



# Reserve Forces Act 1980

## 1980 CHAPTER 9

### PART V

#### [<sup>F3</sup>ARMY RESERVE] AND ROYAL AUXILIARY AIR FORCE

#### *Discharge*

<sup>F1</sup>98 .....

#### Textual Amendments

**F1** S. 98 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

<sup>F2</sup>99 .....

#### Textual Amendments

**F2** S. 99 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

#### **100 Postponement of discharge: [<sup>F3</sup>Army Reserve] and Royal Auxiliary Air Force.**

- (1) Where the time at which a man of the [<sup>F3</sup>Army Reserve] or the Royal Auxiliary Air Force would otherwise be entitled to be discharged occurs during a period of emergency, he may be required to prolong his service for such further term, not exceeding 12 months, as the Defence Council or an officer designated by them may order.
- (2) A man shall not during a period of emergency be entitled to be discharged under [<sup>F4</sup>section 16(2)(a) of the Reserve Forces Act 1996].

**Changes to legislation:** Reserve Forces Act 1980, Cross Heading: Discharge is up to date with all changes known to be in force on or before 02 June 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

- (3) In this section the expression “period of emergency” means—
- (a) in relation to a man of the [<sup>F3</sup>Army Reserve] , any period while an order under [<sup>F5</sup>section 52(1)(a) of the Reserve Forces Act 1996] is in force [<sup>F5</sup>authorising members of] the [<sup>F6</sup>Regular Reserve] to be called out for permanent service;
  - (b) in relation to a man of the Royal Auxiliary Air Force, any period—
    - (i) while an order under [<sup>F5</sup>section 52(1)(a) of the Reserve Forces Act 1996] is in force [<sup>F5</sup>authorising members of] the Air Force Reserve to be called out for permanent service; or
    - (ii) while the man in question is called out for home defence service.

#### 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)
- F4** Words in s. 100(2) substituted (1.4.1997) by S.I. 1997/306, reg. 24(2)
- F5** Words in s. 100(3) substituted (1.4.1997) by S.I. 1997/306, reg. 24(3)(a)(b)
- F6** 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)

### 101 Postponement of discharge: [<sup>F3</sup>Army Reserve] .

- (1) A man of the [<sup>F3</sup>Army Reserve] who is a person to whom section 11 above applies shall not be entitled to be discharged under [<sup>F7</sup>section 16(2)(a) of the Reserve Forces Act 1996] during any period while an order is in force under [<sup>F7</sup>section 54 of the Reserve Forces Act 1996 authorising the call-out of members of the [<sup>F3</sup>Army Reserve]] .
- (2) Subsections (1) and (2) of section 100 above shall have effect, in relation to a man who enlists or re-engages in the [<sup>F3</sup>Army Reserve] on or after 1st April 1967, as if the period of emergency within the meaning of that section included any period while he is called out for home defence service.

#### Textual Amendments

- F7** Words in s. 101(1) substituted (1.4.1997) by S.I. 1997/306, reg. 25(2)

### <sup>F8</sup>102 .....

#### Textual Amendments

- F8** S. 102 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

**Changes to legislation:**

Reserve Forces Act 1980, Cross Heading: Discharge is up to date with all changes known to be in force on or before 02 June 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.

[View outstanding changes](#)

**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](#)