



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

[^{F1}whenever an order under section 52(1)(b) of the Reserve Forces Act 1996 is in force.]

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.

[^{F2}(1A) Sections 50(6), and 52(3) to (6) of the Reserve Forces Act 1996 shall apply to persons subject to this section as if they were persons to whom section 52 of that Act applied.]

- (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.

Textual Amendments

F1 Words in s. 16(1) substituted (1.4.1997) by [S.I. 1997/306, reg. 4\(a\)](#)

F2 S. 16(1A) inserted (1.4.1997) after subsection (1) by [S.I. 1997/306, reg. 4\(b\)](#)

Changes to legislation: Reserve Forces Act 1980, Cross Heading: Other provisions as to call out for service is up to date with all changes known to be in force on or before 30 August 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

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—
- (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.

[^{F4}18 Permanent service call out of [^{F3}Regular Reserve] .

[Any officer or man of the [^{F3}Regular Reserve] shall be liable to be called out for
^{F5}(1) permanent service on home defence service whenever an order under section 52(1)(b) of the Reserve Forces Act 1996 is in force.]

[Sections 50(6), and 52(3) to (6) of the Reserve Forces Act 1996 shall apply to persons
^{F6}(1A) subject to this section as if they were persons to whom section 52 of that Act applied.]

- (2) Where a man of the [^{F3}Regular Reserve] is called out for permanent service—
- (a) he may be appointed to any corps;
 - (b) [^{F7}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.]

^{F4}(3)]

Textual Amendments

- F3** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(a\)\(4\)50\(1\)](#) (with s. 49(3)(5)); [S.I. 2014/2370, art. 4\(a\)](#)
- F4** S. 18 repealed (1.4.1997 except so far as it relates to s. 18(1)(2) the repeal of which is still *prosp.*) by [1996 c. 14, s. 131\(2\), Sch. 11](#) (with s. 72(5)); [S.I. 1997/305, art. 2](#)
- F5** S. 18(1) substituted (1.4.1997) by [S.I. 1997/306, art. 5\(a\)](#)
- F6** S. 18(1A) inserted (1.4.1997) by [S.I. 1997/306, art. 5\(b\)](#)
- F7** S. 18(2)(b) 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. 3, 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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Marginal Citations

M1 1955 c. 18.

19 Duration of [^{F3}Regular Reserve] permanent service.

- (1) Subject to this section and section 13(3) above, a man of the [^{F3}Regular 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 [^{F3}Regular Reserve] .
- [^{F8}(3) Section 19A below shall apply to men of the [^{F3}Regular Reserve] called out for permanent service.
- (4) [^{F9}Section 13 of the Army Act 1955 so far as it relates to discharge shall apply to men of the [^{F3}Regular Reserve] called out for permanent service as it applies to soldiers of the regular forces.]
- (5) Nothing in subsection (2) above shall prejudice the operation of [^{F10}subsections (3) and (4) above][^{F10}subsection (3)] .]

Textual Amendments

- F3** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(a\)\(4\)50\(1\)](#) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)
- F8** S. 19(3)-(5) substituted for s. 19(3) (1.1.1999) by S.I. 1998/3086, reg. 11, **Sch. para. 6**
- F9** S. 19(4) 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. 4\(a\), Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F10** Words in s. 19(5) substituted (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. 4\(b\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

[^{F11}19A Postponement of discharge of members of [^{F3}Regular Reserve] during call out.

- (1) Where a man of the [^{F3}Regular 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 [^{F3}Regular 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.

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- (5) Where, at the time at which under subsections (1) to (4) above a man of the [F³Regular 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) [F¹²In subsections (3) to (5)—
- “the competent military authority” means the Defence Council or any officer of a description prescribed by regulations of the Defence Council;
- “prescribed” means prescribed by regulations of the Defence Council.]
- (8) Subject to subsection (9) below, in subsection (1) above the reference to a man of the [F³Regular 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 [F³Regular Reserve] who enlisted in the [F³Regular Reserve] before 1st April 1967, the reference to a man of the [F³Regular 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 [F³Regular Reserve] on or after that date, or
 - (b) he has made an irrevocable election to that effect in the prescribed manner.]

Textual Amendments

- F3** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(a\)\(4\)50\(1\)](#) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)
- F11** S.19A inserted (1.1.1999) by 1998/3086, reg. 11, Sch. para. 6
- F12** S. 19A(7) substituted (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. 5](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

[F¹³20 Permanent service call out of Air Force Reserve.

[Any man of the Air Force Reserve shall be liable to be called out for permanent service
F¹⁴(1) on home defence service whenever an order under section 52(1)(b) of the Reserve Forces Act 1996 authorising his call-out is in force.]

[Sections 50(6) and 52(3) to (6) of the Reserve Forces Act 1996 shall apply to persons
F¹⁵(1A) subject to this section as if they were persons to whom section 52 of that Act applied.]

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(2)]

Textual Amendments

- F13** S. 20 repealed (1.4.1997 except so far as it relates to s. 20(1) the repeal of which *isprosp.*) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**
- F14** S. 20(1) substituted (1.4.1997) by S.I. 1997/306, **art. 7(a)**
- F15** S. 20(1A) inserted (1.4.1997) by S.I. 1997/306, **art. 7(b)**

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.

[^{F16}(3) Section 21A below shall apply to men of the Air Force Reserve called out for permanent service.

^{F17}(4)

(5) Nothing in subsection (2) above shall prejudice the operation of [^{F18}subsection (3)] .]

Textual Amendments

- F16** S. 21(3)-(5) substituted (1.1.1999) for s. 21(3) by S.I. 1998/3086, **reg. 11, Sch. para. 7(1)**
- F17** S. 21(4) 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. 6(a), Sch. 17**; S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- F18** Words in s. 21(5) substituted (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. 6(b)**; S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

[^{F19}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.

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- (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) ^[F20]In subsections (3) to (5)—
- “the competent air force authority” means the Defence Council or any officer of a description prescribed by regulations of the Defence Council;
- “prescribed” means prescribed by regulations of the Defence Council.]
- (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

F19 S. 21A inserted (1.1.1999) by [S.I. 1998/3086, reg. 11, Sch. para. 7\(2\)](#)

F20 S. 21A(7) substituted (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. 7](#); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)

- ^[F21]**22** (1) Every officer and man of the ^[F22]Army Reserve] and of the Royal Auxiliary Air Force shall be liable to be called out for home defence service whenever an order under section 52(1)(b) of the Reserve Forces Act 1996 authorising his call-out is in force notwithstanding that—

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- (a) the [^{F22}Army Reserve] or that part to which he belongs has not been called out for permanent service by virtue of section 10(1) or 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).
- (2) Sections 50(6) and 52(3) to (6) of the Reserve Forces Act 1996 shall apply to persons subject to this section as if they were persons to whom section 52 of that Act applied.]

Textual Amendments

- F21** S. 22 substituted (1.4.1997) by [S.I. 1997/306, art. 9](#)
- F22** Words in [Act](#) substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(b\)\(4\)50\(1\)](#) (with [s. 49\(3\)\(5\)](#)); [S.I. 2014/2370, art. 4\(a\)](#)

^{F23}**23** .

Textual Amendments

- F23** S. 23 repealed (1.4.1997) by [1996 c. 14, s. 131\(2\), Sch. 11](#) (with [s. 72\(5\)](#)); [S.I. 1977/305, art. 2](#)

^{F24}**24 Permanent service call out of Ulster Defence Regiment.**

Textual Amendments

- F24** S. 24 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. 8, Sch. 17](#); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)

^{F25}**25 Emergency service call out of Ulster Defence Regiment.**

Textual Amendments

- F25** S. 25 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. 9, Sch. 17](#); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)

[^{F26}**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”]

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Textual Amendments

F26 S. 25A inserted (1.4.1997) by [S.I. 1997/306](#), [reg. 10](#)

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](#)