

Status: Point in time view as at 01/04/1997.

Changes to legislation: Reserve Forces Act 1996, Cross Heading: Army Act 1955 (c. 18) is up to date with all changes known to be in force on or before 17 September 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)

SCHEDULES

SCHEDULE 10

MINOR AND CONSEQUENTIAL AMENDMENTS

Army Act 1955 (c. 18)

- 1 (1) Section 205(1) (persons subject to military law) of the Army Act 1955 shall be amended as follows.
- (2) For paragraph (e) there shall be substituted the following paragraphs—
- “(e) every officer of the Territorial Army who is not a special member;
 - (ea) every officer of the Territorial Army who is a special member when in permanent service, in full-time service or undertaking any training or duty (whether in pursuance of an obligation or not);
 - (eb) every officer of the army reserve when in permanent service, in full-time service or undertaking any training or duty (whether in pursuance of an obligation or not) or when serving on the permanent staff of the army reserve;”.
- (3) In paragraph (g) for the words from “called” to the end there shall be substituted the words “ in permanent service, in full-time service or undertaking any training or duty (whether in pursuance of an obligation or not) or when serving on the permanent staff of the army reserve; ”.
- (4) In paragraph (h) for the words from “embodied” to “parades” there shall be substituted the words “ in permanent service, in full-time service, called out for home defence service or undertaking any training or duty ”.
- 2 At the end of section 205 of that Act there shall be inserted the following subsection—
- “(4) In this section—
- “full-time service” means service under a commitment entered into under section 24 of the Reserve Forces Act 1996;
 - “permanent service” means permanent service on call out under any provision of the Reserve Forces Act 1980, the Reserve Forces Act 1996 or any other call-out obligations of an officer; and
 - “special member” has the same meaning as in the Reserve Forces Act 1996.”
- 3 (1) Section 210(2) (application of section 205 to Royal Marines) of that Act shall be amended as follows.
- (2) After paragraph (a) there shall be inserted the following paragraph—
- “(aa) any reference to an officer of the army reserve shall be construed as including a reference to an officer of the Royal Marines Reserve or a marine officer of the Royal Fleet Reserve;”.

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- (3) For paragraph (b) there shall be substituted the following paragraphs—
- “(b) any reference to a warrant officer, non-commissioned officer or man of the army reserve shall be construed as including a reference to a warrant officer, non-commissioned officer or a marine of the Royal Marines Reserve and to a marine warrant officer or non-commissioned officer or a marine of the Royal Fleet Reserve; and
 - (ba) any reference to the permanent staff of the army reserve shall be construed as including a reference to the permanent staff of the Royal Marines Reserve or the Royal Fleet Reserve.”
- 4 In section 210(3) of that Act, for the words “the Royal Marines Reserve or” there shall be substituted the words “ or the Royal Marines Reserve and a marine officer, marine warrant officer or non-commissioned officer or a marine of ”.
- 5 In section 210(4) of that Act, for the word “or” there shall be substituted the words “ and to marine officers, marine warrant officers or non-commissioned officers and marines of ”.
- 6 After subsection (5) of section 210 of that Act there shall be inserted the following subsection—
- “(6) For the purposes of this section references to marine warrant officers or non-commissioned officers and marines of the Royal Fleet Reserve shall be construed as references to persons who were transferred to that force from the Royal Marines or who enlisted in that force as marines.”
- 7 (1) Section 211 (application of Act to reserve forces) of that Act shall be amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), for the words “any reserve of officers” there shall be substituted the words “ the army reserve ”; and
 - (b) for paragraph (b) there shall be substituted the following paragraph—
 - “(b) officers of the Territorial Army when in permanent service, in full-time service, called out for home defence service or undertaking any training or duty (whether in pursuance of an obligation or not) or when serving on the permanent staff of the Territorial Army.”
- (3) For subsection (2) there shall be substituted the following subsection—
- “(2) Subsections (5) and (6) of section 17 shall apply to warrant officers, non-commissioned officers and men of the army reserve and the Territorial Army as if the references to forfeited service were references to a period of permanent service or, as the case may be, of service as a member of the force concerned, which is to be disregarded under section 98(6) of the Reserve Forces Act 1996.”
- (4) For subsections (4) and (5) there shall be substituted the following subsections—
- “(4) The provisions of this Act mentioned in subsection (4A) below shall apply to officers, warrant officers, non-commissioned officers and men of the army reserve and the Territorial Army only when they are in permanent service, in full-time service, called out for home defence service or serving on the permanent staff of the army reserve or the Territorial Army.

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(4A) The provisions referred to in subsection (4) above are—

- (a) sections 150 to 153 of this Act;
- (b) except insofar as they may be applied by regulations made under section 103(2) of the Reserve Forces Act 1996, the provisions of Part II of this Act relating to the award of stoppages and sections 144 to 149 of this Act.”

(5) For subsection (6) there shall be substituted the following subsection—

“(6) Section 182 of this Act shall not apply at any time to officers, warrant officers, non-commissioned officers or men of the Territorial Army.”

(6) For subsection (8) there shall be substituted the following subsection—

“(8) An officer of the army reserve or the Territorial Army may be attached temporarily to any of Her Majesty’s naval or air forces whether or not he is in permanent service but, if not in permanent service, shall not be so attached except with his consent.”

(7) After subsection (8) there shall be inserted the following subsection—

“(9) In this section—

“full-time service” means service under a commitment entered into under section 24 of the Reserve Forces Act 1996; and

“permanent service” means permanent service on call-out under any provision of the Reserve Forces Act 1980, the Reserve Forces Act 1996 or any other call-out obligations of an officer.”

8 In paragraph 22 of Schedule 7 (provisions as to Royal Marines: application of section 211) to that Act—

- (a) after the words “Royal Marines Reserve” there shall be inserted the words “or marine officers, marine warrant officers or non-commissioned officers or marines of”; and
- (b) for the words “any reserve of officers” there shall be substituted the words “the army reserve”.

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