



Reserve Forces Act 1980

1980 CHAPTER 9

PART II

CALL OUT AND RECALL

General provisions as to call out for permanent service

10 Call out for national danger.

- (1) If it appears to Her Majesty that national danger is imminent or that a great emergency has arisen She may by order signified under the hand of the Secretary of State authorise the calling out of any reserve force for permanent service in any part of the world.
- (2) The occasion of the making of any order under subsection (1) above shall forthwith be communicated to Parliament; and if Parliament is then separated by such adjournment or prorogation as will not expire within 5 days—
 - (a) a proclamation shall be issued for the meeting of Parliament within 5 days; and
 - (b) Parliament shall accordingly meet and sit upon the day appointed by the proclamation; and
 - (c) Parliament shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.
- (3) An order in force under subsection (1) may be revoked by an order of Her Majesty signified as there mentioned, but the revocation shall not affect the liability for service of any person called out for service by virtue of the order at the time of its revocation.
- (4) In this section “reserve force” means any of the following bodies—
 - (a) the Army Reserve;
 - (b) the Territorial Army;
 - (c) the Air Force Reserve;
 - (d) the Royal Auxiliary Air Force;
 - (e) the Royal Naval Reserve including the Royal Fleet Reserve and the special class of the Royal Fleet Reserve; and

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- (f) the Royal Marines Reserve.
- (5) An order under subsection (1) may authorise the calling out of the Ulster Defence Regiment for permanent service in Northern Ireland, and section 26 below applies for the purposes of this subsection as if the Ulster Defence Regiment were a reserve force within the meaning of subsection (4) above.
- (6) In relation to a man of the Royal Auxiliary Air Force in whose case it was agreed at the time of his enlistment that he was accepted for home service only, subsection (1) has effect as if for the reference to any part of the world there were a reference to the United Kingdom, the Channel Islands and the Isle of Man.

Modifications etc. (not altering text)

C1 S. 10(5) applied (with modifications) (1.7.1992) by [Army Act 1992 \(c. 39\)](#), **ss. 3(2), 5**

11 Call out for warlike operations.

- (1) A person to whom this section applies shall be liable to be called out for permanent service in any part of the world when warlike operations are in preparation or progress, subject to sections 12 and 13(1) below.
- (2) The persons to whom this section applies are—
 - (a) any member of the Army Reserve or the Air Force Reserve who became such a member on or after 1st April 1967 otherwise than in consequence of his having enlisted in the regular army or the regular air force before that day;
 - (b) any member of the Territorial Army who became such a member on or after 1st April 1967 by enlisting or re-engaging in the Territorial Army or by becoming an officer of the Territorial Army;
 - (c) any member of the special class of the Royal Fleet Reserve who became such a member on or after 1st April 1967 otherwise than in consequence of his having, before that day, been entered for non-continuous service in the naval service of Her Majesty or enlisted to serve in the royal marine forces; and
 - (d) any other member of a reserve or class mentioned in paragraphs (a) to (c) above who has elected in pursuance of subsections (4) and (5) below to be a person to whom this section applies and has been notified in the prescribed manner that he has been accepted as such a person.
- (3) In subsection (2) above—
 - (a) the references in paragraphs (a) and (c) to becoming a member of a reserve or class include references to remaining a member of it by virtue of a new engagement or other agreement; and
 - (b) a notification in pursuance of paragraph (d) may be made to take effect on a day determined by the notification.
- (4) A member of a reserve or class mentioned in subsection (2) who is not a person to whom this section applies may (subject to section 13(1) below) elect irrevocably in the prescribed manner to be such a person.
- (5) A person who immediately before 1st April 1967—
 - (a) was a man of the regular army or the regular air force, or

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(b) was serving by reason of his having been entered or enlisted as mentioned in paragraph (c) of subsection (2),

may (subject to section 13(1)) elect irrevocably in the prescribed manner that, on his becoming a member of such a reserve or class, he shall be a person to whom this section applies.

(6) In relation to the calling out of persons by virtue of this section—

(a) any such calling out shall be reported to Parliament forthwith;

(b) the number of persons for the time being called out shall not be reckoned in the numbers for the time being authorised by Parliament for the regular army and the regular air force.

12 Call out of Territorial Army under s. 11.

(1) A member of the Territorial Army shall not be liable to be called out under section 11(1) above unless there is in force an order of Her Majesty, signified under the hand of the Secretary of State, authorising the calling out under that section of members of the Territorial Army.

(2) An order in force under subsection (1) above may be revoked by an order of Her Majesty signified as there mentioned, but the revocation shall not affect the liability for service of any person called out for service by virtue of the order at the time of its revocation.

13 Provisions supplemental to ss. 10 to 12.

(1) A member of the Home Service Force shall not be a person to whom section 11 above applies, and the Secretary of State may by regulations provide—

(a) for securing that persons of such descriptions as may be prescribed who but for the regulations would be persons to whom that section applies shall not be such persons;

(b) for relaxing, in such cases as may be prescribed, the liability imposed by subsection (1) of that section on persons to whom that section applies.

(2) A man of the Territorial Army or the Royal Auxiliary Air Force who is called out for permanent service shall, subject to subsections (3) and (4) below, be liable to serve—

(a) until Her Majesty no longer requires his services, or

(b) until the expiry of his term of service in that reserve or force,

whichever first occurs, and a member of the special class of the Royal Fleet Reserve who is called out for permanent service by virtue of section 11(1) shall be under a like liability to serve.

(3) The period or aggregate of the periods during which a man is called out for service by virtue of section 11(1) during the term of his current engagement shall not without his consent exceed 12 months.

(4) Where the time at which (apart from this subsection)—

(a) the term of service in the special class of the Royal Fleet Reserve of a man of that class would expire, or

(b) a man of the Territorial Army would be entitled to discharge,

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occurs while he is called out for service by virtue of section 11(1), he may be required to continue in service under that subsection for such further period as may be ordered by—

- (i) the Defence Council, or
- (ii) an officer designated for the purposes of this subsection by the Defence Council,

but the period so ordered (together with the period or aggregate of the periods of the man's service under section 11(1) apart from this subsection during the term of his current engagement) shall not exceed 12 months.

Call out under special agreement

14 Call out under special agreement.

- (1) Where any person who is a member of—
 - (a) any reserve of army officers,
 - (b) the Army Reserve, or
 - (c) the Territorial Army,
 has entered into a written agreement to that effect, the Secretary of State may, at any time during the period specified in the agreement, by written notice call out that person for army service.
- (2) Schedule 1 to this Act (additional provisions in relation to call out under special agreement) has effect for the purposes of this section.
- (3) Where any person has been called out by such a notice as is mentioned in subsection (1) above, then at all times during the period beginning with the date and time specified in the notice and ending with the completion of his service by virtue of that notice—
 - (a) until Her Majesty no longer requires his services, or United Kingdom or elsewhere; and
 - (b) the ^{M1}Army Act 1955 shall (subject to paragraph 10 of Schedule 1) apply to him as if he were an officer holding a land forces commission, warrant officer, non-commissioned officer or soldier, as the case may be, of the regular forces, and not a member of the Territorial Army, the Army Reserve or a reserve of officers, as the case may be.
- (4) The number of persons who for the time being are—
 - (a) liable to be called out by agreements made in pursuance of this section, shall not in aggregate exceed such number as may from time to time be provided by Parliament;
 - (b) called out as mentioned in paragraph (a), shall not be reckoned in the numbers for the time being authorised by Parliament for the regular forces.
- (5) The Secretary of State shall from time to time report to Parliament with respect to the exercise of his powers to call out persons under this section, and any such report may be made, as the Secretary of State thinks fit, either with respect to any use made, or with respect to any use proposed to be made, of those powers.

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Marginal Citations

M1 1955 c. 18.

15 Regular army agreements under s. 14.

An officer or soldier of the regular army may enter into such an agreement as is mentioned in section 14 above, and where he does so—

- (a) the agreement shall not come into force until he becomes a member of a reserve of army officers or the Army Reserve or until such later date, if any, during his membership of that reserve as is provided by the agreement; and
- (b) the power conferred by paragraph 1(2) of Schedule 1 to this Act to give notice of revocation of the agreement shall be exercisable both before and after the agreement comes into force; and
- (c) when the agreement comes into force it shall be deemed to have been made in pursuance of section 14.

Other provisions as to call out for service

16 Permanent service call out of naval and marine reserves.

(1) Every officer and man serving in—

- (a) the Royal Naval Reserve and the Royal Fleet Reserve, except a man of the special class of the Royal Fleet Reserve to whom section 11 above applies,
- (b) the Royal Marines Reserve,

is liable, during the whole of that service, to be called out for permanent service in the event of actual or apprehended attack on the United Kingdom.

The reference in this subsection to the United Kingdom shall be construed as if that expression included the Channel Islands and the Isle of Man.

(2) The provisions of subsection (1) above are in addition to, and not in substitution for, the provisions of any other enactment under which officers or men of the reserves mentioned in that subsection are liable to be called into permanent service.

17 Naval and marine reserve service under ss. 10 and 16.

(1) Every officer and man of the Royal Naval Reserve, the Royal Fleet Reserve and the Royal Marines Reserve called out for permanent service by virtue of section 10 or section 16 above shall be—

- (a) liable to that service for a term of 3 years from the time of his coming into such service;
- (b) entitled to be discharged from that service at the expiry of that term.

(2) If in any emergency Her Majesty sees fit She may, by order signified under the hand of the Secretary of State, provide that at the date of the order the officers and men of the Royal Naval Reserve and the Royal Fleet Reserve in permanent service by virtue of section 10 or section 16 shall continue in that service for a period of 5 years from the date of their respectively coming into that service, if their services be so long required.

(3) The officers and men mentioned in subsection (2) above shall at the date of the order—

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- (a) be liable to such permanent service accordingly; and
 - (b) not be entitled to claim their discharge during that period.
- (4) Where any officer or man of the Royal Naval Reserve and the Royal Fleet Reserve—
- (a) is called into permanent service by virtue of section 10 or section 16, and
 - (b) is detained in that service for a period of less than 5 years,
- he shall, during the period of 5 years from the date of his joining the reserve be liable from time to time to be again called into that service, and to serve accordingly for such period as with his former such service will make up a period of 5 years in that service.

18 Permanent service call out of Army Reserve.

- (1) Any man of the Army Reserve (whether he entered the reserve on transfer or re-engagement or on being enlisted or on being deemed to be enlisted) shall during the whole of his service in that reserve be liable to be called out for permanent service on home defence service.
- (2) Where a man of the Army Reserve is called out for permanent service—
- (a) he may be appointed to any corps;
 - (b) subsection (3) of section 3 of the ^{M2}Army Act 1955 shall apply to him as it applies to a soldier of the regular forces.
- (3) The number of men for the time being called out under this section shall not be reckoned in the numbers for the time being authorised by Parliament for the regular forces.

Marginal Citations

M2 1955 c. 18.

19 Duration of Army Reserve permanent service.

- (1) Subject to this section and section 13(3) above, a man of the Army Reserve when called out for permanent service shall be liable to serve until Her Majesty no longer requires his services.
- (2) No man called out for permanent service shall be required to serve for a period exceeding in the whole the remainder unexpired of his term of service in the Army Reserve.
- (3) Sections 9 and 13 of the Army Act 1955, so far as they relate to discharge, shall apply to men of the Army Reserve called out for permanent service as they apply to soldiers of the regular forces, and nothing in subsection (2) above shall prejudice the operation of sections 9 and 13 as applied by this subsection.

VALID FROM 01/01/1999

^{F1}19A Postponement of discharge of members of Army Reserve during call out.

- (1) Where a man of the Army Reserve is called out on permanent service at a time when he would apart from this section be entitled to be discharged he may be retained in

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service for such period as is mentioned below, and his service may be prolonged accordingly.

- (2) No person shall be retained in service by virtue of this section later than the end of twelve months after the date on which apart from this section he would be entitled to be discharged.
- (3) Subject to subsection (2) above, a person who apart from this section would be entitled to be discharged may be retained in service for such period as the competent military authority may order.
- (4) If while a man of the Army Reserve is being retained in service by virtue of this section it appears to the competent military authority that his services can be dispensed with, he is entitled to be discharged.
- (5) Where, at the time at which under subsections (1) to (4) above a man of the Army Reserve is entitled to be discharged, a state of war exists between Her Majesty and a foreign power—
 - (a) he may, by declaration made in the prescribed form before his commanding officer, agree to continue in service while such a state of war exists, and
 - (b) if the competent military authority approve, he may continue accordingly as if the period for which his term of service could be prolonged under subsections (1) to (4) above were a period continuing so long as a state of war exists;but this is subject to subsection (6) below.
- (6) If it is so specified in the declaration, he is entitled to be discharged at the end of three months' notice given by him to his commanding officer.
- (7) In subsections (3) to (5) above “the competent military authority” and “prescribed” have the same meaning as in Part I of the Army Act 1955.
- (8) Subject to subsection (9) below, in subsection (1) above the reference to a man of the Army Reserve being called out on permanent service is a reference to his being called out under an order made under—
 - (a) section 52 of the Reserve Forces Act 1996 (call out in the event of a national emergency, great danger or an actual or apprehended attack on the United Kingdom, the Channel Islands or the Isle of Man), or
 - (b) section 54 of the 1996 Act (call out because warlike operations are in preparation or in progress).
- (9) In relation to a man of the Army Reserve who enlisted in the Army Reserve before 1st April 1967, the reference to a man of the Army Reserve being called out on permanent service includes a reference to his being called out under an order under section 54 of the 1996 Act only if—
 - (a) he re-engaged in the Army Reserve on or after that date, or
 - (b) he has made an irrevocable election to that effect in the prescribed manner.]

Textual Amendments

F1 S.19A inserted (1.1.1999) by 1998/3086, reg. 11, Sch. para. 6

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20 Permanent service call out of Air Force Reserve.

- (1) Any man of the Air Force Reserve (whether he entered the reserve on transfer or re-engagement or on being enlisted or on being deemed to be enlisted) shall during the whole of his service in that reserve be liable to be called out for permanent service on home defence service.
- (2) The number of men for the time being called out under this section shall not be reckoned in the numbers for the time being authorised by Parliament for the regular air force.

21 Duration of Air Force Reserve permanent service.

- (1) Subject to this section and section 13(3) above, a man of the Air Force Reserve when called out for a permanent service shall be liable to serve until Her Majesty no longer requires his services.
- (2) No man called out for permanent service shall be required to serve for a period exceeding in the whole the remainder unexpired of his term of service in the Air Force Reserve, subject to section 69 below.
- (3) Sections 9 and 13 of the ^{M3}Air Force Act 1955, so far as they relate to discharge, shall apply to men of the Air Force Reserve called out for permanent service as they apply to airmen of the regular air force, and nothing in subsection (2) above and section 69 shall prejudice the operation of sections 9 and 13 as applied by this subsection.

Marginal Citations

M3 1955 c. 19.

VALID FROM 01/01/1999

^{F2}21A Postponement of discharge of members of Air Force Reserve during call out.

- (1) Where a man of the Air Force Reserve is called out on permanent service at a time when he would apart from this section be entitled to be discharged he may be retained in service for such period as is mentioned below, and his service may be prolonged accordingly.
- (2) No person shall be retained in service by virtue of this section later than the end of twelve months after the date on which apart from this section he would be entitled to be discharged.
- (3) Subject to subsection (2) above, a person who apart from this section would be entitled to be discharged may be retained in service for such period as the competent air force authority may order.
- (4) If while a man of the Air Force Reserve is being retained in service by virtue of this section it appears to the competent air force authority that his services can be dispensed with, he is entitled to be discharged.

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- (5) Where, at the time at which under subsections (1) to (4) above a man of the Air Force Reserve is entitled to be discharged, a state of war exists between Her Majesty and a foreign power—
- (a) he may, by declaration made in the prescribed form before his commanding officer, agree to continue in service while such a state of war exists, and
 - (b) if the competent air force authority approve, he may continue accordingly as if the period for which his term of service could be prolonged under subsections (1) to (4) above were a period continuing so long as a state of war exists;
- but this is subject to subsection (6) below.
- (6) If it is so specified in the declaration, he is entitled to be discharged at the end of three months' notice given by him to his commanding officer.
- (7) In subsections (3) to (5) above “the competent air force authority” and “prescribed” have the same meaning as in Part I of the Air Force Act 1955.
- (8) Subject to subsection (9) below, in subsection (1) above the reference to a man of the Air Force Reserve being called out on permanent service is a reference to his being called out under an order made under—
- (a) section 52 of the Reserve Forces Act 1996 (call out in the event of a national emergency, great danger or an actual or apprehended attack on the United Kingdom, the Channel Islands or the Isle of Man), or
 - (b) section 54 of the 1996 Act (call out because warlike operations are in preparation or in progress).
- (9) In relation to a man of the Air Force Reserve who enlisted in the Air Force Reserve before 1st April 1967, the reference to a man of the Air Force Reserve being called out on permanent service includes a reference to his being called out under an order under section 54 of the 1996 Act only if—
- (a) he re-engaged in the Air Force Reserve on or after that date, or
 - (b) he has made an irrevocable election to that effect in the prescribed manner.]

Textual Amendments

F2 S. 21A inserted (1.1.1999) by [S.I. 1998/3086](#), reg. 11, [Sch. para. 7\(2\)](#)

22 Call out of Territorial Army and Royal Auxiliary Air Force for home defence service.

Every officer and man of the Territorial Army and of the Royal Auxiliary Air Force is liable to be called out for home defence service notwithstanding that—

- (a) the Territorial Army or that part to which he belongs has not been called out for permanent service by virtue of section 10(1) of section 11(1) above, or
- (b) the Royal Auxiliary Air Force or that part to which he belongs has not been called out for permanent service by virtue of section 10(1).

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23 Army and air force reserves in aid of civil power.

- (1) The Secretary of State may, at any time when occasion appears to require, call out the whole or so many as he thinks necessary of the men of the Army Reserve or the Air Force Reserve to aid the civil power in the preservation of the public peace.
- (2) For the purpose mentioned in subsection (1) above, and on the requisition in writing of any justice of the peace—
 - (a) any officer commanding Her Majesty's forces in any town or district may call out the men of the Army Reserve who are resident in the town or district, or so many of them as he thinks necessary; or
 - (b) any officer commanding the regular air force in any town or district may call out the men of the Air Force Reserve who are resident in the town or district, or so many of them as he thinks necessary.

24 Permanent service call out of Ulster Defence Regiment.

The Ulster Defence Regiment is liable to be called out for permanent service in Northern Ireland in defence of the United Kingdom against actual or apprehended attack.

Modifications etc. (not altering text)

C2 S. 24 applied (with modifications) (1.7.1992) by [Army Act 1992 \(c. 39\)](#), ss. 3(2), 5

25 Emergency service call out of Ulster Defence Regiment.

- (1) Any officer authorised in accordance with this section to exercise the powers conferred by this subsection may (subject to that authority) call out the Ulster Defence Regiment or any part of it for emergency service in Northern Ireland if, and for so long as, it appears to that officer to be necessary or expedient for the defence of life or property in Northern Ireland against armed attack or sabotage, whether actual or apprehended.
- (2) The Secretary of State may—
 - (a) grant authority in writing to any designated officer of the regular forces within the meaning of the^{M4} Army Act 1955 of a rank not lower than major to exercise the powers conferred by subsection (1) above, and
 - (b) by that authority authorise that officer in turn to authorise any other officer designated by him (being an officer of the regular forces within the meaning of that Act of 1955 of a rank not lower than major) to exercise those powers, and any authorisation in pursuance of this subsection may be given either in general terms or subject to specified limitations.

Modifications etc. (not altering text)

C3 S. 25 applied (with modifications) (1.7.1992) by [Army Act 1992 \(c. 39\)](#), ss. 3(2), 5

Marginal Citations

M4 1955 c. 18.

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VALID FROM 01/04/1997

[^{F3}25A Application of section 62 of the Reserve Forces Act 1996

Section 62 of the Reserve Forces Act 1996 (power to exempt persons from or relax call-out liability) shall apply to persons liable to be called out by virtue of the enactments mentioned in section 26(2) below as if in section 62 for the words “this Part” in both places in which they appear there were substituted the words “the Reserve Forces Act 1980”]

Textual Amendments

F3 S. 25A inserted (1.4.1997) by S.I. 1997/306, reg. 10

Call-out notices under certain enactments

26 Call-out notices under s. 10(1) and other enactments.

(1) In any case where—

- (a) an order is in force under section 10(1) above authorising the calling out of a reserve force within the meaning of that section, or
- (b) persons are liable to be called into service by virtue of any of the enactments mentioned below,

any person who is a member of that force or any person so liable may be called into service by the Secretary of State by notice in writing.

The enactments referred to in paragraph (b) above are—

- (i) section 10(1);
- (ii) section 11(1) above;
- (iii) section 16(1) above;
- (iv) section 18(1) above;
- (v) section 20(1) above;
- (vi) section 22 above;
- (vii) section 24 above;
- (viii) section 30 below;
- (ix) paragraph 15(1) of Schedule 8 to this Act; and
- (x) sub-paragraphs (1) to (6) of paragraph 16 of that Schedule.

(2) A call-out notice under subsection (1) above shall—

- (a) specify the time and place at which the person is to present himself for service, and
- (b) specify under which of the enactments mentioned in subsection (1) the person is called into service,

and a call-out notice shall be deemed to be served on the person if it is delivered to him personally or sent by registered post or the recorded delivery service to him at his latest address known to the appropriate service authorities.

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- (3) A call-out notice under subsection (1) may be revoked or varied by the Secretary of State by a subsequent notice in writing, and subsection (2) above applies to the service of such a notice as it applies to the service of a call-out notice under subsection (1).
- (4) Subject to section 28 below, a person shall be deemed to be called into service by virtue of the enactment specified in a call-out notice served on him in pursuance of this section during the period—
- (a) beginning with the time so specified, and
 - (b) ending with—
 - (i) the date on which he is released from service in pursuance of section 29 below; or
 - (ii) any earlier date on which his service is terminated by the appropriate service authorities.

27 Call-out notices deemed on personal attendance.

Where a person who is liable to be called into service by a call-out notice under section 26(1) above—

- (a) attends in person at such place as may be prescribed, and
- (b) presents himself for service to such authority as may be prescribed, and
- (c) is informed by that authority that by virtue of this section he is accepted for service,

he shall be deemed to have been served with a call-out notice specifying as the time, place and enactment mentioned in section 26(2)—

- (i) the time at which he is informed and the place at which he attends, and
- (ii) such of the enactments mentioned in section 26(1) as is determined in the prescribed manner,

and any call-out notice under section 26(1) previously issued for him shall cease to have effect, without prejudice to any liability arising from his failure to comply with the notice before he attends as described above.

28 Differing service liabilities of those called out.

- (1) Where a person—
- (a) is in service in pursuance of a notice under section 14(1) above or in pursuance of a call-out notice under section 26(1) above specifying an enactment mentioned in section 26(1), and
 - (b) if he were not in service he would be liable to be called into service by a call-out notice under section 26(1) or, as the case may be, by such a call-out notice specifying a different enactment so mentioned,

the Secretary of State may direct that, on the date of the direction or a later date specified in the direction, that person shall be deemed to be called into service by a call-out notice under section 26(1) specifying such of those enactments applicable to him as is specified in the direction.

- (2) Where a person is deemed in pursuance of subsection (1) above to be called into service by virtue of an enactment specified in a direction under that subsection, his service under any other enactment by virtue of which he was previously serving shall cease.

Status: Point in time view as at 01/02/1991. This version of this part contains provisions that are not valid for this point in time.

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- (3) The power to give a direction under this section includes power—
- (a) to make provision for persons of such descriptions as are specified in the direction or in respect of an individual; and
 - (b) to make different provision for different circumstances.

29 End of service under call-out notices.

- (1) In any case where—
- (a) the services of a person called into service by a call-out notice under section 26(1) above are no longer required, or
 - (b) a person is in service in pursuance of such a call-out notice at the expiry of the period of his liability for service in pursuance of the enactment specified by the notice,
- he shall be entitled to be released from whole-time service in the prescribed manner with all convenient speed.
- (2) The reference in paragraph (b) of subsection (1) above to a period of liability for service in pursuance of a particular enactment includes a reference to such a period as extended under any other enactment.

VALID FROM 01/04/1997

[^{F4}29A Application of provisions relating to recall

The provisions of this Act relating to recall shall not apply to any person to whom section 66 of the Reserve Forces Act 1996 applies.]

Textual Amendments

F4 S. 29A inserted (1.4.1997) by S.I. 1997/306, art. 14

Recall of service pensioners and former soldiers

30 Liability of naval and marine pensioners to recall.

- (1) Whenever any emergency arises which in the Secretary of State's opinion renders it advisable to require the services in the Royal Navy of any persons who—
- (a) have served as petty officers or seamen in the navy, and
 - (b) are in receipt of pensions in respect of such service,
- he may order any of those persons to join the navy, and those so ordered shall serve in the navy during such time as the emergency in the Secretary of State's opinion continues, and while so serving they shall continue to receive their pensions.
- (2) The enactments concerning the discharge of seamen serving in the Royal Navy and becoming entitled to be discharged shall be applicable to and for the discharge of any of those serving under subsection (1) above, and becoming entitled to be discharged.
- (3) Subsection (1) above applies to persons who—

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- (a) have served as non-commissioned officers and men of the Royal Marines, and
- (b) are in receipt of pensions in respect of such service,

as it applies to petty officers or seamen of the Royal Navy, but those required to serve under this subsection shall serve as non-commissioned officers and marines in the Royal Marines, and not as petty officers and seamen.

(4) If any person who—

- (a) has served as a non-commissioned officer or marine of the Royal Marines, and
- (b) is one to whom subsection (1) above applies by virtue of subsection (3) above, and
- (c) has been required to serve in the Royal Navy under subsection (1) at the time and place specified in a call-out notice—

- (i) which is serve on him in pursuance of section 26(1) above, and
- (ii) which specifies subsection (1) as the enactment by virtue of which he is called into service,

does not appear for the purpose of entering into permanent service (or join any of Her Majesty's ships or vessels which he may be required to join for that purpose) he shall be liable to be apprehended and punished in the same manner as any person belonging to the Royal Navy and deserting or improperly absenting himself from duty.

31 Liability of army and air force pensioners to recall.

- (1) An army or air force pensioner to whom this section applies shall be liable under this section to be recalled for service in such circumstances and for such period as are specified in this section and in sections 32 and 33 below.
- (2) This section applies to army and air force pensioners whose service pensions have been assessed or re-assessed in accordance with pension provisions made on or after 16th December 1948, other than—
 - (a) pensioners whose service pensions were originally granted before 3rd September 1939;
 - (b) pensioners being those of any description mentioned in Schedule 2 to this Act.
- (3) In subsection (2) above the expression “pension provisions made on or after 16th December 1948” means—
 - (a) in the case of army pensioners, the provisions of a Royal Warrant issued on or after 16th December 1948,
 - (b) in the case of air force pensioners, the provisions of an Order by Her Majesty so issued,

not being provisions as to which the Warrant or Order directs that they shall be disregarded for the purposes of this section.
- (4) A person shall cease to be liable under this section to be recalled for service when he attains the age of 60 years.
- (5) A person recalled for service under this section shall not suffer—
 - (a) any reduction in pay or other emoluments in respect of his service while recalled by reason of being in receipt of a service pension; or
 - (b) the withholding or reduction of his service pension by reason of his being in receipt of any such pay or emoluments.

Status: Point in time view as at 01/02/1991. This version of this part contains provisions that are not valid for this point in time.

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(6) In this section—

“army pensioner” and “air force pensioner” means persons who have been discharged from service as soldiers and as airmen respectively and are in receipt of service pensions,

“service pension” means a pension granted in respect of service as a soldier of the regular forces or an airman of the regular air force or in respect of that service and other service, but does not include a pension awarded in respect of disablement,

and other expressions used in this section and in sections 32 and 33 below have in relation to army pensioners the same meanings as in the ^{M5}Army Act 1955, and in relation to air force pensioners the same meanings as in the ^{M6}Air Force Act 1955.

(7) For the purposes of those sections, a person shall be deemed to be in receipt of a pension if the pension has been granted to him and has not been wholly forfeited, notwithstanding—

- (a) that any part of the pension has been commuted for a sum of money in lieu of the pension; or
- (b) that the pension or any part of it is for the time being administered or otherwise applied for any purpose or paid to some other person; or
- (c) that the pension or any part of it has not been paid for any period.

For the purposes of this subsection the forfeiture of a pension shall be disregarded if the whole or any part of the pension has been restored since the forfeiture was incurred.

Marginal Citations

M5 1955 c. 18.

M6 1955 c. 19.

32 Occasion for and period of recall under s. 31.

(1) An army pensioner liable under section 31 above to be recalled for service may be recalled at any time when persons of the Army Reserve are called out for permanent service.

In this subsection the expression “called out for permanent service” means called out for permanent service under section 10 above, or under section 18(1) above.

(2) An air force pensioner liable under section 31 to be recalled for service may be recalled at any time when persons of the Air Force Reserve are called out for permanent service.

In this subsection the expression “called out for permanent service” means called out for permanent service under section 10, or under section 20(1) above.

(3) A person recalled for service under section 31—

- (a) shall be deemed to be enlisted in the regular forces or the regular air force, according as he was an army pensioner or an air force pensioner, for the period mentioned in subsection (4) below, unless
- (b) on his recall he requires to be enlisted for that period in accordance with section 2 of the Army Act 1955, or section 2 of the Air Force Act 1955, as the case may require, and upon such enlistment he shall not be deemed to have been enlisted by virtue of paragraph (a) above.

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- (4) The period referred to in subsection (3) above is one—
- (a) beginning with the time as from which a person is recalled for service under section 31, and
 - (b) ending with such date as Her Majesty may by Order in Council declare to be the end of the emergency which was the occasion of the calling out for permanent service of persons of the reserve in question.
- (5) Nothing in the following provisions shall prejudice the operation of the provisions of this section—
- (a) the provisions of the ^{M7}Army Act 1955 or the ^{M8}Air Force Act 1955 as to the term for which a person may be enlisted;
 - (b) the provisions of the ^{M9}Army and Air Force Act 1961 corresponding to the provisions mentioned in paragraph (a) above; and
 - (c) the provisions of section 2 of the ^{M10}Armed Forces Act 1966 and regulations made under that section corresponding to the provisions mentioned in paragraph (a).

Marginal Citations

M7 1955 c. 18.

M8 1955 c. 19.

M9 1961 c. 52.

M10 1966 c. 45.

33 Recall notices under s. 31.

- (1) The Defence Council may cause to be served on any person liable to be recalled for service under section 31 above a notice stating that he is recalled for service and requiring him to present himself—
- (a) at such place and at such time (not earlier than the third day after the service of the notice), and
 - (b) to such authority,
- as may be specified in the notice, and that person shall be deemed to be so recalled as from that time (in this section referred to as “the time of recall”).
- (2) A notice under this section may, before the time of recall, be—
- (a) cancelled by a subsequent notice under this section; or
 - (b) varied by altering the place at which or authority to whom the person is by a notice under this section required to present himself at the time of recall.
- (3) A notice under this section shall cease to have effect if before the time of recall the person on whom it is served ceases to be liable under section 31 to be recalled for service.
- (4) Any notice under this section shall be deemed to be duly served on a person if it is sent to him by post addressed to his last known address.
- (5) No steps shall be taken against a person in respect of failure to comply with a notice under this section unless either—
- (a) it is proved that the notice was received by him, or

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(b) the notice was sent addressed to his last known address by registered post or the recorded delivery service,

and where in the case of a notice not so sent it appears to the Defence Council that the person to whom the notice relates may not have received the notice the Defence Council may serve on him by registered post or the recorded delivery service a subsequent notice superseding the original notice.

34 Liability of certain former soldiers to recall.

- (1) Any former soldier to whom this section applies may be recalled for service by the Secretary of State by notice in writing at any time when men of the Army Reserve are called out for permanent service under section 10 or section 18(1) above.
- (2) This section applies to any person who is not a woman and who is for the time being under the age of 45, and—
 - (a) who is not—
 - (i) a member of the armed forces of the Crown apart from this section;
 - (ii) liable to be recalled to service under section 31 above;
 - (iii) such a person as is mentioned in Schedule 2 to this Act;
 - (b) who enlisted in pursuance of regulations made under section 2 of the ^{M11}Armed Forces Act 1966;
 - (c) who has not been discharged in respect of that enlistment under section 14 of the ^{M12}Army Act 1955, or under any regulations made by virtue of section 2 of the Armed Forces Act 1966 conferring a right to discharge by purchase;
 - (d) who has not been granted a commission.
- (3) A person recalled for service by such a notice as is referred to in subsection (1) shall be deemed to be enlisted in the regular forces within the meaning of the Army Act 1955 for the period—
 - (a) beginning with the time specified in the notice, and
 - (b) ending (unless he is previously discharged) with such date as Her Majesty may by Order in Council declare to be the end of the emergency which was the occasion of the calling out of the Army Reserve.
- (4) To enable service of any notice under subsection (1) above, every person to whom this section applies shall from time to time furnish such information in such manner and within such period as the Secretary of State may by regulations made by statutory instrument require, and—
 - (a) any person who without reasonable excuse fails to comply with any such regulations shall be liable on summary conviction to a fine not exceeding [^{F5}level 1 on the standard scale],
 - (b) any person who, in giving any information required by any such regulations, knowingly or recklessly makes a statement false in any material particular shall be liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding [^{F5}level 3 on the standard scale] or to both,and proceedings against any person for an offence under paragraph (a) or (b) above may be taken at any place at which he is for the time being.
- (5) A person who on 27th February 1964 was—

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- (a) a warrant officer, non-commissioned officer or man of the regular forces within the meaning of the Army Act 1955 (not being a person serving in the Royal Marines), or
- (b) a member of the first class of the army reserve in consequence of his transfer to that reserve under the ^{M13}Army Act 1955 or the ^{M14}Army and Air Force Act 1961,

may consent in writing to be subject to this section, and that consent may be revoked at any time by 3 months' written notice but shall not cease to be in force until the expiry of that notice.

- (6) While that consent remains in force this section shall have effect in relation to that person as if—
 - (a) paragraphs (b) and (c) of subsection (2) above did not apply to him; and
 - (b) he were subject (instead of by virtue of those paragraphs) to this section by his consent under subsection (5) above.

Textual Amendments

F5 Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#) and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), [arts. 5, 6](#)

Marginal Citations

M11 [1966 c. 45.](#)
M12 [1955 c. 18.](#)
M13 [1955 c. 18.](#)
M14 [1961 c. 52.](#)

35 Recall notices under s. 34.

- (1) A notice to any person under section 34(1) above shall specify the time and place at which that person is to present himself for service in accordance with the notice, and the notice may be revoked or varied by a subsequent notice under that section.
- (2) Any such notice shall be deemed to have been duly served on the person to whom it is directed if—
 - (a) it is delivered to him personally, or
 - (b) it is sent by registered post or the recorded delivery service addressed to him at his latest address known to the military authorities,
 but any such notice shall cease to have effect if before the time so specified he ceases to be a person to whom this section applies.

36 Recall notices deemed served on personal attendance.

- (1) Where a person who is liable to be recalled into service under section 31 or section 34 above—
 - (a) attends in person at such place as may be prescribed, and
 - (b) presents himself for service to such authority as may be prescribed, and
 - (c) is informed by that authority that by virtue of this subsection he is accepted for service,

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he shall be deemed to have been served with a notice under section 33 above or section 35 above, as the case may be, specifying the time at which he is informed and the place at which he attends.

- (2) Where subsection (1) above takes effect—
- (a) so much of section 33(1) above as—
 - (i) provides for a notice under that section to specify the authority to whom a person is to present himself, and
 - (ii) requires the time of recall specified by such a notice to be not earlier than the third day after the service of the notice,shall not apply to a notice which is deemed to be served on that person under subsection (1); and
 - (b) any notice previously issued for that person under section 33 or 35, as the case may be, shall cease to have effect, but without prejudice to any liability arising from his failure to comply with the notice before he attends as described in subsection (1).

VALID FROM 01/04/1997

[^{F6}36A Application of Part X of the Reserve Forces Act 1996 to persons liable to recall under section 30, 31 or 34

For the avoidance of doubt, it is declared that Part X of the Reserve Forces Act 1996 (general offences) applies to a person liable to recall under section 30, 31 or 34 above as it applies to a person liable to recall under the Reserve Forces Act 1996.]

Textual Amendments

F6 S. 36A inserted (1.4.1997) by S.I. 1997/306, reg. 20

Call out for training

37 Training and exercise of Royal Naval Reserve and Royal Fleet Reserve.

- (1) The Defence Council may cause all or any of the men of the Royal Naval Reserve and the Royal Fleet Reserve to be trained on shore or on board any ships or vessels, or partly on shore and partly on board any ships or vessels.
- (2) All or any of the men of the Royal Naval Reserve and the Royal Fleet Reserve may be called out for the purpose of such training, and may be required to attend at such times and places, and may be placed under the command of such officers, as the Defence Council think fit.
- (3) No man of the Royal Naval Reserve or the Royal Fleet Reserve shall under this section be required to attend training more than 92 days in the whole in any one year.
- (4) The Secretary of State may make regulations as to the manner in which notices may be given of the times and places at which men of the Royal Naval Reserve and the Royal Fleet Reserve may be required to attend training.

Status: Point in time view as at 01/02/1991. This version of this part contains provisions that are not valid for this point in time.

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38 Army Reserve, Air Force Reserve and Territorial Army training.

A person to whom this section applies by virtue of section 39 below may, in accordance with regulations made by the Secretary of State, be called out in any year for training in the United Kingdom or elsewhere—

- (a) for one period not exceeding 15 days, and
- (b) for such other periods as may be prescribed, none of which shall exceed 36 hours without the consent of the person in question,

and may while so called out be attached to and trained with any body of Her Majesty's forces.

39 Application of s. 38.

(1) The persons to whom section 38 above applies are (subject to subsection (3) below)—

- (a) any member of the Army Reserve or the Air Force Reserve who became such a member on or after 1st April 1967 otherwise than in consequence of his having enlisted in the regular army or the regular air force before that day;
- (b) any member of the Territorial Army who became such a member on or after 1st April 1967 by enlistment or re-engagement or by becoming an officer; and
- (c) any other person—
 - (i) who has elected in pursuance of subsection (2) below to be a person to whom section 38 applies, and
 - (ii) who has been notified in the prescribed manner that he has been accepted as such a person.

(2) A member of—

- (a) the Army Reserve,
- (b) the Air Force Reserve, or
- (c) the Territorial Army,

who is not a person to whom section 38 applies may (subject to subsection (3) below) elect irrevocably in the prescribed manner to be such a person.

(3) The Secretary of State may by regulations provide—

- (a) for securing that persons of such descriptions as may be prescribed who but for the regulations would be persons to whom section 38 applies shall not be such persons;
- (b) for relaxing, in such cases as may be prescribed, the liability imposed by section 38 on persons to whom that section applies.

40 Preliminary training of Royal Auxiliary Air Force.

(1) Every man of the Royal Auxiliary Air Force shall, by way of preliminary training during the first year of his original enlistment—

- (a) if so provided by Order in Council, and
- (b) for such periods not exceeding in the whole the number of days specified by the Order in Council,

be trained at such places within the United Kingdom and at such times as may be prescribed, and for that purpose may be called out once or more often.

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- (2) Whether or not such an Order in Council has been made he shall attend the number of drills and instructional parades and fulfil the other conditions prescribed for a recruit in the Royal Auxiliary Air Force.
- (3) The requirements of this section are in addition to the requirements of this Act relating to annual training.

41 Annual training of Royal Auxiliary Air Force.

- (1) Every man of the Royal Auxiliary Air Force shall by way of annual training be trained for not less than 8 or more than 15 days in every year at such times and at such places within the United Kingdom as may be prescribed, and may for that purpose be called out once or more often in every year.
- (2) Every such man shall attend the number of drills and instructional parades and fulfil the other conditions relating to training prescribed for the Royal Auxiliary Air Force.
- (3) The requirements of this section may be dispensed with in whole or in part—
 - (a) as respects any unit of the Royal Auxiliary Air Force by the prescribed air officer, and
 - (b) as respects an individual man of the Royal Auxiliary Air Force, by his commanding officer subject to any general directions of the prescribed air officer.

Modifications etc. (not altering text)

C4 S. 41(1) modified (1.4.1997) by 1996 c. 14, S. 128, Sch. 8 para. 10; S.I. 1997/305 art. 2(1)

42 Variation and cancellation of training periods for Royal Auxiliary Air Force.

Her Majesty may by order in Council made in relation to all or any part of the Royal Auxiliary Air Force direct—

- (a) that the period of annual training in any year shall be extended to such period not exceeding 30 days as may be specified in the Order; or
- (b) that the period of annual training in any year shall be reduced to such period as to Her Majesty may seem fit; or
- (c) that the annual training in any year shall be dispensed with.

VALID FROM 01/04/1997

[^{F7}42A Application of section 23 of the Reserve Forces Act 1996

Section 23 of the Reserve Forces Act 1996 (power to exempt persons from or relax training obligations) shall apply to persons to whom this Act applies other than members of the Royal Naval Reserve or the Royal Fleet Reserve as if in section 23 for the words “section 22” wherever they appear there were substituted the words “the Reserve Forces Act 1980”.]

Status: Point in time view as at 01/02/1991. This version of this part contains provisions that are not valid for this point in time.

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Textual Amendments

F7 S. 42A inserted (1.4.1997) by S.I. 1997/306, reg. 21

43 Voluntary training.

Nothing in sections 38 to 42 shall be construed as preventing a man with his own consent, in addition to any other training, being called out for the purpose of duty or instruction in accordance with orders and regulations under the provisions of this Act relating to the Territorial Army and the Royal Auxiliary Air Force.

44 Requirement as to training of Ulster Defence Regiment in Northern Ireland.

(1) Any member of the Ulster Defence Regiment may, in accordance with regulations under Part VII of this Act, be required to undergo training in Northern Ireland in any year—

- (a) for one or more periods which shall not exceed 12 days in the aggregate and of which—
 - (i) none shall exceed 8 consecutive days, and
 - (ii) except with his consent, not more than 2 shall exceed 36 consecutive hours, and
- (b) for such other periods as may be prescribed, none of which shall except with his consent exceed 2 hours,

and may while so undergoing training be attached to and trained with any body of Her Majesty's forces which is for the time being in Northern Ireland.

(2) Regulations under that Part may provide—

- (a) for securing that subsection (1) above shall not apply to persons of such descriptions as may be prescribed to whom but for the regulations that subsection would apply; and
- (b) for relaxing, in such cases as may be prescribed, the liability imposed by subsection (1) on members of the force.

Modifications etc. (not altering text)

C5 S. 44 applied (with modifications) (1.7.1992) by Army Act 1992 (c. 39), ss. 3(2)(3), 5

Status:

Point in time view as at 01/02/1991. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation:

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