



Reserve Forces Act 1980

1980 CHAPTER 9

PART VII

ULSTER DEFENCE REGIMENT

Membership of Ulster Defence Regiment

139 Enrolment, re-engagement and resignation

- (1) The provisions as to the enrolment, re-engagement and resignation of members of the Ulster Defence Regiment (otherwise than as officers) are—
- (a) a person volunteering and accepted for service in that force shall be enrolled for a prescribed period not exceeding 3 years;
 - (b) a member of that force may, if he so desires and is accepted for re-engagement, re-engage from time to time for a further such period ;
 - (c) a member of that force may if he so desires cease to be a member of it upon the expiry of one month's notice of his desire so to cease given in writing to his commanding officer.
- (2) A person shall not cease to be a member of the Ulster Defence Regiment by virtue of paragraph (a), (b) or (c) of subsection (1) above if immediately before the expiry—
- (a) of the period for which he was enrolled, or
 - (b) of the period for which he was re-engaged, or
 - (c) of the period of his notice,
- as the case may be, he is on permanent service in pursuance of section 10 or section 24 above.

140 Orders and regulations as to acceptance and service

- (1) The conditions for the acceptance of persons as members of the Ulster Defence Regiment and the conditions of service of members of that force (including conditions

Status: This is the original version (as it was originally enacted).

as to pay, allowances and pensions or other grants in respect of death or disablement) shall be such as may be prescribed.

- (2) Orders or regulations shall provide for the organisation, administration, government and duties of the Ulster Defence Regiment, but shall not require members of that force to give whole-time service except—
- (a) during any period in which that force or the part of it to which they belong is called out under section 10, or section 24 or section 25 above, or
 - (b) while they are undergoing training under paragraph (a) of section 44(1) above, and those orders or regulations shall not require members of that force to serve or train outside Northern Ireland.
- (3) In this Part of this Act
- (a) references to orders are to orders of Her Majesty signified under the hand of the Secretary of State, and
 - (b) references to regulations are to regulations made by the Secretary of State, and any orders or regulations under this Part shall be laid before Parliament after being made.

Military status of members of Ulster Defence Regiment

141 Membership of armed forces and application of military law

Persons of the Ulster Defence Regiment shall be members of the armed forces of the Crown, and—

- (a) any holder of a land forces commission who is for the time being assigned for duty with the Ulster Defence Regiment, and any other member of that force when serving on its permanent staff, shall be subject to military law;
- (b) any member of the Ulster Defence Regiment to whom paragraph (a) above does not apply shall be subject to military law—
 - (i) at all times when called out for service under sections 10, 24, 25 and 44 above or when undergoing training whether in pursuance of an obligation under those sections or not; and
 - (ii) at any other time when he is in possession, or when, in pursuance of any order given or permission granted by a superior officer of his, he is required or authorised to be in possession, of any arms or ammunition or of any prescribed description of equipment, being arms, ammunition or equipment belonging to Her Majesty.

142 Application of [Army Act 1955 c. 18](#)

References in Parts II to V of the Army Act 1955 to the regular forces shall include references to persons of the Ulster Defence Regiment while subject to military law, but any other references in that Act to the regular forces shall not include references to the Ulster Defence Regiment.

Offences

143 Failure to attend or comply

- (1) Any member of the Ulster Defence Regiment who—
- (a) when required by or in pursuance of regulations making any such provision as is mentioned in section 44 above to attend at any place fails without reasonable excuse to attend in accordance with the requirement, or
 - (b) fails without reasonable excuse to comply with orders or regulations under this Part of this Act,
- shall, whether otherwise subject to military law or not, be guilty of an offence and liable on conviction by court-martial to a fine not exceeding £5,
- (2) That offence shall, for all purposes of and incidental to the trial of the offender, including the summary disposal of the case otherwise than by court-martial, be deemed to be an offence under the Army Act 1955.

144 Assistance in desertion, etc.

- (1) Any person who, in Northern Ireland or elsewhere—
- (a) procures or persuades any member of the Ulster Defence Regiment to desert within the meaning of section 37 of the Army Act 1955 or to absent himself without leave, or
 - (b) knowing that any member of that force is about to desert as mentioned in paragraph (a) above or to absent himself without leave, assists him in so doing, or
 - (c) knowing any person to be a deserter within the meaning of that section 37 or an absentee without leave from that force, procures or persuades or assists him to remain such a deserter or absentee, or assists in his rescue from custody,
- shall be liable—
- (i) on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding 3 months or to both;
 - (ii) on conviction on indictment in Northern Ireland to a fine not exceeding £500 or to imprisonment for a term not exceeding 2 years or to both ;
 - (iii) on conviction on indictment elsewhere in the United Kingdom to a fine or to imprisonment for a term not exceeding 2 years or to both.
- (2) In subsection (1) above "the statutory maximum", in relation to a fine on summary conviction, means—
- (a) in England and Wales, the prescribed sum within the meaning of section 28 of the Criminal Law Act 1977 (at the passing of this Act £1,000);
 - (b) in Scotland, the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975 (at the passing of this Act £1,000); and
 - (c) in Northern Ireland, £50.