



Reserve Forces Act 1980

1980 CHAPTER 9

PART II

CALL OUT AND RECALL

Call-out notices under certain enactments

[^{F1}26

- (1) The power of the Secretary of State under section 58(1) of the Reserve Forces Act 1996 to call out a person liable to be called out under an order made under section 52 or 54 of that Act shall include a power to call out a person liable to be called out by virtue of the enactments mentioned in subsection (2) below.
- (2) The enactments referred to in subsection (1) above are—
 - (a) section 10(1) above;
 - (b) section 11(1) above;
 - (c) section 16(1) above;
 - (d) section 18(1) above;
 - (e) section 20(1) above;
 - (f) section 22 above;
 - ^{F2}(g)
 - (h) paragraph 15(1) of Schedule 8 to this Act; and
 - (i) sub-paragraphs (2), (3), (5) and (6) of paragraph 16 of that Schedule.
- (3) Sections 58 and 59 shall have effect in relation to any person called out by virtue of the enactments mentioned in subsection (2) above with the following modifications—
 - (a) section 58(3) shall have effect as if—
 - (i) paragraph (b) provided for the call-out notice to specify the provision of this Act by virtue of which the person concerned is liable to be called out; and
 - (ii) in paragraph (c), the words “under that order” were omitted;
 - (b) section 58(5) shall have effect as if—

Changes to legislation: Reserve Forces Act 1980, Cross Heading: Call-out notices under certain enactments is up to date with all changes known to be in force on or before 17 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (i) the words “on the authority of a call-out order” were omitted; and
 - (ii) in paragraph (a), the reference to the call-out order was a reference to the order made under Part VI of the Reserve Forces Act 1996 by virtue of which the person concerned is liable to be called out;
 - (c) section 59(5) shall have effect as if—
 - (i) for the word “under”, where it appears for the first time, there were substituted the words “by virtue of”; and
 - (ii) the words “under that call-out order” were omitted; and
 - (d) section 59(6) shall have effect as if—
 - (i) the words “under a call-out order” and “under that order” were omitted; and
 - (ii) paragraph (b) provided for the person concerned to be deemed to have been called out for service in accordance with this Act.
- (4) In the application of sections 58 and 59 of the Reserve Forces Act 1996 and of section 28 below—
- (a) section 63 of the Reserve Forces Act 1996 shall apply in relation to this Act as it applies in relation to Part VI of that Act; and
 - (b) “authorised officer” means an officer authorised by or in accordance with directions of the Defence Council for the purposes of Part VI of the Reserve Forces Act 1996, and any officer so authorised shall be deemed to be authorised for the same purposes in connection with any corresponding provision of this Act.]

Textual Amendments

- F1** S. 26 substituted (1.4.1997) by [S.I. 1997/306](#), [art. 11](#)
- F2** S. 26(2)(g) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 10](#), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

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Textual Amendments

- F3** S. 27 repealed (1.4.1997) by [1996 c. 14](#), ss. 131(2), 132(4), [Sch. 11](#) (with [s.72\(5\)](#)); [S.I. 1997/305](#), [art. 2](#)

28 Differing service liabilities of those called out.

- (1) Where a person—
- [^{F4}(a) is in service in pursuance of a call-out notice under section 58 of the Reserve Forces Act 1996 specifying an enactment mentioned in section 26(2) above;]
 - (b) if he were not in service he would be liable to be called into service by a call-out notice under [^{F5}section 58 of the Reserve Forces Act 1996] or, as the case may be, by such a call-out notice specifying a different enactment so mentioned,

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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 [^{F5}section 58 of the Reserve Forces Act 1996] 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.
- (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.

Textual Amendments

- F4** S. 28(1)(a) substituted (1.4.1997) by [S.I. 1997/306, art. 12\(1\)\(a\)](#)
F5 Words substituted (1.4.1997) by [S.I. 1997/306, art. 12\(1\)\(b\)](#)

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 [^{F6}section 58 of the Reserve Forces Act 1996 specifying an enactment in section 26(2) above] 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 [^{F6}permanent] 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.

Textual Amendments

- F6** Words in s. 29(1) substituted (1.4.1997) by [S.I. 1997/306, art. 13\(a\)\(b\)](#)

[^{F7}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

- F7** S. 29A inserted (1.4.1997) by [S.I. 1997/306, art. 14](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act excluded (prosp.) by [1996 c. 14 s. 129\(2\)](#)
- Act modified (prosp.) by [1996 c. 14 s. 128Sch. 8 para. 4\(5\)](#)
- Act repealed (except s.048, 55, 130-138,140,151,156,157, 158) (prosp.) by [1996 c. 14 s. 131\(2\)Sch. 11](#)