



# Reserve Forces Act 1980

## 1980 CHAPTER 9

### PART V

#### TERRITORIAL ARMY AND ROYAL AUXILIARY AIR FORCE

##### *Government, discipline and pay of Territorial Army and Royal Auxiliary Air Force*

#### **88 Her Majesty's orders as to Territorial Army and Royal Auxiliary Air Force**

Her Majesty may by order signified under the hand of the Secretary of State, make orders—

- (a) with respect to the government, discipline, and pay and allowances of the Territorial Army and of the Royal Auxiliary Air Force, and
- (b) with respect to all other matters and things relating to the Territorial Army or to the Royal Auxiliary Air Force,

and including any matter authorised to be prescribed or expressed to be subject to orders or regulations by—

- (i) sections 40, 41 and 43 above ;
- (ii) the following provisions of this Part of this Act;
- (iii) paragraph 18 of Schedule 8 to this Act. All orders under this section shall be laid before Parliament after being made.

#### **89 Her Majesty's orders as to Territorial Army**

Orders made under section 88 above as respects the Territorial Army may—

- (a) provide for the formation of men of the Territorial Army into regiments, battalions, or other military bodies;
- (b) provide for appointing, transferring or attaching men of the Territorial Army to corps and for posting, attaching, or otherwise dealing with such men within the corps;

---

*Status: This is the original version (as it was originally enacted).*

---

- (c) provide for the constitution of a permanent staff, including adjutants and staff sergeants who shall, except in special circumstances certified by the general officer commanding, be members of Her Majesty's regular military forces; and
- (d) regulate the appointment, rank, duties and numbers of the officers, warrant officers and non-commissioned officers of the Territorial Army.

## **90 Her Majesty's orders as to Royal Auxiliary Air Force**

Orders made under section 88 above as respects the Royal Auxiliary Air Force may—

- (a) provide for the formation of men of the Royal Auxiliary Air Force into wings, squadrons or other air force bodies and for the formation of such wings, squadrons or other air force bodies into higher formations, either alone or jointly with any other part of Her Majesty's air forces;
- (b) provide for posting, transferring, or attaching men of the Royal Auxiliary Air Force to units ;
- (c) provide for the constitution of a permanent staff, including adjutants and non-commissioned officers who shall, except in special circumstances certified by the air officer commanding, be members of Her Majesty's regular air force ; and
- (d) regulate the appointment, rank, duties and numbers of the officers, warrant officers and non-commissioned officers of the Royal Auxiliary Air Force.

## **91 Regulations as to matters under ss. 88 to 90**

Subject to sections 88 to 90 above, and to any order made under them, the Defence Council may make general or special regulations—

- (a) with respect to any matters relating to the Territorial Army, and
- (b) with respect to any matters relating to the Royal Auxiliary Air Force,

being matters with respect to which Her Majesty may make orders under those sections. All regulations under this section shall be laid before Parliament after being made.

## **92 Matters not to be within orders or regulations under ss. 88 to 91**

Orders or regulations made under sections 88 to 91 shall not affect or extend the term for which, or the area within which, a man of the Territorial Army or the Royal Auxiliary Air Force is liable to serve or, except as expressly provided by this Part of this Act—

- (a) authorise a man of the Territorial Army when belonging to one corps to be transferred, without his consent, to another corps; or
- (b) where the corps of a man of the Territorial Army includes more than one unit, authorise him when not called out for permanent service by virtue of section 10(1) or section 11(1) above to be posted, without his consent, to any unit other than that to which he was posted on enlistment; or
- (c) where the corps of a man of the Territorial Army includes any battalion or other body of the regular forces, authorise him to be posted, without his consent, to that battalion or body; or
- (d) authorise a man of the Royal Auxiliary Air Force when not called out for permanent service by virtue of section 10(1) above to be posted, without his consent, to any unit other than that to which he was posted on enlistment; or

- (e) authorise a man of the Royal Auxiliary Air Force to be posted, without his consent, to a unit of the regular air force.

### **93 Exercise of powers of military and air force office holders**

- (1) Any power or jurisdiction given to, and act or thing to be done by, to or before any person holding any military or air force office, may—
  - (a) in relation to the Territorial Army, or
  - (b) in relation to the Royal Auxiliary Air Force,as the case may be, be exercised by or done by, to or before any other person for the time being authorised in that behalf according to the custom of the service.
- (2) Where by this Part of this Act, or by any order or regulation in force under it, any order is authorised to be made by any military or air force authority—
  - (a) the order may be signified by an order, instruction or letter under the hand of any officer authorised to issue orders on behalf of that authority ; and
  - (b) an order, instruction or letter purporting to be signed by any officer who appears from it to be so authorised shall be evidence of his being so authorised.