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Reserve Forces Act 1980

1980 CHAPTER 9

PART II

CALL OUT AND RECALL

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.

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- (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—
 - (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 ^{M1}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

M1 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.

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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 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

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(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

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 ^{M2}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

M2 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.

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- (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.
- (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—

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- (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).

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)

C1 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 ^{M3}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)

C2 S. 25 applied (with modifications) (1.7.1992) by [Army Act 1992 \(c. 39\)](#), [ss. 3\(2\)](#), 5

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Marginal Citations

M3 1955 c. 18.

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

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