



Reserve Forces Act 1996

1996 CHAPTER 14

PART VIII

SCHEMES FOR EXEMPTION AND FINANCIAL ASSISTANCE

Individual exemptions etc. from call out or recall

81 Regulations under section 78 or 79: supplementary

- (1) The regulations may, without prejudice to the generality of sections 78 to 80, make provision with respect to—
 - (a) the persons by whom applications of any description may be made and the grounds on which applications may be made;
 - (b) the persons who are to be regarded as employers for any purpose of the regulations;
 - (c) the procedure for making applications (including the times when they may be made and any information to be provided by the applicant);
 - (d) the determination of applications by any person or body identified by, or of a description specified in, the regulations;
 - (e) any matters to be taken into account in determining applications;
 - (f) the provision of information, in connection with any matter relevant to the lapse of a deferral, determination of entitlement to release or discharge or an exemption, by the person on whose application it was granted; and
 - (g) any incidental or supplementary matters.
- (2) The persons who may be regarded under the regulations as the employer of a person in permanent service may include a former employer of that person who is, by virtue of the Reserve Forces (Safeguard of Employment) Act 1985, under an obligation to reinstate him at the end of his current period of permanent service.
- (3) The regulations may make different provision for different cases and may, in particular, make different provision for cases where the regulations enable an application to be made by or in respect of a person who is in permanent service on call-out or recall—

Status: This is the original version (as it was originally enacted).

- (a) if he is serving under Part IV or a call-out order, after the making of an order under section 61 which extends the time at which he would (apart from the order) become entitled to be released from permanent service;
- (b) if he is serving under a call-out order—
 - (i) after the making of an order under section 53(11) or 55(11) which extends the time at which he would (apart from the order) become entitled to be released from permanent service;
 - (ii) after the postponement under section 53(3), 55(3) or 57(3) of his entitlement to be released;
- (c) if he is serving under a recall order, after the making of an order under section 69(6) which extends the time at which he would (apart from the order) become entitled to be released or discharged;
- (d) after he has agreed under any provision of this Act to extend (or further extend) his period of permanent service;

but the regulations need not enable applications to be made in every case where a person is served with a call-out or recall notice or is in permanent service.

- (4) Any person making an application under the regulations who is aggrieved by the determination of his application may appeal to a reserve forces appeal tribunal.
- (5) Before making any regulations, the Secretary of State shall consult such bodies or persons as he considers appropriate, including—
 - (a) a body appearing to him to represent the interests of employers, a body appearing to him to represent the interests of employees and a body appearing to him to represent the interests of the self-employed; and
 - (b) the associations established under Part XI or a body appearing to him to represent those associations.
- (6) The regulations shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section and section 80 “regulations” means any regulations made under section 78 or 79.