



# Reserve Forces Act 1996

## 1996 CHAPTER 14

### PART I

#### THE RESERVE FORCES

##### *Maintenance and composition*

#### **1 Power to maintain the reserve forces**

- (1) Her Majesty may maintain each of the reserve forces in accordance with the provisions of this Act.
- (2) In this Act “the reserve forces” means the following forces—
  - (a) the Royal Fleet Reserve, the Royal Naval Reserve and the Royal Marines Reserve (the reserve naval and marine forces);
  - (b) the Army Reserve and the Territorial Army (the reserve land forces); and
  - (c) the Air Force Reserve and the Royal Auxiliary Air Force (the reserve air forces).

#### **2 Membership of the reserve forces**

- (1) The reserve forces shall each consist of officers and men.
- (2) The men of the Royal Fleet Reserve, the Army Reserve and the Air Force Reserve (referred to in this Act as “the ex-regular reserve forces”) may only be—
  - (a) men transferred to that force under the Army Act 1955, the Air Force Act 1955 or regulations under the Armed Forces Act 1966, as the case may be;
  - (b) men enlisted or re-engaged in that force.
- (3) The men of the Royal Naval Reserve, the Royal Marines Reserve, the Territorial Army and the Royal Auxiliary Air Force (referred to in this Act as “the volunteer reserve forces”) may only be men enlisted or re-engaged in that force.

- (4) In this Act, any reference (however expressed) to a man of any of the reserve forces is a reference to a person of either sex who is a member of that force and is of or below the rate or rank of warrant officer.

### **3 Control of numbers in the reserve forces**

- (1) Parliament shall authorise a maximum number of officers and a maximum number of men for each of the reserve forces; and, accordingly, the numbers of officers and men of a reserve force shall not exceed the numbers for the time being authorised for the force.
- (2) The special members of a reserve force shall not be reckoned in the numbers of officers and men for the time being authorised for the force under this section.

#### *Regulation and organisation*

### **4 Orders and regulations concerning the reserve forces**

- (1) Her Majesty may, by order signified under the hand of the Secretary of State, make orders with respect to—
- (a) the government and discipline of any reserve force; and
  - (b) all other matters and things relating to that force,
- and including any matter authorised to be prescribed by any provision of this Act or expressed to be subject to orders or regulations under this section.
- (2) Subject to the provisions of any order under subsection (1), the Defence Council may make regulations with respect to any matters relating to any reserve force, being matters with respect to which Her Majesty may make orders under that subsection.
- (3) Orders or regulations under this section may make different provision for different cases (including different forces), and may include such supplementary, consequential, incidental and transitional provisions as appear to Her Majesty or the Defence Council (as the case may be) to be necessary or expedient.
- (4) Regulations under this section may be amended or revoked by an order or further regulations under this section; and an order under this section may be amended or revoked by another order under this section.
- (5) Any order or regulations under this section shall be laid before each House of Parliament after being made.

### **5 Organisation of the reserve forces**

- (1) Any of the reserve forces may, by or in accordance with orders or regulations under section 4, be formed into such groupings as may be specified in the order or regulations concerned.
- (2) Such orders or regulations may, in particular, include provision with respect to—
- (a) the formation of the reserve naval or marine forces into divisions, classes or other naval or marine bodies;
  - (b) the formation of the reserve land forces into corps, regiments, battalions or other military bodies;

- (c) the formation of the reserve air forces into wings, squadrons or other air-force bodies; and
- (d) the formation of any such bodies as are mentioned in paragraphs (a) to (c) into higher formations, either alone or jointly with any other part of Her Majesty's armed forces.

## **6 Permanent staff of the reserve forces**

- (1) Each reserve force may be served by a permanent staff consisting of persons who are members of that force or members of the regular services.
- (2) Orders or regulations under section 4 may make provision with respect to the duties of, and any other matter relating to, the permanent staff of any reserve force.

### *Pay and pensions*

## **7 Pay, bounty and allowances of the reserve forces**

- (1) Orders or regulations under section 4 may make provision with respect to pay, bounty and allowances for members of the reserve forces.
- (2) Such orders or regulations may, in particular—
  - (a) make provision as to the manner in which payments of pay, bounty and allowances are made; and
  - (b) impose conditions or restrictions (including deductions) on the making of such payments.
- (3) In relation to prescribed members of the reserve naval and marine forces, section 1(1) and (2) of the Naval Forces (Enforcement of Maintenance Liabilities) Act 1947 shall apply in relation to the restrictions which may be included in orders and regulations by virtue of this section as it applies in relation to the restrictions which may be included in an Order in Council regulating naval and marine pay.

## **8 Pensions**

- (1) Orders or regulations under section 4 may make provision for—
  - (a) the payment of pensions, allowances and gratuities by the Secretary of State to or in respect of any persons who are or have been members of the reserve forces;
  - (b) the making of payments towards the provision of pensions, allowances and gratuities to or in respect of any such persons.
- (2) Orders or regulations under section 4 may also make provision for the payment of, or the making of payments towards the provision of, pensions, allowances and gratuities in respect of the death or disability of a person attributable to his service as a member of a reserve force.
- (3) The provision made under this section may include provision for or towards the payment of lump sums instead of, or as well as, pensions.