
Changes to legislation: Reserve Forces Act 1996, SCHEDULE 8 is up to date with all changes known to be in force on or before 20 April 2024. 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) View outstanding changes

SCHEDULES

SCHEDULE 8

Section 128.

TRANSITORY AND TRANSITIONAL PROVISIONS

Existing members of the reserve forces

- 1 (1) Nothing in section 2 shall prevent a person who, immediately before the day on which that section comes into force, is a man of a reserve force from continuing as a man of that force.
- (2) If men of the Air Force Reserve are transferred to the Royal Auxiliary Air Force under paragraph 7(2) after the day on which section 2 comes into force, nothing in that section shall prevent them continuing as men of the Royal Auxiliary Air Force.

Royal Fleet Reserve

- 2 (1) The Royal Fleet Reserve shall cease to be maintained as a division of the Royal Naval Reserve and shall, accordingly, be a separate reserve force.
- (2) Sub-paragraph (1) does not affect the continuity of membership of the Royal Fleet Reserve.
- 3 Any reference in any enactment or other instrument to the Royal Naval Reserve which, immediately before the commencement of paragraph 2(1), included a reference to the Royal Fleet Reserve shall continue to have effect as if it included a reference to the Royal Fleet Reserve.

The special class of the Royal Fleet Reserve

- 4 (1) The special class of the Royal Fleet Reserve existing by virtue of sections 2 and 57 of the ^{M1}Reserve Forces Act 1980 may continue in existence subject to sub-paragraphs (2) and (3) of this paragraph.
- (2) No man, after the commencement of this paragraph—
- (a) may on entering or re-engaging in the Royal Fleet Reserve or during a term of service in that force, be entered in or transferred to the special class or undertake the liability for service in that class; or
 - (b) may be transferred to that class otherwise than as mentioned in section 57(2) and section 58 of the Reserve Forces Act 1980.
- (3) Persons in the special class immediately before the commencement of this paragraph shall continue in that class (subject to the provisions of the ^{M2}Reserve Forces Act 1980) until the end of their terms of service as mentioned in section 57(3) of that Act.
- (4) A member of the special class who elects to be subject to Part VI of this Act shall cease to be a member of that class and shall become subject to the provisions of that Part.

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- (5) A person liable under the Reserve Forces Act 1980 to serve in the special class on transfer to the reserve who elects to be subject to Part VI of this Act shall cease to be liable to serve in that class.

Marginal Citations

M1 1980 c. 9.

M2 1980 c. 9.

- 5 If it appears to the Secretary of State that—
- (a) the special class of the Royal Fleet Reserve has no members; and
 - (b) no person remains liable to serve in that class on transfer to the reserve,
- the Secretary of State may by order made by statutory instrument repeal section 2(3) and (4), section 57 and section 58 of the Reserve Forces Act 1980.

Home Service Force

- 6 Section 6 of the Reserve Forces Act 1980 shall cease to have effect.

Royal Air Force Volunteer Reserve

- 7 (1) Her Majesty may continue to maintain a force known as the Royal Air Force Volunteer Reserve as a division of the Air Force Reserve.
- (2) On a day appointed by the Secretary of State by order, any officers or men of the Royal Air Force Volunteer Reserve who, immediately before that day, fall within any description of member specified in the order shall cease to be members of the Air Force Reserve and become members of the Royal Auxiliary Air Force.
- (3) An order under sub-paragraph (2) may describe the members who are to be transferred by reference to the unit or part of the Royal Air Force Volunteer Reserve to which they belong or by reference to any other criterion.

Reserves of Officers

- 8 (1) On a day appointed by the Secretary of State by order officers of the retired list of the Royal Navy and officers of the emergency list of the Royal Navy shall become members of the Royal Fleet Reserve.
- (2) On a day appointed by the Secretary of State by order officers of the retired list of the Royal Marines and officers of the emergency list of the Royal Marines shall become members of the Royal Fleet Reserve.
- 9 On a day appointed by the Secretary of State by order, the members of the Regular Army Reserve of Officers shall become members of the Army Reserve.

Training of existing members of the Royal Auxiliary Air Force

- 10 Section 41(1) of the ^{M3}Reserve Forces Act 1980 shall apply, in relation to any person who may be required to undergo training under that section, with the omission of the words “within the United Kingdom”.

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Marginal Citations

M3 1980 c 9.

Effect of transfers under this Schedule

- 11 (1) Any officers transferred to a reserve force under paragraph 7(2), 8 or 9 shall continue to serve in that force on the same conditions as they served immediately before their transfer.
- (2) Any men transferred to the Royal Auxiliary Air Force under paragraph 7(2) shall serve for the same term and on the same conditions as they served in the Air Force Reserve.
- (3) Anything done by or to any such officer or man before his transfer shall be treated so far as is necessary on and after that day as if it had been done by or to a member of the reserve force to which he was transferred.
- (4) If any such officer or man is transferred to a reserve force on or after the day appointed for the purposes of Part I of Schedule 9—
- (a) he shall be regarded for the purposes of paragraph 2 of that Schedule as if he had been a member of that force since immediately before the appointed day;
 - (b) the references in that paragraph to “that time” shall be taken to refer to the time at which he was transferred to the reserve force.

Parliamentary control

- 12 A determination by Parliament of the permitted numbers of officers or men for any reserve force under any provision of Part I of the ^{M4}Reserve Forces Act 1980 shall have effect as a determination under section 3 of this Act.

Marginal Citations

M4 1980 c. 9.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 2 para. 3(2A) inserted by [2003 c. 44 Sch. 3 para. 65](#)