

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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

PROSPECTIVE

SCHEDULE 1

Section 4

EXEMPTIONS RELATING TO PREMISES USED BY A CONTRACTOR

Introduction

1 In this Schedule—

“relevant premises” means any premises used by a contractor for the purposes of, or for purposes which include, providing defence procurement services to the Secretary of State by virtue of arrangements mentioned in section 1;

“designated premises” means relevant premises which are for the time being designated for the purposes of a provision of this Schedule by order made by the Secretary of State.

Landlord and Tenant Act 1954 (c. 56)

2 Part 2 of the Landlord and Tenant Act 1954 (security of tenure for business and other tenants) does not apply to—

- (a) any tenancy granted by the Secretary of State to a contractor in respect of any land in relevant premises, or
- (b) any sub-tenancy of the whole or part of the land comprised in such a tenancy or in a sub-tenancy to which this sub-paragraph applies.

Nuclear Installations Act 1965 (c. 57)

3 (1) For the purposes of sections 1 and 2 of the Nuclear Installations Act 1965 (restriction of certain installations to licensed sites and prohibition of certain operations), any site in designated premises is to be treated as a site used by a government department.

(2) Sub-paragraph (3) applies if a contractor uses any site in designated premises for a purpose which, if section 1 of that Act applied to the contractor in relation to the site, would require the authority of a nuclear site licence.

(3) The provisions of that Act other than sections 1 to 6 and 22 have effect as if—

- (a) the contractor were the licensee under a nuclear site licence in respect of the site, and
- (b) any reference to the period of the licensee's responsibility were a reference to any period during which the contractor occupies the site.

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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

Health and Safety at Work etc Act 1974 (c. 37)

- 4 (1) The Secretary of State may by order exempt a contractor, in relation to relevant premises or activities carried on by a contractor at relevant premises, from any of the following—
- (a) sections 21 to 25 of the Health and Safety at Work etc Act 1974;
 - (b) any other provision of Part 1 of that Act;
 - (c) any provision of regulations made under that Part.
- (2) But an exemption may be conferred by virtue of sub-paragraph (1)(b) or (c) only if, and to the extent that, it appears to the Secretary of State necessary or expedient to do so in the interests of the safety of the State.
- (3) An exemption conferred by virtue of sub-paragraph (1)—
- (a) may have effect generally or only in particular respects;
 - (b) may be expressed as having effect in relation to premises for the time being specified in the order.

Radioactive Substances Act 1993 (c. 12)

- 5 The Radioactive Substances Act 1993 has effect, in relation to designated premises and a contractor, as if the designated premises were occupied by the contractor on behalf of the Crown for the purposes of the department of the Secretary of State having responsibility for defence.

[^{F1}Environmental Permitting (England and Wales) Regulations 2016]

Textual Amendments

- F1** Sch. 1 para. 6 cross-heading substituted (E.W.) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 29 Pt. 1 para. 20(a)** (with regs. 1(3), 77-79, Sch. 4)

- 6 [^{F2}The Environmental Permitting (England and Wales) Regulations 2016 ([S.I. 2016/1154](#))] have effect, in relation to designated premises and a contractor, as if the designated premises were used or occupied by the contractor on behalf of the Crown for the purposes of the department of the Secretary of State having responsibility for defence.

Textual Amendments

- F2** Words in Sch. 1 para. 6 substituted (E.W.) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 29 Pt. 1 para. 20(b)** (with regs. 1(3), 77-79, Sch. 4)

Power to create other exemptions

- 7 (1) The Secretary of State may by order provide for exemptions for a contractor, in relation to relevant premises or activities carried on by a contractor at relevant premises, from any provision of subordinate legislation.

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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

- (2) An order under this paragraph may confer an exemption only if the exemption corresponds or is similar to an exemption for, or immunity of, the Crown.
- (3) An exemption conferred by virtue of sub-paragraph (1)—
 - (a) may have effect generally or only in particular respects;
 - (b) may be expressed as having effect in relation to premises for the time being specified in the order.
- (4) In this paragraph “subordinate legislation” has the same meaning as in the Interpretation Act 1978 (see section 21(1) of that Act).

Orders under this Schedule

- 8 (1) Orders under this Schedule are to be made by statutory instrument.
- (2) A statutory instrument containing an order under this Schedule is subject to annulment in pursuance of a resolution of either House of Parliament.

PROSPECTIVE

SCHEDULE 2

Section 7

RESTRICTIONS ON DISCLOSURE OR USE OF INFORMATION

Introduction

- 1 (1) This Schedule applies where the disclosure or use of relevant information is restricted by an obligation of confidence.
- (2) In this Schedule, “relevant information” means information obtained by the Secretary of State (whether before or after the coming into force of this Schedule) under or in connection with a relevant contract.
- (3) “Relevant contract” means a contract entered into by the Secretary of State at any time before the vesting date for the purposes of defence procurement.

Disclosure between the parties etc

- 2 (1) The obligation does not prevent or penalise the disclosure of relevant information—
 - (a) between the Secretary of State or an authorised officer of the Secretary of State and a contractor or an employee of or service provider to a contractor,
 - (b) between a contractor and an employee of or service provider to the contractor, between one such employee and another, between one such service provider and another or between one such employee and one such service provider, or
 - (c) between a contractor or an employee of or service provider to the contractor and another contractor or an employee of or service provider to the other contractor,

Changes to legislation: *Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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*

if the disclosure is necessary or expedient for the purposes of arrangements mentioned in section 1.

- (2) The obligation does not prevent or penalise the disclosure of relevant information—
- (a) by a former contractor or an employee of or service provider to a former contractor to the Secretary of State or an authorised officer of the Secretary of State,
 - (b) by a former contractor or an employee of or service provider to a former contractor to a contractor or an employee of or service provider to a contractor, or
 - (c) between a former contractor and an employee of or service provider to the former contractor, between one such employee and another, between one such service provider and another or between one such employee and one such service provider,

if the disclosure is necessary or expedient for the purposes of arrangements mentioned in section 1.

- (3) The obligation does not prevent or penalise the use of relevant information disclosed to a contractor or an employee of or service provider to a contractor under this paragraph if—
- (a) the information is used by the contractor or the employee or service provider for any purpose for which the Secretary of State could have used the information, and
 - (b) the use of the information is necessary or expedient for the purposes of arrangements mentioned in section 1.

Disclosure and use for audit purposes

- 3 (1) The obligation does not prevent or penalise the disclosure of relevant information by a contractor or an employee of or service provider to a contractor, or the use of that information by the person to whom it is disclosed, if—
- (a) the disclosure is to the Comptroller and Auditor General, or a person exercising an audit function of the Comptroller's, and the information could lawfully be disclosed to the Comptroller or that person by the Secretary of State, or
 - (b) the disclosure is to an accounting officer, or a person exercising an audit function of the officer's, and the information could lawfully be disclosed to that officer or person by the Secretary of State.

- (2) In this paragraph—

“accounting officer” means an officer appointed by the Treasury under section 5(6) or (8) of the Government Resources and Accounts Act 2000 (resource accounts);

“audit function” in relation to the Comptroller and Auditor General, includes any function under Part 2 of the National Audit Act 1983 (examinations into economy, efficiency and effectiveness).

Unauthorised disclosure of information

- 4 (1) This paragraph applies where—
- (a) information is disclosed to a person in accordance with paragraph 2 or 3 (“the original disclosure”), and

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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

(b) that person, or any other person to whom the information is subsequently so disclosed, discloses the information otherwise than in accordance with paragraph 2 or 3 (“the unauthorised disclosure”).

(2) The person making the unauthorised disclosure is to be treated for all purposes as if that person were subject to the obligation which restricted the original disclosure.

(3) But where the person making the unauthorised disclosure is an employee, the information is to be treated as if it had been disclosed by the person's employer.

Unauthorised use of information

5 (1) This paragraph applies where—

(a) information is disclosed in accordance with paragraph 2 to a person other than the Secretary of State or an authorised officer of the Secretary of State, and

(b) the information is used by that person otherwise than in accordance with paragraph 2(3) (“the unauthorised use”).

(2) The person making the unauthorised use is to be treated for all purposes as if that person were subject to the obligation which restricted the use of the information by the Secretary of State.

(3) But where the person making the unauthorised use is an employee, the information is to be treated as if it had been used by the person's employer.

Interpretation: general

6 In this Schedule—

“ancillary services” means services certified by the Secretary of State to be services appearing to the Secretary of State to be calculated to facilitate, or to be conducive or incidental to, arrangements mentioned in section 1;

“authorised officer”, in relation to the Secretary of State, means an officer of the Secretary of State who is authorised by the Secretary of State to disclose or (as the case may be) obtain the information in question;

“former contractor” means a company which has been a contractor;

“relevant information” has the meaning given by paragraph 1(2);

“service provider”, in relation to a contractor or former contractor, means—

(a) a person who performs ancillary services for that contractor, and

(b) an employee of such a person.

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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

PROSPECTIVE

SCHEDULE 3

Section 10

TRANSFER SCHEMES UNDER SECTION 10

Transfer of property, rights and liabilities

- 1
- (1) On the transfer date, the designated property, rights and liabilities that are to be transferred from the transferor to the transferee are transferred and vest in accordance with the transfer scheme.
 - (2) The rights and liabilities that may be transferred by a transfer scheme include those arising under or in connection with a contract of employment.
 - (3) A certificate by the Secretary of State that anything specified in the certificate has vested in a person by virtue of a transfer scheme is conclusive evidence of that fact for all purposes.

Provision that may be made by a transfer scheme

- 2
- (1) A transfer scheme may make provision—
 - (a) for anything done by or in relation to the transferor in connection with any property, rights or liabilities transferred by the scheme to be treated as done, or to be continued, by or in relation to the transferee;
 - (b) for references to the transferor in any agreement (whether written or not), instrument or other document relating to any property, rights or liabilities transferred by the scheme to be treated as references to the transferee;
 - (c) about the continuation of legal proceedings;
 - (d) for transferring property, rights or liabilities which could not otherwise be transferred or assigned;
 - (e) for transferring property, rights and liabilities irrespective of any requirement for consent which would otherwise apply;
 - (f) for preventing a right of pre-emption, right of reverter, right of forfeiture, right to compensation or other similar right from arising or becoming exercisable as a result of the transfer of property, rights or liabilities;
 - (g) for dispensing with any formality in relation to the transfer of property, rights or liabilities by the scheme;
 - (h) for transferring property acquired, or rights or liabilities arising, after the scheme is made but before it takes effect;
 - (i) for apportioning property, rights or liabilities;
 - (j) for creating rights, or imposing liabilities, in connection with property, rights or liabilities transferred by the scheme;
 - (k) for requiring the transferee to enter into any agreement of any kind, or for a purpose, specified in or determined in accordance with the scheme;
 - (l) which is the same as or similar to that made by the TUPE regulations, in a case where those regulations do not apply in relation to the transfer.

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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

- (2) Sub-paragraph (1)(b) does not apply to references in primary legislation or subordinate legislation.

Compensation

- 3 A transfer scheme may contain provision for the payment of compensation by the Secretary of State to any person whose interests are adversely affected by it.

Foreign property

- 4 (1) Where a transfer scheme transfers foreign property or a foreign right or liability, the transferor and the transferee must take all necessary steps to ensure that the vesting of the foreign property, right or liability in the transferee by this Schedule is effective under the applicable foreign law.
- (2) Until the vesting of the foreign property, right or liability is effective under the applicable foreign law, the transferor must—
- (a) hold the property or right for the benefit of the transferee, or
 - (b) discharge the liability on behalf of the transferee.
- (3) Nothing in sub-paragraph (1) or (2) prejudices the effect under the law of a part of the United Kingdom of the vesting of any foreign property, right or liability in the transferee in accordance with a transfer scheme.
- (4) Where—
- (a) any foreign property, right or liability is acquired or incurred by the transferor in respect of any other property, right or liability, and
 - (b) by virtue of this paragraph, the transferor holds the other property or right for the benefit of another person or is required to discharge the liability on behalf of another person,
- the property, right or liability acquired or incurred immediately becomes the property, right or liability of that other person.
- (5) Sub-paragraphs (1) to (4) have effect in relation to foreign property, rights or liabilities transferred to a person under sub-paragraph (4) as they have effect in relation to property, rights or liabilities transferred in accordance with a transfer scheme.
- (6) References in this paragraph to foreign property, or to a foreign right or liability, are references to any property, right or liability as respects which an issue arising in any proceedings would be determined (in accordance with the rules of private international law) by reference to the law of a country or territory outside the United Kingdom.
- (7) Expenses incurred by a transferor under this paragraph must be met by the transferee.
- (8) An obligation imposed under this paragraph in relation to property, rights or liabilities is enforceable as if contained in a contract between the transferor and the transferee.

Incidental etc provision

- 5 A transfer scheme may—
- (a) include incidental, supplementary and consequential provision;

Changes to legislation: *Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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*

- (b) make transitory or transitional provision or savings;
- (c) make different provision for different purposes;
- (d) make provision subject to exceptions.

Modification of transfer schemes

- 6 (1) The Secretary of State may modify a transfer scheme.
- (2) But if a transfer under the scheme has taken effect, any modification that relates to the transfer may be made only with the agreement of the person affected by the modification.
- (3) A modification takes effect from a date specified by the Secretary of State (which may be the date the original scheme came into effect).

Interpretation etc

- 7 In this Schedule—
- “designated”, in relation to a transfer scheme, means specified in or determined in accordance with the scheme;
- “primary legislation” means—
- (a) an Act of Parliament,
 - (b) an Act of the Scottish Parliament,
 - (c) an Act or Measure of the National Assembly for Wales, or
 - (d) Northern Ireland legislation;
- “subordinate legislation” means—
- (a) subordinate legislation within the meaning of the Interpretation Act 1978 (see section 21(1) of that Act), or
 - (b) an instrument made under primary legislation of the kind mentioned in paragraph (b), (c) or (d) of the definition of primary legislation above;
- “the transfer date” means a date specified by a transfer scheme as the date on which the scheme is to have effect;
- “transferee”, in relation to a transfer scheme, means a person who is a transferee in respect of property, rights or liabilities for whose transfer the scheme provides;
- “transferor”, in relation to a transfer scheme, means the person for the transfer of whose property, rights or liabilities the scheme provides.

SCHEDULE 4

Section 13

SINGLE SOURCE REGULATIONS OFFICE

Membership

- 1 (1) The SSRO is to consist of the following members—
- (a) a chair appointed by the Secretary of State,
 - (b) at least two other members so appointed, and

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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

- (c) a chief executive, a chief operating officer and other members appointed in accordance with paragraph 2.
- (2) The number of executive members must be less than the number of non-executive members.
- (3) In this Schedule—
- (a) references to “non-executive members” of the SSRO are to the members mentioned in sub-paragraph (1)(a) and (b), and
 - (b) references to “executive members” of the SSRO are to the chief executive, the chief operating officer and the other members mentioned in sub-paragraph (1)(c).

Commencement Information

I1 Sch. 4 para. 1 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

Executive members: appointment and status

- 2
- (1) The executive members of the SSRO are to be appointed by the non-executive members.
 - (2) A person may not be appointed as an executive member without the consent of the Secretary of State.
 - (3) The executive members are to be employees of the SSRO.

Commencement Information

I2 Sch. 4 para. 2 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

Non-executive members: tenure

- 3
- (1) A person holds and vacates office as a non-executive member of the SSRO in accordance with the terms and conditions of his or her appointment.
 - (2) Appointment as a member of the SSRO is for a term of—
 - (a) not less than three years, and
 - (b) not more than six years.
 - (3) A person may at any time resign from office as a non-executive member by giving notice to the Secretary of State.
 - (4) The Secretary of State may at any time remove a member from office on any of the following grounds—
 - (a) incapacity;
 - (b) misconduct (which may include breach of a term or condition of the member's appointment);
 - (c) failure to carry out his or her duties.

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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

- (5) The Secretary of State may suspend a person from office as a non-executive member if it appears to the Secretary of State that there are or may be grounds to remove the person from office under sub-paragraph (4).
- (6) A person who ceases to be a non-executive member is eligible for reappointment.

Commencement Information

I3 Sch. 4 para. 3 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

Suspension from office

- 4 (1) This paragraph applies where a person is suspended under paragraph 3(5).
- (2) The Secretary of State must give notice of the decision to the person; and the suspension takes effect on receipt by the person of the notice.
- (3) The notice may be—
- (a) delivered in person (in which case, the person is taken to receive it when it is delivered), or
 - (b) sent by first-class post to the person's last known address (in which case, the person is taken to receive it on the third day after the day on which it is posted).
- (4) The initial period of suspension must not exceed six months.
- (5) The Secretary of State may at any time review the suspension.
- (6) The Secretary of State—
- (a) must review the suspension if requested in writing by the person to do so, but
 - (b) need not review the suspension less than three months after the beginning of the initial period of suspension.
- (7) Following a review during a period of suspension, the Secretary of State may—
- (a) revoke the suspension, or
 - (b) suspend the person for another period of not more than six months from the expiry of the current period.
- (8) The Secretary of State must revoke the suspension if the Secretary of State decides—
- (a) that there are no grounds to remove the person from office under paragraph 3(4), or
 - (b) that there are grounds to do so but does not remove the person from office under that provision.

Commencement Information

I4 Sch. 4 para. 4 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

- 5 (1) Where a person is suspended from office as the chair under paragraph 3(5), the Secretary of State may appoint a non-executive member as interim chair to exercise the chair's functions.
- (2) Appointment as interim chair is for a term not exceeding the shorter of—

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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

- (a) the period ending with either—
 - (i) the appointment of a new chair, or
 - (ii) the revocation or expiry of the existing chair's suspension, and
 - (b) the remainder of the interim chair's term as a non-executive member.
- (3) A person who ceases to be the interim chair is eligible for reappointment.

Commencement Information

I5 Sch. 4 para. 5 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

Payment of non-executive members

- 6 The SSRO may, with the approval of the Secretary of State—
- (a) pay remuneration and allowances to the non-executive members, and
 - (b) pay or provide for the payment of pensions, allowances and gratuities to or in respect of a person who is or has been a non-executive member of the SSRO.

Commencement Information

I6 Sch. 4 para. 6 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

Staff etc

- 7
- (1) The SSRO may appoint employees.
 - (2) The SSRO may pay its employees remuneration and allowances.
 - (3) Employees of the SSRO are to be appointed on such other terms and conditions as the SSRO may determine.
 - (4) The SSRO may pay or provide for the payment of pensions, allowances and gratuities to or in respect of any person who is or has been an employee of the SSRO.

Commencement Information

I7 Sch. 4 para. 7 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

- 8
- (1) The SSRO may make arrangements—
 - (a) for persons to provide professional services to the SSRO;
 - (b) for persons to be seconded to the SSRO.
 - (2) The arrangements may, with the approval of the Secretary of State, include provision for payments by the SSRO.

Commencement Information

I8 Sch. 4 para. 8 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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

Superannuation

- 9 (1) In Schedule 1 to the Superannuation Act 1972 (kinds of employment to which a scheme under section 1 of that Act can apply), at the end of the list of “Other Bodies” insert— “ Single Source Regulations Office. ”
- (2) The SSRO must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of any increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

Commencement Information

I9 Sch. 4 para. 9 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

Procedure

- 10 (1) The SSRO may determine its own procedure; but this is subject to sub-paragraphs (2) to (6).
- (2) A function of the SSRO under or by virtue of a provision listed in sub-paragraph (3) (provisions for the making of determinations, the giving of opinions etc by the SSRO) is exercisable by a committee appointed under paragraph 11.
- (3) The provisions are—
 section 16(2)(b) [^{F3}or (4)],
 section 18(3),
 section 20(5) or (6),
 section 21(3)(b),
 section 23(6) or (7),
 section 27(3),
 section 29(5),
 section 30(4)(b),
 section 32(8), and
 section 35(1), (3), (4) or (7).
- (4) A committee appointed for the purposes of sub-paragraph (2) must consist of three persons appointed by the chair or any other member who has been authorised (generally or specifically) for that purpose.
- (5) At least one of the members of such a committee must be a person who is not a member or employee of the SSRO.
- (6) A determination by such a committee—
 (a) is to be made on the basis of a majority of the committee, and
 (b) is final.
- (7) The validity of any act of the SSRO is not affected—
 (a) by any vacancy among the members, or
 (b) by any defect in the appointment of a member.

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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

Textual Amendments

- F3** Words in Sch. 4 para. 10(3) inserted (19.1.2024) by Procurement Act 2023 (c. 54), s. 127(2), Sch. 10 para. 20; S.I. 2024/61, reg. 2(1)(b)(viii) (with reg. 3)

Commencement Information

- I10** Sch. 4 para. 10(1)(7) in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)
I11 Sch. 4 para. 10(2)-(6) in force at 5.12.2014 in so far as not already in force by S.I. 2014/3162, art. 3(f)

Committees

- 11 (1) The SSRO—
- (a) may appoint committees, and
 - (b) may determine the procedure of its committees (subject to paragraph 10).
- (2) A committee may include persons who are not members or employees of the SSRO.
- (3) The SSRO may pay remuneration and allowances to any person who—
- (a) is a member of a committee, but
 - (b) is not an employee of the SSRO,
- whether or not that person is a non-executive member of the SSRO.

Commencement Information

- I12** Sch. 4 para. 11 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

Accounts and audit

- 12 (1) The SSRO must—
- (a) keep proper accounts and proper records in relation to them, and
 - (b) prepare a statement of accounts in respect of each financial year.
- (2) The Secretary of State may give directions to the SSRO about—
- (a) the content and form of the statement, and
 - (b) the methods and principles to be applied in preparing it.
- (3) The SSRO must send each statement to the Comptroller and Auditor General within such period after the end of the financial year to which the accounts relate as the Secretary of State may direct.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on each statement, and
 - (b) send a copy of each report and certified statement to the Secretary of State.

Commencement Information

- I13** Sch. 4 para. 12 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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

Annual report

- 13 (1) The SSRO must prepare a report on its activities during each financial year.
- (2) The report must include the statement of accounts in respect of that year.
- (3) The report relating to a financial year must be prepared as soon as possible after the end of the financial year.
- (4) The SSRO must send the report to the Secretary of State.
- (5) The Secretary of State must lay the report before Parliament.

Commencement Information

I14 Sch. 4 para. 13 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

Powers

- 14 (1) The SSRO may do anything which is calculated to facilitate the carrying out of its functions or which is incidental to or conducive to the carrying out of those functions; but this is subject to sub-paragraph (2).
- (2) The SSRO may not borrow money, other than temporarily by way of overdraft up to a limit approved by the Secretary of State.

Commencement Information

I15 Sch. 4 para. 14 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

Seal and evidence

- 15 (1) The application of the SSRO's seal must be authenticated by the signature of the chief executive or any other member of the SSRO who has been authorised (generally or specifically) for that purpose.
- (2) A document purporting to be duly executed under the SSRO's seal or signed on its behalf—
- (a) is to be received in evidence, and
 - (b) is to be taken to be executed or signed in that way, unless the contrary is proved.

Commencement Information

I16 Sch. 4 para. 15 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

Finance

- 16 (1) The Secretary of State may make to the SSRO such payments out of money provided by Parliament as the Secretary of State considers appropriate.
- (2) Payments under sub-paragraph (1) may be made at such times, and subject to such conditions, as the Secretary of State considers appropriate.

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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

Commencement Information

I17 Sch. 4 para. 16 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

Status

- 17 (1) The SSRO is not to be regarded—
- (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The SSRO's property is not to be regarded as property of, or property held on behalf of, the Crown.
- (3) Service as a member or employee of the SSRO is not service in the civil service of the State.

Commencement Information

I18 Sch. 4 para. 17 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

Parliamentary Commissioner

- 18 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation), at the appropriate place insert— “ Single Source Regulations Office. ”

Commencement Information

I19 Sch. 4 para. 18 in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

Disqualification

- 19 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified)—
- (a) at the appropriate place insert— “ The Single Source Regulations Office. ”, and
 - (b) omit the entry for The Review Board for Government Contracts.

Commencement Information

I20 Sch. 4 para. 19(a) in force at 14.7.2014 by S.I. 2014/1751, art. 3(g)

I21 Sch. 4 para. 19(b) in force at 31.3.2015 by S.I. 2015/791, art. 3

- 20 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified)—
- (a) at the appropriate place insert— “ The Single Source Regulations Office. ”, and
 - (b) omit the entry for The Review Board for Government Contracts.

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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

Commencement Information

- I22** Sch. 4 para. 20(a) in force at 14.7.2014 by S.I. 2014/1751, **art. 3(g)**
I23 Sch. 4 para. 20(b) in force at 31.3.2015 by S.I. 2015/791, **art. 3**

Freedom of information

- 21 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities to which Act applies)—
- (a) at the appropriate place insert— “ The Single Source Regulations Office. ”, and
 - (b) omit the entry for The Review Board for Government Contracts.

Commencement Information

- I24** Sch. 4 para. 21(a) in force at 14.7.2014 by S.I. 2014/1751, **art. 3(g)**
I25 Sch. 4 para. 21(b) in force at 31.3.2015 by S.I. 2015/791, **art. 3**

SCHEDULE 5

Section 38

RESTRICTIONS ON DISCLOSING INFORMATION

Information to which Schedule applies

- 1 (1) This Schedule applies to information if—
- (a) it was obtained by the Secretary of State, an authorised person or the SSRO under or by virtue of this Part or otherwise in connection with the carrying out of functions under or by virtue of this Part, or is derived to any extent from information that was so obtained,
 - (b) it relates to the affairs of an individual or to a particular business, and
 - (c) it is of a kind specified in single source contract regulations.
- (2) Information ceases to be information to which this Schedule applies—
- (a) in the case of information relating to the affairs of an individual, when the individual dies, and
 - (b) in the case of information relating to a particular business, on the earlier of—
 - (i) the day on which the business ceases to be carried on, and
 - (ii) the end of the period of 30 years beginning with the date on which the information was obtained by the Secretary of State, an authorised person or the SSRO.

Commencement Information

- I26** Sch. 5 para. 1(1)(a)(b)(2) in force at 5.12.2014 by S.I. 2014/3162, **art. 3(g)**
I27 Sch. 5 para. 1(1)(c) in force at 14.7.2014 for specified purposes by S.I. 2014/1751, **art. 4(u)**
I28 Sch. 5 para. 1(1)(c) in force at 2.12.2014 in so far as not already in force by S.I. 2014/3162, **art. 3(g)**

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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

Offence of disclosing information

- 2 (1) A person commits an offence if the person discloses information to which this Schedule applies.
- (2) Sub-paragraph (1) is subject to paragraphs 3 to 5.
- (3) A person who is guilty of an offence under sub-paragraph (1) is liable—
- (a) on summary conviction, to imprisonment for not more than 12 months or to a fine not exceeding the statutory maximum (or both), or
 - (b) on conviction on indictment, to imprisonment for not more than two years or to a fine (or both).
- [^{F4}(3A) In the application of this paragraph in England and Wales, the reference in sub-paragraph (3)(a) to 12 months is to be read as a reference to the general limit in a magistrates' court (or to 6 months in relation to an offence committed before 2 May 2022).]
- (4) The reference in sub-paragraph (3)(a) to 12 months is to be read as a reference to 6 months—
- ^{F5}(a)
 - (b) in its application to Northern Ireland.
- (5) If section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force on or before the day on which this Act is passed—
- (a) section 85 of that Act (removal of limit on certain fines on conviction by magistrates' court) applies in relation to an offence under sub-paragraph (1) on and after that day as if it were a relevant offence (as defined in section 85(3) of that Act), and
 - (b) regulations described in section 85(11) of that Act may amend, repeal or otherwise modify sub-paragraph (3)(a).

Textual Amendments

- F4** Sch. 5 para. 2(3A) inserted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), **29(2)**
- F5** Sch. 5 para. 2(4)(a) omitted (7.2.2023 at 12.00 p.m.) by virtue of [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), **29(3)**

Commencement Information

- I29** Sch. 5 para. 2(1)-(4) in force at 5.12.2014 by [S.I. 2014/3162](#), **art. 3(g)**

Disclosure with consent

- 3 Paragraph 2(1) does not apply to a disclosure made with the consent of—
- (a) the individual, or
 - (b) the person for the time being carrying on the business (or, where there are two or more such persons, all those persons).

Commencement Information

- I30** Sch. 5 para. 3 in force at 5.12.2014 by [S.I. 2014/3162](#), **art. 3(g)**

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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

Disclosure of information already available to public

- 4 Paragraph 2(1) does not apply to information that has been made available to the public by being disclosed in circumstances in which, or for a purpose for which, disclosure is not precluded by this Schedule.

Commencement Information

I31 Sch. 5 para. 4 in force at 5.12.2014 by S.I. 2014/3162, art. 3(g)

Other permitted disclosures

- 5 (1) Paragraph 2(1) does not apply where information is disclosed—
- (a) for the purpose of facilitating the carrying out of functions of a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975),
 - (b) for the purpose of facilitating the carrying out by the SSRO of any of its functions,
 - (c) for the purpose of enabling or assisting an authorised person to carry out any of its functions,
 - (d) for the purpose of enabling or assisting a contractor to provide defence procurement services to the Secretary of State by virtue of arrangements mentioned in section 1,
 - (e) to the person from whom the information was obtained or, where that person is associated with one or more other persons, to any such associated person,
 - (f) by a person to whom the information is disclosed by virtue of paragraph (e),
 - (g) in response to a request under the Freedom of Information Act 2000,
 - (h) in connection with the investigation of a criminal offence or for the purposes of criminal proceedings,
 - (i) for the purposes of civil proceedings,
 - (j) in pursuance of an EU obligation,
 - (k) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of functions, or
 - (l) in anonymised form.
- (2) In sub-paragraph (1)(d), “contractor” and “defence procurement services” have the same meanings as in Part 1.
- (3) For the purposes of sub-paragraph (1)(l), information is disclosed in anonymised form if no individual or other person to whom the information relates can be identified from it.

Commencement Information

I32 Sch. 5 para. 5 in force at 5.12.2014 by S.I. 2014/3162, art. 3(g)

Power to prohibit disclosure

- 6 (1) The Secretary of State may by order—
- (a) prohibit the disclosure of information to which this Schedule applies;

Changes to legislation: *Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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*

- (b) provide that a prohibition imposed by virtue of paragraph (a) is subject to exceptions corresponding to those set out in paragraphs 3 to 5 (other than paragraph 5(1)(g));
- (c) provide that a person who discloses information in contravention of such a prohibition commits an offence punishable—
 - (i) on summary conviction, with imprisonment for not more than 12 months or with a fine not exceeding the statutory maximum (or both), or
 - (ii) on conviction on indictment, with imprisonment for not more than two years or with a fine (or both).

[^{F6}(1A) In the application of this paragraph in England and Wales, the reference in sub-paragraph (1)(c)(i) to 12 months is to be read as a reference to the general limit in a magistrates’ court (or to 6 months in relation to an offence committed before 2 May 2022).]

(2) The reference in sub-paragraph (1)(c)(i) to 12 months is to be read as a reference to 6 months—

- ^{F7}(a)
- (b) in its application to Northern Ireland.

(3) An order under sub-paragraph (1) may repeal paragraphs 2 to 5.

(4) If section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force on or before the day on which this Act is passed—

- (a) section 85 of that Act (removal of limit on certain fines on conviction by magistrates’ court) applies in relation to the power under sub-paragraph (1)(c)(i) on or after that day as if it were a relevant power (as defined in section 85(3) of that Act), and
- (b) regulations described in section 85(11) of that Act may amend, repeal or otherwise modify sub-paragraph (1)(c)(i).

(5) An order under sub-paragraph (1) is to be made by statutory instrument.

(6) A statutory instrument containing an order under sub-paragraph (1) may not be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.

Textual Amendments

- F6** Sch. 5 para. 6(1A) inserted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), **29(4)**
- F7** Sch. 5 para. 6(2)(a) omitted (7.2.2023 at 12.00 p.m.) by virtue of [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), **29(5)**

Commencement Information

- I33** Sch. 5 para. 6(1)-(3) (5) (6) in force at 5.12.2014 by [S.I. 2014/3162](#), **art. 3(g)**

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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

SCHEDULE 6

Section 45

CALL OUT OF MEMBERS OF RESERVE FORCES: TRANSITIONAL CLASSES

1 The Reserve Forces Act 1996 is amended as follows.

Commencement Information

I34 Sch. 6 para. 1 in force at 1.10.2014 by S.I. 2014/2370, art. 4(b)

2 (1) Section 129 (application of Act to persons currently serving in the reserve forces or regular services) is amended as follows.

(2) In subsection (1), for “the transitional class” substitute “—

- (a) the original transitional class (see Parts 1 and 2 of that Schedule), or
- (b) the second transitional class (see Parts 3 and 4 of that Schedule)”.

(3) In subsection (2), for “the transitional class” (in both places) substitute “ the original transitional class ”.

(4) In subsection (3)—

(a) for “In this Act “the transitional class”” substitute “In this Act—

the original transitional class””, and

(b) at the end insert—

““the second transitional class”, in relation to members of the reserve forces, shall be construed in accordance with Part 3 of Schedule 9.”

Commencement Information

I35 Sch. 6 para. 2 in force at 1.10.2014 by S.I. 2014/2370, art. 4(b)

3 In the heading of that section, for “persons currently serving in the reserve forces or regular services” substitute “ members of transitional classes ”.

Commencement Information

I36 Sch. 6 para. 3 in force at 1.10.2014 by S.I. 2014/2370, art. 4(b)

4 (1) Schedule 9 (application of Act to transitional members) is amended as follows.

(2) In the heading of Part 1, for “transitional class” substitute “ original transitional class ”.

(3) In paragraphs 1(1) and (2) and 6, for “transitional class” substitute “ original transitional class ”.

(4) In paragraph 4(2), after “may” insert “ at any time ”.

(5) In the heading of Part 2, for “transitional class” substitute “ original transitional class ”.

(6) After paragraph 12 insert—

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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

“12A In the application of section 28(3)(a) to a special agreement entered into by a transitional member, for the reference to a period not exceeding 12 months there shall be substituted a reference to a period not exceeding 9 months.”

(7) At the end insert—

“PART 3

THE SECOND TRANSITIONAL CLASS OF MEMBERS OF THE RESERVE FORCES

- 25 (1) The second transitional class consists of persons who—
- are members of a reserve force,
 - are not, and have not been, members of the original transitional class,
 - for the time being fall within paragraph 26 or 27, and
 - have not made an election under paragraph 28.
- (2) In this Part of this Schedule “the appointed day” means the day on which paragraph 4(7) of Schedule 6 to the Defence Reform Act 2014 (which inserts this Part of this Schedule) comes into force.
- 26 A person who, immediately before the appointed day, was a member of a reserve force falls within this paragraph if—
- the person has remained a member of that force without interruption since that time, and
 - the person has not extended his or her service in, or become an officer of, that force since that time.
- 27 A person who becomes a member of a reserve force on or after the appointed day, on transfer to the reserve from the regular services, falls within this paragraph if—
- the person joined the regular services before the appointed day and did not re-enlist, re-engage or extend his or her service, or become an officer, in the regular services on or after that day,
 - the person has remained a member of the reserve force concerned without interruption since being transferred from the regular services, and
 - the person has not extended his or her service in, or become an officer of, that force since being so transferred.
- 28 (1) A person who is a member of the second transitional class may elect to cease to be a member of that class.
- (2) A person serving in the regular services who—
- joined those services before the appointed day, and
 - has not re-enlisted, re-engaged or extended his or her service, or become an officer, on or after that day,
- may at any time elect not to become a member of the second transitional class on transfer to the reserve.
- (3) An election under this paragraph must be made in the prescribed manner.
- (4) A person who has made an election under sub-paragraph (1) ceases to be a member of the second transitional class.

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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

- (5) A person who has made an election under sub-paragraph (2) does not become a member of the second transitional class.
- (6) An election under this paragraph is irrevocable.

PART 4

APPLICATION OF ACT TO MEMBERS OF THE SECOND TRANSITIONAL CLASS

- 29 Parts 4 and 6 of this Act apply in relation to members of the second transitional class in accordance with this Part of this Schedule.
- 30 Section 28(3)(a) (special agreements: maximum period of service) applies in relation to a special agreement entered into by a member of the second transitional class as if for “12 months” there were substituted “ 9 months ”.
- 31 (1) Section 56 (call out for certain purposes) applies in relation to the call out of members of the second transitional class as if the power conferred on the Secretary of State by subsection (1B) were limited to the powers described in sub-paragraphs (2) and (3).
 - (2) The first power is to make an order authorising the calling out of members of a reserve force where it appears to the Secretary of State that it is necessary or desirable to use armed forces—
 - (a) on operations outside the United Kingdom for the protection of life or property, or
 - (b) on operations anywhere in the world for the alleviation of distress or the preservation of life or property in time of disaster or apprehended disaster.
 - (3) The second power is to make an order authorising the calling out of members of a reserve force for the purposes of carrying out work where—
 - (a) the work is approved in accordance with instructions issued by the Defence Council under the Defence (Armed Forces) Regulations 1939 as being urgent work of national importance, and
 - (b) the Defence Council have by order under those Regulations authorised members of any forces to be temporarily employed in such work.
- 32 Section 57 (maximum duration of service for call out under section 56) applies in relation to members of the second transitional class as if—
 - (a) in subsection (4), for “12 months” there were substituted “ 9 months ”,
 - (b) in subsection (6), for “12 months” there were substituted “ 9 months ”,
 - (c) in subsection (8)(c), for “6 months” there were substituted “ 3 months ”, and
 - (d) in subsection (11), for “3 years” there were substituted “ 27 months ”.
- 33 Section 57A(3) (agreement to alter limits in section 57) applies in relation to members of the second transitional class as if for “12 months” there were substituted “ 9 months ”.

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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

Commencement Information

I37 Sch. 6 para. 4 in force at 1.10.2014 by S.I. 2014/2370, art. 4(b)

- 5 In the heading of Schedule 9, for “transitional members” substitute “ members of transitional classes ”.

Commencement Information

I38 Sch. 6 para. 5 in force at 1.10.2014 by S.I. 2014/2370, art. 4(b)

SCHEDULE 7

Section 46

PAYMENTS TO EMPLOYERS ETC OF MEMBERS OF RESERVE FORCES: SUPPLEMENTARY

Reserve Forces Act 1996 (c. 14)

- 1 The Reserve Forces Act 1996 is amended as follows.

Commencement Information

I39 Sch. 7 para. 1 in force at 5.9.2014 by S.I. 2014/2370, art. 3

- 2 In the heading before section 83, for “call out or recall” substitute “ reserve forces ”.

Commencement Information

I40 Sch. 7 para. 2 in force at 5.9.2014 by S.I. 2014/2370, art. 3

- 3 In the headings of sections 83 and 84, after “in respect of” insert “ financial loss attributable to ”.

Commencement Information

I41 Sch. 7 para. 3 in force at 5.9.2014 by S.I. 2014/2370, art. 3

- 4 (1) Section 85 (regulations under section 83 or 84: supplementary) is amended as follows.

(2) In subsection (1)—

- (a) for “or 84” substitute “ , 84 or 84A ”,
- (b) in paragraph (a), omit “and of the kinds of financial loss for which claims can be made”,
- (c) after that paragraph insert—
 - “(aa) in the case of regulations under section 83 or 84, the descriptions of the kinds of financial loss for which claims can be made;

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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

- (ab) in the case of regulations under section 84A, the descriptions of the kinds of training and other voluntary duties for which claims can be made;”, and
- (d) in paragraph (f), after “84” insert “ or 84A ”.
- (3) In subsection (2), after “losses” insert “ , permanent service, training or other voluntary duties ”.
- (4) In subsection (3), for “or 84” substitute “ , 84 or 84A ”.
- (5) After that subsection insert—
 - “(3A) A payment that has been made, or may be made, under regulations under section 84A is not to be taken into account when calculating a financial loss for the purposes of regulations under section 84.”
- (6) In subsection (5), for “The regulations” substitute “ Regulations under section 83 or 84 ”.

Commencement Information

I42 Sch. 7 para. 4 in force at 5.9.2014 by S.I. 2014/2370, art. 3

- 5 Accordingly, in the heading of section 85, for “or 84” substitute “ , 84 or 84A ”.

Commencement Information

I43 Sch. 7 para. 5 in force at 5.9.2014 by S.I. 2014/2370, art. 3

- 6 (1) Section 86 (power to suspend payments due to national danger or great emergency) is amended as follows.
- (2) Before subsection (1) insert—
- “(A1) Where a call-out order under section 52 is in force, the Secretary of State may by order suspend the operation of any regulations under section 83, 84 or 84A.”
- (3) In subsection (1), omit “a call-out order under section 52 or”.
- (4) In subsection (2)—
- (a) for “subsection (1)” substitute “ this section ”, and
 - (b) in paragraph (a), after “recalled” insert “ or who are already undertaking training or performing other voluntary duties ”.
- (5) In subsections (3), (4) and (5), for “subsection (1)” substitute “ this section ”.

Commencement Information

I44 Sch. 7 para. 6 in force at 5.9.2014 by S.I. 2014/2370, art. 3

- 7 In section 87 (offences in connection with claims for payments), in subsections (1) and (2), for “or 84” substitute “ , 84 or 84A ”.

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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

Commencement Information

I45 Sch. 7 para. 7 in force at 5.9.2014 by S.I. 2014/2370, art. 3

- 8 In section 89(2) (jurisdiction and powers of reserve forces appeal tribunal)—
- (a) for “and 84(3)” substitute “ , 84(3) and 84A(6) ”, and
 - (b) for “and 84” substitute “ , 84 and 84A ”.

Commencement Information

I46 Sch. 7 para. 8 in force at 5.9.2014 by S.I. 2014/2370, art. 3

- 9 In Schedule 9 (application of Act to transitional members), in paragraph 19, for “or 84” substitute “ , 84 or 84A ”.

Commencement Information

I47 Sch. 7 para. 9 in force at 5.9.2014 by S.I. 2014/2370, art. 3

Transitional provision

- 10 In paragraphs 11 and 12, “a section 84A offence” means an offence under section 87(2) of the Reserve Forces Act 1996 (as amended by this Schedule) in connection with a claim under regulations under section 84A of that Act.

Commencement Information

I48 Sch. 7 para. 10 in force at 5.9.2014 by S.I. 2014/2370, art. 3

- 11 A section 84A offence is to be treated for the purposes of section 281(4) and (5) of the Criminal Justice Act 2003 (maximum term of imprisonment for summary offence) as an offence under a relevant enactment (as defined in section 281(7) of that Act).

Commencement Information

I49 Sch. 7 para. 11 in force at 5.9.2014 by S.I. 2014/2370, art. 3

- 12 (1) This paragraph applies if section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (“the 2012 Act”) comes into force on or before the day on which this Act is passed.
- (2) Section 85 of the 2012 Act (removal of limit on certain fines on conviction by magistrates' courts) applies in relation to a section 84A offence on and after that day as if the offence was a relevant offence punishable immediately before the commencement day by a maximum fine of level 5 on the standard scale.
- (3) Regulations described in section 85(11) of the 2012 Act may amend, repeal or otherwise modify provisions of the Reserve Forces Act 1996 as amended by this Act.

Changes to legislation: Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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](#)

(4) In this paragraph “commencement day” and “relevant offence” have the same meaning as in section 85 of the 2012 Act.

Commencement Information

I50 [Sch. 7 para. 12](#) in force at 5.9.2014 by [S.I. 2014/2370](#), [art. 3](#)

Changes to legislation:

Defence Reform Act 2014 is up to date with all changes known to be in force on or before 31 March 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 35(1)(a) words omitted by [2023 c. 54 Sch. 10 para. 18\(2\)](#)
- s. 35(2)(c) substituted by [2023 c. 54 Sch. 10 para. 18\(3\)](#)
- s. 35(2)(d) word substituted by [2023 c. 54 Sch. 10 para. 18\(4\)\(a\)](#)
- s. 35(2)(d) words omitted by [2023 c. 54 Sch. 10 para. 18\(4\)\(b\)](#)
- s. 35(3) substituted by [2023 c. 54 Sch. 10 para. 18\(5\)](#)
- s. 35(4)(a) words omitted by [2023 c. 54 Sch. 10 para. 18\(6\)](#)
- s. 35(5) word omitted by [2023 c. 54 Sch. 10 para. 18\(7\)](#)
- s. 43(1) words inserted by [2023 c. 54 Sch. 10 para. 14](#)

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):

- s. 25(8A) inserted by [2023 c. 54 Sch. 10 para. 13\(3\)](#)
- s. 35A inserted by [2023 c. 54 Sch. 10 para. 19](#)