

SCHEDULES

SCHEDULE 9

Section 129.

APPLICATION OF ACT TO TRANSITIONAL MEMBERS

PART I

THE TRANSITIONAL CLASS OF MEMBERS OF THE RESERVE FORCES

- 1 (1) The 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 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.
- 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
 - (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,

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may 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.
- 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 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.

PART II

APPLICATION OF ACT TO MEMBERS OF THE TRANSITIONAL CLASS

- 6 The provisions of this Act (other than section 129 and this Schedule) apply in relation to members of the transitional class in accordance with this Part of this Schedule.
- 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 full-time service commitment—
- (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 Reserve Forces Act 1980 or, as the case may be, under any other call-out obligations of an officer; and

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- (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 reference to training required under the Reserve Forces Act 1980 or, as the case may be, under any other training obligations of an officer.
- 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.
- 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.
- 19 Regulations under section 78, 83 or 84 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.
- 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 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.

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- 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.
- 22 In the application of section 102(2) to transitional members—
- (a) the reference in paragraph (a) to any provision of this Act includes a reference to the corresponding provision of the Reserve Forces Act 1980 or, as the case may be, of any other call-out obligations of an officer;
 - (b) the reference in paragraph (d) to training includes (except in the case of members of a reserve naval force) a reference to the corresponding training required under the Reserve Forces Act 1980 or, as the case may be, under any other training obligations of an officer.
- 23 In the application of section 123(1) to a transitional man, the reference to permanent service includes a reference to permanent service under the Reserve Forces Act 1980.
- 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.