



Reserve Forces Act 1980

1980 CHAPTER 9

PART III

NAVAL AND MARINE RESERVES

Officers of reserve to the Royal Navy

45 Offers to serve as officers of reserve

Her Majesty may, upon such terms and conditions as She thinks fit, accept the offers to serve as officers of reserve to the Royal Navy of—

- (a) any persons who have been or are masters, mates, or engineers of ships in the merchant service of the United Kingdom, or of other British ships not belonging to Her Majesty ; and
- (b) any other persons whom the Secretary of State may recommend.

46 Enrolment of officers

- (1) The Secretary of State may enrol as officers of reserve to the Royal Navy so many of such persons as are referred to in section 45 above as he thinks fit, under such rules, orders and regulations as he may from time to time make.
- (2) The persons so enrolled shall have such rank as respects the officers of the Royal Navy as the Secretary of State shall direct.

General provisions as to the naval and marine reserves

47 False answers on enlistment

If a person offering himself to be entered for service in any of the naval reserve forces—

- (a) knowingly makes a false answer in connection with his entry into such service, and

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- (b) that answer is to a question put to him in that connection by, or by the direction of, any officer or other person authorised by regulations made by the Defence Council to enter persons for such service,

he shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding £20.

48 Void enlistment in regular forces

Where any officer or other person enlists a man to serve in Her Majesty's regular forces who at the time of such enlisting is entered to serve as a man of the Royal Naval Reserve, Royal Fleet Reserve or Royal Marines Reserve that enlisting shall be null and void.

49 Enlistment outside British Islands

The powers under this Act to enter men to serve in the Royal Naval Reserve, the Royal Fleet Reserve and the Royal Marines Reserve may, subject to the Secretary of State's regulations, be exercised outside the British Islands, but only in the case of a Commonwealth citizen or a citizen of the Republic of Ireland.

50 Term of service in Royal Naval Reserve and Royal Fleet Reserve

- (1) Every man joining the Royal Naval Reserve shall be entered for a term of 5 years, and shall continue subject to this Act as a man of that reserve during and for no longer than that term, except as otherwise provided by this Act.
- (2) A man entitled to claim his discharge under subsection (1) above shall continue subject to the provisions of this Act as a man of the Royal Naval Reserve until actually discharged from that reserve by the Defence Council, or by some officer duly appointed by the Defence Council to give such discharges.
- (3) The term of service of a man joining the Royal Fleet Reserve shall be regulated—
 - (a) in the case of a pensioner entitled to his pension subject to a condition of service in the Royal Fleet Reserve, by the conditions attached to the pension; and
 - (b) in any other case, by the terms of his enlistment

51 Naval and marine reserves called into permanent service

Every man of the Royal Naval Reserve, the Royal Fleet Reserve and the Royal Marines Reserve called out for permanent service—

- (a) shall be placed under the command of such officers as the Defence Council may direct;
- (b) shall be liable to serve on shore or on board any ship or vessel, or partly on shore and partly on board any ship or vessel, as the Defence Council may direct.

52 Marines serving in Royal Fleet Reserve

Men who have served in the Royal Marines and who have enlisted in the Royal Fleet Reserve shall—

- (a) when called out for permanent service, and
- (b) when being trained or exercised,

be liable to serve, subject to the same conditions, as other non-commissioned officers and men of the marines and not as petty officers and seamen.

53 Billeting

- (1) All provisions for the time being in force in relation to the billeting of the Royal Marines shall be applicable to the men of the Royal Naval Reserve, the Royal Fleet Reserve and the Royal Marines Reserve during such time as they attend training, or be in permanent service.
- (2) All powers and authorities in relation to the billeting of the Royal Marines which may be exercised by any colonel, commandant, or commanding officer of any division of Royal Marines, may, for the purpose of billeting the men of the Royal Naval Reserve, the Royal Fleet Reserve or the Royal Marines Reserve, be exercised by any officer in the Royal Navy holding the rank of commander, or any higher rank authorised in this behalf by the regulations made under section 56 below.

54 Discharge

- (1) The Defence Council may in their discretion at any time discharge any man of the Royal Naval Reserve, the Royal Fleet Reserve and the Royal Marines Reserve.
- (2) The enactments concerning the discharge of ratings (which in this subsection means a member of the Royal Navy of or below the rank of warrant officer) becoming entitled to be discharged shall be applicable to and for the discharge of men of the Royal Naval Reserve, the Royal Fleet Reserve and the Royal Marines Reserve where those men are in permanent service.

55 Admission to Greenwich Hospital

- (1) Every man of the Royal Naval Reserve, the Royal Fleet Reserve and the Royal Marines Reserve, under such regulations as may be made by the Secretary of State, shall be—
 - (a) eligible for admission to the Royal Hospital at Greenwich ; and
 - (b) thereupon entitled to the same privileges and advantages as those who are or have been in Her Majesty's navy.
- (2) The Greenwich Hospital Acts 1865 to 1967 have effect as if references in those Acts to any naval reserve force included references to the Royal Marines Reserve.

56 Regulations for naval and marine reserves

The Secretary of State may—

- (a) in relation to the Royal Marines Reserve, make regulations for the purpose of carrying section 3 above into effect, and
- (b) in relation to the Royal Naval Reserve and the Royal Fleet Reserve, and (without prejudice to the power conferred by paragraph (a) above) the Royal Marines Reserve, make regulations—
 - (i) as to the manner or form in which men of those reserves shall be entered to serve, and generally as to the entry and re-entry of such persons;

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- (ii) as to the arms, clothing and accoutrements with which such men are to be provided;
- (iii) for forming such men into divisions or classes, or other bodies, and assigning numbers to them;
- (iv) for the purpose of calling out such men for permanent service under this Act;
- (v) for securing and enforcing the attendance, good conduct and discipline of and among such men;
- (vi) for imposing fines or forfeitures of pay, allowances or pensions for misconduct and breach of discipline or of any of the regulations made under this section and section 37(4) above; and
- (vii) generally as to all other matters and proceedings.

Special class of Royal Fleet Reserve

57 Special class of Royal Fleet Reserve

- (1) The special class of the Royal Fleet Reserve shall consist of—
- (a) men who, on engaging or re-engaging in the Royal Fleet Reserve or during a term of engagement or re-engagement in that reserve agree in writing—
 - (i) to be entered in or transferred to that class, and
 - (ii) to undertake the liability for service in that class specified in this Act;
 or
 - (b) men who, having before 16th December 1949 been entered for non-continuous service in the naval service of Her Majesty or enlisted to serve in the royal marine forces, on transfer to the Royal Fleet Reserve or during their service in that reserve pursuant to such transfer agree in writing—
 - (i) to be entered in or transferred to that class, and
 - (ii) to undertake the liability for service in that class specified in this Act;
 or
 - (c) men entered in that class in accordance with the following provisions of this section.
- (2) Any man who—
- (a) having been entered for non-continuous service in the naval service of Her Majesty on or after 16th December 1949, or
 - (b) having been enlisted to serve in the royal marine forces on or after that date, is transferred to the Royal Fleet Reserve shall, if on his transfer he was designated by the Defence Council or an officer designated by the Defence Council as a man to whom this subsection applies, be entered in that class of the reserve and shall be liable to serve in that class as specified by this Act.
- (3) The following provisions shall have effect as to the duration of service in the special class of the Royal Fleet Reserve—
- (a) a man entered in that class or transferred to it in pursuance of an agreement under paragraph (a) of subsection (1) above shall be liable to serve in that class until the end of his term of engagement or re-engagement referred to in that paragraph;
 - (b) a man entered in or transferred to the special class in pursuance of an agreement under paragraph (b) of subsection (1) shall be liable to serve in the

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- special class until the end of his term of service in the Royal Fleet Reserve in pursuance of his transfer to that reserve referred to in that paragraph (b); and
- (c) a man entered in the special class by virtue of the provisions of subsection (2) above shall be liable to serve in that class until the expiry of the first 12 months of his service in the Royal Fleet Reserve and shall then be transferred from the special class to the general body of the reserve.
- (4) If a man to whom paragraph (c) of subsection (3) above applies agrees in writing to continue to serve in the special class during the residue of the term for which he is transferred to the Royal Fleet Reserve, he shall be liable to serve in that class in accordance with the agreement.
- (5) An agreement made for the purposes of subsection (1) or subsection (4) above may be revoked by 3 months' written notice.

58 Transfers to Royal Fleet Reserve

References in section 57 above to transfer to the Royal Fleet Reserve shall be construed—

- (a) in relation to a man entered for non-continuous service in the naval service of Her Majesty, as references to being entered in the Royal Fleet Reserve in pursuance of a liability incurred under the terms of his engagement, in accordance with regulations made by the Defence Council under section 2 of the Armed Forces Act 1966 to serve in the Royal Fleet Reserve after the completion of his term of service in the navy; and
- (b) in relation to a man enlisted to serve in the royal marine forces, as references to being entered in the Royal Fleet Reserve in pursuance of a liability incurred under the terms of his engagement to serve in the Royal Fleet Reserve after the completion of his term of service in the Royal Marines.

Pay, pensions and other payments in respect of naval and marine reserves

59 Rates of pay and allowances

- (1) Her Majesty may by Order in Council fix the rates of pay, bounty and allowances payable to the persons described in subsection (2) below, and in relation to Orders in Council under this section—
- (a) section 12 of the Naval and Marine Pay and Pensions Act 1865 (which provides for the publication and laying before Parliament of Orders in Council under that Act) shall apply ; and
- (b) the Statutory Instruments Act 1946 shall not apply.
- (2) The persons referred to in subsection (1) above are—
- (a) Officers of reserve to the Royal Navy;
- (b) men of the Royal Naval Reserve including the Royal Fleet Reserve;
- (c) Officers and men of the Royal Marines Reserve ;
- (d) persons in receipt of pensions in respect of service as men in the Royal Navy or the Royal Marines, being persons called out for permanent service or undergoing training.
- (3) Sections 3 and 5 of the Naval and Marine Pay and Pensions Act 1865 (which respectively provide for regulating the payment of naval and marine pay, pensions,

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bounty and other allowances, and prohibit their assignment) apply in relation to pay, bounty and allowances payable to any person described in subsection (2) above as they apply in relation to pay, bounty and allowances payable in respect of services in Her Majesty's naval or marine force to a person being an officer or subordinate officer, seaman or marine.

- (4) The Naval Forces (Enforcement of Maintenance Liabilities) Act 1947 has effect as if any reference in that Act to an officer, seaman or marine included a reference to any person so described.

60 Allowances and pensions for officers of reserve

- (1) Where any officer of reserve to the Royal Navy sustains any disability of mind or body which is attributable to the conditions of naval service he may be granted an allowance or pension in respect of that disability at such rate and subject to such conditions as the Secretary of State with the consent of Her Majesty in Council may appoint.
- (2) Where any such officer is killed or dies as the result of any wound, accident, injury or disease attributable to the conditions of naval service, his widow, children or other dependent relatives may be granted such pension, allowances or gratuity as the Secretary of State with the like consent may appoint.

61 Pensions for persons of Royal Naval Reserve and Royal Fleet Reserve

- (1) The Secretary of State, with the consent of the Minister for the Civil Service, may grant pensions to men of the Royal Naval Reserve and the Royal Fleet Reserve.
- (2) The Secretary of State may, in relation to any such pension, make regulations as to—
- (a) the amount;
 - (b) the time or respective times and the manner of payment ; and
 - (c) the ages at which it shall be payable.
- (3) Any pension conferred under this section shall be paid to the pensioner himself only, and not to his agent, attorney or assignee.