMENTS

Call out for permanent service under Part V

43 Call out of special members

- (1) The Secretary of State may call out for service any special member of a reserve force if he considers that it is appropriate, in the light of operational requirements and the arrangements he has made with the employer of that person, for that person to continue to undertake work of direct or indirect benefit to the armed forces.
- (2) The Secretary of State may call out a special member by serving a notice on that person requiring him—
 - (a) to present himself for service at a specified time and place; and
 - (b) to remain at that place until he is either accepted into service or informed that he is not to be accepted into service in pursuance of the notice.
- (3) A call-out notice shall also require the person concerned, if he fails to comply with the requirements mentioned in subsection (2)—
 - (a) to present himself for service to any person specified in the notice or to any authorised officer; and
 - (b) having so presented himself, to remain until either accepted into service or informed that he is not to be accepted into service in pursuance of the notice.
- (4) A call-out notice shall specify—
 - (a) the person to whom it applies and the agreement by virtue of which he is a special member; and
 - (b) the time and place at which he is to present himself for service;

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and it may also specify places and times at which and persons to whom the person may present himself for service if he fails to present himself at the time and place specified under paragraph (b) of this subsection.

- (5) A call-out notice shall (without affecting any liability arising from a failure to comply with the notice) cease to have effect, if not revoked sooner, when the special member concerned—
 - (a) ceases to be liable to be called out for service by virtue of section 41; or
 - (b) is either accepted into service or informed that he is not to be accepted into service in pursuance of the notice.
- (6) A call-out notice served on a special member may—
 - (a) be varied by the Secretary of State by serving a variation notice on him;
 - (b) be revoked by the Secretary of State by serving a revocation notice or a subsequent call-out notice on him.
- (7) A notice under this section may be served on a person by delivering it to him or by leaving it at, or sending it by post to, his last known address; and any call-out or variation notice delivered to that address by registered post or recorded delivery shall be deemed to have been served on him.
- (8) No steps may be taken against a person in respect of failure to comply with a call-out notice under this section unless the notice or, as the case may be, any variation notice was received by him or is deemed to have been served on him by virtue of subsection (7).
- (9) In this section and section 44 “service” means permanent service.

44 Acceptance into service of special members

- (1) A special member served with a call-out notice who—
 - (a) presents himself for service to an authorised officer at the time and place specified in the notice under section 43(4)(b);
 - (b) presents himself for service to an authorised officer at any other time or place; or
 - (c) is brought before an authorised officer after the time so specified,
 may be accepted into service by that officer.
- (2) Where such a person is accepted into service, he shall be informed by the authorised officer in the prescribed manner that he has been accepted into service by virtue of subsection (1).
- (3) If an authorised officer decides that such a person should not be accepted into service, he shall inform that person in the prescribed manner that he is not to be accepted into service in pursuance of the call-out notice concerned.
- (4) Any liability of such a person arising from a failure to comply with a call-out notice is not affected by his acceptance into service or by a decision not to accept him into service.
- (5) A special member liable to be called out under this Part who—
 - (a) is of a description for the time being specified in directions of the Secretary of State;
 - (b) has not been served with a call-out notice; and

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(c) presents himself for service to an authorised officer,
may be accepted into service by that officer.

- (6) Where a person is accepted into service by virtue of subsection (5)—
- (a) the authorised officer shall inform him in the prescribed manner that he has been accepted into service by virtue of that subsection; and
 - (b) he shall be deemed to have been called out under this Part.

45 Release from service of special members

- (1) A special member who has been accepted into permanent service shall remain in that service until released under subsection (2).
- (2) A special member who is in permanent service shall be released from that service with all convenient speed in such manner as may be prescribed when he is no longer required by Her Majesty to be in that service or (if not released sooner) when he is entitled to be released under subsection (3).
- (3) A special member is entitled to be released from permanent service—
- (a) subject to paragraph (b), at the expiry of the period of 9 months beginning with the day on which he was accepted into service or of such shorter period as may be specified in the agreement concerned;
 - (b) if he extends (or further extends) his service under subsection (6), at the expiry of the period for which his service is extended;
 - (c) when, on an application under section 78, it is determined that he is entitled to be released.
- (4) Orders or regulations under section 4 may make provision enabling or requiring a special member who has been accepted into permanent service to be treated—
- (a) if the circumstances of his call out or acceptance into service are of a prescribed description, and
 - (b) for the purpose of calculating when he is entitled to be released by virtue of subsection (3)(a),
- as having been accepted into service on an earlier day than that on which he was actually accepted.
- (5) Provision made for the purposes of subsection (4) shall secure—
- (a) that any earlier day applicable for the purpose of calculating when a person is entitled to be released from service is to be notified to him as soon as is practicable after the day on which he was actually accepted into service; and
 - (b) that the period beginning with the earlier day is reckoned as part of his relevant service for the purposes of sections 53(13), 55(13), 57(11) and 69(8).
- (6) A special member who is in permanent service may, with the written consent of the employer whose consent was required for his entering into the agreement in such form as may be prescribed, extend his period of service beyond the day on which he would (apart from that extension) be entitled to be released.