



Reserve Forces Act 1980

1980 CHAPTER 9

PART II

CALL OUT AND RECALL

Recall of service pensioners and former soldiers

[^{F1}30 Liability of naval and marine pensioners to recall.

[Whenever a recall order under section 68 of the Reserve Forces Act 1996 authorising ^{F2}(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,

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—

- ^{F3}(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) [^{F4}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.

^{F1}(3)

^{F1}(4)]

Changes to legislation: Reserve Forces Act 1980, Cross Heading: Recall of service pensioners and former soldiers 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

- F1** S. 30 repealed (1.4.1997 except so far as relating to s. 30(1)(2) which repeal is still *prosp.*) by 1996 c. 14, ss. 131(2), 132(4), **Sch. 11** (with s.72(5)); S.I.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**
- F2** S. 30(1) substituted (1.4.1997) by S.I. 1997/306, **art. 15(2)**
- F3** S. 30(1A) inserted (1.4.1997) by S.I. 1997/306, **art. 15(3)**
- F4** 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.
- (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 [^{F5}regular army] or an airman of the [^{F6}Royal Air Force] or in respect of that service and other service, but does not include a pension awarded in respect of disablement,

[^{F7}“soldier” and “airman” include a warrant officer and a non-commissioned officer.]

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- (7) For the purposes of [^{F8}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

- F5** 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
- F6** 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
- F7** 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
- F8** 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

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 [^{F9}Regular Reserve] are called out for permanent service.

In this subsection the expression “called out for permanent service” means called out for permanent service under [^{F10}a 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 [^{F11}a 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 [^{F12}regular 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 [^{F13}regulations 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.

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- (4) The period referred to in subsection (3) above is one—
 - (a) beginning with the time [^{F14}the person is accepted (by virtue of section 36) into] service under section 31, and
 - [^{F15}(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 [^{F9}Regular Reserve] or the Air Force Reserve, as the case may be.]
- (5) [^{F16}No 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

F9 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)

F10 Words in s. 32(1) substituted (1.4.1997) by S.I. 1997/306, [art. 16\(2\)](#)

F11 Words in s. 32(2) inserted (1.4.1997) by S.I. 1997/306, [art. 16\(3\)](#)

F12 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

F13 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

F14 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

F15 S. 32(4)(b) substituted (1.4.1997) by S.I. 1997/306, [art. 16\(4\)](#)

F16 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

M1 1955 c. 18.

M2 1955 c. 19.

M3 1961 c. 52.

M4 1966 c. 45.

^{F17}33

Textual Amendments

F17 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](#)

^{F18}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 [^{F19}notice under section 35 below] at any time when men of the

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[^{F9}Regular Reserve] are called out for permanent service under [^{F20}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 ^{M5}Armed Forces Act 1966;
- (c) who has not been discharged in respect of that enlistment under section 14 of the ^{M6}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 [^{F21}regular army] for the period—

- (a) beginning with the time [^{F22}he is accepted into service] , and
 - [ending (unless he is previously discharged) with the date on which there is
- ^{F23}(b) no longer a call-out order under section 52 of the Reserve Forces Act 1996 in force.]

^{F18}(4)

^{F18}(5)

^{F18}(6)]

Textual Amendments

- F9** 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\(a\)](#)
- F18** 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](#)
- F19** Words in S. 34(1) substituted (1.4.1997) by [S.I. 1997/306, art. 17\(2\)\(a\)](#)
- F20** Words in S. 34(1) substituted (1.4.1997) by [S.I. 1997/306, art. 17\(2\)\(b\)](#)
- F21** 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](#)
- F22** 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](#)
- F23** S. 34(3)(b) substituted (1.4.1997) by [S.I. 1997/306, art. 17\(3\)](#)

Marginal Citations

- M5** 1966 c. 45.
- M6** 1955 c. 18.

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[^{F24}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

F24 S. 35 substituted (1.4.1997) by [S.I. 1997/306](#), [reg. 18](#)

[^{F25}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—
 - (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 [^{F9}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—

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- (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)
F26”
- (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

- F9** 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\(a\)](#)
- F25** S. 36 substituted (1.4.1997) by [S.I. 1997/306, reg. 19](#)
- F26** Words in s. 36(3)(b) repealed (1.1.1999) by [S.I. 1998/3086, reg. 12](#)

[^{F27}**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.]

Textual Amendments

- F27** S. 36A inserted (1.4.1997) by [S.I. 1997/306, reg. 20](#)

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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](#)