



Reserve Forces Act 1996

1996 CHAPTER 14

PART V

EMPLOYEE AGREEMENTS

Preliminary

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

Changes to legislation: Reserve Forces Act 1996, Section 39 is up to date with all changes known to be in force on or before 16 June 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](#)

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

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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](#)