



# Reserve Forces Act 1996

## 1996 CHAPTER 14

### PART V

#### EMPLOYEE AGREEMENTS

##### *Preliminary*

#### **38 Purpose of Part V.**

- (1) This Part enables employees, in pursuance of arrangements between their employers and the Secretary of State, to enter into employee agreements and become special members of a reserve force.
- (2) In this Part, references to an employee agreement are references to a written agreement by which a person agrees to accept the liability mentioned in section 40(1) by becoming a special member of a reserve force specified in the agreement.
- (3) Orders or regulations under section 4 may make provision—
  - (a) enabling a person to enlist in, or become an officer of, a reserve force for the purpose only of becoming a special member;
  - (b) as to any terms and conditions applicable to such a person, and for applying or disapplying any provisions of this Act, while such a person is a member of the force for that purpose;
  - (c) enabling the making of requests by a special member (whether before or after ceasing to be subject to the liability mentioned in section 40(1)) for permission to continue as a member of his force on ceasing to be a special member;
  - (d) as to any terms and conditions applicable to a special member who has ceased to be subject to the liability mentioned in section 40(1);
  - (e) as to the terms and conditions on which persons resume or begin service as ordinary members of a reserve force by virtue of section 42.
- (4) Before orders or regulations under section 4 are made as to the terms and conditions of service of special members of a reserve force, the Secretary of State or, in the case of regulations, the Defence Council shall consult—

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- (a) one or more bodies appearing to that authority to represent the interests of employers concerned with the supply of goods or services to the armed forces;
- (b) one or more bodies or persons appearing to that authority to represent the interests of employees of such employers; and
- (c) one or more bodies or persons appearing to that authority to represent the interests of self-employed persons concerned with the supply of goods or services to the armed forces.

### **39 Employee agreements.**

- (1) An employee agreement may be entered into by any employee in pursuance of arrangements made between his employer and the Secretary of State.
- (2) An employee of an employer who has made any such arrangements shall, before entering into an employee agreement, obtain the written consent of that employer in such form as may be prescribed.
- (3) Where an authorised person is satisfied at the time a person enters into an employee agreement that his employer has consented to his entering into the agreement, the validity of the agreement shall not be affected by any failure to comply with subsection (2); and a document purporting to be a certificate signed by the authorised person stating that he is so satisfied shall be evidence of that fact.
- (4) In subsection (3) “authorised person” means a person authorised by or in accordance with directions of the Defence Council for the purpose of exercising the functions mentioned in that subsection.
- (5) An employee agreement shall, if the person concerned is not a member of the force when he enters into the agreement, specify the date by which he must enlist in, or become an officer of, the reserve force specified in the agreement.
- (6) An employee agreement may specify—
  - (a) a maximum period for which the liability of the special member under section 40 is to subsist;
  - (b) events which will terminate his liability to be called out, and to fulfil training obligations, under the agreement; and
  - (c) other terms relating to the obligations undertaken by the person concerned or his service as a special member.
- (7) On entering into an employee agreement a person who is already a member of the reserve force concerned shall become a special member of that force.
- (8) Where a person entering into an employee agreement is not already a member of the reserve force concerned—
  - (a) he shall become a special member of the force concerned on enlisting in or becoming an officer of that force; but
  - (b) the agreement shall lapse if he has not enlisted in or become an officer of that force on or before the date specified in the agreement.
- (9) An employee agreement entered into by any person shall terminate—
  - (a) on his entering into another employee agreement;
  - (b) on his ceasing to be a member of the reserve force concerned; or

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- (c) on his resuming service as, or becoming, an ordinary member of that force in accordance with section 42.

**Changes to legislation:**

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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](#)