



Reserve Forces Act 1996

1996 CHAPTER 14

PART VII

RECALL FOR SERVICE OF OFFICERS AND FORMER SERVICEMEN

Power to authorise recall

68 Recall for national danger, great emergency or attack on the UK

- (1) Her Majesty may make an order authorising the recall under this Part of persons to whom section 66 applies—
 - (a) if it appears to Her that national danger is imminent or that a great emergency has arisen; or
 - (b) in the event of an actual or apprehended attack on the United Kingdom.
- (2) A recall order authorises, subject to subsection (3), the recall of any person to whom section 66 applies or, if the order is so limited, any such person who is of a description specified in the order.
- (3) A recall order does not authorise the recall of any person to whom section 66 applies who is not liable to be recalled under the order by virtue of regulations made by virtue of section 73 or an exemption granted on an application under regulations under section 79.
- (4) A recall order shall have effect (subject to any order under subsection (5)) until it is revoked.
- (5) Her Majesty may make an order providing that any recall order shall cease to authorise the recall of any person who is not in service under the order.
- (6) An order under subsection (5) shall not affect the operation of any recall notice which is served on any person on the authority of the recall order concerned before the day on which the order under that subsection is made.

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- (7) Her Majesty may make an order revoking any recall order (whether or not its effect has already been limited by an order under subsection (5)).
- (8) Where an order under subsection (7) revoking a recall order is made—
 - (a) the recall order shall cease to authorise the recall of anyone who could otherwise be recalled on the authority of the recall order (including anyone served with a recall notice before the order under subsection (7) is made who has not been accepted into service); and
 - (b) anyone in service under the recall order shall be entitled to be released or discharged from that service.
- (9) A recall order, or an order under subsection (5) or (7), shall be signified under the hand of the Secretary of State and the making of any such order shall be reported forthwith to each House of Parliament.
- (10) If, when a recall order is made, Parliament is separated by an adjournment or prorogation which will not expire within 5 days—
 - (a) a proclamation shall be issued for the meeting of Parliament within 5 days; and
 - (b) Parliament shall meet and sit upon the day appointed by the proclamation and shall continue to sit and act as if it had stood adjourned or prorogued to that day.

69 Maximum duration of service on recall

- (1) This section applies for the purpose of determining when persons in service under a recall order (“the recall order”) are entitled to be released from service (in the case of officers) or discharged (in the case of men).
- (2) A person is (if not released or discharged sooner) entitled to be released from service or discharged when his current service under the recall order, or his current service and any relevant service in aggregate, exceeds 3 years.
- (3) A person in service under the recall order may enter into a written agreement consenting to the extension of his period of service—
 - (a) beyond the day on which he is entitled to be released or discharged by virtue of subsection (2); or
 - (b) beyond the day on which, by virtue of a subsisting agreement under this subsection, he is entitled to be released or discharged by virtue of subsection (5),
 until the end of such period, not exceeding 12 months, as may be specified in the agreement.
- (4) An agreement under subsection (3) may not be entered into at any time—
 - (a) when the person concerned could not be served with a recall notice on the authority of the order or any other recall order; or
 - (b) more than 12 months before the day on which (apart from the agreement) he is entitled to be released or discharged by virtue of subsection (2) or subsection (5).
- (5) A person who has entered into an agreement under subsection (3)—
 - (a) shall no longer be entitled to be released or discharged on the day on which, apart from the agreement, he is so entitled by virtue of subsection (2) or, as the case may be, paragraph (b) of this subsection; and

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- (b) is entitled to be released from service or discharged at the end of the period specified in the agreement as the period for which his service is being extended.
- (6) Her Majesty may by order signified under the hand of the Secretary of State provide that, in the case of such descriptions of person as may be specified in the order, subsection (2) shall apply as if for the words “3 years” there were substituted “5 years”.
- (7) The making of an order under subsection (6) shall be reported forthwith to each House of Parliament.
- (8) In this section “relevant service” means any service under this Part, or under Part IV, V or VI, within the 6 years immediately preceding the day on which a person’s current service under the recall order began.