



Reserve Forces Act 1996

1996 CHAPTER 14

PART XII

MISCELLANEOUS AND GENERAL

Miscellaneous

120 Disbanding of units: charitable property

Schedule 5 (treatment of charitable property held for purposes of any body of a reserve force which has been, or is to be, disbanded or amalgamated with another body) shall have effect.

121 The lieutenancies

- (1) Schedule 6 (minor amendments and pre-consolidation amendments relating to the lieutenancies) shall have effect.
- (2) It is hereby declared that the validity of the appointment of a lord-lieutenant after 20th April 1980 is not affected by the fact that the instrument appointing him refers to the power of appointment previously contained in the Local Government Act 1972 or the Local Government (Scotland) Act 1973 and not the corresponding power under the Reserve Forces Act 1980.

This subsection shall come into force on the passing of this Act.

122 Safeguard of employment for members of reserve forces

- (1) The Reserve Forces (Safeguard of Employment) Act 1985 shall be amended as follows.
- (2) For subsection (1) of section 1 (obligation to reinstate) there shall be substituted the following subsections—

“(1) This section applies to any person who is in permanent service under—

Status: This is the original version (as it was originally enacted).

- (a) Part IV (special agreements for call out) or Part V (special members) of the Reserve Forces Act 1996;
 - (b) a call-out order under Part VI of that Act (orders authorising general call out of members of reserve forces); or
 - (c) a recall order under section 68 (recall of officers and former servicemen) of that Act.
- (1A) In this Act “whole-time service” means permanent service to which this section applies.”
- (3) For subsection (1) of section 17 (prohibition of dismissal for liability to whole-time service) there shall be substituted the following subsection—
- “(1) If the employer of a person who may be required to enter upon a period of whole-time service—
- (a) terminates that person’s employment without his consent at any time when he is not in that service, and
 - (b) does so solely or mainly by reason of any duties or liabilities which that person may be liable to perform or discharge—
 - (i) if required to report at any time or place with a view to entering into whole-time service; or
 - (ii) if he enters upon a period of whole-time service,
- the employer is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.”
- (4) In section 20(1) (interpretation), for the definition of “whole-time service” there shall be substituted the following definition—
- ““whole-time service” has the meaning given by section 1(1A).”
- (5) For subsections (3) and (4) of section 20 (interpretation) there shall be substituted the following subsection—
- “(3) A period of whole time service shall not be regarded as having ceased by reason of any absence on leave (including sick leave or maternity leave) before release from service or discharge.”
- (6) The amendments made by this section do not affect the operation of the Reserve Forces (Safeguard of Employment) Act 1985 in its application to persons liable to be called out or recalled for permanent service under the Reserve Forces Act 1980 or officers liable to be called out or recalled otherwise than under this Act.

123 Billeting

- (1) All provisions for the time being in force in relation to the billeting of the Royal Marines shall be applicable to the men of the reserve naval and marine forces during such time as they attend training or are in permanent service or full-time service under a full-time service commitment.
- (2) All powers and authorities in relation to the billeting of the Royal Marines which may be exercised by any colonel, commandant, or commanding officer of any division of Royal Marines, may, for the purpose of billeting the men of the reserve naval and marine forces, be exercised by any officer in the Royal Navy holding the rank of

commander, or any higher rank, authorised for the purpose by orders or regulations under section 4.

124 Exemption from tolls etc

- (1) This section applies to a member of any reserve land, air or marine force when going to or returning from any place at which he is required to attend, and for non-attendance at which he is liable to be punished.
- (2) For the purposes of section 184 of the Army Act 1955, section 184 of the Air Force Act 1955 and all other enactments relating to the duties, tolls and ferries which are mentioned in those sections, a person to whom this section applies shall be deemed to be a member of the regular army on duty or (as the case may be) the regular air force on duty.

125 Absence for voting

No member of a reserve force shall be liable, when not in permanent service, to any penalty or punishment on account of his absence from duty in the United Kingdom for voting at—

- (a) any election of a Member of Parliament or a Member of the European Parliament, or
 - (b) any local election,
- or going to or returning from such voting.

126 Postponement of transfer to the reserve or discharge of servicemen

Schedule 7 (amendments of the enactments concerning the postponement of transfer to the reserve or discharge from the regular services of soldiers, marines, airmen and ratings) shall have effect.