



# Reserve Forces Act 1996

## 1996 CHAPTER 14

### PART XII

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

#### **120 Disbanding of units: charitable property.**

Schedule 5 (treatment of charitable property held for purposes of any body of a reserve force which has been, or is to be, disbanded or amalgamated with another body) shall have effect.

#### **Modifications etc. (not altering text)**

- C1** S. 91: Functions of the Department of Health and Social Services transferred to the Department for Social Development and all property, rights and liabilities to which the transferor is entitled or subject in connection with any such function transferred to the transferee (1.12.1999) by [S.R. 1999/481](#), [arts. 4, 8\(b\)](#) 11, Sch. 6 Pt. II

**F1** 121 .....

#### **Textual Amendments**

- F1** S. 121 repealed (1.7.1997) by [1997 c. 23](#), ss. 8(4), 9(2), [Sch. 3](#) (with s. 7(3), [Sch. 2](#) para. 6)

#### **122 Safeguard of employment for members of reserve forces.**

- (1) The <sup>M1</sup>Reserve Forces (Safeguard of Employment) Act 1985 shall be amended as follows.

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(2) For subsection (1) of section 1 (obligation to reinstate) there shall be substituted the following subsections—

“(1) This section applies to any person who is in permanent service under—

- (a) Part IV (special agreements for call out) or Part V (special members) of the Reserve Forces Act 1996;
- (b) a call-out order under Part VI of that Act (orders authorising general call out of members of reserve forces); or
- (c) a recall order under section 68 (recall of officers and former servicemen) of that Act.

(1A) In this Act “whole-time service” means permanent service to which this section applies.”

(3) For subsection (1) of section 17 (prohibition of dismissal for liability to whole-time service) there shall be substituted the following subsection—

“(1) If the employer of a person who may be required to enter upon a period of whole-time service—

- (a) terminates that person’s employment without his consent at any time when he is not in that service, and
- (b) does so solely or mainly by reason of any duties or liabilities which that person may be liable to perform or discharge—
  - (i) if required to report at any time or place with a view to entering into whole-time service; or
  - (ii) if he enters upon a period of whole-time service,

the employer is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

(4) In section 20(1) (interpretation), for the definition of “whole-time service” there shall be substituted the following definition—

““whole-time service” has the meaning given by section 1(1A).”

(5) For subsections (3) and (4) of section 20 (interpretation) there shall be substituted the following subsection—

“(3) A period of whole time service shall not be regarded as having ceased by reason of any absence on leave (including sick leave or maternity leave) before release from service or discharge.”

(6) The amendments made by this section do not affect the operation of the <sup>M2</sup>Reserve Forces (Safeguard of Employment) Act 1985 in its application to persons liable to be called out or recalled for permanent service under the <sup>M3</sup>Reserve Forces Act 1980 or officers liable to be called out or recalled otherwise than under this Act.

#### Marginal Citations

**M1** 1985 c. 17.

**M2** 1985 c. 17.

**M3** 1980 c. 9.

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## <sup>F2</sup>123 Billeting.

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### Textual Amendments

- F2** S. 123 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. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

## <sup>F3</sup>124 Exemption from tolls etc.

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### Textual Amendments

- F3** S. 124 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. 51](#), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

## 125 Absence for voting.

No member of a reserve force shall be liable, when not in permanent service, to any penalty or punishment on account of his absence from duty in the United Kingdom for voting at—

- (a) any election of a Member of Parliament [<sup>F4</sup>a Member of the Scottish Parliament][<sup>F5</sup>, a Member of the National Assembly for Wales,][<sup>F6</sup>or a Member of the Northern Ireland Assembly], or
  - (b) any local election,
- or going to or returning from such voting.

### Textual Amendments

- F4** Words in s. 125(a) inserted (11.3.1999) by S.I. 1999/787, art. 97, [Sch. 8 para. 1](#)
- F5** Words in s. 125(a) inserted (1.10.2001 subject to art. 3 of the commencing S.I.) by 2001 c. 19, s. 34, [Sch. 6 Pt. 3 para. 13](#); S.I. 2001/3234, [arts. 2, 3](#)
- F6** Words in s. 125(a) substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, [Sch. 2 para. 2](#) (as amended by S.I. 2019/1389, regs. 1, 2(2))

## <sup>F7</sup>125A Supply of contact details by HMRC

- (1) This subsection applies to contact details for—
  - (a) a member of an ex-regular reserve force, or
  - (b) a person to whom section 66 (officers and former servicemen liable to recall) applies,which are held by HMRC in connection with a function of HMRC.

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- (2) HMRC may supply contact details to which subsection (1) applies to the Secretary of State for the purpose of enabling the Secretary of State—
- (a) to contact a member of an ex-regular reserve force in connection with the person's liability, or potential liability, to be called out for service under Part 6;
  - (b) to contact a person to whom section 66 applies in connection with the person's liability, or potential liability, to be recalled for service under Part 7.
- (3) Where a person's contact details are supplied under subsection (2) for a purpose described in that subsection, they may also be used for defence purposes connected with the person's service (whether past, present or future) in the reserve forces or regular services.
- (4) In this section, “HMRC” means Her Majesty's Revenue and Customs.]

#### Textual Amendments

**F7** Ss. 125A-125C inserted (23.7.2018) by Data Protection Act 2018 (c. 12), ss. 195(2), 212(1) (with ss. 117, 209, 210); S.I. 2018/625, reg. 3(l)

#### [<sup>F7</sup> 125B Prohibition on disclosure of contact details supplied under section 125A

- (1) A person who receives information supplied under section 125A may not disclose it except with the consent of the Commissioners for Her Majesty's Revenue and Customs (which may be general or specific).
- (2) A person who contravenes subsection (1) is guilty of an offence.
- (3) It is a defence for a person charged with an offence under this section to prove that the person reasonably believed—
- (a) that the disclosure was lawful, or
  - (b) that the information had already lawfully been made available to the public.
- (4) Subsections (4) to (7) of section 19 of the Commissioners for Revenue and Customs Act 2005 apply to an offence under this section as they apply to an offence under that section.
- (5) Nothing in section 107 or 108 (institution of proceedings and evidence) applies in relation to an offence under this section.]

#### Textual Amendments

**F7** Ss. 125A-125C inserted (23.7.2018) by Data Protection Act 2018 (c. 12), ss. 195(2), 212(1) (with ss. 117, 209, 210); S.I. 2018/625, reg. 3(l)

#### [<sup>F7</sup> 125C Data protection

- (1) Nothing in section 125A or 125B authorises the making of a disclosure which contravenes the data protection legislation.
- (2) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).]

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**Textual Amendments**

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**<sup>F8</sup>126 Postponement of transfer to the reserve or discharge of servicemen.**

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**Textual Amendments**

**F8** S. 126 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. 52, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 2 para. 3(2A) inserted by [2003 c. 44 Sch. 3 para. 65](#)