
STATUTORY INSTRUMENTS

1997 No. 306

**The Reserve Forces Act 1996 (Transitional,
Consequential and Saving Provisions) Regulations 1997**

Amendment of provisions of the 1980 Act

11. For section 26 of the 1980 Act there shall be substituted—

(1) The power of the Secretary of State under section 58(1) of the Reserve Forces Act 1996 to call out a person liable to be called out under an order made under section 52 or 54 of that Act shall include a power to call out a person liable to be called out by virtue of the enactments mentioned in subsection (2) below.

(2) The enactments referred to in subsection (1) above are—

- (a) section 10(1) above;
- (b) section 11(1) above;
- (c) section 16(1) above;
- (d) section 18(1) above;
- (e) section 20(1) above;
- (f) section 22 above;
- (g) section 24 above;
- (h) paragraph 15(1) of Schedule 8 to this Act; and
- (i) sub-paragraphs (2), (3), (5) and (6) of paragraph 16 of that Schedule.

(3) Sections 58 and 59 shall have effect in relation to any person called out by virtue of the enactments mentioned in subsection (2) above with the following modifications—

- (a) section 58(3) shall have effect as if—
 - (i) paragraph (b) provided for the call-out notice to specify the provision of this Act by virtue of which the person concerned is liable to be called out; and
 - (ii) in paragraph (c), the words “under that order” were omitted;
- (b) section 58(5) shall have effect as if—
 - (i) the words “on the authority of a call-out order” were omitted; and
 - (ii) in paragraph (a), the reference to the call-out order was a reference to the order made under Part VI of the Reserve Forces Act 1996 by virtue of which the person concerned is liable to be called out;
- (c) section 59(5) shall have effect as if—
 - (i) for the word “under”, where it appears for the first time, there were substituted the words “by virtue of”; and
 - (ii) the words “under that call-out order” were omitted; and
- (d) section 59(6) shall have effect as if—
 - (i) the words “under a call-out order” and “under that order” were omitted; and

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (ii) paragraph (b) provided for the person concerned to be deemed to have been called out for service in accordance with this Act.
- (4) In the application of sections 58 and 59 of the Reserve Forces Act 1996 and of section 28 below—
 - (a) section 63 of the Reserve Forces Act 1996 shall apply in relation to this Act as it applies in relation to Part VI of that Act; and
 - (b) “authorised officer” means an officer authorised by or in accordance with directions of the Defence Council for the purposes of Part VI of the Reserve Forces Act 1996, and any officer so authorised shall be deemed to be authorised for the same purposes in connection with any corresponding provision of this Act.”.