



Defence Reform Act 2014

2014 CHAPTER 20

PART 3

RESERVE FORCES

44 Renaming of Army Reserve and Territorial Army

- (1) The Army Reserve is renamed the Regular Reserve.
- (2) The Territorial Army is renamed the Army Reserve.
- (3) Accordingly, wherever it appears in the enactments mentioned in subsection (4) (unless the context requires otherwise)—
 - (a) for “Army Reserve” substitute “Regular Reserve”, and
 - (b) for “Territorial Army” substitute “Army Reserve”.
- (4) The enactments are—
 - section 68 of the Marriage Act 1949,
 - the Reserve Forces Act 1980 (including any headings),
 - section 22 of the Criminal Appeal Act 1995,
 - the Reserve Forces Act 1996 (other than paragraph 9 of Schedule 8), and
 - the Armed Forces Act 2006.
- (5) In any enactment passed before the relevant date (other than those dealt with by subsections (3) and (4)), and in any instrument or other document made before that date—
 - (a) references to the Army Reserve are to be read, in relation to any time on or after that date, as references to the Regular Reserve, and
 - (b) references to the Territorial Army (including references which are treated as references to the Territorial Army) are to be read, in relation to any time on or after that date, as references to the Army Reserve.
- (6) The “relevant date” is the date on which this section comes into force.

Status: This is the original version (as it was originally enacted).

45 Call out of members of reserve forces

- (1) In Part 4 of the Reserve Forces Act 1996 (special agreements for call out), in section 28(3)(a) (maximum period of service), for “9 months” substitute “12 months”.
- (2) Part 6 of that Act (call out for permanent service) is amended as follows.
- (3) In section 54(1) (call out for warlike operations), after “order” insert “under this section”.
- (4) In section 56 (call out for certain operations), for subsections (1) and (1A) substitute—
 - “(1B) The Secretary of State may make an order under this section authorising the calling out of members of a reserve force if it appears to the Secretary of State that it is necessary or desirable to use members of a reserve force for any purpose for which members of the regular services may be used.”
- (5) In the heading of that section, for “operations” substitute “purposes”.
- (6) In section 57 (maximum duration of service for call out under section 56)—
 - (a) in subsection (4), for “9 months” substitute “12 months”,
 - (b) in subsection (6), for “9 months” substitute “12 months”,
 - (c) in subsection (8)(c), for “3 months” substitute “6 months”, and
 - (d) in subsection (11), for “27 months” substitute “3 years”.
- (7) In section 57A (agreement to alter limits in section 57), in subsection (3), for “9 months” substitute “12 months”.
- (8) In section 64 (interpretation of Part 6)—
 - (a) number the existing text as subsection (1), and
 - (b) after that subsection insert—
 - “(2) The powers under sections 52, 54 and 56 to make a call-out order are each to be interpreted as including power to do so in circumstances in which an order could also be made under another of those sections.”
- (9) Schedule 6 contains provision about transitional classes.
- (10) In consequence of the amendments made by this section, omit section 28 of the Armed Forces Act 2011.

46 Payments to employers etc of members of reserve forces

- (1) In Part 8 of the Reserve Forces Act 1996 (schemes for exemption and financial assistance), after section 84 insert—

“84A Other payments to employers etc of members of reserve forces

- (1) The Secretary of State may by regulations provide for the making of payments by the Secretary of State to—
 - (a) an employer whose employee is undertaking relevant reserve force activities or has undertaken such activities while employed by the employer, and

- (b) a person carrying on business in partnership whose partner in the business is undertaking relevant reserve force activities or has undertaken such activities while a partner of the person,
but see subsections (3) to (5).
 - (2) For the purposes of this section, a person undertakes relevant reserve force activities when the person—
 - (a) is in permanent service under Part 4 or under a call-out order,
 - (b) undertakes training of a prescribed description while an ordinary member of a reserve force, or
 - (c) performs other voluntary duties of a prescribed description while an ordinary member of a reserve force.
 - (3) The Secretary of State may make regulations under this section only if satisfied that the payments provided for, or such payments taken together with other measures, are likely to encourage persons—
 - (a) to employ, or continue to employ, members of the reserve forces, or
 - (b) to carry on business, or continue to carry on business, in partnership with members of the reserve forces.
 - (4) Regulations under subsection (1)(a) may provide for the making of payments to employers who are self-employed, but not in respect of their own relevant reserve force activities.
 - (5) Regulations under this section may not provide for the making of payments to be conditional on a financial loss suffered by the employer or the person carrying on business in partnership.
 - (6) A person making a claim under regulations under this section who is dissatisfied with the determination of the claim may appeal against the determination to a reserve forces appeal tribunal.
 - (7) In this section—
 - “ordinary member”, in relation to a reserve force, means a member who—
 - (a) is not a special member of that force, and
 - (b) is not a member of that force for the purpose only of becoming a special member;
 - “prescribed” means prescribed by regulations made under this section.”
- (2) Schedule 7 contains supplementary provision.

47 Report on volunteer reserve forces

In Part 11 of the Reserve Forces Act 1996 (reserve associations), after section 113 insert—

“113A Duty to prepare report on volunteer reserve forces

- (1) An association must prepare an annual report on the state of the volunteer reserve forces so far as concerns the area for which the association is established.

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

- (2) A report on the state of the volunteer reserve forces is a report that sets out the association's assessment of the capabilities of the volunteer reserve forces, having regard to the duties that may be imposed on members of those forces by or under this Act or any other enactment.
- (3) The assessment referred to in subsection (2) must, in particular, include the association's views on the effect of each of the following matters on the capabilities of the volunteer reserve forces—
- (a) the recruiting of members for the volunteer reserve forces;
 - (b) the retention of members of those forces;
 - (c) the provision of training for those forces;
 - (d) the upkeep of land and buildings for whose management and maintenance the association is responsible.
- (4) A report under subsection (1) must also set out the association's assessment of the provision that is made as regards the mental welfare of members and former members of the volunteer reserve forces.
- (5) An association must send a report under subsection (1) to the Secretary of State—
- (a) in the case of the first report, before the first anniversary of the day on which the last Future Reserves 2020 report prepared before the coming into force of this section was presented to the Secretary of State, and
 - (b) in the case of subsequent reports, before the anniversary of the day on which the first report was laid before Parliament under subsection (6).
- (6) On receiving a report under subsection (1), the Secretary of State must lay a copy of it before Parliament.
- (7) The duties under this section may, instead of being performed by an association, be performed by a joint committee appointed under section 116 by two or more associations in relation to their combined areas.
- (8) Where by virtue of subsection (7) a joint committee has the duty to prepare a report—
- (a) references in subsections (1) to (5) to an association are to be read as if they were to the joint committee, and
 - (b) section 117(1)(a) (power to regulate manner in which functions are exercised) has effect as if the reference to associations were to the joint committee.
- (9) In subsection (5)(a), "Future Reserves 2020 report" means a report prepared by the External Scrutiny Group on the Future Reserves 2020 programme."

48 Unfair dismissal of reserve forces: no qualifying period of employment

- (1) The Employment Rights Act 1996 is amended as follows.
- (2) In section 108 (unfair dismissal: qualifying period of employment), at the end insert—
- “(5) Subsection (1) does not apply if the reason (or, if more than one, the principal reason) for the dismissal is, or is connected with, the employee's membership of a reserve force (as defined in section 374 of the Armed Forces Act 2006).”

- (3) In section 192(2)(e) (armed forces), after “104C” insert “, 108(5)”.
- (4) The amendment made by subsection (2) applies only where, in relation to the employee, the effective date of termination (as defined in section 97 of the Employment Rights Act 1996) falls on or after the day on which this section comes into force.