

Changes to legislation: Defence Reform Act 2014, SCHEDULE 6 is up to date with all changes known to be in force on or before 29 February 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 6

Section 45

CALL OUT OF MEMBERS OF RESERVE FORCES: TRANSITIONAL CLASSES

1 The Reserve Forces Act 1996 is amended as follows.

Commencement Information

II Sch. 6 para. 1 in force at 1.10.2014 by S.I. 2014/2370, art. 4(b)

- 2 (1) Section 129 (application of Act to persons currently serving in the reserve forces or regular services) is amended as follows.
- (2) In subsection (1), for “the transitional class” substitute “—
- (a) the original transitional class (see Parts 1 and 2 of that Schedule), or
- (b) the second transitional class (see Parts 3 and 4 of that Schedule)”.
- (3) In subsection (2), for “the transitional class” (in both places) substitute “the original transitional class”.
- (4) In subsection (3)—
- (a) for “In this Act “the transitional class”” substitute “In this Act—
- the original transitional class””, and
- (b) at the end insert—
- ““the second transitional class”, in relation to members of the reserve forces, shall be construed in accordance with Part 3 of Schedule 9.”

Commencement Information

I2 Sch. 6 para. 2 in force at 1.10.2014 by S.I. 2014/2370, art. 4(b)

- 3 In the heading of that section, for “persons currently serving in the reserve forces or regular services” substitute “members of transitional classes”.

Commencement Information

I3 Sch. 6 para. 3 in force at 1.10.2014 by S.I. 2014/2370, art. 4(b)

- 4 (1) Schedule 9 (application of Act to transitional members) is amended as follows.
- (2) In the heading of Part 1, for “transitional class” substitute “original transitional class”.

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- (3) In paragraphs 1(1) and (2) and 6, for “transitional class” substitute “ original transitional class ”.
- (4) In paragraph 4(2), after “may” insert “ at any time ”.
- (5) In the heading of Part 2, for “transitional class” substitute “ original transitional class ”.
- (6) After paragraph 12 insert—
 - “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.”
- (7) At the end insert—

“PART 3

THE SECOND TRANSITIONAL CLASS OF MEMBERS OF THE RESERVE FORCES

- 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

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

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 ”,

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- (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 ”.

Commencement Information

I4 Sch. 6 para. 4 in force at 1.10.2014 by S.I. 2014/2370, art. 4(b)

5 In the heading of Schedule 9, for “transitional members” substitute “ members of transitional classes ”.

Commencement Information

I5 Sch. 6 para. 5 in force at 1.10.2014 by S.I. 2014/2370, art. 4(b)

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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):

- s. 25(8A) inserted by [2023 c. 54 Sch. 10 para. 13\(3\)](#)
- s. 35A inserted by [2023 c. 54 Sch. 10 para. 19](#)