



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

- (1) If it appears to Her Majesty that national danger is imminent or that a great emergency has arisen She may by order signified under the hand of the Secretary of State authorise the calling out of any reserve force for permanent service in any part of the world.
- (2) The occasion of the making of any order under subsection (1) above shall forthwith be communicated to Parliament; and if Parliament is then separated by such adjournment or prorogation as will not expire within 5 days—
 - (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.
- (3) An order in force under subsection (1) may be revoked by an order of Her Majesty signified as there mentioned, but the revocation shall not affect the liability for service of any person called out for service by virtue of the order at the time of its revocation.
- (4) In this section " reserve force " means any of the following bodies—
 - (a) the Army Reserve;
 - (b) the Territorial Army;
 - (c) the Air Force Reserve;
 - (d) the Royal Auxiliary Air Force;
 - (e) the Royal Naval Reserve including the Royal Fleet Reserve and the special class of the Royal Fleet Reserve; and

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(f) the Royal Marines Reserve.

- (5) 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 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.

11 Call out for warlike operations

- (1) A person to whom this section applies shall be liable to be called out for permanent service in any part of the world when warlike operations are in preparation or progress, subject to sections 12 and 13(1) below.
- (2) The persons to whom this section applies are—
- (a) any member of the Army 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 regular air force before that day ;
 - (b) any member of the Territorial Army who became such a member on or after 1st April 1967 by enlisting or re-engaging in the Territorial Army or by becoming an officer of the Territorial Army ;
 - (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 ; and
 - (d) any other member of a reserve or class mentioned in paragraphs (a) to (c) above who has elected in pursuance of subsections (4) and (5) below to be a person to whom this section applies and has been notified in the prescribed manner that he has been accepted as such a person.
- (3) In subsection (2) above
- (a) 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; and
 - (b) a notification in pursuance of paragraph (d) may be made to take effect on a day determined by the notification.
- (4) A member of a reserve or class mentioned in subsection (2) who is not a person to whom this section applies may (subject to section 13(1) below) elect irrevocably in the prescribed manner to be such a person.
- (5) A person who immediately before 1st April 1967—
- (a) was a man of the regular army or the regular air force, or
 - (b) was serving by reason of his having been entered or enlisted as mentioned in paragraph (c) of subsection (2),
- may (subject to section 13(1)) elect irrevocably in the prescribed manner that, on his becoming a member of such a reserve or class, he shall be a person to whom this section applies.

- (6) In relation to the calling out of persons by virtue of this section—
- (a) any such calling out shall be reported to Parliament forthwith;
 - (b) the number of persons for the time being called out shall not be reckoned in the numbers for the time being authorised by Parliament for the regular army and the regular air force.

12 Call out of Territorial Army under s. 11

- (1) A member of the Territorial Army shall not be liable to be called out under section 11(1) above unless there is in force an order of Her Majesty, signified under the hand of the Secretary of State, authorising the calling out under that section of members of the Territorial Army.
- (2) An order in force under subsection (1) above may be revoked by an order of Her Majesty signified as there mentioned, but the revocation shall not affect the liability for service of any person called out for service by virtue of the order at the time of its revocation.

13 Provisions supplemental to ss. 10 to 12

- (1) A member of the Home Service Force shall not be a person to whom section 11 above applies, and the Secretary of State may by regulations provide—
 - (a) for securing that persons of such descriptions as may be prescribed who but for the regulations would be persons to whom that section applies shall not be such persons;
 - (b) for relaxing, in such cases as may be prescribed, the liability imposed by subsection (1) of that section on persons to whom that section applies.
- (2) A man of the Territorial Army 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 Territorial Army 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,

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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.