

# **ARMED FORCES ACT 2011**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 28: Call out of reserve forces***

113. The armed forces include both regular forces and reserve forces (such as the Territorial Army). The obligations of reservists to attend for duty are covered mainly by the Reserve Forces Act 1996 (“the 1996 Act”). These obligations include a duty to serve if “called out” in accordance with an order made under the 1996 Act. Broadly speaking, this duty relates to the defence of the realm, but section 56 of the 1996 Act empowers the Secretary of State to make an order authorising the call out of reservists in certain other circumstances.
114. Under regulation 6 of the Defence (Armed Forces) Regulations 1939 the Defence Council may by order authorise members of the armed forces to be temporarily employed in agricultural work or such other work as may be approved by the Defence Council as being “urgent work of national importance”<sup>1</sup>. The Defence Council is the body with the function under the Sovereign of command of the armed forces. It consists of the Defence Ministers, senior officers and senior Ministry of Defence civil servants. The power was used, for example, to allow the use of the armed forces in response to a major outbreak of foot and mouth disease in 2001.
115. The current power under section 56(1) of the 1996 Act is in different terms from the power under regulation 6 of the 1939 Regulations. The intention is to provide so that the power to call out reservists under section 56 covers the circumstances in which use of the armed forces may be authorised under regulation 6. Accordingly section 28 adds new subsection (1A) to section 56 of the Reserve Forces Act 1996, which extends the Secretary of State’s power to call out reservists to where the Defence Council have authorised use of members of the armed forces for urgent work of national importance.

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<sup>1</sup> Regulation 6 was made permanent by section 2 of the Emergency Powers Act 1964.