



Reserve Forces Act 1996

1996 CHAPTER 14

PART IV

SPECIAL AGREEMENTS FOR CALL OUT

Special agreements

28 Special agreements

- (1) A member of a reserve force who has entered into a special agreement is liable, while the agreement is in force—
 - (a) to be called out for permanent service anywhere in the world; and
 - (b) to fulfil any training obligations specified in the agreement.
- (2) A person in qualifying employment shall, before entering into a special agreement, obtain the consent of his employer in such form as may be prescribed.
- (3) A special agreement—
 - (a) shall specify a period not exceeding 9 months as the maximum period for which the person concerned may be required to serve on being accepted into service under this Part; and
 - (b) may specify other terms relating to the obligations undertaken by the person entering into it.
- (4) A person who has entered into a special agreement—
 - (a) shall fulfil any training obligations specified in the agreement;
 - (b) if accepted into service under this Part, shall serve, in accordance with the terms of the agreement and (subject to those terms), on such other terms and conditions as may be prescribed and are applicable in his case.
- (5) The obligations undertaken by a person who has entered into a special agreement are in addition to any other obligations he may have as a member of a reserve force.

29 Employers' consent before entering agreements

- (1) Before entering into a special agreement, a person shall—
 - (a) submit a declaration to an authorised person in the prescribed form stating whether he is in employment and, if so, giving the name of his employer and such other particulars as may be prescribed;
 - (b) where the person concerned is in employment with an employer which is qualifying employment, produce to an authorised person a document recording the consent of that employer to his entering into the agreement.
- (2) Where an authorised person is satisfied at the time a person enters into a special agreement that—
 - (a) he is not in qualifying employment; or
 - (b) he is in qualifying employment and the employer has consented to his entering into the agreement,the validity of the agreement shall not be affected by any failure to comply with section 28(2); and a document purporting to be a certificate signed by the authorised person stating that he is satisfied of those matters shall be evidence of that fact.
- (3) Where a person has more than one qualifying employment, subsections (1) and (2) apply separately in relation to each employer of his.
- (4) In this section and section 30 “authorised person” means a person authorised by or in accordance with directions of the Defence Council for the purpose of exercising the functions concerned.

30 New employer's consent to continuation of agreements

- (1) Where a person who has entered into a special agreement begins a new qualifying employment he shall, within 7 days of beginning that employment, submit a declaration to an authorised person in the prescribed form stating that he has begun a new qualifying employment and giving the name of his employer and such other particulars as may be prescribed.
- (2) Subject to subsections (3) and (4), where a person has begun a new qualifying employment with an employer and submitted the declaration required by subsection (1), he is not liable to be called out under this Part or required to fulfil any training obligations specified in his special agreement unless and until—
 - (a) the employer gives his written consent in the prescribed form to the continuation in force of the agreement; and
 - (b) an authorised person certifies under subsection (5) that the employer has given that consent.
- (3) Subsection (2) does not apply if the declaration is submitted by a person who is in service under this Part.
- (4) If the declaration is submitted after the person concerned has been served with a call-out notice under section 32 but before the notice has ceased to have effect, the person concerned shall remain liable to be accepted into service until the notice ceases to have effect.
- (5) Where, after a declaration under subsection (1) has been submitted, an authorised person is satisfied that the person concerned has begun a new qualifying employment

and that his employer has given the requisite consent, he shall certify that fact in the prescribed form.

- (6) For the purposes of subsection (2)(a), such a certificate shall be conclusive evidence that the employer has consented to the continuation in force of the special agreement in question.
- (7) For the purposes of this section a person begins a new qualifying employment when, at any time after entering into a special agreement—
 - (a) he begins a qualifying employment with a person who was not already his employer; or
 - (b) where the hours for which he is employed, by a person who has not previously been required to give consent under this section or section 29, change so as to cause his employment by that person to become qualifying employment.

31 Termination of agreements

- (1) A special agreement shall terminate when, before the person concerned has been accepted into service under this Part, any of the following events occurs—
 - (a) the expiry of the period of 12 months beginning with the day on which the agreement was entered into;
 - (b) the expiry of such period as may be prescribed after the giving in the prescribed manner of notice to terminate the agreement by the person concerned;
 - (c) the giving by the Secretary of State of a direction that the agreement be terminated;
 - (d) the acceptance of the person into permanent service under Part VI;
 - (e) the coming into force of another special agreement; and
 - (f) any other event specified in the agreement as an event which terminates the agreement.
- (2) A direction under subsection (1)(c) may be given on the application of the person concerned or any employer of his or without any such application.
- (3) A special agreement shall terminate on the release of the person concerned from a period of service under this Part.
- (4) On the termination of a special agreement the obligations undertaken by the person concerned by entering the agreement shall cease and, accordingly, he may not be accepted into service under this Part.
- (5) Any reference in this Part to a person who has entered into a special agreement does not include a reference to any person whose agreement has terminated.