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SCHEDULES

SCHEDULE 10

Section 131(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

Army Act 1955 (c.18)

- 1 (1) Section 205(1) (persons subject to military law) of the Army Act 1955 shall be amended as follows.
- (2) For paragraph (e) there shall be substituted the following paragraphs—
- “(e) every officer of the Territorial Army who is not a special member;
 - (ea) every officer of the Territorial Army who is a special member when in permanent service, in full-time service or undertaking any training or duty (whether in pursuance of an obligation or not);
 - (eb) every officer of the army reserve when in permanent service, in full-time service or undertaking any training or duty (whether in pursuance of an obligation or not) or when serving on the permanent staff of the army reserve;”.
- (3) In paragraph (g) for the words from “called” to the end there shall be substituted the words “ in permanent service, in full-time service or undertaking any training or duty (whether in pursuance of an obligation or not) or when serving on the permanent staff of the army reserve; ”.
- (4) In paragraph (h) for the words from “embodied” to “parades” there shall be substituted the words “ in permanent service, in full-time service, called out for home defence service or undertaking any training or duty ”.
- 2 At the end of section 205 of that Act there shall be inserted the following subsection—
- “(4) In this section—
- “full-time service” means service under a commitment entered into under section 24 of the Reserve Forces Act 1996;
 - “permanent service” means permanent service on call out under any provision of the Reserve Forces Act 1980, the Reserve Forces Act 1996 or any other call-out obligations of an officer; and
 - “special member” has the same meaning as in the Reserve Forces Act 1996.”
- 3 (1) Section 210(2) (application of section 205 to Royal Marines) of that Act shall be amended as follows.
- (2) After paragraph (a) there shall be inserted the following paragraph—
- “(aa) any reference to an officer of the army reserve shall be construed as including a reference to an officer of the Royal Marines Reserve or a marine officer of the Royal Fleet Reserve;”.

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- (3) For paragraph (b) there shall be substituted the following paragraphs—
- “(b) any reference to a warrant officer, non-commissioned officer or man of the army reserve shall be construed as including a reference to a warrant officer, non-commissioned officer or a marine of the Royal Marines Reserve and to a marine warrant officer or non-commissioned officer or a marine of the Royal Fleet Reserve; and
 - (ba) any reference to the permanent staff of the army reserve shall be construed as including a reference to the permanent staff of the Royal Marines Reserve or the Royal Fleet Reserve.”
- 4 In section 210(3) of that Act, for the words “the Royal Marines Reserve or” there shall be substituted the words “ or the Royal Marines Reserve and a marine officer, marine warrant officer or non-commissioned officer or a marine of ”.
- 5 In section 210(4) of that Act, for the word “or” there shall be substituted the words “ and to marine officers, marine warrant officers or non-commissioned officers and marines of ”.
- 6 After subsection (5) of section 210 of that Act there shall be inserted the following subsection—
- “(6) For the purposes of this section references to marine warrant officers or non-commissioned officers and marines of the Royal Fleet Reserve shall be construed as references to persons who were transferred to that force from the Royal Marines or who enlisted in that force as marines.”
- 7 (1) Section 211 (application of Act to reserve forces) of that Act shall be amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), for the words “any reserve of officers” there shall be substituted the words “ the army reserve ”; and
 - (b) for paragraph (b) there shall be substituted the following paragraph—
 - “(b) officers of the Territorial Army when in permanent service, in full-time service, called out for home defence service or undertaking any training or duty (whether in pursuance of an obligation or not) or when serving on the permanent staff of the Territorial Army.”
- (3) For subsection (2) there shall be substituted the following subsection—
- “(2) Subsections (5) and (6) of section 17 shall apply to warrant officers, non-commissioned officers and men of the army reserve and the Territorial Army as if the references to forfeited service were references to a period of permanent service or, as the case may be, of service as a member of the force concerned, which is to be disregarded under section 98(6) of the Reserve Forces Act 1996.”
- (4) For subsections (4) and (5) there shall be substituted the following subsections—
- “(4) The provisions of this Act mentioned in subsection (4A) below shall apply to officers, warrant officers, non-commissioned officers and men of the army reserve and the Territorial Army only when they are in permanent service, in full-time service, called out for home defence service or serving on the permanent staff of the army reserve or the Territorial Army.

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(4A) The provisions referred to in subsection (4) above are—

- (a) sections 150 to 153 of this Act;
- (b) except insofar as they may be applied by regulations made under section 103(2) of the Reserve Forces Act 1996, the provisions of Part II of this Act relating to the award of stoppages and sections 144 to 149 of this Act.”

(5) For subsection (6) there shall be substituted the following subsection—

“(6) Section 182 of this Act shall not apply at any time to officers, warrant officers, non-commissioned officers or men of the Territorial Army.”

(6) For subsection (8) there shall be substituted the following subsection—

“(8) An officer of the army reserve or the Territorial Army may be attached temporarily to any of Her Majesty’s naval or air forces whether or not he is in permanent service but, if not in permanent service, shall not be so attached except with his consent.”

(7) After subsection (8) there shall be inserted the following subsection—

“(9) In this section—

“full-time service” means service under a commitment entered into under section 24 of the Reserve Forces Act 1996; and

“permanent service” means permanent service on call-out under any provision of the Reserve Forces Act 1980, the Reserve Forces Act 1996 or any other call-out obligations of an officer.”

8 In paragraph 22 of Schedule 7 (provisions as to Royal Marines: application of section 211) to that Act—

- (a) after the words “Royal Marines Reserve” there shall be inserted the words “or marine officers, marine warrant officers or non-commissioned officers or marines of”; and
- (b) for the words “any reserve of officers” there shall be substituted the words “the army reserve”.

Air Force Act 1955 (c.19)

9 (1) Section 205(1) (persons subject to air-force law) of the Air Force Act 1955 shall be amended as follows.

(2) Paragraph (c) shall cease to have effect.

(3) For paragraph (f) there shall be substituted the following paragraphs—

- “(f) every officer of the air force reserve or Royal Auxiliary Air Force who is not a special member;
- “(ff) every officer of the air force reserve or Royal Auxiliary Air Force who is a special member, when in permanent service, in full-time service or undertaking any training or duty (whether in pursuance of an obligation or not);”.

(4) In paragraph (h), for the words from “called” to the end there shall be substituted the words “in permanent service, in full-time service or undertaking any training or duty

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(whether in pursuance of an obligation or not) or when serving on the permanent staff of the air force reserve; ”.

(5) In paragraph (i), for the words from “embodied” to “parades” there shall be substituted the words “ in permanent service, in full-time service, called out for home defence service or undertaking any training or duty ”.

10 For subsection (3) of section 205 of that Act there shall be substituted the following subsection—

“(3) In this section—

“air forces commission” means a commission in the Royal Air Force, the air force reserve or the Royal Auxiliary Air Force;

“full-time service” means service under a commitment entered into under section 24 of the Reserve Forces Act 1996;

“permanent service” means permanent service on call out under any provision of the Reserve Forces Act 1980 , the Reserve Forces Act 1996 or any other call-out obligations of an officer;

“special member” has the same meaning as in the Reserve Forces Act 1996.”

11 (1) Section 210 (application of Act to reserve forces) of that Act shall be amended as follows.

(2) In subsection (1)—

(a) for paragraph (a) there shall be substituted the following paragraph—

“(a) officers of the air force reserve when in permanent service, in full-time service or undertaking any training or duty (whether in pursuance of an obligation or not) or when serving on the permanent staff of the air force reserve;”;

(b) for paragraph (c) there shall be substituted the following paragraph—

“(c) officers of the Royal Auxiliary Air Force when in permanent service, in full-time service, called out for home defence service or undertaking any training or duty (whether in pursuance of an obligation or not) or when serving on the permanent staff of the Royal Auxiliary Air Force;”.

(3) For subsection (2) there shall be substituted the following subsection—

“(2) Subsection (4) of section 17 shall apply to warrant officers, non-commissioned officers and men of the air force reserve and the Royal Auxiliary Air Force as if the references to forfeited service were references to a period of permanent service or, as the case may be, of service as a member of the force concerned, which is to be disregarded under section 98(6) of the Reserve Forces Act 1996.”

(4) For subsections (4) and (5) there shall be substituted the following subsections—

“(4) The provisions of this Act mentioned in subsection (4A) below shall apply to officers, warrant officers, non-commissioned officers and men of the air force reserve and the Royal Auxiliary Air Force only when they are in permanent service, in full-time service, called out for home defence service or serving on the permanent staff of the air force reserve or the Royal Auxiliary Air Force.

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(4A) The provisions referred to in subsection (4) above are—

- (a) sections 150 to 153 of this Act;
- (b) except insofar as they may be applied by regulations made under section 103(2) of the Reserve Forces Act 1996, the provisions of Part II of this Act relating to the award of stoppages and sections 144 to 149 of this Act.”

(5) For subsection (6) there shall be substituted the following subsection—

“(6) Section 182 of this Act shall not apply at any time to officers, warrant officers, non-commissioned officers or men of the Royal Auxiliary Air Force.”

(6) For subsection (8) there shall be substituted the following subsection—

“(8) An officer of the air force reserve or the Royal Auxiliary Air Force may be attached temporarily to any of Her Majesty’s naval or military forces whether or not he is in permanent service but, if not in permanent service, shall not be so attached except with his consent.”

(7) After subsection (8) there shall be inserted the following subsection—

“(9) In this section—

“full-time service” means service under a commitment entered into under section 24 of the Reserve Forces Act 1996;

“permanent service” means permanent service on call out under any provision of the Reserve Forces Act 1980, the Reserve Forces Act 1996 or any other call-out obligations of an officer.”

Naval Discipline Act 1957 (c.53)

12 (1) Section 111 (application of Act to naval forces etc.) of the Naval Discipline Act 1957 shall be amended as follows.

(2) For subsection (3) there shall be substituted the following subsection—

“(3) Any officer or rating of any of the naval reserve forces is subject to this Act while—

- (a) in permanent service on call out under any provision of the Reserve Forces Act 1980, the Reserve Forces Act 1996 or any other call-out obligations of an officer;
- (b) in full-time service under a commitment entered into under section 24 of the Reserve Forces Act 1996;
- (c) undertaking any training or duty (whether in pursuance of an obligation or not); or
- (d) serving on the permanent staff of the Royal Fleet Reserve or the Royal Naval Reserve.”

(3) In subsection (4), for the words from “naval” to the end there shall be substituted the words “ person recalled to the Royal Navy under section 30 of the Reserve Forces Act 1980 or Part VII of the Reserve Forces Act 1996 is subject to this Act from the time he is accepted into service until duly released or discharged. ”

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- 13 In section 132 (definitions of Her Majesty’s forces, etc.) of that Act—
 - (a) in subsection (7), for the words from “warrant” to the end there shall be substituted the words “ marine officers and persons who were transferred to that force from the Royal Marines or who enlisted as marines. ”;
 - (b) for subsection (8) there shall be substituted the following subsection—
 - “(8) In this Act “naval reserve forces” means the Royal Fleet Reserve (except so far as it consists of marine officers and persons who were transferred from the Royal Marines or who enlisted as marines) and the Royal Naval Reserve.”

Reserve Forces Act 1966 (c.30): old references to RMFVR

- 14 Any reference to the Royal Marine Forces Volunteer Reserve in any Act or instrument shall continue to be construed as may be necessary in consequence of the change of name made by section 1 of the Reserve Forces Act 1966 as a reference to the Royal Marines Reserve.

House of Commons Disqualification Act 1975 (c.24)

- 15 In section 3 (certain reserve officers and persons liable to recall not to be regarded as members of regular services) of the House of Commons Disqualification Act 1975, in subsection (1)(b), after the word “pensioner” there shall be inserted the words “ , or former soldier, ”.

Northern Ireland Assembly Disqualification Act 1975 (c.25)

- 16 In section 2 (certain reserve officers and persons liable to recall not to be regarded as members of regular services) of the Northern Ireland Assembly Disqualification Act 1975, in subsection (1)(b), after the word “pensioner” there shall be inserted the words “ , or former soldier, ”.

Employment Protection (Consolidation) Act 1978 (c.44)

F117

Textual Amendments
F1 Sch. 10 para. 17 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-200, 202)

Magistrates’ Courts Act 1980 (c.43)

F218

Textual Amendments
F2 Sch. 10 para. 18 repealed (19.2.2001) by 1999 c. 22, s. 106, Sch. 15 Pt. V(8) (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/168, art. 2

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Reserve Forces Act 1982 (c.14): old references to TAVR

- 19 Any reference to the Territorial and Army Volunteer Reserve in any Act or instrument shall continue to be construed as may be necessary in consequence of the change of name made by section 1 of the Reserve Forces Act 1982 as a reference to the Territorial Army.

Wages Act 1986 (c.48)

- 20 In section 9(4) (exclusion of service as a member of the armed forces) of the Wages Act 1986, for the words “Part VI of the Reserve Forces Act 1980” there shall be substituted the words “ Part XI of the Reserve Forces Act 1996 ”.

Wages (Northern Ireland) Order 1988 (S.I. 1988/796 (N.I.7))

- 21 In Article 11(3) (exclusion of service as a member of the armed forces) of the Wages (Northern Ireland) Order 1988 for the words “Part VI of the Reserve Forces Act 1980” there shall be substituted the words “ Part XI of the Reserve Forces Act 1996 ”.

Official Secrets Act 1989 (c.6)

- 22 In section 12(1) (meaning of “Crown servant”) of the Official Secrets Act 1989, in paragraph (d), for the words “the Reserve Forces Act 1980” there shall be substituted the words “ Part XI of the Reserve Forces Act 1996 ”.

Army Act 1992 (c.39)

- 23 In section 2(3) of the Army Act 1992 (application of Reserve Forces (Safeguard of Employment) Act 1985) for the words “in the circumstances mentioned in section 1(1)(a)” there shall be substituted the words “ within the meaning ”.

Trade Union and Labour Relations (Consolidation) Act 1992 (c.52)

- 24 In section 274 (armed forces) of the Trade Union and Labour Relations (Consolidation) Act 1992, in subsection (2), for the words “Part VI of the Reserve Forces Act 1980” there shall be substituted the words “ Part XI of the Reserve Forces Act 1996 ”.

Tribunals and Inquiries Act 1992 (c.53)

- 25 In Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under the supervision of the Council on Tribunals), in paragraph 38 (the Reserve Forces) at the end there shall be inserted—
“(c) the appeal tribunals constituted under Part IX of the Reserve Forces Act 1996.”

Judicial Pensions and Retirement Act 1993 (c.8)

- 26 In Schedule 5 to the Judicial Pensions and Retirement Act 1993 (offices to which retirement provisions apply), at the end there shall be added the following entry—

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“Chairman or other member of a reserve forces appeal tribunal constituted under Part IX of the Reserve Forces Act 1996”.

Industrial Relations (Northern Ireland) Order 1993 (S.I. 1993/2668 (N.I.11))

- 27 In Article 9 (application of industrial relations legislation to the Crown) of the Industrial Relations (Northern Ireland) Order 1993, for the words “Part VI of the Reserve Forces Act 1980” there shall be substituted the words “ Part XI of the Reserve Forces Act 1996 ”.

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