



# Reserve Forces Act 1996

## 1996 CHAPTER 14

### PART VII

#### RECALL FOR SERVICE OF OFFICERS AND FORMER SERVICEMEN

##### *Supplementary*

#### **73 Power to exempt persons from or relax recall liability**

The Defence Council may by regulations make provision—

- (a) securing that, in such cases as may be prescribed, persons otherwise liable to be recalled are exempt from that liability; and
- (b) relaxing, in such cases as may be prescribed, the liability of any persons to be recalled.

#### **74 Exercise of certain functions under section 70**

(1) The Secretary of State may authorise—

- (a) the Defence Council;
- (b) any particular officers; or
- (c) any officers of a description specified in the authorisation,

to exercise any function of his under section 70, subject to such limitations and conditions as may be so specified.

(2) An authorisation under subsection (1) relating to the exercise of any function of the Secretary of State by the Defence Council shall (unless the authorisation provides otherwise) be deemed to permit the Defence Council to authorise—

- (a) any particular officers; or
- (b) any officers of a description determined by the Defence Council,

to exercise the function, subject to such limitations and conditions as may be so specified.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Arrangements made under subsection (1) or (2) for the discharge of any function shall not prevent the exercise of the function by the Secretary of State or (in the case of arrangements under subsection (2)) the Defence Council.

## **75 Power to require information**

- (1) The Secretary of State may, for the purposes of carrying this Part into effect, make regulations requiring any person not serving in the regular services or the reserve forces who falls within paragraph (a) or (b) of section 66(1), to provide such information as may be specified in the regulations.
- (2) The regulations shall secure that a person who falls within subsection (1)(b) of section 66 is under no obligation to provide information after he ceases to be a person to whom that section applies by virtue of subsection (2) of that section.
- (3) Without prejudice to the generality of subsection (1), regulations under this section may include provision as to the manner in which, the times when and any person to whom specified information is to be provided.
- (4) Any person who fails without reasonable excuse to comply with regulations under this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) Any person who, in providing information required by regulations under this section, knowingly or recklessly makes a statement false in any material particular is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale (or both).
- (6) Proceedings against any person for an offence under this section may be taken at any place at which he is for the time being.
- (7) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **76 Recall not to affect service pensions**

Where a person to or in respect of whom a service pension is payable has been accepted into service under a recall order—

- (a) any pay or other emoluments to which he is entitled in respect of his service on recall shall not be reduced by reason of the service pension;
- (b) the service pension shall not be withheld or reduced by reason of any such pay or emoluments.

## **77 Interpretation of Part VII**

- (1) In this Part—
- “authorised officer” means an officer authorised by or in accordance with directions of the Defence Council for the purposes of this Part;
- “man” means a person of either sex who is of or below the rank or rate of warrant officer;
- “prescribed” means prescribed in regulations made by the Defence Council;

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“recall order” means an order under section 68 and “recall” means recall for permanent service under such an order;

“service”, in relation to service under a recall order, means permanent service; and

“the United Kingdom” includes the Channel Islands and the Isle of Man.

- (2) Regulations made by the Defence Council under this Part may include incidental or supplementary provision and shall be laid before each House of Parliament after being made.