

*Status: Point in time view as at 28/03/2009.*

*Changes to legislation: Reserve Forces Act 1996, SCHEDULE 1 is up to date with all changes known to be in force on or before 17 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 9.

#### ENLISTMENT

##### *Conditions for enlistment*

- 1 (1) An enlisting officer shall not enlist any person as a man in a reserve force unless he is satisfied that the person concerned has been given a notice under sub-paragraph (2), understands it and wishes to be enlisted.
- (2) A person offering to enlist shall be given a notice in such form as may be prescribed setting out the questions to be answered on attestation and stating the general conditions of the engagement to be entered into by him and such other matters as may be prescribed.
- (3) The attestation paper to be used for the purpose of attesting recruits to a reserve force shall be in such form as may be prescribed.
- 2 (1) [<sup>F1</sup>An enlisting officer shall not enlist a person under the age of 18 unless consent to the enlistment has been given in writing by—
- (a) an appropriate person; or
  - (b) if the person offering to enlist is living with more than one appropriate person, each of those appropriate persons.]
- [<sup>F1</sup>(1A) In this paragraph “appropriate person” means, in relation to a person offering to enlist, a person with—
- (a) parental responsibility (within the meaning of the Children Act 1989 or the Children (Northern Ireland) Order 1995) for him; or
  - (b) parental responsibilities (within the meaning of section 1(3) of the Children (Scotland) Act 1995) in relation to him.]
- (2) Where the enlisting officer is satisfied, by the production of a certified copy of an entry in the register of births or by any other evidence appearing to him to be sufficient, that a person offering to enlist has or has not attained the [<sup>F2</sup>appropriate minimum age][<sup>F2</sup>age of 18], that person shall be deemed for the purposes of this Act to have attained, or as the case may be, not to have attained, that age.
- (3) A document purporting to be a certificate signed by the enlisting officer, stating that he is satisfied as mentioned in sub-paragraph (2), shall be sufficient evidence, until the contrary is proved, that he was so satisfied.

#### Textual Amendments

- F1** Sch. 1 para. 2(1)(1A) substituted for Sch. 1 para. 2(1) (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\)](#), [Sch. 14 para. 54\(2\)](#); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#); [S.I. 2009/1167, art. 4](#)

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**F2** Words in Sch. 1 para. 2(2) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\)](#), [Sch. 14 para. 54\(3\)](#); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)

#### Marginal Citations

**M1** [1989 c. 41.](#)  
**M2** [S.I. 1995/755 \(N.I.2\)](#)  
**M3** [1995 c. 36.](#)

#### *Procedure on attestation*

- 3
- (1) The procedure for enlisting a person (in this paragraph referred to as “the recruit”) in a reserve force is as follows.
  - (2) The enlisting officer shall warn the recruit that if he makes any false answers to the questions to be read out to him he will be liable to be punished as provided by this Act.
  - (3) He shall then read, or cause to be read, to the recruit the questions set out in the attestation paper and satisfy himself that he understands each of those questions and that his answers have been duly recorded in the attestation paper.
  - (4) He shall then ask the recruit to make and sign the declaration set out in the attestation paper as to the truth of the answers and shall administer to him the oath of allegiance as set out in the attestation paper.
  - (5) Upon signing the declaration and taking the oath the recruit shall become a man of the reserve force in question.
  - (6) The enlisting officer shall by signature attest, in the manner required by the attestation paper, that the requirements of this Act as to the attestation of the recruit have been carried out and deliver the attestation paper duly dated to such person as may be prescribed.
  - (7) When, in accordance with orders or regulations under section 4, the recruit is finally approved for service, the officer by whom he is approved shall at his request furnish him with a certified copy of the attestation paper.

#### *Validity of attestation and enlistment*

- 4
- (1) This paragraph applies where a person has signed the declaration required by paragraph 3.
  - (2) The validity of the person’s enlistment shall not be called in question on the ground of any error or omission in his attestation paper.
  - (3) If within 3 months from the date on which the person signed the declaration he claims that his enlistment is invalid—
    - (a) by reason of any non-compliance with the requirements of this Act as to enlistment or attestation; or
    - (b) on any other ground whatsoever (not being an error or omission in his attestation paper) on which apart from this sub-paragraph the validity of his enlistment could have been called in question,

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the claim shall be submitted as soon as may be to the Defence Council, and, if the claim is well founded, the Defence Council shall cause him to be discharged with all convenient speed.

- (4) If when the person signed the declaration he had not attained the [<sup>F3</sup>appropriate minimum age][<sup>F3</sup>age of 18], and within 3 months from the date on which he signed the declaration he, or any person whose consent to the enlistment was required under paragraph 2(1) but who did not duly consent, claims that his enlistment is invalid—
- (a) by reason of any non-compliance with the requirements of this Act as to enlistment or attestation; or
  - (b) on any other ground whatsoever (not being an error or omission in his attestation paper) on which apart from this sub-paragraph the validity of his enlistment could have been called in question,

the claim shall be submitted as soon as may be to the Defence Council, and, if the claim is well founded, the Defence Council shall cause him to be discharged with all convenient speed.

- (5) If no claim under sub-paragraph (3) or (4) is made within 3 months from the date on which he signed the declaration, the person shall be deemed to have been validly enlisted notwithstanding any such non-compliance or other grounds as aforesaid.
- (6) Notwithstanding any such non-compliance or other grounds as aforesaid, or the making of a claim under sub-paragraph (3) or (4), the person shall be deemed to be a man of the reserve force in question until his discharge.
- (7) Nothing in this paragraph shall be construed as prejudicing the determination of any question as to the term for which a person was enlisted or as preventing the discharge of a person who has not claimed his discharge.

#### Textual Amendments

- F3** Words in Sch. 1 para. 4(4) substituted (28.3.2009 for specified purposes) by [Armed Forces Act 2006](#) (c. 52), s. 383(2), [Sch. 14 para. 54\(4\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

#### *False answers in attestation papers*

- 5 (1) Any person appearing before an enlisting officer for the purpose of being attested who knowingly [<sup>F4</sup>or recklessly] makes a false answer to any question contained in the attestation paper and put to him by or by the direction of the enlisting officer is guilty of an offence.
- (2) A person guilty of an offence under sub-paragraph (1) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale (or both); and he may be proceeded against summarily notwithstanding that he has since become [<sup>F5</sup>subject to service law][<sup>F5</sup>a member of the reserve forces].
- (3) A person guilty of an offence under sub-paragraph (1) who [<sup>F6</sup>has since become and remains subject to service law] is liable on conviction by court-martial to imprisonment for a term not exceeding 3 months or to any less punishment provided by service law.[<sup>F6</sup>becomes a member of the reserve forces] is liable on conviction

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by the Court Martial to any punishment mentioned in rows 2 to 12 of the Table in section 164 of the Armed Forces Act 2006.]

[<sup>F7</sup>(4) For the purposes of determining the Court Martial's powers when sentencing an offender to whom Part 2 of Schedule 3 to the Armed Forces Act 2006 (ex-servicemen etc) applies for an offence under sub-paragraph (1), sub-paragraph (3) has effect as if the reference to rows 2 to 12 were to rows 2 to 10.

(5) Where an offence under sub-paragraph (1) is committed by a person within sub-paragraph (3), the time for which he is for the purposes of section 62 of the Armed Forces Act 2006 (time limits for charging) to be regarded as being a relevant reservist (within the meaning of that section) includes the period from (and including) the time he committed the offence to the time he became a member of the reserve forces.]

#### Textual Amendments

- F4** Words in Sch. 1 para. 5(1) repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 54\(5\)\(a\)](#), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)
- F5** Words in Sch. 1 para. 5(2) substituted (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 54\(5\)\(b\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)
- F6** Words in Sch. 1 para. 5(3) substituted (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 54\(5\)\(c\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)
- F7** Sch. 1 para. 5(4)(5) added (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 54\(5\)\(d\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

#### *Evidence as to attestation papers*

- 6 (1) With respect to evidence in proceedings under Part X, whether before [<sup>F8</sup>a court-martial][<sup>F8</sup>the Court Martial], a civil court or otherwise—
- (a) a document purporting—
- (i) to be a copy of the attestation paper signed by any person; and
- (ii) to be certified to be a true copy by a person stated in the certificate to have the custody of the attestation paper,
- shall be evidence of the enlistment of the person attested; and
- (b) the attestation paper purporting to be signed by a person on his enlistment shall be evidence of his having given the answers to questions which he is recorded in that paper as having given.
- (2) In this paragraph “civil court” has the same meaning as in Part X.

#### Textual Amendments

- F8** Words in Sch. 1 para. 6(1) substituted (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 54\(6\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

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*[<sup>F9</sup>Meaning of “appropriate minimum age”]*

**Textual Amendments**

**F9** Sch. 1 para. 7 heading repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 54\(7\)](#), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

7 <sup>F10</sup>In this Schedule “appropriate minimum age” means the age of 17 years and 6 months, except that in such classes of case as may be prescribed it means the age of 17 years.]

**Textual Amendments**

**F10** Sch. 1 para. 7 repealed (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 54\(7\)](#), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

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