



# Reserve Forces Act 1996

## 1996 CHAPTER 14

### PART V

#### EMPLOYEE AGREEMENTS

##### *Supplementary*

#### **46 Exercise of certain functions under section 43 or 44.**

- (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 43 or 44, 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.

#### **47 Parliamentary control of numbers and reports.**

- (1) The number of special members of a reserve force shall not exceed the number for that force for the time being authorised by Parliament.

*Status: Point in time view as at 01/04/1997.**Changes to legislation: Reserve Forces Act 1996, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 08 July 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)*

- (2) Any special members of a reserve force who are in permanent service 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.

#### **48 Application of Part V to Crown servants, employees of sub-contractors and self-employed persons.**

- (1) This Part shall have effect in relation to any Crown servant as if he were employed under a contract of service with such person as may be specified in directions made by the Secretary of State as his employer for the purposes of this Part.
- (2) In this Part—
  - (a) references to arrangements between an employer and the Secretary of State include references to arrangements between another person and the Secretary of State in pursuance of which the employer supplies, or is to supply, goods or services to or for the benefit of the armed forces; and
  - (b) references to an employer who has made arrangements with the Secretary of State include references to an employer who supplies, or is to supply, goods or services to or for the benefit of the armed forces in pursuance of arrangements made by another person and the Secretary of State.
- (3) This Part shall have effect in relation to any person who is self-employed as if—
  - (a) references to an employee were references to a self-employed person;
  - (b) references to arrangements between an employer and the Secretary of State were references to arrangements—
    - (i) between the self-employed person and the Secretary of State; or
    - (ii) between another person and the Secretary of State in pursuance of which the self-employed person concerned supplies, or is to supply, goods or services to or for the benefit of the armed forces;
  - (c) any requirement for the written consent of an employer were omitted;
  - (d) section 41(1)(b) were omitted.

#### **49 Interpretation of Part V.**

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 43;

“employee agreement” has the meaning given in section 38;

“ordinary member” means a member of a reserve force who—

- (i) is not a special member of that force; and
- (ii) is not a member of that force for the purpose only of becoming a special member.

**Status:**

Point in time view as at 01/04/1997.

**Changes to legislation:**

Reserve Forces Act 1996, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 08 July 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.