

SCHEDULES

SCHEDULE 7

Section 46

PAYMENTS TO EMPLOYERS ETC OF MEMBERS OF RESERVE FORCES: SUPPLEMENTARY

Reserve Forces Act 1996 (c. 14)

- 1 The Reserve Forces Act 1996 is amended as follows.
- 2 In the heading before section 83, for “call out or recall” substitute “reserve forces”.
- 3 In the headings of sections 83 and 84, after “in respect of” insert “financial loss attributable to”.
- 4 (1) Section 85 (regulations under section 83 or 84: supplementary) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “or 84” substitute “, 84 or 84A”,
 - (b) in paragraph (a), omit “and of the kinds of financial loss for which claims can be made”,
 - (c) after that paragraph insert—
 - “(aa) in the case of regulations under section 83 or 84, the descriptions of the kinds of financial loss for which claims can be made;
 - (ab) in the case of regulations under section 84A, the descriptions of the kinds of training and other voluntary duties for which claims can be made;”, and
 - (d) in paragraph (f), after “84” insert “or 84A”.
 - (3) In subsection (2), after “losses” insert “, permanent service, training or other voluntary duties”.
 - (4) In subsection (3), for “or 84” substitute “, 84 or 84A”.
 - (5) After that subsection insert—
 - “(3A) A payment that has been made, or may be made, under regulations under section 84A is not to be taken into account when calculating a financial loss for the purposes of regulations under section 84.”
 - (6) In subsection (5), for “The regulations” substitute “Regulations under section 83 or 84”.
- 5 Accordingly, in the heading of section 85, for “or 84” substitute “, 84 or 84A”.
- 6 (1) Section 86 (power to suspend payments due to national danger or great emergency) is amended as follows.
 - (2) Before subsection (1) insert—

Status: This is the original version (as it was originally enacted).

“(A1) Where a call-out order under section 52 is in force, the Secretary of State may by order suspend the operation of any regulations under section 83, 84 or 84A.”

- (3) In subsection (1), omit “a call-out order under section 52 or”.
- (4) In subsection (2)—
- (a) for “subsection (1)” substitute “this section”, and
 - (b) in paragraph (a), after “recalled” insert “or who are already undertaking training or performing other voluntary duties”.
- (5) In subsections (3), (4) and (5), for “subsection (1)” substitute “this section”.
- 7 In section 87 (offences in connection with claims for payments), in subsections (1) and (2), for “or 84” substitute “, 84 or 84A”.
- 8 In section 89(2) (jurisdiction and powers of reserve forces appeal tribunal)—
- (a) for “and 84(3)” substitute “, 84(3) and 84A(6)”, and
 - (b) for “and 84” substitute “, 84 and 84A”.
- 9 In Schedule 9 (application of Act to transitional members), in paragraph 19, for “or 84” substitute “, 84 or 84A”.

Transitional provision

- 10 In paragraphs 11 and 12, “a section 84A offence” means an offence under section 87(2) of the Reserve Forces Act 1996 (as amended by this Schedule) in connection with a claim under regulations under section 84A of that Act.
- 11 A section 84A offence is to be treated for the purposes of section 281(4) and (5) of the Criminal Justice Act 2003 (maximum term of imprisonment for summary offence) as an offence under a relevant enactment (as defined in section 281(7) of that Act).
- 12 (1) This paragraph applies if section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (“the 2012 Act”) comes into force on or before the day on which this Act is passed.
- (2) Section 85 of the 2012 Act (removal of limit on certain fines on conviction by magistrates’ courts) applies in relation to a section 84A offence on and after that day as if the offence was a relevant offence punishable immediately before the commencement day by a maximum fine of level 5 on the standard scale.
 - (3) Regulations described in section 85(11) of the 2012 Act may amend, repeal or otherwise modify provisions of the Reserve Forces Act 1996 as amended by this Act.
 - (4) In this paragraph “commencement day” and “relevant offence” have the same meaning as in section 85 of the 2012 Act.