



Reserve Forces Act 1996

1996 CHAPTER 14

PART VII

RECALL FOR SERVICE OF OFFICERS AND FORMER SERVICEMEN

Recall for permanent service

72 Release and discharge from service under recall order

- (1) A person who has been accepted into service under a recall order shall remain in service until released from service or discharged.
- (2) A person in service under a recall order shall be released or discharged with all convenient speed in such manner as may be prescribed when he is no longer required by Her Majesty to be in that service or (if not released or discharged sooner) when he is entitled to be released or discharged—
 - (a) by virtue of section 68(8) or 69; or
 - (b) by virtue of a determination granted on an application made under regulations under section 79.
- (3) The Defence Council may by regulations make provision enabling or requiring a person in service under a recall order—
 - (a) if the circumstances of his recall or acceptance into service are of a prescribed description, and
 - (b) for the purpose of calculating when he is entitled to be released or discharged by virtue of section 69,to be treated as having been accepted into service on an earlier day than that on which he was actually accepted.
- (4) Provision made for the purposes of subsection (3) shall secure—
 - (a) that any earlier day applicable for the purpose of calculating when a person is entitled to be released or discharged is to be notified to him as soon as is practicable after the day on which he was actually accepted into service; and

Status: This is the original version (as it was originally enacted).

- (b) that the period beginning with the earlier day is reckoned as part of his relevant service for the purposes of sections 53(13), 55(13), 57(11) and 69(8).
- (5) Notwithstanding anything in this Act, a person who is in service under a recall order shall not be entitled to be released from service or discharged at a time when he has become liable, as a person subject to service law, to be proceeded against for an offence under service law.
- (6) Subsection (5) shall not apply or, as the case may be, shall cease to apply to any person in relation to an offence if it has been determined that the offence will not be tried by court-martial.