



# Reserve Forces Act 1996

## 1996 CHAPTER 14

### PART VI

#### CALL OUT FOR PERMANENT SERVICE

##### *Call out of members of a reserve force*

#### **58 Call out of members of a reserve force on authority of call-out order**

- (1) Where a call-out order is in force authorising the call out of members of a reserve force, the Secretary of State may call out any member who is liable to be called out under that order by serving a notice on him requiring him—
  - (a) to present himself for service at a specified time and place; and
  - (b) to remain at that place until he is either accepted into service or informed that he is not to be accepted into service in pursuance of the notice.
- (2) A call-out notice shall also require the person concerned, if he fails to comply with the requirements mentioned in subsection (1)—
  - (a) to present himself for service to any person specified in the notice or to any other authorised officer; and
  - (b) having so presented himself, to remain until he is either accepted into service or informed that he is not to be accepted into service in pursuance of the notice.
- (3) A call-out notice served on a person shall specify—
  - (a) the person to whom it applies;
  - (b) the call-out order authorising the calling out of that person and the provision of this Part under which the order is made; and
  - (c) the time and place at which the person is to present himself for service under that order;

and it may also specify places and times at which and persons to whom the person may present himself for service if he fails to present himself at the time and place specified under paragraph (c) of this subsection.

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- (4) A call-out notice served on a person may—
- (a) be varied by the Secretary of State by serving a variation notice on him;
  - (b) be revoked by the Secretary of State by serving a revocation notice or a subsequent call-out notice on him.
- (5) A call-out notice served on a person on the authority of a call-out order shall (without affecting any liability arising from a failure to comply with the notice) cease to have effect, if not revoked sooner—
- (a) when an order revoking the call-out order is made after the day on which the notice was served but before the time mentioned in paragraph (b); or
  - (b) when the person concerned is either accepted into service or informed that he is not to be accepted into service in pursuance of the notice.
- (6) The restriction of the effect of a call-out order—
- (a) by an order under section 52(3), 54(3) or 56(3) (as the case may be); or
  - (b) in the case of a call-out order under section 54 or 56, by subsection (2)(a) of that section,
- shall not affect the power of the Secretary of State under subsection (4) of this section to vary a call-out notice served before the effect of the call-out order is so restricted.
- (7) A notice under this section may be served on a person by delivering it to him or by leaving it at, or sending it by post to, his last known address; and any call-out or variation notice delivered to that address by registered post or recorded delivery shall be deemed to have been served on him.
- (8) No steps may be taken against a person in respect of failure to comply with a call-out notice under this section unless the notice or, as the case may be, any variation notice was received by him or is deemed to have been served on him by virtue of subsection (7).

## **59 Acceptance into service under call-out order**

- (1) A person served with a call-out notice who—
- (a) presents himself for service to an authorised officer at the time and place specified in the notice under section 58(3)(c);
  - (b) presents himself for service to an authorised officer at any other time or place; or
  - (c) is brought before an authorised officer after the time so specified,
- may be accepted into service by that officer.
- (2) Where such a person is accepted into service, he shall be informed by the authorised officer in the prescribed manner that he has been accepted into service by virtue of subsection (1).
- (3) If an authorised officer decides that such a person should not be accepted into service, he shall inform that person in the prescribed manner that he is not to be accepted into service in pursuance of the call-out notice concerned.
- (4) Any liability of such a person arising from a failure to comply with a call-out notice is not affected by his acceptance into service or by a decision not to accept him into service.

- (5) Where a call-out order is in force, any person who is liable to be called out under the order who—
- (a) has not been served with a call-out notice; and
  - (b) presents himself for service to an authorised officer,
- may be accepted into service under that call-out order by that officer.
- (6) Where a person is accepted into service under a call-out order by virtue of subsection (5)—
- (a) the authorised officer shall inform him in the prescribed manner that he has been accepted into service under that order by virtue of that subsection; and
  - (b) he shall be deemed to have been called out under this Part for service under that order.

## **60 Release from service under call-out order**

- (1) A person who has been accepted into service under a call-out order shall remain in that service until released under subsection (2).
- (2) A person who is in service under a call-out order shall be released from that service with all convenient speed in such manner as may be prescribed when he is no longer required by Her Majesty to be in that service or (if not released sooner)—
- (a) when he becomes entitled to be released by virtue of section 53, 55 or 57, as the case may be;
  - (b) when an order revoking that call-out order is made; or
  - (c) when, on an application under section 78, it is determined that he is entitled to be released.
- (3) Orders or regulations under section 4 may make provision enabling or requiring a person who has been accepted into service under a call-out order to be treated—
- (a) if the circumstances of his call out or acceptance into service are of a prescribed description, and
  - (b) for the purpose of calculating when he is entitled to be released by virtue of section 53, 55 or 57,
- as having been accepted into service on an earlier day than that on which he was actually accepted.
- (4) Provision made for the purposes of subsection (3) shall secure—
- (a) that any earlier day applicable for the purpose of calculating when a person is entitled to be released from service is to be notified to him as soon as is practicable after the day on which he was actually accepted into service; and
  - (b) that the period beginning with the earlier day is reckoned as part of his relevant service for the purposes of section 53(13), 55(13), 57(11) and 69(8).

## **61 Alteration of authority for call out**

- (1) The Secretary of State may direct that—
- (a) a person who is in service under a call-out order (“the original order”), or
  - (b) a person who is in service under Part IV,

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shall cease serving under that order or that Part and, in either case, shall continue in permanent service on the authority of a call-out order specified in the direction (“the new order”).

- (2) A call-out order may be specified in a direction under this section if it is in force on the day on which the direction is given and would, but for his being in permanent service already, authorise the calling out of the person concerned.
- (3) A person in respect of whom a direction under this section is given—
  - (a) shall continue in permanent service after the direction is given as if he had been called out under the new order; and
  - (b) shall be deemed to have begun service under the new order at the time at which his service under the original order began (or is deemed under this subsection to have begun) or, as the case may be, his service under Part IV began.
- (4) A direction under this section may be given in respect of two or more named persons or persons of a description specified in the direction.
- (5) Any person in permanent service in respect of whom a direction under this section is given shall be informed of the effect of the direction as soon as is practicable after the direction is given.