



Reserve Forces Act 1980

1980 CHAPTER 9

PART II

CALL OUT AND RECALL

General provisions as to call out for permanent service

10 Call out for national danger.

- [^{F1}(1) Any member of any reserve force other than an officer of the Royal Fleet Reserve may be called out for permanent service in any part of the world whenever an order of Her Majesty made under section 52(1)(a) of the Reserve Forces Act 1996 is in force.
- (2) Sections 50(6) and 52(3) to (6) of the Reserve Forces Act 1996 shall apply to persons subject to this section as if they were persons to whom section 52 of that Act applied.]
- (a) a proclamation shall be issued for the meeting of Parliament within 5 days; and
 - (b) Parliament shall accordingly meet and sit upon the day appointed by the proclamation; and
 - (c) Parliament shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.
- (4) In this section “reserve force” means any of the following bodies—
- (a) the [^{F2}Regular Reserve] ;
 - (b) the [^{F3}Army Reserve] ;
 - (c) the Air Force Reserve;
 - (d) the Royal Auxiliary Air Force;
 - (e) the Royal Naval Reserve ^{F4}. . .
 - [^{F5}(ea) the Royal Fleet Reserve including its special class; and]
 - (f) the Royal Marines Reserve.
- (5) [^{F6}An order under subsection (1) may authorise the calling out of the Ulster Defence Regiment for permanent service in Northern Ireland, and section 26 below applies for

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the purposes of this subsection as if the Ulster Defence Regiment were a reserve force within the meaning of subsection (4) above.]

- (6) In relation to a man of the Royal Auxiliary Air Force in whose case it was agreed at the time of his enlistment that he was accepted for home service only, subsection (1) has effect as if for the reference to any part of the world there were a reference to the United Kingdom, the Channel Islands and the Isle of Man.

Textual Amendments

- F1** S. 10(1)(2) substituted (1.4.1997) by [S.I. 1997/306, art. 2\(a\)](#)
- F2** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(a\)\(4\)50\(1\)](#) (with [s. 49\(3\)\(5\)](#)); [S.I. 2014/2370, art. 4\(a\)](#)
- F3** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(b\)\(4\)50\(1\)](#) (with [s. 49\(3\)\(5\)](#)); [S.I. 2014/2370, art. 4\(a\)](#)
- F4** Words in s. 10(4)(e) omitted (1.4.1997) by [S.I. 1997/306, art. 2\(b\)](#)
- F5** S. 10(4)(ea) inserted (1.4.1997) by [S.I. 1997/306, art. 2\(c\)](#)
- F6** S. 10(5) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 14 para. 1, Sch. 17](#); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)

Modifications etc. (not altering text)

- C1** S. 10(5) applied (with modifications) (1.7.1992) by [Army Act 1992 \(c. 39\), ss. 3\(2\), 5](#)

[^{F7}11

- (1) A person to whom this section applies shall be liable to be called out for permanent service in any part of the world whenever an order under section 54(1) of the Reserve Forces Act 1996 is in force.
- (1A) Sections 50(6) and 54(3) to (6) of the Reserve Forces Act 1996 shall apply to persons subject to this section as if they were persons to whom section 54 of that Act applied.
- (2) The persons to whom this section applies are—
- (a) any member of the [^{F2}Regular Reserve] or the Air Force Reserve who became such a member on or after 1st April 1967 otherwise than in consequence of his having enlisted in the regular army or the [^{F8}Royal Air Force] before that day;
 - (b) any member of the [^{F3}Army Reserve] who became such a member on or after 1st April 1967 by enlisting or re-engaging in the [^{F3}Army Reserve] or by becoming an officer of the [^{F3}Army Reserve] ;
 - (ba) any officer of the Royal Fleet Reserve;
 - (c) any member of the special class of the Royal Fleet Reserve who became such a member on or after 1st April 1967 otherwise than in consequence of his having, before that day, been entered for non-continuous service in the naval service of Her Majesty or enlisted to serve in the royal marine forces;
- (3) In subsection (2) above the references in paragraphs (a) and (c) to becoming a member of a reserve or class include references to remaining a member of it by virtue of a new engagement or other agreement.]

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Textual Amendments

- F2** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(a\)\(4\)50\(1\)](#) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)
- F3** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(b\)\(4\)50\(1\)](#) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)
- F7** S. 11 substituted (1.4.1997) by S.I. 1997/306, [art. 3](#)
- F8** Words in s. 11(2)(a) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 14 para. 2](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

F9 **12**

Textual Amendments

- F9** S. 12 repealed (1.4.1997) by [1996 c. 14, s. 131\(2\), Sch. 11](#) (with s. 72(5)); S.I. 1997/305, [art. 2](#)

[F10 **13** **Provisions supplemental to ss. 10 to 12.**

F10 (1)

- (2) A man of the [^{F3}Army Reserve] or the Royal Auxiliary Air Force who is called out for permanent service shall, subject to subsections (3) and (4) below, be liable to serve—
 - (a) until Her Majesty no longer requires his services, or
 - (b) until the expiry of his term of service in that reserve or force,whichever first occurs, and a member of the special class of the Royal Fleet Reserve who is called out for permanent service by virtue of section 11(1) shall be under a like liability to serve.
- (3) The period or aggregate of the periods during which a man is called out for service by virtue of section 11(1) during the term of his current engagement shall not without his consent exceed 12 months.
- (4) Where the time at which (apart from this subsection)—
 - (a) the term of service in the special class of the Royal Fleet Reserve of a man of that class would expire, or
 - (b) a man of the [^{F3}Army Reserve] would be entitled to discharge,occurs while he is called out for service by virtue of section 11(1), he may be required to continue in service under that subsection for such further period as may be ordered by—
 - (i) the Defence Council, or
 - (ii) an officer designated for the purposes of this subsection by the Defence Council,but the period so ordered (together with the period or aggregate of the periods of the man's service under section 11(1) apart from this subsection during the term of his current engagement) shall not exceed 12 months.]

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Textual Amendments

- F3** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(b\)\(4\)50\(1\)](#) (with s. 49(3)(5)); [S.I. 2014/2370, art. 4\(a\)](#)
- F10** S. 13 repealed (1.4.1997 except so far as it relates to s. 13(2)-(4) the repeal of which is still *prosp.*) by 1996 c. 14, ss. 131(2), 132(4), [Sch. 11](#) (with s. 72(5)); [S.I. 1997/305, art. 2](#)

Call out under special agreement

^{F11} **14**

Textual Amendments

- F11** S. 14 repealed (1.4.1997) by 1996 c. 14, s. 131(2), [Sch. 11](#) (with s. 72(5)); [S.I. 1997/305, art. 2](#)

^{F12} **15**

Textual Amendments

- F12** S. 15 repealed (1.4.1997) by 1996 c. 14, s. 131(2), [Sch. 11](#) (with s. 72(5)); [S.I. 1997/305, art. 2](#)

Other provisions as to call out for service

16 Permanent service call out of naval and marine reserves.

- (1) Every officer and man serving in—
- (a) the Royal Naval Reserve and the Royal Fleet Reserve, except a man of the special class of the Royal Fleet Reserve to whom section 11 above applies,
 - (b) the Royal Marines Reserve,
- is liable, during the whole of that service, to be called out for permanent service [^{F13}whenever an order under section 52(1)(b) of the Reserve Forces Act 1996 is in force.]
- The reference in this subsection to the United Kingdom shall be construed as if that expression included the Channel Islands and the Isle of Man.

[^{F14}(1A) Sections 50(6), and 52(3) to (6) of the Reserve Forces Act 1996 shall apply to persons subject to this section as if they were persons to whom section 52 of that Act applied.]

- (2) The provisions of subsection (1) above are in addition to, and not in substitution for, the provisions of any other enactment under which officers or men of the reserves mentioned in that subsection are liable to be called into permanent service.

Textual Amendments

- F13** Words in s. 16(1) substituted (1.4.1997) by [S.I. 1997/306, reg. 4\(a\)](#)

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F14 S. 16(1A) inserted (1.4.1997) after subsection (1) by S.I. 1997/306, reg. 4(b)

17 Naval and marine reserve service under ss. 10 and 16.

- (1) Every officer and man of the Royal Naval Reserve, the Royal Fleet Reserve and the Royal Marines Reserve called out for permanent service by virtue of section 10 or section 16 above shall be—
 - (a) liable to that service for a term of 3 years from the time of his coming into such service;
 - (b) entitled to be discharged from that service at the expiry of that term.
- (2) If in any emergency Her Majesty sees fit She may, by order signified under the hand of the Secretary of State, provide that at the date of the order the officers and men of the Royal Naval Reserve and the Royal Fleet Reserve in permanent service by virtue of section 10 or section 16 shall continue in that service for a period of 5 years from the date of their respectively coming into that service, if their services be so long required.
- (3) The officers and men mentioned in subsection (2) above shall at the date of the order—
 - (a) be liable to such permanent service accordingly; and
 - (b) not be entitled to claim their discharge during that period.
- (4) Where any officer or man of the Royal Naval Reserve and the Royal Fleet Reserve—
 - (a) is called into permanent service by virtue of section 10 or section 16, and
 - (b) is detained in that service for a period of less than 5 years,he shall, during the period of 5 years from the date of his joining the reserve be liable from time to time to be again called into that service, and to serve accordingly for such period as with his former such service will make up a period of 5 years in that service.

[^{F15}18 Permanent service call out of [^{F2}Regular Reserve] .

[Any officer or man of the [^{F2}Regular Reserve] shall be liable to be called out for ^{F16}(1) permanent service on home defence service whenever an order under section 52(1)(b) of the Reserve Forces Act 1996 is in force.]

[Sections 50(6), and 52(3) to (6) of the Reserve Forces Act 1996 shall apply to persons ^{F17}(1A) subject to this section as if they were persons to whom section 52 of that Act applied.]

- (2) Where a man of the [^{F2}Regular Reserve] is called out for permanent service—
 - (a) he may be appointed to any corps;
 - (b) [^{F18}subsection (3) of section 3 of the ^{M1}Army Act 1955 shall apply to him as it applies to a soldier of the regular forces.]

^{F15}(3)]

Textual Amendments

- F2** Words in Act substituted (1.10.2014) by Defence Reform Act 2014 (c. 20), s. 44(3)(a)(4)50(1) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)
- F15** S. 18 repealed (1.4.1997 except so far as it relates to s. 18(1)(2) the repeal of which is still *prosp.*) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2
- F16** S. 18(1) substituted (1.4.1997) by S.I. 1997/306, art. 5(a)
- F17** S. 18(1A) inserted (1.4.1997) by S.I. 1997/306, art. 5(b)

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F18 S. 18(2)(b) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 14 para. 3, Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Marginal Citations

M1 1955 c. 18.

19 Duration of [^{F2}Regular Reserve] permanent service.

- (1) Subject to this section and section 13(3) above, a man of the [^{F2}Regular Reserve] when called out for permanent service shall be liable to serve until Her Majesty no longer requires his services.
- (2) No man called out for permanent service shall be required to serve for a period exceeding in the whole the remainder unexpired of his term of service in the [^{F2}Regular Reserve] .
- [^{F19}(3) Section 19A below shall apply to men of the [^{F2}Regular Reserve] called out for permanent service.
- (4) [^{F20}Section 13 of the Army Act 1955 so far as it relates to discharge shall apply to men of the [^{F2}Regular Reserve] called out for permanent service as it applies to soldiers of the regular forces.]
- (5) Nothing in subsection (2) above shall prejudice the operation of [^{F21}subsection (3)] .]

Textual Amendments

- F2** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(a\)\(4\)50\(1\)](#) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)
- F19** S. 19(3)-(5) substituted for s. 19(3) (1.1.1999) by S.I. 1998/3086, reg. 11, [Sch. para. 6](#)
- F20** S. 19(4) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 14 para. 4\(a\), Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F21** Words in s. 19(5) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 14 para. 4\(b\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

[^{F22}19A Postponement of discharge of members of [^{F2}Regular Reserve] during call out.

- (1) Where a man of the [^{F2}Regular Reserve] is called out on permanent service at a time when he would apart from this section be entitled to be discharged he may be retained in service for such period as is mentioned below, and his service may be prolonged accordingly.
- (2) No person shall be retained in service by virtue of this section later than the end of twelve months after the date on which apart from this section he would be entitled to be discharged.
- (3) Subject to subsection (2) above, a person who apart from this section would be entitled to be discharged may be retained in service for such period as the competent military authority may order.

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- (4) If while a man of the [^{F2}Regular Reserve] is being retained in service by virtue of this section it appears to the competent military authority that his services can be dispensed with, he is entitled to be discharged.
- (5) Where, at the time at which under subsections (1) to (4) above a man of the [^{F2}Regular Reserve] is entitled to be discharged, a state of war exists between Her Majesty and a foreign power—
- (a) he may, by declaration made in the prescribed form before his commanding officer, agree to continue in service while such a state of war exists, and
 - (b) if the competent military authority approve, he may continue accordingly as if the period for which his term of service could be prolonged under subsections (1) to (4) above were a period continuing so long as a state of war exists;
- but this is subject to subsection (6) below.
- (6) If it is so specified in the declaration, he is entitled to be discharged at the end of three months' notice given by him to his commanding officer.
- (7) [^{F23}In subsections (3) to (5)—
- “the competent military authority” means the Defence Council or any officer of a description prescribed by regulations of the Defence Council;
 - “prescribed” means prescribed by regulations of the Defence Council.]
- (8) Subject to subsection (9) below, in subsection (1) above the reference to a man of the [^{F2}Regular Reserve] being called out on permanent service is a reference to his being called out under an order made under—
- (a) section 52 of the Reserve Forces Act 1996 (call out in the event of a national emergency, great danger or an actual or apprehended attack on the United Kingdom, the Channel Islands or the Isle of Man), or
 - (b) section 54 of the 1996 Act (call out because warlike operations are in preparation or in progress).
- (9) In relation to a man of the [^{F2}Regular Reserve] who enlisted in the [^{F2}Regular Reserve] before 1st April 1967, the reference to a man of the [^{F2}Regular Reserve] being called out on permanent service includes a reference to his being called out under an order under section 54 of the 1996 Act only if—
- (a) he re-engaged in the [^{F2}Regular Reserve] on or after that date, or
 - (b) he has made an irrevocable election to that effect in the prescribed manner.]

Textual Amendments

- F2** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(a\)\(4\)50\(1\)](#) (with [s. 49\(3\)\(5\)](#)); [S.I. 2014/2370, art. 4\(a\)](#)
- F22** S.19A inserted (1.1.1999) by 1998/3086, reg. 11, Sch. para. 6
- F23** S. 19A(7) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 14 para. 5](#); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)

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[^{F24}20 Permanent service call out of Air Force Reserve.

[Any man of the Air Force Reserve shall be liable to be called out for permanent service ^{F25}(1) on home defence service whenever an order under section 52(1)(b) of the Reserve Forces Act 1996 authorising his call-out is in force.]

[Sections 50(6) and 52(3) to (6) of the Reserve Forces Act 1996 shall apply to persons ^{F26}(1A) subject to this section as if they were persons to whom section 52 of that Act applied.]
(2)]

Textual Amendments

- F24** S. 20 repealed (1.4.1997 except so far as it relates to s. 20(1) the repeal of which *isprosp.*) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**
- F25** S. 20(1) substituted (1.4.1997) by S.I. 1997/306, **art. 7(a)**
- F26** S. 20(1A) inserted (1.4.1997) by S.I. 1997/306, **art. 7(b)**

21 Duration of Air Force Reserve permanent service.

(1) Subject to this section and section 13(3) above, a man of the Air Force Reserve when called out for a permanent service shall be liable to serve until Her Majesty no longer requires his services.

(2) No man called out for permanent service shall be required to serve for a period exceeding in the whole the remainder unexpired of his term of service in the Air Force Reserve, subject to section 69 below.

[^{F27}(3) Section 21A below shall apply to men of the Air Force Reserve called out for permanent service.

^{F28}(4)

(5) Nothing in subsection (2) above shall prejudice the operation of [^{F29}subsection (3)] .]

Textual Amendments

- F27** S. 21(3)-(5) substituted (1.1.1999) for s. 21(3) by S.I. 1998/3086, **reg. 11, Sch. para. 7(1)**
- F28** S. 21(4) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by **Armed Forces Act 2006 (c. 52)**, s. 383(2), **Sch. 14 para. 6(a), Sch. 17**; S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- F29** Words in s. 21(5) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by **Armed Forces Act 2006 (c. 52)**, s. 383(2), **Sch. 14 para. 6(b)**; S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

[^{F30}21A Postponement of discharge of members of Air Force Reserve during call out.

(1) Where a man of the Air Force Reserve is called out on permanent service at a time when he would apart from this section be entitled to be discharged he may be retained in service for such period as is mentioned below, and his service may be prolonged accordingly.

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- (2) No person shall be retained in service by virtue of this section later than the end of twelve months after the date on which apart from this section he would be entitled to be discharged.
- (3) Subject to subsection (2) above, a person who apart from this section would be entitled to be discharged may be retained in service for such period as the competent air force authority may order.
- (4) If while a man of the Air Force Reserve is being retained in service by virtue of this section it appears to the competent air force authority that his services can be dispensed with, he is entitled to be discharged.
- (5) Where, at the time at which under subsections (1) to (4) above a man of the Air Force Reserve is entitled to be discharged, a state of war exists between Her Majesty and a foreign power—
 - (a) he may, by declaration made in the prescribed form before his commanding officer, agree to continue in service while such a state of war exists, and
 - (b) if the competent air force authority approve, he may continue accordingly as if the period for which his term of service could be prolonged under subsections (1) to (4) above were a period continuing so long as a state of war exists; but this is subject to subsection (6) below.
- (6) If it is so specified in the declaration, he is entitled to be discharged at the end of three months' notice given by him to his commanding officer.
- (7) [^{F31}In subsections (3) to (5)—

“the competent air force authority” means the Defence Council or any officer of a description prescribed by regulations of the Defence Council;

“prescribed” means prescribed by regulations of the Defence Council.]
- (8) Subject to subsection (9) below, in subsection (1) above the reference to a man of the Air Force Reserve being called out on permanent service is a reference to his being called out under an order made under—
 - (a) section 52 of the Reserve Forces Act 1996 (call out in the event of a national emergency, great danger or an actual or apprehended attack on the United Kingdom, the Channel Islands or the Isle of Man), or
 - (b) section 54 of the 1996 Act (call out because warlike operations are in preparation or in progress).
- (9) In relation to a man of the Air Force Reserve who enlisted in the Air Force Reserve before 1st April 1967, the reference to a man of the Air Force Reserve being called out on permanent service includes a reference to his being called out under an order under section 54 of the 1996 Act only if—
 - (a) he re-engaged in the Air Force Reserve on or after that date, or
 - (b) he has made an irrevocable election to that effect in the prescribed manner.]

Textual Amendments

F30 S. 21A inserted (1.1.1999) by S.I. 1998/3086, reg. 11, **Sch. para. 7(2)**

F31 S. 21A(7) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by **Armed Forces Act 2006 (c. 52)**, s. 383(2), **Sch. 14 para. 7**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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- ^{F32}**22** (1) Every officer and man of the [^{F3}Army Reserve] and of the Royal Auxiliary Air Force shall be liable to be called out for home defence service whenever an order under section 52(1)(b) of the Reserve Forces Act 1996 authorising his call-out is in force notwithstanding that—
- (a) the [^{F3}Army Reserve] or that part to which he belongs has not been called out for permanent service by virtue of section 10(1) or 11(1) above, or
 - (b) the Royal Auxiliary Air Force or that part to which he belongs has not been called out for permanent service by virtue of section 10(1).
- (2) Sections 50(6) and 52(3) to (6) of the Reserve Forces Act 1996 shall apply to persons subject to this section as if they were persons to whom section 52 of that Act applied.]

Textual Amendments

- F3** Words in Act substituted (1.10.2014) by Defence Reform Act 2014 (c. 20), s. 44(3)(b)(4)50(1) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)
- F32** S. 22 substituted (1.4.1997) by S.I. 1997/306, art. 9

^{F33}**23** .

Textual Amendments

- F33** S. 23 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1977/305, art. 2

^{F34}**24** Permanent service call out of Ulster Defence Regiment.

Textual Amendments

- F34** S. 24 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), Sch. 14 para. 8, Sch. 17; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

^{F35}**25** Emergency service call out of Ulster Defence Regiment.

Textual Amendments

- F35** S. 25 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), Sch. 14 para. 9, Sch. 17; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Changes to legislation: Reserve Forces Act 1980, Part II is up to date with all changes known to be in force on or before 07 July 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) View outstanding changes

[^{F36}25A **Application of section 62 of the Reserve Forces Act 1996**

Section 62 of the Reserve Forces Act 1996 (power to exempt persons from or relax call-out liability) shall apply to persons liable to be called out by virtue of the enactments mentioned in section 26(2) below as if in section 62 for the words “this Part” in both places in which they appear there were substituted the words “the Reserve Forces Act 1980”]

Textual Amendments

F36 S. 25A inserted (1.4.1997) by S.I. 1997/306, reg. 10

Call-out notices under certain enactments

[^{F37}26

- (1) The power of the Secretary of State under section 58(1) of the Reserve Forces Act 1996 to call out a person liable to be called out under an order made under section 52 or 54 of that Act shall include a power to call out a person liable to be called out by virtue of the enactments mentioned in subsection (2) below.
- (2) The enactments referred to in subsection (1) above are—
 - (a) section 10(1) above;
 - (b) section 11(1) above;
 - (c) section 16(1) above;
 - (d) section 18(1) above;
 - (e) section 20(1) above;
 - (f) section 22 above;
 - ^{F38}(g)
 - (h) paragraph 15(1) of Schedule 8 to this Act; and
 - (i) sub-paragraphs (2), (3), (5) and (6) of paragraph 16 of that Schedule.
- (3) Sections 58 and 59 shall have effect in relation to any person called out by virtue of the enactments mentioned in subsection (2) above with the following modifications—
 - (a) section 58(3) shall have effect as if—
 - (i) paragraph (b) provided for the call-out notice to specify the provision of this Act by virtue of which the person concerned is liable to be called out; and
 - (ii) in paragraph (c), the words “under that order” were omitted;
 - (b) section 58(5) shall have effect as if—
 - (i) the words “on the authority of a call-out order” were omitted; and
 - (ii) in paragraph (a), the reference to the call-out order was a reference to the order made under Part VI of the Reserve Forces Act 1996 by virtue of which the person concerned is liable to be called out;
 - (c) section 59(5) shall have effect as if—
 - (i) for the word “under”, where it appears for the first time, there were substituted the words “by virtue of”; and
 - (ii) the words “under that call-out order” were omitted; and
 - (d) section 59(6) shall have effect as if—

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- (i) the words “under a call-out order” and “under that order” were omitted; and
 - (ii) paragraph (b) provided for the person concerned to be deemed to have been called out for service in accordance with this Act.
- (4) In the application of sections 58 and 59 of the Reserve Forces Act 1996 and of section 28 below—
- (a) section 63 of the Reserve Forces Act 1996 shall apply in relation to this Act as it applies in relation to Part VI of that Act; and
 - (b) “authorised officer” means an officer authorised by or in accordance with directions of the Defence Council for the purposes of Part VI of the Reserve Forces Act 1996, and any officer so authorised shall be deemed to be authorised for the same purposes in connection with any corresponding provision of this Act.]

Textual Amendments

- F37** S. 26 substituted (1.4.1997) by [S.I. 1997/306](#), [art. 11](#)
- F38** S. 26(2)(g) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), [s. 383\(2\)](#), [Sch. 14 para. 10](#), [Sch. 17](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

^{F39}27 .

Textual Amendments

- F39** S. 27 repealed (1.4.1997) by [1996 c. 14](#), [ss. 131\(2\)](#), [132\(4\)](#), [Sch. 11](#) (with [s.72\(5\)](#)); [S.I. 1997/305](#), [art. 2](#)

28 Differing service liabilities of those called out.

- (1) Where a person—
- [^{F40}(a) is in service in pursuance of a call-out notice under section 58 of the Reserve Forces Act 1996 specifying an enactment mentioned in section 26(2) above;]
 - (b) if he were not in service he would be liable to be called into service by a call-out notice under [^{F41}section 58 of the Reserve Forces Act 1996] or, as the case may be, by such a call-out notice specifying a different enactment so mentioned,
- the Secretary of State may direct that, on the date of the direction or a later date specified in the direction, that person shall be deemed to be called into service by a call-out notice under [^{F41}section 58 of the Reserve Forces Act 1996] specifying such of those enactments applicable to him as is specified in the direction.
- (2) Where a person is deemed in pursuance of subsection (1) above to be called into service by virtue of an enactment specified in a direction under that subsection, his service under any other enactment by virtue of which he was previously serving shall cease.
- (3) The power to give a direction under this section includes power—

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- (a) to make provision for persons of such descriptions as are specified in the direction or in respect of an individual; and
- (b) to make different provision for different circumstances.

Textual Amendments

- F40** S. 28(1)(a) substituted (1.4.1997) by [S.I. 1997/306, art. 12\(1\)\(a\)](#)
F41 Words substituted (1.4.1997) by [S.I. 1997/306, art. 12\(1\)\(b\)](#)

29 End of service under call-out notices.

- (1) In any case where—
- (a) the services of a person called into service by a call-out notice under [^{F42}section 58 of the Reserve Forces Act 1996 specifying an enactment in section 26(2) above] above are no longer required, or
 - (b) a person is in service in pursuance of such a call-out notice at the expiry of the period of his liability for service in pursuance of the enactment specified by the notice,
- he shall be entitled to be released from [^{F42}permanent] service in the prescribed manner with all convenient speed.
- (2) The reference in paragraph (b) of subsection (1) above to a period of liability for service in pursuance of a particular enactment includes a reference to such a period as extended under any other enactment.

Textual Amendments

- F42** Words in s. 29(1) substituted (1.4.1997) by [S.I. 1997/306, art. 13\(a\)\(b\)](#)

[^{F43}29A Application of provisions relating to recall

The provisions of this Act relating to recall shall not apply to any person to whom section 66 of the Reserve Forces Act 1996 applies.]

Textual Amendments

- F43** S. 29A inserted (1.4.1997) by [S.I. 1997/306, art. 14](#)

Recall of service pensioners and former soldiers

[^{F44}30 Liability of naval and marine pensioners to recall.

- [Whenever a recall order under section 68 of the Reserve Forces Act 1996 authorising
- ^{F45}(1) the recall of persons who have served in the Royal Navy or Royal Marines is in force, persons to whom this section applies are liable—
- (a) by virtue of subsection (1A)(a) below, to be ordered to join the Royal Navy;
 - (b) by virtue of subsection (1A)(b) below, to be ordered to join the Royal Marines,

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and those so ordered shall serve while the recall order remains in force (unless released sooner) and while so serving section 76 of the Reserve Forces Act 1996 shall apply to them as it applies to persons described in that section.]

- [This section applies to any persons who—
- ^{F46}(1A) (a) have served as warrant officers, petty officers or seamen in the navy; or
(b) have served as warrant officers, non-commissioned officers or men of the Royal Marines,
and are in receipt of pensions in respect of such service.]
- (2) [^{F47}Provision made under section 331 of the Armed Forces Act 2006 that applies in relation to] the discharge of seamen serving in the Royal Navy and becoming entitled to be discharged shall be applicable to and for the discharge of any of those serving under subsection (1) above, and becoming entitled to be discharged.

^{F44}(3)

^{F44}(4)]

Textual Amendments

- F44** S. 30 repealed (1.4.1997 except so far as relating to s. 30(1)(2) which repeal is still *prosp.*) by 1996 c. 14, ss. 131(2), 132(4), **Sch. 11** (with s.72(5)); S.I. 1997/305, **art. 2**
- F45** S. 30(1) substituted (1.4.1997) by S.I. 1997/306, **art. 15(2)**
- F46** S. 30(1A) inserted (1.4.1997) by S.I. 1997/306, **art. 15(3)**
- F47** Words in s. 30(2) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by **Armed Forces Act 2006** (c. 52), s. 383(2), **Sch. 14 para. 11**; S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

31 Liability of army and air force pensioners to recall.

- (1) An army or air force pensioner to whom this section applies shall be liable under this section to be recalled for service in such circumstances and for such period as are specified in this section and in sections 32 and 33 below.
- (2) This section applies to army and air force pensioners whose service pensions have been assessed or re-assessed in accordance with pension provisions made on or after 16th December 1948, other than—
- (a) pensioners whose service pensions were originally granted before 3rd September 1939;
- (b) pensioners being those of any description mentioned in Schedule 2 to this Act.
- (3) In subsection (2) above the expression “pension provisions made on or after 16th December 1948” means—
- (a) in the case of army pensioners, the provisions of a Royal Warrant issued on or after 16th December 1948,
- (b) in the case of air force pensioners, the provisions of an Order by Her Majesty so issued,
- not being provisions as to which the Warrant or Order directs that they shall be disregarded for the purposes of this section.

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- (4) A person shall cease to be liable under this section to be recalled for service when he attains the age of 60 years.
- (5) A person recalled for service under this section shall not suffer—
- (a) any reduction in pay or other emoluments in respect of his service while recalled by reason of being in receipt of a service pension; or
 - (b) the withholding or reduction of his service pension by reason of his being in receipt of any such pay or emoluments.
- (6) In this section—
- “army pensioner” and “air force pensioner” means persons who have been discharged from service as soldiers and as airmen respectively and are in receipt of service pensions,
- “service pension” means a pension granted in respect of service as a soldier of the [^{F48}regular army] or an airman of the [^{F49}Royal Air Force] or in respect of that service and other service, but does not include a pension awarded in respect of disablement,
- [^{F50}“soldier” and “airman” include a warrant officer and a non-commissioned officer.]
- (7) For the purposes of [^{F51}this section and section 32], a person shall be deemed to be in receipt of a pension if the pension has been granted to him and has not been wholly forfeited, notwithstanding—
- (a) that any part of the pension has been commuted for a sum of money in lieu of the pension; or
 - (b) that the pension or any part of it is for the time being administered or otherwise applied for any purpose or paid to some other person; or
 - (c) that the pension or any part of it has not been paid for any period.

For the purposes of this subsection the forfeiture of a pension shall be disregarded if the whole or any part of the pension has been restored since the forfeiture was incurred.

Textual Amendments

- F48** Words in s. 31(6) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 12\(2\)\(a\)\(i\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F49** Words in s. 31(6) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 12\(2\)\(a\)\(ii\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F50** Words in s. 31(6) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 12\(2\)\(b\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F51** Words in s. 31(7) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 12\(3\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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32 Occasion for and period of recall under s. 31.

- (1) An army pensioner liable under section 31 above to be recalled for service may be recalled at any time when persons of the [F²Regular Reserve] are called out for permanent service.

In this subsection the expression “called out for permanent service” means called out for permanent service under [F⁵²a call-out order under section 52 of the Reserve Forces Act 1996].

- (2) An air force pensioner liable under section 31 to be recalled for service may be recalled at any time when persons of the Air Force Reserve are called out for permanent service.

In this subsection the expression “called out for permanent service” means called out for permanent service [F⁵³a call-out order under section 52 of the Reserve Forces Act 1996].

- (3) A person recalled for service under section 31—

(a) shall be deemed to be enlisted in the [F⁵⁴regular army or the Royal Air Force] , according as he was an army pensioner or an air force pensioner, for the period mentioned in subsection (4) below, unless

(b) on his recall he requires to be enlisted for that period in accordance with [F⁵⁵regulations under section 328 of the Armed Forces Act 2006] , and upon such enlistment he shall not be deemed to have been enlisted by virtue of paragraph (a) above.

- (4) The period referred to in subsection (3) above is one—

(a) beginning with the time [F⁵⁶the person is accepted (by virtue of section 36) into] service under section 31, and

[F⁵⁷(b) ending with the date on which there is no longer a call-out order under section 52 of the Reserve Forces Act 1996 in force authorising the call-out of persons of the [F²Regular Reserve] or the Air Force Reserve, as the case may be.]

- (5) [F⁵⁸No regulation under section 329 of the Armed Forces Act 2006 as to the term for which a person may be enlisted affects the operation of subsections (3) and (4) of this section.]

Textual Amendments

- F2** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(a\)\(4\)50\(1\)](#) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)
- F52** Words in s. 32(1) substituted (1.4.1997) by S.I. 1997/306, [art. 16\(2\)](#)
- F53** Words in s. 32(2) inserted (1.4.1997) by S.I. 1997/306, [art. 16\(3\)](#)
- F54** Words in s. 32(3)(a) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 14 para. 13\(2\)\(a\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F55** Words in s. 32(3)(b) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 14 para. 13\(2\)\(b\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F56** Words in s. 32(4)(a) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 14 para. 13\(3\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F57** S. 32(4)(b) substituted (1.4.1997) by S.I. 1997/306, [art. 16\(4\)](#)

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F58 S. 32(5) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 14 para. 13(4)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Marginal Citations

- M2** 1955 c. 18.
- M3** 1955 c. 19.
- M4** 1961 c. 52.
- M5** 1966 c. 45.

F59 **33**

Textual Amendments

F59 S. 33 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s.72(5)); S.I. 1997/305, **art. 2**

[F60 **34** **Liability of certain former soldiers to recall.**

- (1) Any former soldier to whom this section applies may be recalled for service by the Secretary of State by ^{F61}[notice under section 35 below] at any time when men of the ^{F2}[Regular Reserve] are called out for permanent service under ^{F62}[a call-out order under section 52 of the Reserve Forces Act 1996].
- (2) This section applies to any person who is not a woman and who is for the time being under the age of 45, and—
 - (a) who is not—
 - (i) a member of the armed forces of the Crown apart from this section;
 - (ii) liable to be recalled to service under section 31 above;
 - (iii) such a person as is mentioned in Schedule 2 to this Act;
 - (b) who enlisted in pursuance of regulations made under section 2 of the ^{M6}Armed Forces Act 1966;
 - (c) who has not been discharged in respect of that enlistment under section 14 of the ^{M7}Army Act 1955, or under any regulations made by virtue of section 2 of the Armed Forces Act 1966 conferring a right to discharge by purchase;
 - (d) who has not been granted a commission.
- (3) A person recalled for service by such a notice as is referred to in subsection (1) shall be deemed to be enlisted in the ^{F63}[regular army] for the period—
 - (a) beginning with the time ^{F64}[he is accepted into service] , and
 - ^{F65}(b) [ending (unless he is previously discharged) with the date on which there is no longer a call-out order under section 52 of the Reserve Forces Act 1996 in force.]

^{F60}(4)

^{F60}(5)

^{F60}(6)]

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Textual Amendments

- F2** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(a\)\(4\)50\(1\)](#) (with s. 49(3)(5)); [S.I. 2014/2370, art. 4\(a\)](#)
- F60** S. 34 repealed (1.4.1997 except for s. 34(1)–(3) the repeal of which is still *prosp.*) by 1996 c. 14, s. 131(2), [Sch. 11](#) (with s. 72(5)); [S.I. 1997/305, art. 2](#)
- F61** Words in S. 34(1) substituted (1.4.1997) by [S.I. 1997/306, art. 17\(2\)\(a\)](#)
- F62** Words in S. 34(1) substituted (1.4.1997) by [S.I. 1997/306, art. 17\(2\)\(b\)](#)
- F63** Words in s. 34(3) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 14 para. 14\(a\)](#); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)
- F64** Words in s. 34(3)(a) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 14 para. 14\(b\)](#); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)
- F65** S. 34(3)(b) substituted (1.4.1997) by [S.I. 1997/306, art. 17\(3\)](#)

Marginal Citations

- M6** 1966 c. 45.
- M7** 1955 c. 18.

[^{F66}35 Recall notices

- (1) The Secretary of State may recall any person who is liable to be recalled under section 30, 31 or 34 above by serving a notice on him requiring him—
 - (a) to present himself for service at a specified time and place; and
 - (b) to remain at that place until he is either accepted into service or informed that he is not to be accepted into service in pursuance of the notice.
- (2) In the case of those liable to recall under section 31 above, the time specified in accordance with subsection (1)(a) shall be not earlier than the third day after the service of the notice.
- (3) Section 65(5) of the Reserve Forces Act 1996 shall have effect as if the reference to persons recalled for service under an order made under section 68 of that Act included a reference to persons recalled under section 30, 31 or 34 above.
- (4) Section 70(2) to (5), (7) and (8) of the Reserve Forces Act 1996 shall apply to a person subject to this section as if he were a person to whom section 70 of that Act applied, except that section 70(5)(a) shall not apply to a person to whom section 31 or 34 above applies.]

Textual Amendments

- F66** S. 35 substituted (1.4.1997) by [S.I. 1997/306, reg. 18](#)

[^{F67}36 Application of sections 71, 73 to 75 and 77 of the Reserve Forces Act 1996 to persons recalled under section 30, 31 or 34

- (1) Section 71 of the Reserve Forces Act 1996 shall apply to those liable to be recalled under section 30, 31 or 34 above as it applies to those to whom section 66 of that Act applies, but with the following amendments—

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- (a) section 71(5) of that Act shall apply to persons liable to be recalled under section 31 or 34 above as if for the first two lines there were substituted—

“When a call-out order under section 52 of the Reserve Forces Act 1996 is in force, and men of the [^{F2}Regular Reserve] or the Air Force Reserve, as the case may be, are in permanent service under it, any person who is thereby liable to be recalled under section 31 or 34 above who—”

;

- (b) section 71(6) shall apply as if for paragraph (b) of that subsection there were substituted—

- (b) “ he shall be deemed to have been recalled for service under section 30, 31 or 34 as the case may be.”

.

- (2) Sections 73 and 74 of the Reserve Forces Act 1996 shall apply to those liable to recall under section 30, 31 or 34 above as they apply to those liable to recall under Part VII of that Act.

- (3) Section 75 of the Reserve Forces Act 1996 shall apply to those liable to recall under section 30, 31 or 34 above as if—

- (a) the reference in subsection (1) to section 66(1) of the Reserve Forces Act 1996 were a reference to sections 30, 31 and 34 above;
- (b) for subsection (2) there were substituted—

- (2) “The regulations shall secure that a person liable to provide information by virtue of this section shall cease to be liable to provide such information after he ceases to be a person liable to recall by virtue of section 31(4) of the Reserve Forces Act 1980 or, if section 34 applies to him, he reaches the age mentioned in section 34(2) of that Act or on such other grounds as may be prescribed by regulations made under section 73(a)
^{F68}”

.

- (4) Section 77 of the Reserve Forces Act 1996 shall have effect in relation to persons liable to recall under section 30, 31 or 34 as if the words “this Part” included a reference to sections 30 to 36A inclusive of the Reserve Forces Act 1980.]

Textual Amendments

- F2** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(a\)\(4\)50\(1\)](#) (with s. 49(3)(5)); [S.I. 2014/2370](#), art. 4(a)
- F67** S. 36 substituted (1.4.1997) by [S.I. 1997/306](#), [reg. 19](#)
- F68** Words in s. 36(3)(b) repealed (1.1.1999) by [S.I. 1998/3086](#), [reg. 12](#)

[^{F69}36A Application of Part X of the Reserve Forces Act 1996 to persons liable to recall under section 30, 31 or 34

For the avoidance of doubt, it is declared that Part X of the Reserve Forces Act 1996 (general offences) applies to a person liable to recall under section 30, 31 or 34 above as it applies to a person liable to recall under the Reserve Forces Act 1996.]

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Textual Amendments
F69 S. 36A inserted (1.4.1997) by [S.I. 1997/306](#), [reg. 20](#)

Call out for training

^{F70}**37**

Textual Amendments
F70 S. 37 repealed (1.4.1997) by [1996 c. 14](#), [s. 131\(2\)](#), [Sch. 11](#) (with [s.72\(5\)](#)); [S.I. 1997/305](#), [art. 2](#)

38 [^{F2}Regular Reserve] , Air Force Reserve and [^{F3}Army Reserve] training.

A person to whom this section applies by virtue of section 39 below may, in accordance with regulations made by the Secretary of State, be called out in any year for training in the United Kingdom or elsewhere—

- (a) for one period not exceeding 15 days, and
- (b) for such other periods as may be prescribed, none of which shall exceed 36 hours without the consent of the person in question,

and may while so called out be attached to and trained with any body of Her Majesty’s forces.

Textual Amendments
F2 Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), [s. 44\(3\)\(a\)\(4\)50\(1\)](#) (with [s. 49\(3\)\(5\)](#)); [S.I. 2014/2370](#), [art. 4\(a\)](#)
F3 Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), [s. 44\(3\)\(b\)\(4\)50\(1\)](#) (with [s. 49\(3\)\(5\)](#)); [S.I. 2014/2370](#), [art. 4\(a\)](#)

[^{F71}**39** Application of s. 38.

(1) The persons to whom section 38 above applies are (subject to subsection (3) below)—

- (a) any member of the [^{F2}Regular Reserve] or the Air Force Reserve who became such a member on or after 1st April 1967 otherwise than in consequence of his having enlisted in the regular army or the [^{F72}Royal Air Force] before that day;
- (b) any member of the [^{F3}Army Reserve] who became such a member on or after 1st April 1967 by enlistment or re-engagement or by becoming an officer; and

^{F71}(c)

^{F71}(2)

^{F71}(3)]

Changes to legislation: Reserve Forces Act 1980, Part II is up to date with all changes known to be in force on or before 07 July 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) View outstanding changes

Textual Amendments

- F2** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(a\)\(4\)50\(1\)](#) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)
- F3** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(b\)\(4\)50\(1\)](#) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)
- F71** S. 39 repealed (1.4.1997 except for s. 39(1)(a)(b) the repeal of which is still *prosp.*) by 1996 c. 14, ss. 131(2), 132(4), [Sch. 11](#) (with s. 72(5)); S.I. 1997/305, [art. 2](#)
- F72** Words in s. 39(1)(a) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 14 para. 15](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

40 Preliminary training of Royal Auxiliary Air Force.

- (1) Every man of the Royal Auxiliary Air Force shall, by way of preliminary training during the first year of his original enlistment—
- (a) if so provided by Order in Council, and
 - (b) for such periods not exceeding in the whole the number of days specified by the Order in Council,
- be trained at such places within the United Kingdom and at such times as may be prescribed, and for that purpose may be called out once or more often.
- (2) Whether or not such an Order in Council has been made he shall attend the number of drills and instructional parades and fulfil the other conditions prescribed for a recruit in the Royal Auxiliary Air Force.
- (3) The requirements of this section are in addition to the requirements of this Act relating to annual training.

41 Annual training of Royal Auxiliary Air Force.

- (1) Every man of the Royal Auxiliary Air Force shall by way of annual training be trained for not less than 8 or more than 15 days in every year at such times and at such places within the United Kingdom as may be prescribed, and may for that purpose be called out once or more often in every year.
- (2) Every such man shall attend the number of drills and instructional parades and fulfil the other conditions relating to training prescribed for the Royal Auxiliary Air Force.
- (3) The requirements of this section may be dispensed with in whole or in part—
- (a) as respects any unit of the Royal Auxiliary Air Force by the prescribed air officer, and
 - (b) as respects an individual man of the Royal Auxiliary Air Force, by his commanding officer subject to any general directions of the prescribed air officer.

Modifications etc. (not altering text)

- C2** S. 41(1) modified (1.4.1997) by 1996 c. 14, S. 128, [Sch. 8 para. 10](#); S.I. 1997/305 art. 2(1)

Changes to legislation: Reserve Forces Act 1980, Part II is up to date with all changes known to be in force on or before 07 July 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) View outstanding changes

42 Variation and cancellation of training periods for Royal Auxiliary Air Force.

Her Majesty may by order in Council made in relation to all or any part of the Royal Auxiliary Air Force direct—

- (a) that the period of annual training in any year shall be extended to such period not exceeding 30 days as may be specified in the Order; or
- (b) that the period of annual training in any year shall be reduced to such period as to Her Majesty may seem fit; or
- (c) that the annual training in any year shall be dispensed with.

[^{F73}42A Application of section 23 of the Reserve Forces Act 1996

Section 23 of the Reserve Forces Act 1996 (power to exempt persons from or relax training obligations) shall apply to persons to whom this Act applies other than members of the Royal Naval Reserve or the Royal Fleet Reserve as if in section 23 for the words “section 22” wherever they appear there were substituted the words “the Reserve Forces Act 1980”.]

Textual Amendments

F73 S. 42A inserted (1.4.1997) by [S.I. 1997/306](#), [reg. 21](#)

^{F74}43

Textual Amendments

F74 S. 43 repealed (1.4.1997) by [1996 c. 14](#), ss. [131\(2\)](#), [132\(4\)](#), [Sch. 11](#) (with s. [72\(5\)](#)); [S.I. 1997/305](#), [art. 2](#)

^{F75}44 Requirement as to training of Ulster Defence Regiment in Northern Ireland.

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Textual Amendments

F75 S. 44 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. [383\(2\)](#), [Sch. 14 para. 16](#), [Sch. 17](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Changes to legislation:

Reserve Forces Act 1980, Part II is up to date with all changes known to be in force on or before 07 July 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.

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

- Act excluded (prosp.) by [1996 c. 14 s. 129\(2\)](#)
- Act modified (prosp.) by [1996 c. 14 s. 128Sch. 8 para. 4\(5\)](#)
- Act repealed (except s.048, 55, 130-138,140,151,156,157, 158) (prosp.) by [1996 c. 14 s. 131\(2\)Sch. 11](#)