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STATUTORY INSTRUMENTS

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**1998 No. 3086**

**The Reserve Forces Act 1996 (Consequential Provisions etc.) Regulations 1998**

*Amendments in connection with special members of reserve forces*

**Fines for service offences**

3.—(1) In subsection (5) of section 71 of the 1955 Acts and subsection (6) of section 43 of the 1957 Act (fines for service offences) the words from “and for the purposes of this subsection” to the end of the subsection shall be omitted.

(2) After subsection (5) of section 71 of the 1955 Acts there shall be inserted—

“(5A) For the purposes of subsection (5) above, a day’s pay shall be taken to be—

- (a) subject to paragraph (b) below, the gross pay which is, or would apart from any forfeiture be, issuable to the offender in respect of the day on which the punishment is awarded;
- (b) if the offender is a special member of a reserve force, the gross pay which would have been issuable to him in respect of that day if he had been an ordinary member of that reserve force of the same rank.

(5B) In subsection (5A)(b) above “special member” and “ordinary member” have the same meaning as in the Reserve Forces Act 1996.”.

(3) After subsection (6) of section 43 of the 1957 Act there shall be inserted—

“(6A) For the purposes of subsection (6) above, a day’s pay shall be taken to be—

- (a) subject to paragraph (b) below, the gross pay which is, or would apart from any forfeiture be, issuable to the offender in respect of the day on which the punishment is awarded;
- (b) if the offender is a special member of a reserve force, the gross pay which would have been issuable to him in respect of that day if he had been an ordinary member of that reserve force of the same rank.

(6B) In subsection (6A)(b) above “special member” and “ordinary member” have the same meaning as in the Reserve Forces Act 1996.”.

(4) In section 76C of the 1955 Acts (punishments available on summary dealings) for subsection (9) there shall be substituted—

“(9) For the purposes of subsections (6) to (8) above, a day’s pay shall be taken to be—

- (a) subject to paragraph (b) below, the gross pay which is, or would apart from any forfeiture be, issuable to the offender in respect of the day on which the punishment is awarded;
- (b) if the offender is a special member of a reserve force, the gross pay which would have been issuable to him in respect of that day if he had been an ordinary member of that reserve force of the same rank.

(9A) In subsection (9)(b) above “special member” and “ordinary member” have the same meaning as in the Reserve Forces Act 1996.”.

### **Summary fines for contempt**

4.—(1) In—

- (a) section 57(2)(a) of the 1955 Acts, and
- (b) section 38(3)(a) of the 1957 Act,

(limit on amount of fine where contempt of court-martial dealt with summarily, etc.), the words “(a day’s pay being taken for this purpose as the gross amount which is, or would apart from any forfeiture be, issuable to the offender in respect of the day on which the order is made)” shall be omitted.

(2) After subsection (2A) of section 57 of the 1955 Acts there shall be inserted—

“(2B) For the purposes of subsection (2) above, a day’s pay shall be taken to be—

- (a) subject to paragraph (b) below, the gross pay which is, or would apart from any forfeiture be, issuable to the offender in respect of the day on which the order is made;
- (b) if the offender is a special member of a reserve force, the gross pay which would have been issuable to him in respect of that day if he had been an ordinary member of that reserve force of the same rank.

(2C) In subsection (2B)(b) above “special member” and “ordinary member” have the same meaning as in the Reserve Forces Act 1996.”.

(3) After subsection (3A) of section 38 of the 1957 Act there shall be inserted—

“(3B) For the purposes of subsection (3) above, a day’s pay shall be taken to be—

- (a) subject to paragraph (b) below, the gross pay which is, or would apart from any forfeiture be, issuable to the offender in respect of the day on which the order is made;
- (b) if the offender is a special member of a reserve force, the gross pay which would have been issuable to him in respect of that day if he had been an ordinary member of that reserve force of the same rank.

(3C) In subsection (3B)(b) above “special member” and “ordinary member” have the same meaning as in the Reserve Forces Act 1996.”.

### **Enforcement of financial penalties**

5.—(1) In section 133A of the 1955 Acts and section 128F of the 1957 Act (financial penalty enforcement orders), in subsection (2), after “applies to a person who” there shall be inserted “(a)” and at the end of that subsection there shall be inserted—

“; or

- (b) is subject to service law because he is a special member of a reserve force within the meaning of the Reserve Forces Act 1996.”.

### **Attachment of earnings etc.**

6.—(1) In section 24(2) of the Attachment of Earnings Act 1971(1) (amounts not to be treated as “earnings”), at the end of paragraph (b) there shall be inserted “other than pay or allowances payable

by his employer to him as a special member of a reserve force (within the meaning of the Reserve Forces Act 1996)”.

(2) In section 73(3) of the Debtors (Scotland) Act 1987<sup>(2)</sup> (amounts not to be treated as earnings), at the end of paragraph (b) there shall be inserted “unless it is a sum consisting of pay or allowances payable by his employer to him as a special member of a reserve force (within the meaning of the Reserve Forces Act 1996)”.