



# Reserve Forces (Safeguard of Employment) Act 1985

## 1985 CHAPTER 17

### *Prohibition of dismissal for liability to whole-time service*

#### **17 Dismissal prohibited.**

[<sup>F1</sup>(1) If the employer of a person who may be required to enter upon a period of whole-time service—

- (a) terminates that person's employment without his consent at any time when he is not in that service, and
- (b) does so solely or mainly by reason of any duties or liabilities which that person may be liable to perform or discharge—
  - (i) if required to report at any time or place with a view to entering into whole-time service; or
  - (ii) if he enters upon a period of whole-time service,

the employer is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

- (2) If in any proceedings under this section the court is of opinion that there is reasonable cause to believe that the duties or liabilities mentioned in subsection (1) caused or contributed to the termination of the employment, the employment shall be deemed to have been terminated by reason of those duties or liabilities, unless the employer proves that the termination was for a reason not connected with them.

#### **Textual Amendments**

**F1** S. 17(1) substituted (1.4.1997) by 1996 c. 14, s. 122(3)(6)(with s. 72(5)); S.I. 1997/305. art. 2

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*Changes to legislation:* There are currently no known outstanding effects for the Reserve Forces (Safeguard of Employment) Act 1985, Cross Heading: Prohibition of dismissal for liability to whole-time service. (See end of Document for details)

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## **18 Compensation.**

The court by which an employer is convicted under section 17 may also order him to pay to the person whose employment has been terminated, as compensation for any loss suffered or likely to be suffered by reason of the termination, a sum not exceeding an amount equal to five weeks' remuneration at the rate at which his remuneration was last payable to him by the employer.

**Changes to legislation:**

There are currently no known outstanding effects for the Reserve Forces (Safeguard of Employment) Act 1985, Cross Heading: Prohibition of dismissal for liability to whole-time service.