



Reserve Forces (Safeguard of Employment) Act 1985

1985 CHAPTER 17

Applications to Reinstatement Committees, and appeals

8 Applications to Reinstatement Committees.

- (1) A person—
 - (a) who has, or claims to have, entered upon a period of whole-time service, and
 - (b) who claims that he has rights under sections 1, 3, 4, 5 and 7 (the “relevant sections”) which are being or have been denied him,may, within the prescribed time, apply to a Reinstatement Committee for the determination of any question relating to his rights, if any, under the relevant sections, and the Reinstatement Committee shall determine that question.
- (2) Where the Reinstatement Committee are satisfied that default has been made by the applicant’s former employer in the discharge of his obligations under the relevant sections, the Reinstatement Committee may make either or both of the following orders as is in their opinion appropriate, having regard to all the circumstances of the case and the nature and extent of the default—
 - (a) an order requiring employment to be made available to the applicant by his former employer on such date, in such occupation, on such terms and conditions and at such place as may be specified in the order, being employment which, in the Reinstatement Committee’s opinion is such as is required by the relevant sections to be made available to the applicant;
 - (a) an order requiring that there shall be paid to the applicant by way of compensation for any loss suffered or likely to be suffered by him by reason of the default a sum specified in the order, not exceeding in any event the amount of the remuneration which, in the Reinstatement Committee’s opinion, the applicant would, if the obligations imposed by the relevant sections in relation to him had been duly discharged, have been entitled to receive from his former employer in respect of the period during which under the relevant sections he has to be employed by his former employer.

Changes to legislation: There are currently no known outstanding effects for the Reserve Forces (Safeguard of Employment) Act 1985, Cross Heading: Applications to Reinstatement Committees, and appeals. (See end of Document for details)

- (3) Schedule 2 has effect as to Reinstatement Committees and the umpire and deputy umpires, and Schedule 3 as to the orders of Reinstatement Committees.

9 Appeals.

- (1) An appeal may, within the prescribed time, be brought from any determination or order of a Reinstatement Committee under section 8, or from the refusal of a Reinstatement Committee to make an order, to the umpire or a deputy umpire at the instance—
- (a) of an organisation of employers of which the employer concerned was a member on the date on which the application was made to the Reinstatement Committee,
 - (b) of an association of employed persons of which the applicant was a member on that date,
 - (c) either of the employer concerned or of the applicant—
 - (i) without leave in any case in which the decision of the Reinstatement Committee is not unanimous, and
 - (ii) with the leave of the Reinstatement Committee, or, if the Reinstatement Committee refuse leave and an application for leave is made within the prescribed time to the umpire or a deputy umpire, with the leave of the umpire or a deputy umpire,and in this subsection “the employer” includes, in a case where different persons have at different periods been the applicant’s former employer, any person against whom an order was made by the Reinstatement Committee.
- (2) The umpire or deputy umpire may on any such appeal make any determination or order which a Reinstatement Committee might make under section 8, or may dismiss the appeal, and his decision shall be final.
- (3) In considering how to exercise his powers under subsection (2), the umpire or deputy umpire shall, where there has been any change in the relevant facts since the date of the hearing before the Reinstatement Committee, have regard to the facts existing on the date of the hearing before him.
- (4) When considering an appeal under this section the umpire or deputy umpire shall sit with two assessors appointed by the Secretary of State, but where one or both of the assessors so appointed is or are absent, then, with the consent in writing of the parties, the appeal may be considered and determined without him or them, as the case may be.

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