



Reserve Forces Act 1996

1996 CHAPTER 14

PART VII

RECALL FOR SERVICE OF OFFICERS AND FORMER SERVICEMEN

Recall for permanent service

70 Recall of persons on authority of recall order

- (1) Where a recall order is in force, the Secretary of State may recall any person who is liable to be recalled on the authority of 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 recall 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 recall notice served on a person shall specify—
 - (a) the person to whom it applies;
 - (b) the recall order which authorises his recall; 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 that person may present himself for service if he fails to comply with the requirement to present himself at the time and place specified in paragraph (c) of this subsection.

- (4) A recall notice served on a person may—

Status: This is the original version (as it was originally enacted).

- (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 recall notice on him.
- (5) A recall notice served on any person shall (without affecting any liability arising from a failure to comply with the notice) cease to have effect, if not revoked sooner, when—
- (a) an order under section 68(7) is made; or
 - (b) 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 making of an order under section 68(5) shall not affect the power of the Secretary of State to vary a recall notice served before the order is made.
- (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 recall 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 recall 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).

71 Acceptance into service under recall order

- (1) A person served with a recall notice who—
- (a) presents himself for service to an authorised officer at the time and place specified in the notice under section 70(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 recall notice concerned.
- (4) Any liability of such a person arising from a failure to comply with a recall notice is not affected by his acceptance into service or by a decision not to accept him into service.
- (5) Where a recall order is in force, any person who is liable to be called out on the authority of the order who—
- (a) has not been served with a recall notice; and
 - (b) presents himself for service to an authorised officer,
- may be accepted into service under that recall order by that officer.
- (6) Where a person is accepted into service under a recall order by virtue of subsection (5)
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- (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 recalled for service under that order.

72 Release and discharge from service under recall order

- (1) A person who has been accepted into service under a recall order shall remain in service until released from service or discharged.
- (2) A person in service under a recall order shall be released or discharged 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 or discharged sooner) when he is entitled to be released or discharged—
 - (a) by virtue of section 68(8) or 69; or
 - (b) by virtue of a determination granted on an application made under regulations under section 79.
- (3) The Defence Council may by regulations make provision enabling or requiring a person in service under a recall order—
 - (a) if the circumstances of his recall or acceptance into service are of a prescribed description, and
 - (b) for the purpose of calculating when he is entitled to be released or discharged by virtue of section 69,to be treated 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 or discharged 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 sections 53(13), 55(13), 57(11) and 69(8).
- (5) Notwithstanding anything in this Act, a person who is in service under a recall order shall not be entitled to be released from service or discharged at a time when he has become liable, as a person subject to service law, to be proceeded against for an offence under service law.
- (6) Subsection (5) shall not apply or, as the case may be, shall cease to apply to any person in relation to an offence if it has been determined that the offence will not be tried by court-martial.