

SCHEDULES

SCHEDULE 8

Section 157.

SAVING AND TRANSITIONAL PROVISIONS

General

- 1 References in paragraph (b) of section 17(2) of the Interpretation Act 1978 to subordinate legislation made or other thing done under enactments repealed and re-enacted by this Act shall be construed as including references to subordinate legislation or other thing having effect as if made or done by virtue of—
- (a) the Army Reserve Act 1950 section 29(4) ;
 - (b) the Air Force Reserve Act 1950 section 30(4) ;
 - (c) the Auxiliary Forces Act 1953 section 46(2).
- 2 Where any period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act has effect as if the corresponding provision of the Act had been in force when that period began to run.
- 3 The repeal of an enactment by this Act does not affect the operation of that enactment in relation to any offence committed before the commencement of the Act.
- 4 A conviction for an offence under an enactment repealed by this Act shall be treated for the purposes of the Act as a conviction for an offence under the corresponding provision of the Act.

Saving of amendments

- 5 (1) The amendments made—
- (a) by section 23(6) of, and paragraph 32 of Schedule 1 to, the Reserve Forces Act 1966, and
 - (b) by section 1(3) of the Ulster Defence Regiment Act 1973,
- shall continue in force, notwithstanding the repeal by this Act of the amending provisions.
- (2) The Territorial Army and the Royal Marine Forces Volunteer Reserve shall continue to be known respectively as the Territorial and Army Volunteer Reserve and the Royal Marines Reserve, and references to that army or marine volunteer reserve in any enactment or instrument shall continue to be construed accordingly.
- (3) In section 210(2)(b) of the Army Act 1955 the reference to actual service shall continue to be construed as including a reference to permanent service in the marine forces in pursuance of section 11(1) above.

Status: This is the original version (as it was originally enacted).

Permanent service in naval and marine reserves

- 6 Any reference in any enactment to actual service under section 4 of the Royal Naval Reserve (Volunteer) Act 1859 shall be construed as a reference to permanent service in the naval or marine forces by virtue of section 10(1) above.

Militia storehouses

- 7 (1) Notwithstanding the repeal by this Act of section 4 of the Territorial Army and Militia Act 1921, any enactment repealed by that Act which related to militia storehouses shall continue to apply in relation to militia storehouses provided before the commencement of that Act as though that Act and this Act had not been passed.

In this sub-paragraph " militia storehouses" means any building or premises provided for keeping in them the arms, accoutrements, clothing and other stores belonging to any regiment, battalion or corps of militia, when not embodied.

- (2) Any moneys—

- (a) which have been paid to and invested by or shall be paid to the proper officer of a county council on account of the proceeds of the sale of any place provided for keeping militia stores, and
- (b) which are not required for the purposes of the Militia Law Amendment Act 1854,

may be applied to any of the purposes to which money raised on the security of the county rate or stock is applicable or it may be invested in any security in which trustees may by law invest trust moneys, and the interest applied in aid of the county rate or stock, as shall be directed by the county council.

*Enlistment in the Territorial Army or Royal Auxiliary Air Force
prior to order or regulation under Auxiliary Forces Act 1953*

- 8 Where a man—
- (a) is a member of the Territorial Army or the Royal Auxiliary Air Force, and
 - (b) was enlisted before the date of any order or regulation under the Auxiliary Forces Act 1953,

nothing in any order or regulation made under any provision of that Act or made or having effect under a corresponding provision of this Act shall render him liable without his consent to be appointed, transferred or attached to any military or air force body to which he could not without his consent have been appointed, transferred or attached if that order or regulation had not been made.

Reserve of officers maintained under section 11(4) of Auxiliary Forces Act 1953

- 9 In relation to the Reserve Forces Act 1966—
- (a) the provisions of section 3(2) of that Act (which abolished reserve divisions of the Territorial Army Reserve), and
 - (b) the repeal by that Act of section 11(7) of the Auxiliary Forces Act 1953,
- do not affect any reserve of officers maintained in pursuance of that section 11(7) immediately before 9th August 1966, but any such reserve may be abolished by order of Her Majesty signified under the hand of the Secretary of State.

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Transfers to reserve under Army Act and Air Force Act

- 10 In this Act—
- (a) references to the Army Act 1955 in connection with transfers to the reserve include such transfers under the Army Act;
 - (b) references to the Air Force Act 1955 in connection with transfers to the reserve include such transfers under the Air Force Act.

Modifications of other enactments

- 11 Without prejudice to section 152(2) above—
- (a) any reference in any enactment to, or to provisions which include, section 5 of the Army Reserve Act 1950 or section 5 of the Air Force Reserve Act 1950 or to a proclamation ordering the calling out of the Army Reserve or the Air Force Reserve under those sections shall be construed respectively as, or as including, a reference to section 10 above or to an order authorising the calling out of the Army Reserve or the Air Force Reserve under that section 10 ;
 - (b) any reference in any enactment to the embodying or disembodying of the Territorial Army or the Royal Auxiliary Air Force or any part or member of that reserve or force shall be construed—
 - (i) in relation to a member of the Territorial Army, as a reference to his being called into, or released from, service by virtue of section 10(1) or section 11(1) above;
 - (ii) in relation to a member of the Royal Auxiliary Air Force, as a reference to his being called into, or released from, service by virtue of section 10(1).

Naval and Marine Reserves Pay Act 1957

- 12 Notwithstanding the repeal by this Act of the references to—
- (a) officers and men of the Royal Naval Volunteer Reserve, and
 - (b) officers and men of the Royal Naval Special Reserve,
- in Schedule 1 to the Naval and Marine Reserves Pay Act 1957, those officers and men described in paragraphs (a) and (b) above shall be deemed to be among those described in subsection (2) of section 59 above for the purposes of that section.

The lieutenancies in England and Wales

- 13 (1) Any reference to a lieutenant of a county or of Greater London—
- (a) in any enactment passed before the end of the session in which the Local Government Act 1972 was passed, or
 - (b) in any instrument made before the passing of that Act,
- shall be construed as a reference to the lord-lieutenant of a county or of Greater London, as the case may be.
- (2) Where immediately before 1st April 1974—
- (a) any lieutenant held office, Her Majesty may by Order in Council provide that he shall continue to hold office on and after that date as a lord-lieutenant or as a lieutenant of a new county or Greater London, according as may be specified in the Order ;

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- (b) any deputy lieutenant held office outside Greater London, he shall continue to hold office on and after that date as deputy lieutenant of the new county in which he resides or such other new county as may be specified in an order made by the Secretary of State.

In this sub-paragraph—

- (i) nothing prejudices any power of removal or of directing removal from any office ; and
(ii) "Greater London" does not include the City of London or the Inner Temple and the Middle Temple ; and
(iii) " new county " has the meaning given by the Local Government Act 1972.

The lieutenancies in Scotland

- 14 (1) Any reference to a lieutenant of a county in Scotland—
- (a) in any enactment passed before the end of the session in which the Local Government (Scotland) Act 1973 was passed, or
- (b) in any instrument made before the passing of that Act,
- shall be construed as a reference to the lord-lieutenant holding office for an area by virtue of section 131 above.
- (2) Where immediately before 16th May 1975—
- (a) any lieutenant held office in Scotland, Her Majesty may by Order in Council provide that he shall continue to hold office on and after that date as lord-lieutenant for such part of a region as may be specified in the Order or for an islands area ;
- (b) any deputy lieutenant held office in Scotland, he shall continue to hold office on and after that date as deputy lieutenant of the part of the region, islands area or district of the city in which he resides or of such other area as may be specified in an order made by the Secretary of State. Nothing in this sub-paragraph prejudices any power of removal or of directing removal from any office.

Permanent service call out of special class of Royal Fleet Reserve otherwise than under section 11

- 15 (1) Where section 11 above does not apply to a man of the special class of the Royal Fleet Reserve he is liable during the whole of his service in that class of the reserve to be called out for permanent service at any time when warlike operations are in preparation or in progress outside the United Kingdom (including the Channel Islands and the Isle of Man), but this sub-paragraph—
- (a) does not make the man liable to serve for a period or periods exceeding 12 months in all without his written consent,
- (b) is without prejudice to any liability imposed on the man by section 16(1) above,
- and any exercise of the power under this sub-paragraph to call men out for permanent service shall be reported to Parliament forthwith.
- (2) The provisions of sub-paragraph (1) above are in addition to, and not in substitution for, the provisions of any other enactment under which officers or men of—
- (a) the Royal Naval Reserve and the Royal Fleet Reserve, and

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(b) the Royal Marines Reserve,
are liable to be called out for permanent service.

*Permanent service call out of Army Reserve and
Air Force Reserve otherwise than under section 11*

- 16 (1) Where section 11 above does not apply to a man—
- (a) who enlisted in the regular forces within the meaning of the Army Act 1955 before 27th February 1964, and
 - (b) who was transferred to the Army Reserve in pursuance of—
 - (i) the Army Act 1955, or
 - (ii) the Army and Air Force Act 1961, or
 - (iii) regulations under section 2 of the Armed Forces Act 1966. and
 - (c) who on his transfer was designated by the competent military authority as a man to whom this provision applies,
- he is liable to be called out for permanent service on overseas service at any time during the first year of his service in the Army Reserve.
- (2) Where section 11 does not apply to a man—
- (a) who enlisted in the regular forces within the meaning of the Army Act 1955 after 26th February 1964, and
 - (b) who was transferred to the Army Reserve in pursuance of—
 - (i) the Army Act 1955, or
 - (ii) the Army and Air Force Act 1961, or
 - (iii) regulations under section 2 of the Armed Forces Act 1966, and
 - (c) who on his transfer was designated by the competent military authority as subject to this provision for a specified period not exceeding 3 years beginning with the beginning of his service in the Army Reserve,
- he is liable to be called out for permanent service on overseas service at any time during that period.
- (3) Where section 11 does not apply to a man of the Army Reserve, that man, whether he entered the reserve—
- (a) on transfer, or
 - (b) on re-engagement, or
 - (c) on being enlisted or on being deemed to be enlisted,
- shall, if he has entered into a written agreement (which may be revoked by 3 months' written notice) to be so liable at the time in question, be liable at any time during his service in that reserve to be called out for permanent service on overseas service. This sub-paragraph is without prejudice to sub-paragraphs (1) and (2) above.
- (4) Where section 11 does not apply to a man—
- (a) who enlisted in the regular air force within the meaning of the Air Force Act 1955 before 27th February 1964, and
 - (b) who was transferred to the Air Force Reserve in pursuance of—
 - (i) the Air Force Act 1955, or
 - (ii) the Army and Air Force Act 1961, or
 - (iii) regulations under section 2 of the Armed Forces Act 1966, and

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- (c) who on his transfer was designated by the competent air force authority as a man to whom this provision applies,
 he is liable to be called out for permanent service on overseas service at any time during the first year of his service in the Air Force Reserve.
- (5) Where section 11 does not apply to a man—
- (a) who enlisted in the regular air force within the meaning of the Air Force Act 1955 after 26th February 1964, and
 - (b) who was transferred to the Air Force Reserve in pursuance of—
 - (i) the Air Force Act 1955, or
 - (ii) the Army and Air Force Act 1961, or
 - (iii) regulations under section 2 of the Armed Forces Act 1966, and
 - (c) who on his transfer was designated by the competent air force authority as subject to this provision for a specified period not exceeding 3 years beginning with the beginning of his service in the Air Force Reserve,
 he is liable to be called out for permanent service on overseas service at any time during that period.
- (6) Where section 11 does not apply to a man of the Air Force Reserve, that man, whether he entered the reserve—
- (a) on transfer, or
 - (b) on re-engagement, or
 - (c) on being enlisted or on being deemed to be enlisted,
- shall, if he has entered into a written agreement (which may be revoked by 3 months' written notice) to be so liable at the time in question, be liable at any time during his service in that reserve to be called out for permanent service on overseas service.
- This sub-paragraph is without prejudice to sub-paragraphs (1) and (2) above.
- (7) A man shall not without his written consent be liable to serve under sub-paragraphs (1) to (6) above for a period which, together with any previous period for which he was called out under any of those sub-paragraphs, exceeds 12 months.
- (8) Any exercise of the power of calling out men under this paragraph shall be reported to Parliament forthwith.
- (9) The number of men for the time being called out under any of the provisions of this paragraph shall not be reckoned in the numbers for the time being authorised by Parliament for the regular forces or for the regular air force.
- (10) In this paragraph " overseas service " means service when the men in question are required for service outside the United Kingdom when warlike operations are in preparation or progress; and the reference to the United Kingdom in this sub-paragraph shall be construed as if that expression included the Channel Islands and the Isle of Man.

Call out for training of Army Reserve and Air Force Reserve otherwise than under section 38

- 17 (1) Where section 38 above does not apply to a man of the Army Reserve he may be called out for annual training—
- (a) at such time or times, and
 - (b) at such place or places within the United Kingdom, and

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- (c) for such period or periods,
as may be prescribed, but he is not liable to be called out under this sub-paragraph in any one year for more than 12 days or 20 drills.
- (2) Such a man may, during any period of training for which he may be called out, be attached to and trained with any body of the regular or auxiliary forces.
- (3) Where section 38 does not apply to a man of the Air Force Reserve he may be called out for annual training—
 - (a) at such time or times, and
 - (b) at such place or places within the United Kingdom, and
 - (c) for such period or periods,
as may be prescribed.
- (4) The period or periods so prescribed shall not exceed in any one year—
 - (a) 24 days in the case of a man who is serving as a qualified pilot or as a qualified navigator;
 - (b) 6 months in the case of a man who is undergoing instruction with a view to his qualifying for service as a pilot or navigator;
 - (c) 12 days or 20 drills or instructional parades in the case of any other man.

In this sub-paragraph "navigator" includes "observer", and "qualified" means qualified in accordance with orders or regulations made under the provisions of this Act relating to the Air Force Reserve.

- (5) A man of the Air Force Reserve may, during any period of training for which he may be called out or which he may be required to undergo, be attached to and trained with any body of the regular or auxiliary air force.
- (6) Sub-paragraphs (3) to (5) above are subject to the provisions of this Act relating to special reservists.

Call out for training of Territorial Army otherwise than under section 38

- 18 (1) Where section 38 above does not apply to a man of the Territorial Army—
- (a) he shall during the first year of his original enlistment be subject to any requirements as to preliminary training provided for under section 40 above in the same way as a man of the Royal Auxiliary Air Force and he shall attend the number of drills and fulfil the other conditions prescribed for a recruit of his arm or branch of the Territorial Army accordingly;
 - (b) he shall by way of annual training be trained for not less than 8 or more than 15 days (or, for the mounted branch, 18 days) in every year at such times and at such places within the United Kingdom as may be prescribed, and may for that purpose be called out once or more often in every year.
- (2) A man mentioned in sub-paragraph (1)(b) above shall (subject to the provisions of this paragraph) attend the number of drills and fulfil the other conditions relating to training prescribed for his arm or branch of the Territorial Army.
 - (3) The requirements of this paragraph as to annual training may be dispensed with in whole or in part—
 - (a) as respects any unit of the Territorial Army, by the prescribed general officer,
and

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- (b) as respects an individual man of the Territorial Army, by his commanding officer subject to any general directions of the prescribed general officer.
- (4) Her Majesty may by Order in Council made in relation to any man of the Territorial Army to whom this paragraph applies direct—
 - (a) that the period of annual training in any year shall be extended to such period not exceeding 30 days as may be specified in the Order ; or
 - (b) that the period of annual training in any year shall be reduced to such period as to Her Majesty may seem fit, or
 - (c) that the annual training in any year shall be dispensed with.
- (5) Nothing in this paragraph shall be construed as preventing a man with his own consent, in addition to any other training, being called up for the purpose of duty or instruction in accordance with orders and regulations under this Act relating to the Territorial Army.

Election for section 38 to apply

- 19 A person who immediately before 1st January 1967 was a man of the regular army or the regular air force may elect irrevocably in the prescribed manner that, on his becoming a member of the Army Reserve or the Air Force Reserve, he shall be a person to whom section 38 above applies.

Section 12 of Social Security {Miscellaneous Provisions} Act 1977

- 20 Where section 12 of the Social Security (Miscellaneous Provisions) Act 1977 applied immediately before the commencement of this Act to any provision which is repealed and re-enacted by this Act that section continues to apply to that provision as so re-enacted as it applied immediately before that commencement.