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## SCHEDULES

### SCHEDULE 1

Section 9.

#### ENLISTMENT

##### *Conditions for enlistment*

- 1 (1) An enlisting officer shall not enlist any person as a man in a reserve force unless he is satisfied that the person concerned has been given a notice under sub-paragraph (2), understands it and wishes to be enlisted.
- (2) A person offering to enlist shall be given a notice in such form as may be prescribed setting out the questions to be answered on attestation and stating the general conditions of the engagement to be entered into by him and such other matters as may be prescribed.
- (3) The attestation paper to be used for the purpose of attesting recruits to a reserve force shall be in such form as may be prescribed.
- 2 <sup>F1</sup>(1) An enlisting officer shall not enlist a person under the age of 18 unless consent to the enlistment has been given in writing by—
- (a) an appropriate person; or
  - (b) if the person offering to enlist is living with more than one appropriate person, each of those appropriate persons.
- [ In this paragraph “appropriate person” means, in relation to a person offering to
- <sup>F1</sup>(1A) enlist, a person with—
- (a) parental responsibility (within the meaning of the Children Act 1989 or the Children (Northern Ireland) Order 1995) for him; or
  - (b) parental responsibilities (within the meaning of section 1(3) of the Children (Scotland) Act 1995) in relation to him.]
- (2) Where the enlisting officer is satisfied, by the production of a certified copy of an entry in the register of births or by any other evidence appearing to him to be sufficient, that a person offering to enlist has or has not attained the <sup>F2</sup>age of 18, that person shall be deemed for the purposes of this Act to have attained, or as the case may be, not to have attained, that age.
- (3) A document purporting to be a certificate signed by the enlisting officer, stating that he is satisfied as mentioned in sub-paragraph (2), shall be sufficient evidence, until the contrary is proved, that he was so satisfied.]

#### Textual Amendments

- F1** Sch. 1 para. 2(1)(1A) substituted for Sch. 1 para. 2(1) (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. 54\(2\)](#); [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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- F2** Words in Sch. 1 para. 2(2) substituted (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. 54(3)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

#### *Procedure on attestation*

- 3 (1) The procedure for enlisting a person (in this paragraph referred to as “the recruit”) in a reserve force is as follows.
- (2) The enlisting officer shall warn the recruit that if he makes any false answers to the questions to be read out to him he will be liable to be punished as provided by this Act.
- (3) He shall then read, or cause to be read, to the recruit the questions set out in the attestation paper and satisfy himself that he understands each of those questions and that his answers have been duly recorded in the attestation paper.
- (4) He shall then ask the recruit to make and sign the declaration set out in the attestation paper as to the truth of the answers and shall administer to him the oath of allegiance as set out in the attestation paper.
- (5) Upon signing the declaration and taking the oath the recruit shall become a man of the reserve force in question.
- (6) The enlisting officer shall by signature attest, in the manner required by the attestation paper, that the requirements of this Act as to the attestation of the recruit have been carried out and deliver the attestation paper duly dated to such person as may be prescribed.
- (7) When, in accordance with orders or regulations under section 4, the recruit is finally approved for service, the officer by whom he is approved shall at his request furnish him with a certified copy of the attestation paper.

#### *Validity of attestation and enlistment*

- 4 (1) This paragraph applies where a person has signed the declaration required by paragraph 3.
- (2) The validity of the person’s enlistment shall not be called in question on the ground of any error or omission in his attestation paper.
- (3) If within 3 months from the date on which the person signed the declaration he claims that his enlistment is invalid—
- (a) by reason of any non-compliance with the requirements of this Act as to enlistment or attestation; or
  - (b) on any other ground whatsoever (not being an error or omission in his attestation paper) on which apart from this sub-paragraph the validity of his enlistment could have been called in question,
- the claim shall be submitted as soon as may be to the Defence Council, and, if the claim is well founded, the Defence Council shall cause him to be discharged with all convenient speed.
- (4) If when the person signed the declaration he had not attained the [<sup>F3</sup>age of 18], and within 3 months from the date on which he signed the declaration he, or any person

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whose consent to the enlistment was required under paragraph 2(1) but who did not duly consent, claims that his enlistment is invalid—

- (a) by reason of any non-compliance with the requirements of this Act as to enlistment or attestation; or
- (b) on any other ground whatsoever (not being an error or omission in his attestation paper) on which apart from this sub-paragraph the validity of his enlistment could have been called in question,

the claim shall be submitted as soon as may be to the Defence Council, and, if the claim is well founded, the Defence Council shall cause him to be discharged with all convenient speed.

- (5) If no claim under sub-paragraph (3) or (4) is made within 3 months from the date on which he signed the declaration, the person shall be deemed to have been validly enlisted notwithstanding any such non-compliance or other grounds as aforesaid.
- (6) Notwithstanding any such non-compliance or other grounds as aforesaid, or the making of a claim under sub-paragraph (3) or (4), the person shall be deemed to be a man of the reserve force in question until his discharge.
- (7) Nothing in this paragraph shall be construed as prejudicing the determination of any question as to the term for which a person was enlisted or as preventing the discharge of a person who has not claimed his discharge.

#### Textual Amendments

- F3** Words in Sch. 1 para. 4(4) substituted (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. 54\(4\)](#); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)

#### *False answers in attestation papers*

- 5 (1) Any person appearing before an enlisting officer for the purpose of being attested who knowingly <sup>F4</sup>... makes a false answer to any question contained in the attestation paper and put to him by or by the direction of the enlisting officer is guilty of an offence.
- (2) A person guilty of an offence under sub-paragraph (1) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale (or both); and he may be proceeded against summarily notwithstanding that he has since become [<sup>F5</sup>a member of the reserve forces].
- (3) A person guilty of an offence under sub-paragraph (1) who [<sup>F6</sup>becomes a member of the reserve forces is liable on conviction by the Court Martial to any punishment mentioned in rows 2 to [<sup>F7</sup>14] of the Table in section 164 of the Armed Forces Act 2006.]
- [<sup>F8</sup>(4) For the purposes of determining the Court Martial's powers when sentencing an offender to whom Part 2 of Schedule 3 to the Armed Forces Act 2006 (ex-servicemen etc) applies for an offence under sub-paragraph (1), sub-paragraph (3) has effect as if the reference to rows 2 to [<sup>F9</sup>14] were to rows 2 to [<sup>F10</sup>12].
- (5) Where an offence under sub-paragraph (1) is committed by a person within sub-paragraph (3), the time for which he is for the purposes of section 62 of the Armed

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Forces Act 2006 (time limits for charging) to be regarded as being a relevant reservist (within the meaning of that section) includes the period from (and including) the time he committed the offence to the time he became a member of the reserve forces.]

#### Textual Amendments

- F4** Words in Sch. 1 para. 5(1) 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. 54\(5\)\(a\)](#), [Sch. 17](#); S.I. 2009/812, [art. 3\(a\)\(b\)](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F5** Words in Sch. 1 para. 5(2) substituted (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. 54\(5\)\(b\)](#); S.I. 2009/812, [art. 3\(a\)\(b\)](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F6** Words in Sch. 1 para. 5(3) substituted (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. 54\(5\)\(c\)](#); S.I. 2009/812, [art. 3\(a\)\(b\)](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F7** Word in [Sch. 1 para. 5\(3\)](#) substituted (1.5.2022 for specified purposes, 1.4.2023 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), s. 24(1), [Sch. 6 para. 6\(a\)](#); S.I. 2022/471, [reg. 2\(f\)](#); S.I. 2023/158, [reg. 3](#)
- F8** Sch. 1 para. 5(4)(5) added (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. 54\(5\)\(d\)](#); S.I. 2009/812, [art. 3\(a\)\(b\)](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F9** Word in [Sch. 1 para. 5\(4\)](#) substituted (1.5.2022 for specified purposes, 1.4.2023 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), s. 24(1), [Sch. 6 para. 6\(b\)\(i\)](#); S.I. 2022/471, [reg. 2\(f\)](#); S.I. 2023/158, [reg. 3](#)
- F10** Word in [Sch. 1 para. 5\(4\)](#) substituted (1.5.2022 for specified purposes, 1.4.2023 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), s. 24(1), [Sch. 6 para. 6\(b\)\(ii\)](#); S.I. 2022/471, [reg. 2\(f\)](#); S.I. 2023/158, [reg. 3](#)

#### *Evidence as to attestation papers*

- 6 (1) With respect to evidence in proceedings under Part X, whether before [F11 the Court Martial], a civil court or otherwise—
- (a) a document purporting—
- (i) to be a copy of the attestation paper signed by any person; and
- (ii) to be certified to be a true copy by a person stated in the certificate to have the custody of the attestation paper,
- shall be evidence of the enlistment of the person attested; and
- (b) the attestation paper purporting to be signed by a person on his enlistment shall be evidence of his having given the answers to questions which he is recorded in that paper as having given.
- (2) In this paragraph “civil court” has the same meaning as in Part X.

#### Textual Amendments

- F11** Words in Sch. 1 para. 6(1) substituted (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. 54\(6\)](#); 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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F12 ...

**Textual Amendments**

**F12** Sch. 1 para. 7 heading 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. 54(7), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

F13F127 .....

**Textual Amendments**

**F13** Sch. 1 para. 7 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. 54(7), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

F14 SCHEDULE 2

Section 100.

**Textual Amendments**

**F14** Sch. 2 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. 55, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

F15 SCHEDULE 3

Section 108.

**Textual Amendments**

**F15** Sch. 3 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. 56, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

SCHEDULE 4

Section 111.

PROVISIONS OF SCHEMES FOR THE CONSTITUTION OF ASSOCIATIONS

- 1 (1) A scheme for the constitution of an association (“a scheme”) shall provide—
- (a) for the date of the establishment of the association;
  - (b) for the incorporation of the association by an appropriate name;

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- (c) for appointment as members of the association of naval members, marine members, military members and air force members;
  - (d) for the appointment as members of the association by the Defence Council, after consultation with, and on the recommendation of, the bodies to be represented, of representatives of such of the local authorities wholly or partly within the area for which the association is established as the Defence Council may from time to time determine;
  - (e) for the mode of appointment, dismissal, term of office and rotation of members of the association and the filling of casual vacancies;
  - (f) for the election of a chairman and a vice-chairman or vice-chairmen by the association and for defining their powers and duties;
  - (g) for the appointment by the association, subject to the approval of the Defence Council, of a secretary and other officers and members of the staff of the association;
  - (h) for the procedure to be adopted, including the appointment of committees and the delegation to committees of any of the powers or duties of the association;
  - (i) for enabling flag, general or air officers of any part of Her Majesty's forces, or officers deputed by them, to attend the meetings of the association, and to speak but not to vote.
- (2) A scheme shall secure that the aggregate number of naval members, marine members, military members and air force members are not less than half of the whole number of members of the association.
- (3) A secretary or other officer or member of the staff who is in the employment of the association by virtue of the provisions of an order made by the Defence Council in exercise of the powers conferred upon the Defence Council by section 119 shall be deemed for the purposes of sub-paragraph (1)(g) above (and the corresponding purposes of the scheme concerned) to have been appointed by the association.
- 2 A scheme for an association in England and Wales or Northern Ireland (but not for an association established for an area that includes Greater London) shall provide—
- (a) for constituting as president of the association the lord-lieutenant of one of the counties or parts of counties for which the association is established, as the Defence Council may from time to time think fit, or, failing any of those lord-lieutenants, such other person as the Defence Council may think fit; and
  - (b) for constituting as vice-presidents of the association the lord-lieutenants of any of those counties or parts of counties (if they are willing to act) and such other persons (if any) as the Defence Council may think fit.
- 3 A scheme for an association in Scotland shall provide—
- (a) in the case where an association area coincides with a local government area or where a local government area contains two or more association areas, for the selection by the Defence Council of the president and vice-presidents of the association from the lord-lieutenants residing in the local government area or from such other persons as the Defence Council may think fit; or
  - (b) in the case where an association area falls within two or more local government areas, for the selection by the Defence Council of the president and vice-presidents of the association from the lord-lieutenants residing in

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- those local government areas or from such other persons as the Defence Council may think fit.
- 4 A scheme for an association established for an area including Greater London shall provide for constituting the lord-lieutenant of Greater London or, failing him, such other person as the Defence Council may think fit, president of the association.
- 5 A scheme may provide—
- (a) for the appointment as members of the association by the Defence Council, of representatives of universities whose activities are carried on wholly or partly within the area for which the association is established;
  - (b) for the appointment as members of the association by the Defence Council, of persons representing the Army Cadet Force, the Air Training Corps, the Combined Cadet Force and the Sea Cadet Corps;
  - (c) for the appointment as members of the association by the Defence Council, of persons representing employers, and persons employed, in the area for which the association is established;
  - (d) for the appointment of co-opted members;
  - (e) for dividing the area for which the association is established into two or more parts and for establishing sub-associations for any of the parts; and
  - (f) for delegating to a sub-association such of the powers and duties of the association as may be approved by the Defence Council and regulating the relations of a sub-association to the association and, where any association has established more than one sub-association, regulating the relations of one sub-association to another.
- 6 A scheme shall provide that of the chairman and the vice-chairman or vice-chairmen at least one shall be a naval or marine member of the association and at least one shall be a military member of the association and at least one an air force member of the association.
- 7 A scheme may contain any consequential, supplemental or transitory provisions which may appear to be necessary or expedient for the purposes of the scheme, and also as respects any matter for which provision may be made by regulations under Part XI and for which it appears desirable to make special provision affecting the association established by the scheme.
- 8 (1) A scheme for an association established for an area including or including any part of the counties of Kent, East Sussex and West Sussex may provide that the Lord Warden of the Cinque Ports shall ex-officio be a member of the association.
- (2) A scheme for an association established for an area including or including any part of the counties of Devon and Cornwall may provide that the Warden of the Stannaries shall ex-officio be a member of the association.
- 9 (1) The Governor of the Isle of Wight shall ex-officio be a member of an association established for an area including the Isle of Wight.
- (2) The Lieutenant-Governor of the Isle of Man shall ex-officio be a member of an association established for an area including the Isle of Man.
- (3) The Lord Mayor of the City of London shall ex-officio be president of a sub-association established for the City of London.
- 10 In this Schedule—

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“air force member” means one who is a member or former member of Her Majesty’s air forces or who is specially qualified by his interest in and knowledge of matters relating to aviation;

“county” means, in relation to Wales, a preserved county (as defined by section 64 of the <sup>M1</sup>Local Government (Wales) Act 1994);

“marine member” means one who is a member or former member of the Royal Marines or the Royal Marines Reserve or who is specially qualified by his interest in and knowledge of matters affecting marine forces;

“military member” means one who is a member or former member of Her Majesty’s military forces or who is specially qualified by his interest in and knowledge of military matters;

“naval member” means one who is a member or former member of the Royal Navy or the Royal Naval Reserve or who is specially qualified by his interest in and knowledge of naval matters.

**Marginal Citations**  
M1 1994 c. 19.

SCHEDULE 5

Section 120.

CHARITABLE PROPERTY ON DISBANDING OF UNITS

PART I

PRELIMINARY

*Designation of successor to disbanded unit*

- 1 (1) A warrant of Her Majesty may designate, for the purposes of this Schedule, any unit of a reserve force as the successor to any unit or other body of the same or any other reserve force which has been or is to be disbanded.
- (2) The Secretary of State shall send a copy of any such warrant to—
  - (a) [<sup>F16</sup>the Charity Commission] ;
  - <sup>F17</sup>(b) . . . . .
  - (c) the Department of Health and Social Services for Northern Ireland; and
  - (d) a trustee of each charity in England and Wales or Northern Ireland, or a person concerned in the management or control of each recognised body, affected by the warrant by virtue of the following provisions of this Schedule.
- (3) A copy of a warrant required to be sent under this paragraph may be sent by post; and any such copy shall be sent so as to arrive on or before the day on which the warrant comes into force and, in any event, not more than 14 days from the day on which the warrant is made.



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#### Textual Amendments

- F16** Words in Sch. 5 para. 1(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 181(2); S.I. 2007/309, art. 2, Sch.
- F17** Sch. 5 para. 1(2)(b) repealed (19.5.1999) by S.I. 1999/678, art. 5 (with art. 7)

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

- C1** Sch. 5 para. 1: Functions of the Lord Advocate transferred to the Secretary of State, and all property, rights and liabilities to which the Lord Advocate is entitled or subject in connection with any such function transferred to the Secretary of State for Scotland (19.5.1999) by S.I. 1999/678, arts. 2, 3, Sch. (with art. 7)

### General interpretation

- 2 In this Schedule—
- “disbanded unit” means a unit for which a successor is designated under paragraph 1;
- “charity” has the <sup>M2</sup>same meaning (in relation to England and Wales) [<sup>F18</sup>as it has under section 1(1) of the Charities Act 2011] and (in relation to Northern Ireland) as in the <sup>M3</sup>Charities Act (Northern Ireland) 1964;
- “recognised body” has the same meaning as in Part I of the <sup>M4</sup>Law Reform (Miscellaneous Provisions) (Scotland) Act 1990;
- “warrant” means a warrant making such a designation, and references to disbandment of a body of a reserve force (however expressed) include references to its amalgamation with another unit or body.

#### Textual Amendments

- F18** Words in Sch. 5 para. 2 substituted (14.3.2012 immediately before the commencement of Charities Act 2011 (c. 25), Sch. 7 para. 69(1)) by S.I. 2011/1396, art. 1, Sch. para. 36(b) (which substitution is subsequently superseded (14.3.2012) by Charities Act 2011 (c. 25), s. 355, Sch. 7 para. 69(1) (with s. 20(2), Sch. 8))

#### Marginal Citations

- M2** 1993 c. 10.  
**M3** 1964 c. 33 (N.I.).  
**M4** 1990 c. 40.

## PART II

### SUCCESSION TO CHARITABLE PROPERTY: ENGLAND AND WALES

#### Effect of designation of successor to disbanded unit

- 3 (1) On and after the day on which a warrant comes into force, any charitable property which is held for the purposes of the disbanded unit in question shall (subject to the provisions of this Part of this Schedule) be held for the corresponding purposes, or most nearly corresponding purposes, of the successor unit designated by the warrant.

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- (2) In this Part of this Schedule “charitable property” means any property belonging to a charity.
- (3) The same jurisdiction and powers shall be exercisable in relation to any charity owning property to which sub-paragraph (1) applies as would be exercisable if that sub-paragraph were not a provision of an Act of Parliament regulating that charity.

*Exclusion of charitable property from paragraph 3*

- 4 (1) If [<sup>F19</sup>Charity Commission considers] that paragraph 3(1) should not apply to all or any of the charitable property held for the purposes of a disbanded unit, [<sup>F20</sup>it] may make an order providing that paragraph 3(1) shall not apply or shall cease to apply to that property or part.
- (2) An order under this paragraph may be made at any time within the period of 6 months beginning with the day on which the warrant is made.

**Textual Amendments**

- F19** Words in Sch. 5 para. 4(1) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 181\(3\)\(a\)](#); [S.I. 2007/309](#), art. 2, Sch.
- F20** Word in Sch. 5 para. 4(1) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 181\(3\)\(b\)](#); [S.I. 2007/309](#), art. 2, Sch.

- 5 (1) If a charity affected by a warrant or any trustee of, or person interested in, such a charity considers that paragraph 3(1) should not apply to all or any of the property held by the charity for the purposes of the disbanded unit in question, then the charity, trustee or person interested, as the case may be, may apply to the court for an order providing that paragraph 3(1) shall cease to apply to that property or part.

- [<sup>F21</sup>(2) An application under this paragraph—
- (a) may be made at any time within the period of 6 months beginning with the day on which the warrant comes into force; and
- (b) is subject to subsections (2) to (5) of section 115 of the Charities Act 2011 (proceedings not to be begun without the consent of the Charity Commission or leave of a judge of the High Court),
- and for the purposes of subsection (5) of that section an application for an order of the Commission authorising proceedings under this paragraph is deemed to be refused if it is not granted during the period of one month beginning with the day on which the application is received by the Commission.

- (3) In this paragraph “the court” has the same meaning as in the Charities Act 2011.]

**Textual Amendments**

- F21** Sch. 5 para. 5(2)(3) substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, [Sch. 7 para. 69\(2\)](#) (with s. 20(2), Sch. 8)

*Application of property otherwise than under paragraph 3*

- [<sup>F22</sup>6 In any case where—

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- (a) the Secretary of State requests the Charity Commission to make provision with respect to any charitable property which is held for the purposes of a unit of a reserve force that has been or is to be disbanded, or
- (b) an order is made under paragraph 4 or 5 excluding any charitable property so held from the operation of paragraph 3(1),

the Commission may, regardless of anything in section 70(2) of the Charities Act 2011 (limit on jurisdiction to make schemes etc. for the protection of charities), exercise its jurisdiction under section 69 with respect to the property to which the request or order relates.]

#### Textual Amendments

**F22** Sch. 5 para. 6 substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, [Sch. 7 para. 69\(3\)](#) (with [s. 20\(2\)](#), [Sch. 8](#))

#### *Validity of certain acts by trustees*

- 7 Neither a warrant nor any order under paragraph 4 or 5 shall affect the validity of anything done or omitted with respect to any property affected by the warrant or order before a copy of the warrant or order is received by a trustee of the charity in question.

#### *Saving for interests in property contingent on disbandment of unit*

- 8 Nothing in this Part of this Schedule applies to any property held by a charity for the purposes of a unit that has been or is to be disbanded if, under the terms on which the property is so held—
- (a) any interest of the charity in the property is determined on the disbanding of that unit; and
  - (b) any other person or charity has an interest in the property contingent upon the determination of the interest of the charity.

### PART III

#### SUCCESSION TO CHARITABLE PROPERTY: SCOTLAND

#### *Effect of designation of successor to disbanded unit*

- 9 (1) On and after the day on which a warrant comes into force, any charitable property which is held for the purposes of the disbanded unit in question shall (subject to the provisions of this Part of this Schedule) be held for the corresponding purposes, or most nearly corresponding purposes, of the successor unit designated by the warrant.
- (2) In this Part of this Schedule “charitable property” means any property belonging to a recognised body.

#### *Exclusion of charitable property from paragraph 9*

- 10 (1) If the Lord Advocate considers that paragraph 9 should not apply to all or any of the charitable property held for the purposes of a disbanded unit, he may give a direction

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providing that paragraph 9 shall not apply or shall cease to apply to that property or part.

- (2) A direction under this paragraph may be given at any time during the period of 6 months beginning with the day on which the warrant is made.

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

- C2** Sch. 5 para. 10: Functions of the Lord Advocate transferred to the Secretary of State, and all property, rights and liabilities to which the Lord Advocate is entitled or subject in connection with any such function transferred to the Secretary of State for Scotland (19.5.1999) by [S.I. 1999/678](#), arts. 2, 3, [Sch.](#) (with [art. 7](#))  
Sch. 5 para. 10: Transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, [Sch. 1](#) (with [art. 7](#))

- 11 (1) If a recognised body affected by a warrant or any person concerned in the management or control of, or interested in, such a body considers that paragraph 9 should not apply to all or any of the charitable property held by the recognised body for the purposes of the disbanded unit in question, then the recognised body, person concerned in its management or control or person interested, as the case may be, may apply by petition to the Court of Session for the court to make an order—
- (a) providing that paragraph 9 shall cease to apply to that property or part; and
  - (b) exercising, with respect to that property or part, any of the court’s powers relating to a charitable or other permanent endowment.
- (2) On an application under sub-paragraph (1), the court may exercise any such power as is mentioned in sub-paragraph (1)(b) to make such order as it considers to be appropriate, whether or not that power would normally be exercisable at the instance of such a petitioner.
- (3) An application under this paragraph may be made at any time within the period of 6 months beginning with the day on which the warrant comes into force.

*Power of Lord Advocate to apply to Court of Session*

- 12 (1) Where a body of a reserve force has been or is to be disbanded, the Lord Advocate —
- (a) if he has not given a direction under paragraph 9, may; and
  - (b) if he has given such a direction, shall,
- apply by petition to the Court of Session for the court to make an order exercising, with respect to any charitable property which is held for the purposes of the disbanded unit, any of the court’s powers relating to a charitable or other permanent endowment.
- (2) On an application under sub-paragraph (1), the court may, subject to any such direction, exercise any such power to make such order as it considers to be appropriate, whether or not that power would normally be exercisable at the instance of the Lord Advocate.

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

- C3** Sch. 5 para. 12: Functions of the Lord Advocate transferred to the Secretary of State, and all property, rights and liabilities to which the Lord Advocate is entitled or subject in connection with any such function transferred to the Secretary of State for Scotland (19.5.1999) by [S.I. 1999/678](#), arts. 2, 3, [Sch.](#) (with [art. 7](#))

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Sch. 5 para. 12: Transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7)

#### *Validity of certain acts*

- 13 None of the following, that is to say, a warrant, a direction under paragraph 10 or an order under paragraph 11 or 12 shall affect the validity of anything done or omitted with respect to any property affected by the warrant, direction or order before a copy of the warrant, direction or order is received by a person concerned in the management or control of the recognised body in question.

#### *Saving for interests in property contingent on disbandment of unit*

- 14 Nothing in this Part of this Schedule applies to any property held by a recognised body for the purposes of a unit that has been or is to be disbanded if, under the terms on which the property is so held—
- (a) any interest of the recognised body in the property is determined on the disbanding of that unit; and
  - (b) any other person or recognised body has an interest in the property contingent upon the determination of the interest of the recognised body.

### **PART IV**

#### **SUCCESSION TO CHARITABLE PROPERTY: NORTHERN IRELAND**

#### *Effect of designation of successor to disbanded unit*

- 15 (1) On and after the day on which a warrant comes into force, any charitable property which is held for the purposes of the disbanded unit in question and administered for those purposes according to the law of Northern Ireland shall (subject to the provisions of this Part of this Schedule) be held for the corresponding purposes, or most nearly corresponding purposes, of the successor unit designated by the warrant.
- (2) In this Part of this Schedule “charitable property” means any property belonging to a charity.
- (3) The same jurisdiction and powers shall be exercisable in relation to any charity owning property to which sub-paragraph (1) applies as would be exercisable if that sub-paragraph were not a provision of an Act of Parliament regulating the charity.

#### *Exclusion of charitable property from paragraph 15*

- 16 (1) If the Department of Health and Social Services for Northern Ireland considers that paragraph 15(1) should not apply to all or any of the charitable property held for the purposes of a disbanded unit, that Department may make an order providing that paragraph 15(1) shall not apply or shall cease to apply to that property.
- (2) An order under this paragraph may be made at any time during the period of 6 months beginning with the day on which the warrant is made.
- 17 (1) If a charity affected by a warrant or any trustee of, or person interested in, such a charity considers that paragraph 15(1) should not apply to all or any of the property held by the charity for the purposes of the disbanded unit in question, then the charity,

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trustee or person interested, as the case may be, may apply to the court for an order providing that paragraph 15(1) shall cease to apply to that property or part.

- (2) An application under this paragraph—
- (a) may be made at any time within the period of 6 months beginning with the day on which the warrant comes into force; and
  - (b) is subject to section 29(3) of the <sup>M5</sup>Charities Act (Northern Ireland) 1964 (under which an application for an order of the court in connection with the administration of a charity may not be made without the consent of the Attorney General for Northern Ireland).
- (3) In this paragraph “the court” has the same meaning as in the <sup>M6</sup>Charities Act (Northern Ireland) 1964.

**Marginal Citations**

**M5** 1964 c. 33 (N.I).  
**M6** 1964 c. 33 (N.I).

*Application of property otherwise than under paragraph 15*

- 18 In any case where—
- (a) the Secretary of State requests the Department of Health and Social Services for Northern Ireland to make provision with respect to any charitable property held for the purposes of a unit of a reserve force which has been or is to be disbanded; or
  - (b) an order is made under paragraph 16 or 17 excluding any charitable property so held from the operation of paragraph 15(1),
- the Department may, notwithstanding anything in subsection (1) of section 13 of the <sup>M7</sup>Charities Act (Northern Ireland) 1964 and irrespective of the value of the property in question, exercise its jurisdiction under that section with respect to the property to which the request or order relates.

**Marginal Citations**

**M7** 1964 c. 33 (N.I).

*Validity of certain acts by trustees*

- 19 Neither a warrant nor any order under paragraph 16 or 17 shall affect the validity of anything done or omitted with respect to any property affected by the warrant or order before a copy of the warrant or order is received by a trustee of the charity in question.

*Saving for interests in property contingent on disbandment of unit*

- 20 Nothing in this Part of this Schedule applies to any property held by a charity for the purposes of a unit which has been or is to be disbanded if, under the terms on which the property is so held—

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- (a) any interest of the charity in the property is determined on the disbanding of that unit; and
- (b) any other person or charity has an interest in the property contingent upon the determination of the interest of the charity.

F23 SCHEDULE 6

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**Textual Amendments**

**F23** Sch. 6 repealed (1.7.1997) by 1997 c. 23, ss. 8(4), 9(2), **Sch. 3** (with s. 7(3), Sch. 2 para. 6)

F24 SCHEDULE 7

Section 126.

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**Textual Amendments**

**F24** Sch. 7 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. 57, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

SCHEDULE 8

Section 128.

TRANSITORY AND TRANSITIONAL PROVISIONS

*Existing members of the reserve forces*

- 1 (1) Nothing in section 2 shall prevent a person who, immediately before the day on which that section comes into force, is a man of a reserve force from continuing as a man of that force.
- (2) If men of the Air Force Reserve are transferred to the Royal Auxiliary Air Force under paragraph 7(2) after the day on which section 2 comes into force, nothing in that section shall prevent them continuing as men of the Royal Auxiliary Air Force.

*Royal Fleet Reserve*

- 2 (1) The Royal Fleet Reserve shall cease to be maintained as a division of the Royal Naval Reserve and shall, accordingly, be a separate reserve force.
- (2) Sub-paragraph (1) does not affect the continuity of membership of the Royal Fleet Reserve.



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- 3 Any reference in any enactment or other instrument to the Royal Naval Reserve which, immediately before the commencement of paragraph 2(1), included a reference to the Royal Fleet Reserve shall continue to have effect as if it included a reference to the Royal Fleet Reserve.

*The special class of the Royal Fleet Reserve*

- 4 (1) The special class of the Royal Fleet Reserve existing by virtue of sections 2 and 57 of the <sup>M9</sup>Reserve Forces Act 1980 may continue in existence subject to sub-paragraphs (2) and (3) of this paragraph.
- (2) No man, after the commencement of this paragraph—
- (a) may on entering or re-engaging in the Royal Fleet Reserve or during a term of service in that force, be entered in or transferred to the special class or undertake the liability for service in that class; or
- (b) may be transferred to that class otherwise than as mentioned in section 57(2) and section 58 of the Reserve Forces Act 1980.
- (3) Persons in the special class immediately before the commencement of this paragraph shall continue in that class (subject to the provisions of the <sup>M10</sup>Reserve Forces Act 1980) until the end of their terms of service as mentioned in section 57(3) of that Act.
- (4) A member of the special class who elects to be subject to Part VI of this Act shall cease to be a member of that class and shall become subject to the provisions of that Part.
- (5) A person liable under the Reserve Forces Act 1980 to serve in the special class on transfer to the reserve who elects to be subject to Part VI of this Act shall cease to be liable to serve in that class.

**Marginal Citations**

**M9** 1980 c. 9.

**M10** 1980 c. 9.

- 5 If it appears to the Secretary of State that—
- (a) the special class of the Royal Fleet Reserve has no members; and
- (b) no person remains liable to serve in that class on transfer to the reserve,
- the Secretary of State may by order made by statutory instrument repeal section 2(3) and (4), section 57 and section 58 of the Reserve Forces Act 1980.

*Home Service Force*

- 6 Section 6 of the Reserve Forces Act 1980 shall cease to have effect.

*Royal Air Force Volunteer Reserve*

- 7 (1) Her Majesty may continue to maintain a force known as the Royal Air Force Volunteer Reserve as a division of the Air Force Reserve.
- (2) On a day appointed by the Secretary of State by order, any officers or men of the Royal Air Force Volunteer Reserve who, immediately before that day, fall within any



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description of member specified in the order shall cease to be members of the Air Force Reserve and become members of the Royal Auxiliary Air Force.

- (3) An order under sub-paragraph (2) may describe the members who are to be transferred by reference to the unit or part of the Royal Air Force Volunteer Reserve to which they belong or by reference to any other criterion.

#### *Reserves of Officers*

- 8 (1) On a day appointed by the Secretary of State by order officers of the retired list of the Royal Navy and officers of the emergency list of the Royal Navy shall become members of the Royal Fleet Reserve.
- (2) On a day appointed by the Secretary of State by order officers of the retired list of the Royal Marines and officers of the emergency list of the Royal Marines shall become members of the Royal Fleet Reserve.
- 9 On a day appointed by the Secretary of State by order, the members of the Regular Army Reserve of Officers shall become members of the Army Reserve.

#### *Training of existing members of the Royal Auxiliary Air Force*

- 10 Section 41(1) of the <sup>M11</sup>Reserve Forces Act 1980 shall apply, in relation to any person who may be required to undergo training under that section, with the omission of the words “within the United Kingdom”.

#### **Marginal Citations**

**M11** 1980 c 9.

#### *Effect of transfers under this Schedule*

- 11 (1) Any officers transferred to a reserve force under paragraph 7(2), 8 or 9 shall continue to serve in that force on the same conditions as they served immediately before their transfer.
- (2) Any men transferred to the Royal Auxiliary Air Force under paragraph 7(2) shall serve for the same term and on the same conditions as they served in the Air Force Reserve.
- (3) Anything done by or to any such officer or man before his transfer shall be treated so far as is necessary on and after that day as if it had been done by or to a member of the reserve force to which he was transferred.
- (4) If any such officer or man is transferred to a reserve force on or after the day appointed for the purposes of Part I of Schedule 9—
- (a) he shall be regarded for the purposes of paragraph 2 of that Schedule as if he had been a member of that force since immediately before the appointed day;
- (b) the references in that paragraph to “that time” shall be taken to refer to the time at which he was transferred to the reserve force.

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### Parliamentary control

- 12 A determination by Parliament of the permitted numbers of officers or men for any reserve force under any provision of Part I of the <sup>M12</sup>Reserve Forces Act 1980 shall have effect as a determination under section 3 of this Act.

#### Marginal Citations

**M12** 1980 c. 9.

## SCHEDULE 9

Section 129.

### APPLICATION OF ACT TO <sup>F25</sup>MEMBERS OF TRANSITIONAL CLASSES]

#### Textual Amendments

**F25** 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 <sup>F26</sup>ORIGINAL TRANSITIONAL CLASS] OF MEMBERS OF THE RESERVE FORCES

#### Textual Amendments

**F26** 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 <sup>F27</sup>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 <sup>F28</sup>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

**F27** 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)

**F28** 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)

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- 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
  - (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 [<sup>F29</sup>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.

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#### Textual Amendments

**F29** 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 <sup>M13</sup>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.

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#### Marginal Citations

**M13** 1980 c.9.

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## PART II

### APPLICATION OF ACT TO MEMBERS OF THE <sup>F30</sup>ORIGINAL TRANSITIONAL CLASS]

#### Textual Amendments

**F30** Words in Sch. 9 Pt. 2 heading substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 6 para. 4\(5\)](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(b)

- 6 The provisions of this Act (other than section 129 and this Schedule) apply in relation to members of the [<sup>F31</sup>original transitional class] in accordance with this Part of this Schedule.

#### Textual Amendments

**F31** Words in Sch. 9 para. 6 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)

- 7 (1) Any reference in this Act to a reserve force, to two or more of the reserve forces or to all the reserve forces shall, unless the context otherwise requires, be construed as a reference to the whole of the force, or of each force, concerned, including any transitional members.
- (2) Any reference in this Act to members, officers or men of a reserve force includes, unless the context otherwise requires, a reference to members, officers or men who are transitional members.
- (3) This paragraph has effect subject to the exceptions and modifications in the following provisions of this Part of this Schedule.
- 8 (1) In the application of section 17(1) to a transitional man, the reference to permanent service includes a reference to permanent service under the Reserve Forces Act 1980.
- (2) Section 17(2), (3) and (4) do not apply to transitional men.
- 9 (1) In the application of sections 18, 20 and 21 to a transitional man, the reference to permanent service includes a reference to permanent service under the Reserve Forces Act 1980.
- (2) In the application of section 21 to a transitional man of the Royal Fleet Reserve, the reference to training and other duties includes a reference to training or other duties in pursuance of any provision of the Reserve Forces Act 1980.
- 10 Section 22 does not apply to transitional members of a reserve land, air or marine force.
- 11 In the application of section 24 to a transitional member who has entered into a [<sup>F32</sup>full-time service commitment][<sup>F32</sup>commitment under that section]—
- (a) for the reference in subsection (7) to permanent service under Part VI there shall be substituted a reference to permanent service on call out under the <sup>M14</sup>Reserve Forces Act 1980 or, as the case may be, under any other call-out obligations of an officer; and
- (b) for the reference in subsection (8) to training under section 22 there shall (except in the case of a member of a reserve naval force) be substituted a

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reference to training required under the Reserve Forces Act 1980 or, as the case may be, under any other training obligations of an officer.

#### Textual Amendments

**F32** Words in Sch. 9 para. 11 substituted (1.5.2022 for specified purposes) by Armed Forces Act 2021 (c. 35), s. 24(1), Sch. 2 para. 6 (with Sch. 2 para. 10); S.I. 2022/471, reg. 2(c)

#### Marginal Citations

**M14** 1980 c. 9.

- 12 (1) Transitional members may (subject to the provisions of this Act) enter into a special agreement or an employee agreement; and Parts IV and V apply accordingly.
- (2) Transitional members of a reserve force do not lose their status as transitional members by virtue of either becoming special members of the force or (where they continue as ordinary members under section 42) ceasing to be special members of the force.
- [<sup>F33</sup>12A In the application of section 28(3)(a) to a special agreement entered into by a transitional member, for the reference to a period not exceeding 12 months there shall be substituted a reference to a period not exceeding 9 months.]

#### Textual Amendments

**F33** Sch. 9 para. 12A inserted (1.10.2014) by Defence Reform Act 2014 (c. 20), s. 50(1), Sch. 6 para. 4(6) (with s. 49(4), Sch. 7 para. 12(3)); S.I. 2014/2370, art. 4(b)

- 13 In the application of section 31(1) to a special agreement entered into by a transitional member, for the reference in paragraph (d) to permanent service under Part VI there shall be substituted a reference to permanent service under the Reserve Forces Act 1980 or, as the case may be, under any other call-out obligations of an officer.
- 14 In the application of section 34(5) to transitional members, the reference in paragraph (b) to section 57(11) shall be omitted.
- 15 In the application of section 40(5) to a transitional special member—
- (a) for the reference to section 22 there shall (except in the case of a member of a reserve naval force) be substituted a reference to the corresponding provision of the Reserve Forces Act 1980 or, as the case may be, of any other training obligations of an officer;
- (b) for the reference to Part VI there shall be substituted a reference to the corresponding provisions of the Reserve Forces Act 1980 or, as the case may be, of any other call-out obligations of an officer.
- 16 An order may be made under section 41(6) suspending the operation of section 41(1)(c) in relation to transitional special members, notwithstanding that Part VI does not apply to transitional members.
- 17 In the application of section 45(5) to transitional members, the reference in paragraph (b) to section 57(11) shall be omitted.
- 18 Part VI does not apply to transitional members.

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- 19 Regulations under section 78, 83<sup>F34</sup>, 84 or 84A] may make provision, in relation to transitional members liable to be called out under—
  - (a) the Reserve Forces Act 1980, or
  - (b) any other call-out obligations of officers,
 corresponding to the provision which may be made in regulations under that section in relation to members of the reserve forces liable to be called out under Part VI of this Act.

**Textual Amendments**  
**F34** Words in Sch. 9 para. 19 substituted (5.9.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 7 para. 9](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 3

- 20 In the application of section 96(1) to a transitional member—
  - (a) the reference to any provision of this Act includes a reference to any provision of the <sup>M15</sup> Reserve Forces Act 1980 or, as the case may be, of any other call-out obligations of an officer; and
  - (b) for the reference in paragraph (a) to section 58(3)(c) there shall be substituted a reference to the corresponding provision of that Act or those obligations.

**Marginal Citations**  
**M15** [1980 c. 9](#)

- 21 In the application of section 97(2) to a transitional member, for the reference to section 22 there shall (except in the case of a member of a reserve naval force) be substituted a reference to the corresponding provision of the Reserve Forces Act 1980 or, as the case may be, of any other training obligations of an officer.

<sup>F35</sup>22 .....

**Textual Amendments**  
**F35** Sch. 9 para. 22 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. 58](#), [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>F36</sup>23 .....

**Textual Amendments**  
**F36** Sch. 9 para. 23 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. 58](#), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

- 24 In the application of section 125 to a transitional member, the reference to permanent service includes a reference to permanent service under the Reserve Forces Act 1980 or, as the case may be, under any other call-out obligations of an officer.

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### [<sup>F37</sup>PART 3

#### THE SECOND TRANSITIONAL CLASS OF MEMBERS OF THE RESERVE FORCES

##### Textual Amendments

**F37** Sch. 9 Pts. 3, 4 inserted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 6 para. 4\(7\)](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(b)

- 25 (1) The second transitional class consists of persons who—
- (a) are members of a reserve force,
  - (b) are not, and have not been, members of the original transitional class,
  - (c) for the time being fall within paragraph 26 or 27, and
  - (d) have not made an election under paragraph 28.
- (2) In this Part of this Schedule “the appointed day” means the day on which paragraph 4(7) of Schedule 6 to the Defence Reform Act 2014 (which inserts this Part of this Schedule) comes into force.
- 26 A person who, immediately before the appointed day, was a member of a reserve force falls within this paragraph if—
- (a) the person has remained a member of that force without interruption since that time, and
  - (b) the person has not extended his or her service in, or become an officer of, that force since that time.
- 27 A person 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) the person joined the regular services before the appointed day and did not re-enlist, re-engage or extend his or her service, or become an officer, in the regular services on or after that day,
  - (b) the person has remained a member of the reserve force concerned without interruption since being transferred from the regular services, and
  - (c) the person has not extended his or her service in, or become an officer of, that force since being so transferred.
- 28 (1) A person who is a member of the second transitional class may elect to cease to be a member of that class.
- (2) A person 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 or her service, or become an officer, on or after that day,
- may at any time elect not to become a member of the second transitional class on transfer to the reserve.
- (3) An election under this paragraph must be made in the prescribed manner.
- (4) A person who has made an election under sub-paragraph (1) ceases to be a member of the second transitional class.
- (5) A person who has made an election under sub-paragraph (2) does not become a member of the second transitional class.

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(6) An election under this paragraph is irrevocable.]

[<sup>F37</sup>PART 4

APPLICATION OF ACT TO MEMBERS OF THE SECOND TRANSITIONAL CLASS

- 29 Parts 4 and 6 of this Act apply in relation to members of the second transitional class in accordance with this Part of this Schedule.
- 30 Section 28(3)(a) (special agreements: maximum period of service) applies in relation to a special agreement entered into by a member of the second transitional class as if for “12 months” there were substituted “ 9 months ”.
- 31 (1) Section 56 (call out for certain purposes) applies in relation to the call out of members of the second transitional class as if the power conferred on the Secretary of State by subsection (1B) were limited to the powers described in sub-paragraphs (2) and (3).
  - (2) The first power is to make an order authorising the calling out of members of a reserve force where it appears to the Secretary of State that it is necessary or desirable to use armed forces—
    - (a) on operations outside the United Kingdom for the protection of life or property, or
    - (b) on operations anywhere in the world for the alleviation of distress or the preservation of life or property in time of disaster or apprehended disaster.
  - (3) The second power is to make an order authorising the calling out of members of a reserve force for the purposes of carrying out work where—
    - (a) the work is approved in accordance with instructions issued by the Defence Council under the Defence (Armed Forces) Regulations 1939 as being urgent work of national importance, and
    - (b) the Defence Council have by order under those Regulations authorised members of any forces to be temporarily employed in such work.
- 32 Section 57 (maximum duration of service for call out under section 56) applies in relation to members of the second transitional class as if—
  - (a) in subsection (4), for “12 months” there were substituted “ 9 months ”,
  - (b) in subsection (6), for “12 months” there were substituted “ 9 months ”,
  - (c) in subsection (8)(c), for “6 months” there were substituted “ 3 months ”, and
  - (d) in subsection (11), for “3 years” there were substituted “ 27 months ”.
- 33 Section 57A(3) (agreement to alter limits in section 57) applies in relation to members of the second transitional class as if for “12 months” there were substituted “ 9 months ”.]

SCHEDULE 10

Section 131(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

*Army Act 1955 (c.18)*

.....



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**Textual Amendments**

**F38** Sch. 10 paras. 1-13 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. 59, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

F39<sup>2</sup> .....

**Textual Amendments**

**F39** Sch. 10 paras. 1-13 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. 59, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

F39<sup>3</sup> .....

**Textual Amendments**

**F39** Sch. 10 paras. 1-13 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. 59, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

F39<sup>4</sup> .....

**Textual Amendments**

**F39** Sch. 10 paras. 1-13 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. 59, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

F39<sup>5</sup> .....

**Textual Amendments**

**F39** Sch. 10 paras. 1-13 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. 59, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

F39<sup>6</sup> .....

**Textual Amendments**

**F39** Sch. 10 paras. 1-13 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. 59, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

F39<sup>7</sup> .....

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**Textual Amendments**

**F39** Sch. 10 paras. 1-13 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. 59, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

F39<sub>8</sub> .....

**Textual Amendments**

**F39** Sch. 10 paras. 1-13 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. 59, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

*Air Force Act 1955 (c.19)*

F39<sub>9</sub> .....

**Textual Amendments**

**F39** Sch. 10 paras. 1-13 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. 59, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

F39<sub>10</sub> .....

**Textual Amendments**

**F39** Sch. 10 paras. 1-13 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. 59, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

F39<sub>11</sub> .....

**Textual Amendments**

**F39** Sch. 10 paras. 1-13 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. 59, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

*Naval Discipline Act 1957 (c.53)*

F39<sub>12</sub> .....

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**Textual Amendments**

**F39** Sch. 10 paras. 1-13 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. 59](#), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

**F39**13 .....

**Textual Amendments**

**F39** Sch. 10 paras. 1-13 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. 59](#), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

*Reserve Forces Act 1966 (c.30): old references to RMFVR*

14 Any reference to the Royal Marine Forces Volunteer Reserve in any Act or instrument shall continue to be construed as may be necessary in consequence of the change of name made by section 1 of the Reserve Forces Act 1966 as a reference to the Royal Marines Reserve.

*House of Commons Disqualification Act 1975 (c.24)*

15 In section 3 (certain reserve officers and persons liable to recall not to be regarded as members of regular services) of the House of Commons Disqualification Act 1975, in subsection (1)(b), after the word “pensioner” there shall be inserted the words “, or former soldier,”.

*Northern Ireland Assembly Disqualification Act 1975 (c.25)*

16 In section 2 (certain reserve officers and persons liable to recall not to be regarded as members of regular services) of the Northern Ireland Assembly Disqualification Act 1975, in subsection (1)(b), after the word “pensioner” there shall be inserted the words “, or former soldier,”.

*Employment Protection (Consolidation) Act 1978 (c.44)*

**F40**17 .....

**Textual Amendments**

**F40** Sch. 10 para. 17 repealed (22.8.1996) by [1996 c. 18](#), ss. 242, 243, [Sch. 3 Pt. I](#) (with ss. 191-200, 202)

*Magistrates’ Courts Act 1980 (c.43)*

**F41**18 .....

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#### Textual Amendments

- F41** Sch. 10 para. 18 repealed (19.2.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(8)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/168, **art. 2**

#### *Reserve Forces Act 1982 (c.14): old references to TAVR*

- 19 Any reference to the Territorial and Army Volunteer Reserve in any Act or instrument shall continue to be construed as may be necessary in consequence of the change of name made by section 1 of the Reserve Forces Act 1982 as a reference to the [<sup>F42</sup>Army Reserve].

#### Textual Amendments

- F42** Words in Act substituted (1.10.2014) by Defence Reform Act 2014 (c. 20), s. 44(3)(b)(4), 50(1) (with s. 49(4), Sch. 7 para. 12(3)); S.I. 2014/2370, art. 4(a)

#### *Wages Act 1986 (c.48)*

- 20 In section 9(4) (exclusion of service as a member of the armed forces) of the Wages Act 1986, for the words “Part VI of the Reserve Forces Act 1980” there shall be substituted the words “ Part XI of the Reserve Forces Act 1996 ”.

#### *Wages (Northern Ireland) Order 1988 (S.I. 1988/796 (N.I.7))*

- 21 In Article 11(3) (exclusion of service as a member of the armed forces) of the Wages (Northern Ireland) Order 1988 for the words “Part VI of the Reserve Forces Act 1980” there shall be substituted the words “ Part XI of the Reserve Forces Act 1996 ”.

#### *Official Secrets Act 1989 (c.6)*

- 22 In section 12(1) (meaning of “Crown servant”) of the Official Secrets Act 1989, in paragraph (d), for the words “the Reserve Forces Act 1980” there shall be substituted the words “ Part XI of the Reserve Forces Act 1996 ”.

#### *Army Act 1992 (c.39)*

- <sup>F43</sup>23 .....

#### Textual Amendments

- F43** Sch. 10 para. 23 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. 59, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

#### *Trade Union and Labour Relations (Consolidation) Act 1992 (c.52)*

- 24 In section 274 (armed forces) of the Trade Union and Labour Relations (Consolidation) Act 1992, in subsection (2), for the words “Part VI of the Reserve

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Forces Act 1980” there shall be substituted the words “ Part XI of the Reserve Forces Act 1996 ”.

*Tribunals and Inquiries Act 1992 (c.53)*

25 In Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under the supervision of the Council on Tribunals), in paragraph 38 (the Reserve Forces) at the end there shall be inserted—

“(c) the appeal tribunals constituted under Part IX of the Reserve Forces Act 1996.”

*Judicial Pensions and Retirement Act 1993 (c.8)*

26 In Schedule 5 to the Judicial Pensions and Retirement Act 1993 (offices to which retirement provisions apply), at the end there shall be added the following entry—

“Chairman or other member of a reserve forces appeal tribunal constituted under Part IX of the Reserve Forces Act 1996”.

*Industrial Relations (Northern Ireland) Order 1993 (S.I. 1993/2668 (N.I.11))*

27 In Article 9 (application of industrial relations legislation to the Crown) of the Industrial Relations (Northern Ireland) Order 1993, for the words “Part VI of the Reserve Forces Act 1980” there shall be substituted the words “ Part XI of the Reserve Forces Act 1996 ”.

SCHEDULE 11

Section 131(2).

REPEALS

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

C4 Sch. 11 restricted (1.4.1997) by [S.I. 1997/306, reg. 29](#)

**Commencement Information**

II Sch. 11 in force at 1.4.1997 (subject to savings for the repeal of provisions in [1980 c. 9](#) as mentioned in [S.I. 1997/305, art. 2\(2\)](#); also subject to savings for the repeal of Sch. 11 in relation to s. 128 of the 1980 Act as mentioned in [S.I. 1997/306, reg. 29](#)) by [S.I. 1997/305, art. 2\(1\)](#)

Chapter	Short title	Extent of repeal
1951 c. 8.	Home Guard Act 1951.	The whole Act.
1955 c. 18.	Army Act 1955.	Section 205(1)(k). Section 212. In section 225(1), in the definition of “regular forces” the words “or the Home Guard”.
1955 c. 19.	Air Force Act 1955.	Section 205(1)(c).

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1966 c. 45.	Armed Forces Act 1966.	In section 3, the words from “the provisions so” to the end. Section 4(9) and (10).
1980 c. 9.	Reserve Forces Act 1980.	The whole Act, except sections 48, 55, 130 to 138, 140, 151, 156, 157 and 158.
1982 c. 14.	Reserve Forces Act 1982.	The whole Act.
1984 c. 60.	Police and Criminal Evidence Act 1984.	In Schedule 2, the entry relating to the Reserve Forces Act 1980.
1985 c. 17.	Reserve Forces (Safeguard of Employment) Act 1985.	In section 20(1), the definitions of “regular forces”, “reserve or auxiliary force” and “service in the armed forces of the Crown” and, in the definition of “permanent service”, the words from “and” to the end. In Schedule 4, paragraph 7.
1991 c. 62.	Armed Forces Act 1991.	In Schedule 2, paragraph 11(4).
1992 c. 39.	Army Act 1992.	Section 3(1).
1993 c. 10.	Charities Act 1993.	In Schedule 6, paragraph 16.
1994 c. 19.	Local Government (Wales) Act 1994.	Section 61(4) and (6).
1994 c. 39.	Local Government etc. (Scotland) Act 1994.	In Schedule 13, paragraph 116(3) and (5).

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**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Pt. 4-7 modified by [S.I. 2009/832 reg. 8\(8\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). This S.I. is revoked (31.10.2009) by [S.I. 2009/1091](#), art. 16)
- s. 75(5) words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)
- s. 82(1) words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)
- s. 87(1) words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)
- s. 99 words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)
- Sch. 1 para. 5(2) words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)
- Sch. 1 para. 5(3) words substituted by [2003 c. 44 Sch. 32 para. 162](#)

**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](#)