

Changes to legislation: Reserve Forces Act 1996, SCHEDULE 9 is up to date with all changes known to be in force on or before 19 April 2024. 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) View outstanding changes

SCHEDULES

SCHEDULE 9

Section 129.

APPLICATION OF ACT TO [F¹MEMBERS OF TRANSITIONAL CLASSES]

Textual Amendments

- F1** Words in Sch. 9 heading substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 6 para. 5](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(b)

PART I

THE [F²ORIGINAL TRANSITIONAL CLASS] OF MEMBERS OF THE RESERVE FORCES

Textual Amendments

- F2** Words in Sch. 9 Pt. 1 heading substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 6 para. 4\(2\)](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(b)

- 1 (1) The [F³original transitional class] consists of persons who—
- (a) are members of a reserve force;
 - (b) for the time being fall within paragraph 2 or 3; and
 - (c) have not made an election under paragraph 4.
- (2) In this Schedule “transitional member” means a member of a reserve force who for the time being is a member of the [F⁴original transitional class]; and “transitional officer” and “transitional man” shall be construed accordingly.
- (3) In this Part of this Schedule “the appointed day” means such day as the Secretary of State may by order made by statutory instrument appoint for the purposes of this Part of this Schedule.

Textual Amendments

- F3** Words in Sch. 9 para. 1(1) substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 6 para. 4\(3\)](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(b)
- F4** Words in Sch. 9 para. 1(2) substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 6 para. 4\(3\)](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(b)

- 2 A person who, immediately before the appointed day, was an officer or man of a reserve force falls within this paragraph if—
- (a) he has remained a member of that force without interruption since that time; and

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- (b) he has not extended his service in, or become an officer of, that force since that time.
- 3 An officer or man who becomes a member of a reserve force on or after the appointed day, on transfer to the reserve from the regular services, falls within this paragraph if—
- (a) he joined the regular services before the appointed day and did not re-enlist, re-engage or extend his service, or become an officer, in the regular services on or after that day;
 - (b) he has remained a member of the reserve force concerned without interruption since being transferred from the regular services; and
 - (c) he has not extended his service in, or become an officer of, that force since being so transferred.
- 4 (1) A person who is a transitional member of a reserve force by virtue of paragraph 2 or 3 may elect to cease being a transitional member.
- (2) An officer or man serving in the regular services who—
- (a) joined those services before the appointed day; and
 - (b) has not re-enlisted, re-engaged or extended his service, or become an officer, on or after that day,
- may [^{F5}at any time] elect not to be a transitional member on his transfer to the reserve.
- (3) An election under this paragraph is irrevocable and must be made in the prescribed manner.
- (4) A person who has made an election under this paragraph shall cease to be or, as the case may be, shall not become a transitional member of the reserve force concerned.

Textual Amendments

F5 Words in Sch. 9 para. 4(2) inserted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 6 para. 4\(4\)](#) (with s. 49(4), Sch. 7 para. 12(3)); S.I. 2014/2370, art. 4(b)

- 5 (1) In this Part of this Schedule “man”, in relation to the regular services, means a person of or below the rank or rate of warrant officer.
- (2) A person in permanent service on recall (whether under the ^{M1}Reserve Forces Act 1980 or, in the case of an officer, otherwise than under this Act) shall not be regarded for the purposes of this Part of this Schedule as serving in the regular services.

Marginal Citations

M1 [1980 c.9.](#)

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PART II

APPLICATION OF ACT TO MEMBERS OF THE [F⁶ORIGINAL TRANSITIONAL CLASS]

Textual Amendments

- F6** Words in Sch. 9 Pt. 2 heading substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 6 para. 4\(5\)](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(b)

- 6 The provisions of this Act (other than section 129 and this Schedule) apply in relation to members of the [F⁷original transitional class] in accordance with this Part of this Schedule.

Textual Amendments

- F7** Words in Sch. 9 para. 6 substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 6 para. 4\(3\)](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(b)

- 7 (1) Any reference in this Act to a reserve force, to two or more of the reserve forces or to all the reserve forces shall, unless the context otherwise requires, be construed as a reference to the whole of the force, or of each force, concerned, including any transitional members.
- (2) Any reference in this Act to members, officers or men of a reserve force includes, unless the context otherwise requires, a reference to members, officers or men who are transitional members.
- (3) This paragraph has effect subject to the exceptions and modifications in the following provisions of this Part of this Schedule.
- 8 (1) In the application of section 17(1) to a transitional man, the reference to permanent service includes a reference to permanent service under the Reserve Forces Act 1980.
- (2) Section 17(2), (3) and (4) do not apply to transitional men.
- 9 (1) In the application of sections 18, 20 and 21 to a transitional man, the reference to permanent service includes a reference to permanent service under the Reserve Forces Act 1980.
- (2) In the application of section 21 to a transitional man of the Royal Fleet Reserve, the reference to training and other duties includes a reference to training or other duties in pursuance of any provision of the Reserve Forces Act 1980.
- 10 Section 22 does not apply to transitional members of a reserve land, air or marine force.
- 11 In the application of section 24 to a transitional member who has entered into a [F⁸full-time service commitment][F⁸commitment under that section]—
- (a) for the reference in subsection (7) to permanent service under Part VI there shall be substituted a reference to permanent service on call out under the ^{M2}Reserve Forces Act 1980 or, as the case may be, under any other call-out obligations of an officer; and
- (b) for the reference in subsection (8) to training under section 22 there shall (except in the case of a member of a reserve naval force) be substituted a

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reference to training required under the Reserve Forces Act 1980 or, as the case may be, under any other training obligations of an officer.

Textual Amendments

F8 Words in [Sch. 9 para. 11](#) substituted (1.5.2022 for specified purposes) by [Armed Forces Act 2021 \(c. 35\)](#), s. 24(1), [Sch. 2 para. 6](#) (with [Sch. 2 para. 10](#)); S.I. 2022/471, reg. 2(c)

Marginal Citations

M2 1980 c. 9.

- 12 (1) Transitional members may (subject to the provisions of this Act) enter into a special agreement or an employee agreement; and Parts IV and V apply accordingly.
- (2) Transitional members of a reserve force do not lose their status as transitional members by virtue of either becoming special members of the force or (where they continue as ordinary members under section 42) ceasing to be special members of the force.
- [^{F9}12A In the application of section 28(3)(a) to a special agreement entered into by a transitional member, for the reference to a period not exceeding 12 months there shall be substituted a reference to a period not exceeding 9 months.]

Textual Amendments

F9 Sch. 9 para. 12A inserted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 6 para. 4\(6\)](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(b)

- 13 In the application of section 31(1) to a special agreement entered into by a transitional member, for the reference in paragraph (d) to permanent service under Part VI there shall be substituted a reference to permanent service under the Reserve Forces Act 1980 or, as the case may be, under any other call-out obligations of an officer.
- 14 In the application of section 34(5) to transitional members, the reference in paragraph (b) to section 57(11) shall be omitted.
- 15 In the application of section 40(5) to a transitional special member—
- (a) for the reference to section 22 there shall (except in the case of a member of a reserve naval force) be substituted a reference to the corresponding provision of the Reserve Forces Act 1980 or, as the case may be, of any other training obligations of an officer;
 - (b) for the reference to Part VI there shall be substituted a reference to the corresponding provisions of the Reserve Forces Act 1980 or, as the case may be, of any other call-out obligations of an officer.
- 16 An order may be made under section 41(6) suspending the operation of section 41(1)(c) in relation to transitional special members, notwithstanding that Part VI does not apply to transitional members.
- 17 In the application of section 45(5) to transitional members, the reference in paragraph (b) to section 57(11) shall be omitted.
- 18 Part VI does not apply to transitional members.

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- 19 Regulations under section 78, 83^{F10}, 84 or 84A] may make provision, in relation to transitional members liable to be called out under—
- (a) the Reserve Forces Act 1980, or
 - (b) any other call-out obligations of officers,
- corresponding to the provision which may be made in regulations under that section in relation to members of the reserve forces liable to be called out under Part VI of this Act.

Textual Amendments

F10 Words in Sch. 9 para. 19 substituted (5.9.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 7 para. 9](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 3

- 20 In the application of section 96(1) to a transitional member—
- (a) the reference to any provision of this Act includes a reference to any provision of the ^{M3} Reserve Forces Act 1980 or, as the case may be, of any other call-out obligations of an officer; and
 - (b) for the reference in paragraph (a) to section 58(3)(c) there shall be substituted a reference to the corresponding provision of that Act or those obligations.

Marginal Citations

M3 1980 c. 9

- 21 In the application of section 97(2) to a transitional member, for the reference to section 22 there shall (except in the case of a member of a reserve naval force) be substituted a reference to the corresponding provision of the Reserve Forces Act 1980 or, as the case may be, of any other training obligations of an officer.

^{F11}22

Textual Amendments

F11 Sch. 9 para. 22 repealed (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. 58](#), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4

^{F12}23

Textual Amendments

F12 Sch. 9 para. 23 repealed (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. 58](#), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4

- 24 In the application of section 125 to a transitional member, the reference to permanent service includes a reference to permanent service under the Reserve Forces Act 1980 or, as the case may be, under any other call-out obligations of an officer.

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[^{F13}PART 3

THE SECOND TRANSITIONAL CLASS OF MEMBERS OF THE RESERVE FORCES

Textual Amendments

F13 Sch. 9 Pts. 3, 4 inserted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 6 para. 4\(7\)](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(b)

- 25 (1) The second transitional class consists of persons who—
- (a) are members of a reserve force,
 - (b) are not, and have not been, members of the original transitional class,
 - (c) for the time being fall within paragraph 26 or 27, and
 - (d) have not made an election under paragraph 28.
- (2) In this Part of this Schedule “the appointed day” means the day on which paragraph 4(7) of Schedule 6 to the Defence Reform Act 2014 (which inserts this Part of this Schedule) comes into force.
- 26 A person who, immediately before the appointed day, was a member of a reserve force falls within this paragraph if—
- (a) the person has remained a member of that force without interruption since that time, and
 - (b) the person has not extended his or her service in, or become an officer of, that force since that time.
- 27 A person who becomes a member of a reserve force on or after the appointed day, on transfer to the reserve from the regular services, falls within this paragraph if—
- (a) the person joined the regular services before the appointed day and did not re-enlist, re-engage or extend his or her service, or become an officer, in the regular services on or after that day,
 - (b) the person has remained a member of the reserve force concerned without interruption since being transferred from the regular services, and
 - (c) the person has not extended his or her service in, or become an officer of, that force since being so transferred.
- 28 (1) A person who is a member of the second transitional class may elect to cease to be a member of that class.
- (2) A person serving in the regular services who—
- (a) joined those services before the appointed day, and
 - (b) has not re-enlisted, re-engaged or extended his or her service, or become an officer, on or after that day,
- may at any time elect not to become a member of the second transitional class on transfer to the reserve.
- (3) An election under this paragraph must be made in the prescribed manner.
- (4) A person who has made an election under sub-paragraph (1) ceases to be a member of the second transitional class.
- (5) A person who has made an election under sub-paragraph (2) does not become a member of the second transitional class.

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(6) An election under this paragraph is irrevocable.]

[^{F13}PART 4

APPLICATION OF ACT TO MEMBERS OF THE SECOND TRANSITIONAL CLASS

- 29 Parts 4 and 6 of this Act apply in relation to members of the second transitional class in accordance with this Part of this Schedule.
- 30 Section 28(3)(a) (special agreements: maximum period of service) applies in relation to a special agreement entered into by a member of the second transitional class as if for “12 months” there were substituted “ 9 months ”.
- 31 (1) Section 56 (call out for certain purposes) applies in relation to the call out of members of the second transitional class as if the power conferred on the Secretary of State by subsection (1B) were limited to the powers described in sub-paragraphs (2) and (3).
- (2) The first power is to make an order authorising the calling out of members of a reserve force where it appears to the Secretary of State that it is necessary or desirable to use armed forces—
- (a) on operations outside the United Kingdom for the protection of life or property, or
- (b) on operations anywhere in the world for the alleviation of distress or the preservation of life or property in time of disaster or apprehended disaster.
- (3) The second power is to make an order authorising the calling out of members of a reserve force for the purposes of carrying out work where—
- (a) the work is approved in accordance with instructions issued by the Defence Council under the Defence (Armed Forces) Regulations 1939 as being urgent work of national importance, and
- (b) the Defence Council have by order under those Regulations authorised members of any forces to be temporarily employed in such work.
- 32 Section 57 (maximum duration of service for call out under section 56) applies in relation to members of the second transitional class as if—
- (a) in subsection (4), for “12 months” there were substituted “ 9 months ”,
- (b) in subsection (6), for “12 months” there were substituted “ 9 months ”,
- (c) in subsection (8)(c), for “6 months” there were substituted “ 3 months ”, and
- (d) in subsection (11), for “3 years” there were substituted “ 27 months ”.
- 33 Section 57A(3) (agreement to alter limits in section 57) applies in relation to members of the second transitional class as if for “12 months” there were substituted “ 9 months ”.]

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 2 para. 3(2A) inserted by [2003 c. 44 Sch. 3 para. 65](#)