



# Reserve Forces Act 1996

## 1996 CHAPTER 14

### PART V

#### EMPLOYEE AGREEMENTS

##### *Liabilities of special members*

#### **40 Liability of special members to be called out or to train**

- (1) A special member of a reserve force is liable (until the liability ceases by virtue of section 41)—
  - (a) to be called out for permanent service under this Part; and
  - (b) to fulfil any training obligations which are specified in the agreement concerned or are prescribed for special members of the force and applicable in his case.
- (2) A special member of a reserve force shall, subject to the terms of the agreement and the provisions of this Act, serve as a member of that force when he is not in permanent service, and when he is in permanent service, on any prescribed terms and conditions which are applicable in his case.
- (3) Subject to any limitation in the agreement and any prescribed terms and conditions applicable in his case, a special member is liable to serve on being accepted into permanent service, and to be required to train, anywhere in the world.
- (4) A period of service as a special member shall count towards any period for which a person may be required to serve on transfer to a reserve force from any of the regular services.
- (5) Sections 16 and 22 and Parts IV and VI shall not apply to members of a reserve force while they are special members.

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*Status: This is the original version (as it was originally enacted).*

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#### **41 Cessation of liabilities**

- (1) The liability of a special member under section 40(1) to be called out, and to fulfil training obligations, shall cease when any of the following events occurs—
- (a) the expiry of any period specified in his employee agreement as the maximum duration of that liability;
  - (b) the termination of his employment with the employer whose consent was required to his entry into the employee agreement;
  - (c) the expiry of a notice given by him—
    - (i) to the Secretary of State; or
    - (ii) to any other person specified by his agreement or prescribed for the purpose of receiving such notices;
  - (d) the expiry of a notice given by the Secretary of State to him; and
  - (e) any other event specified in his agreement or prescribed as an event leading to the cessation of that liability;
- but that liability shall not cease by virtue of paragraph (c) while the operation of that paragraph in relation to him is suspended by an order made under subsection (6).
- (2) A notice under paragraph (c) or (d) of subsection (1) shall expire at the end of such period not exceeding three months—
- (a) as is specified in the employee agreement for the purpose of that paragraph, or
  - (b) if no such period is specified, as is prescribed for that purpose.
- (3) Subsection (1) shall not apply to a special member who is in permanent service when an event mentioned in paragraph (a), (b), (d) or (e) of that subsection occurs until he is released from that service under section 45.
- (4) A notice under subsection (1)(c) may not be given by a person who is in permanent service; and any such notice which a person has been given shall cease to have effect if he is accepted into permanent service before it has expired.
- (5) The Secretary of State shall give a notice under subsection (1)(d) if it appears to him that his arrangements with the special member's employer have ceased to have effect.
- (6) Where a call-out order under section 52 or 54 is in force, the Secretary of State may by order suspend the operation of paragraph (c) of subsection (1) of this section in relation to persons of a description specified in the order; and while an order under this subsection is in force—
- (a) no notices under that paragraph may be given by the persons so specified; and
  - (b) any notice which was given by a person so specified before the order was made shall cease to have effect.
- (7) An order under subsection (6) shall expire at the end of such period not exceeding six months as is specified in the order, without prejudice to the power of the Secretary of State to make more than one such order in relation to persons of the same description.

#### **42 Discharge etc. of special members**

- (1) This section applies when a man of a reserve force who is a special member (the man) ceases by virtue of section 41 to be subject to the liability mentioned in section 40(1).

- (2) The man shall be discharged with all convenient speed in such manner as may be prescribed unless he enters into a new employee agreement or continues as an ordinary member in accordance with subsection (3) or (4).
- (3) If the man—
  - (a) was an ordinary member of the reserve force concerned immediately before becoming a special member; and
  - (b) was then serving for a term which has not expired,he shall resume his service as an ordinary member (and so cease to be a special member) in accordance with orders or regulations under section 4.
- (4) If the man has been given permission by an authorised officer to continue as a member on ceasing to be a special member he shall, unless he resumes service under subsection (3), become an ordinary member (and so cease to be a special member) in accordance with orders or regulations under section 4.
- (5) Nothing in this section affects the exercise of any power apart from this section to discharge a man of a reserve force or the operation of section 13(4) in relation to a man who is discharged.