

Changes to legislation: Reserve Forces Act 1996, Part I is up to date with all changes known to be in force on or before 08 April 2024. 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) View outstanding changes

SCHEDULES

SCHEDULE 9

APPLICATION OF ACT TO ^[F1]MEMBERS OF TRANSITIONAL CLASSES]

Textual Amendments

- F1** Words in Sch. 9 heading substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 6 para. 5](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(b)

PART I

THE ^[F1]ORIGINAL TRANSITIONAL CLASS] OF MEMBERS OF THE RESERVE FORCES

Textual Amendments

- F1** Words in Sch. 9 Pt. 1 heading substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 6 para. 4\(2\)](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(b)

- 1 (1) The ^[F2]original transitional class] consists of persons who—
- (a) are members of a reserve force;
 - (b) for the time being fall within paragraph 2 or 3; and
 - (c) have not made an election under paragraph 4.
- (2) In this Schedule “transitional member” means a member of a reserve force who for the time being is a member of the ^[F3]original transitional class]; and “transitional officer” and “transitional man” shall be construed accordingly.
- (3) In this Part of this Schedule “the appointed day” means such day as the Secretary of State may by order made by statutory instrument appoint for the purposes of this Part of this Schedule.

Textual Amendments

- F2** Words in Sch. 9 para. 1(1) substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 6 para. 4\(3\)](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(b)
- F3** Words in Sch. 9 para. 1(2) substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 6 para. 4\(3\)](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(b)

- 2 A person who, immediately before the appointed day, was an officer or man of a reserve force falls within this paragraph if—
- (a) he has remained a member of that force without interruption since that time; and

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- (b) he has not extended his service in, or become an officer of, that force since that time.
- 3 An officer or man who becomes a member of a reserve force on or after the appointed day, on transfer to the reserve from the regular services, falls within this paragraph if—
- (a) he joined the regular services before the appointed day and did not re-enlist, re-engage or extend his service, or become an officer, in the regular services on or after that day;
- (b) he has remained a member of the reserve force concerned without interruption since being transferred from the regular services; and
- (c) he has not extended his service in, or become an officer of, that force since being so transferred.
- 4 (1) A person who is a transitional member of a reserve force by virtue of paragraph 2 or 3 may elect to cease being a transitional member.
- (2) An officer or man serving in the regular services who—
- (a) joined those services before the appointed day; and
- (b) has not re-enlisted, re-engaged or extended his service, or become an officer, on or after that day,
- may [^{F4}at any time] elect not to be a transitional member on his transfer to the reserve.
- (3) An election under this paragraph is irrevocable and must be made in the prescribed manner.
- (4) A person who has made an election under this paragraph shall cease to be or, as the case may be, shall not become a transitional member of the reserve force concerned.

Textual Amendments

F4 Words in Sch. 9 para. 4(2) inserted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 6 para. 4\(4\)](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(b)

- 5 (1) In this Part of this Schedule “man”, in relation to the regular services, means a person of or below the rank or rate of warrant officer.
- (2) A person in permanent service on recall (whether under the ^{M1}Reserve Forces Act 1980 or, in the case of an officer, otherwise than under this Act) shall not be regarded for the purposes of this Part of this Schedule as serving in the regular services.

Marginal Citations

M1 1980 c.9.

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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](#)