



# Reserve Forces Act 1980

## 1980 CHAPTER 9

### PART VI

#### TERRITORIAL, AUXILIARY AND VOLUNTEER RESERVE ASSOCIATIONS, AND THE LIEUTENANCIES

##### *Army and air force associations*

#### 121 Associations

(1) In this Part of this Act—

the expression "joint association" means an association established for any area in the United Kingdom, being an area determined by the Defence Council, for the purposes of the organisation and administration of Her Majesty's military and air forces other than the regulars and their reserves and for such other purposes of the establishment of associations as are mentioned in this Part;

the expression "territorial and army volunteer reserve association" means an association established for any such area for the like purposes in relation to Her Majesty's military forces;

the expression "auxiliary air force association" means an association established for any such area for the like purposes in relation to Her Majesty's air forces.

(2) An association of any of the kinds mentioned in subsection (1) above—

- (a) may be established for any such area as is mentioned in that subsection for which an association of that kind is not for the time being in existence, but
- (b) in the case of an auxiliary air force association the area shall be one which in the opinion of the Defence Council cannot be suitably administered through a joint association.

## **122 Constitution of associations**

- (1) Such an association as is mentioned in section 121 above shall be constituted, and the members of that association shall be appointed and hold office, in accordance with a scheme—
  - (a) made by the Defence Council, and
  - (b) as to which the provisions of Schedule 7 to this Act shall have effect.
- (2) The scheme under subsection (1) above by which a joint association is established for any area shall provide—
  - (a) for the winding-up, as from the date of the establishment of the joint association, of any territorial and army volunteer reserve association or auxiliary air force association previously established for that area, and
  - (b) for any matter incidental to or consequential on the winding-up, whether as respects the transfer of property, rights and liabilities, financial adjustment or otherwise, as the Defence Council may think necessary.
- (3) The Secretary of State may by order make such changes in the provisions of Schedule 7 as he considers appropriate, and the order may contain such supplemental, incidental and transitional provisions as the Secretary of State considers expedient.
- (4) The Defence Council may make an order for the winding-up of any such association as is mentioned in section 121 and the order shall provide for any matter incidental to or consequential on the winding-up, whether as respects the transfer of property, rights and liabilities, financial adjustment or otherwise, as the Defence Council may think necessary.
- (5) The power to make an order under subsection (3) above shall be exercisable by statutory instrument, and any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **123 General duties of associations**

- (1) It shall be the duty of each association—
  - (a) to make itself acquainted with and conform to the plan of the Defence Council—
    - (i) for the organisation of all Her Majesty's military forces within the area for which the association is established, and
    - (ii) for the organisation of all Her Majesty's air forces within that area ;
  - (b) to ascertain the military and air force resources and capabilities of the area for which the association is established and to render advice and assistance to the Defence Council and to such officers as the Defence Council may direct;
  - (c) to make itself acquainted with and conform to the plan of the Defence Council for the organisation within the area for which the association is established of the reserves of the Royal Navy and of the reserves of the Royal Marines in so far as that plan relates to matters with respect to which functions are conferred on the association under subsection (1) of section 124 below.
- (2) The provisions of this section and sections 124 to 127 below apply (save as they otherwise expressly provide) to all such associations as are mentioned in section 121 above, but with the following modifications in their application to an association other than a joint association—

- (a) in their application to a territorial and army volunteer reserve association they shall be read with the omission of all references to Her Majesty's air forces, and also of references to the Royal Auxiliary Air Force, air force authorities, air force resources and capabilities, actual air force service, the Air Training Corps, aviation clubs and aerodromes, landing grounds and hangars;
- (b) in their application to an auxiliary air force association they shall be read with the omission of all references to Her Majesty's military forces, and also of references to the Territorial Army, military authorities, military resources and capabilities, actual military service, and the Army Cadet Force.

## 124 Powers and duties assignable to associations

- (1) An association shall have, exercise and discharge such powers and duties connected with the organisation and administration of Her Majesty's military and air forces as may for the time being be transferred or assigned to it by order of Her Majesty signified under the hand of the Secretary of State or, subject to such an order, by regulations under this Part of this Act, and also such powers and duties as may be transferred or assigned to it as mentioned above connected with the organisation and administration of—

- (a) the reserves of the Royal Navy and the reserves of the Royal Marines, or
- (b) the Army Cadet Force, the Air Training Corps, the Combined Cadet Force and the Sea Cadet Corps,

but an association shall not have any powers of command or training over any part of Her Majesty's forces.

- (2) The powers and duties so transferred or assigned to an association may include any powers conferred on or vested in Her Majesty, and any powers or duties conferred or imposed on the Defence Council or the Secretary of State, by statute or otherwise, and in particular respecting the following matters—

- (a) the organisation of the units of the Territorial Army and the Royal Auxiliary Air Force and their administration (including maintenance) at all times other than when they are called out for training or permanent military or air force service, or other than when—
  - (i) the Territorial Army is called out for permanent service by virtue of section 10(1) or 11(1) above, or
  - (ii) the Royal Auxiliary Air Force is called out for permanent service by virtue of section 10(1);
- (b) the recruiting for the Territorial Army and the Royal Auxiliary Air Force both in peace and in war, and defining the limits of recruiting areas ;
- (c) the provision and maintenance of rifle ranges, buildings, magazines, sites of camps, aerodromes, landing grounds and hangars for the Territorial Army and the Royal Auxiliary Air Force;
- (d) facilitating the provision of areas to be used for manoeuvres;
- (e) arranging with employers of labour as to holidays for training, and ascertaining, after consultation with the representatives of employers in and of persons employed in the principal industries of the area for which the association is established, the times of training which having regard to those industries are best suited to the circumstances of civil life ;
- (f) establishing or assisting cadet units and also rifle and aviation clubs;
- (g) the provision of mechanical transport and horses for the peace requirements of the Territorial Army and the Royal Auxiliary Air Force ;

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- (h) providing accommodation for the safe custody of arms and equipment;
- (i) the supply of the requirements on mobilisation of the units of the Territorial Army and the Royal Auxiliary Air Force within the area for which the association is established in so far as those requirements are directed by the Defence Council to be met locally ;
- (j) the registration in conjunction with the military and air force authorities of vehicles, horses, stores and equipment for any of Her Majesty's military or air forces (or, in the case of a territorial and army volunteer reserve association, any of Her Majesty's forces);
- (k) the welfare of members and former members of Her Majesty's military and air forces and of members and former members of the reserves of the Royal Navy and of the reserves of the Royal Marines ;
- (l) in the case of a joint association and of an auxiliary air force association, the undertaking in relation to the Air Force Reserve of any functions undertaken in relation to the Royal Auxiliary Air Force.

For the purposes of paragraph (i) of this subsection the Defence Council shall from time to time make and issue to associations regulations specifying, so far as practicable, the requirements mentioned in that paragraph which are to be met locally.

- (3) The members of an association shall not be under any pecuniary liability for any act done by them in their capacity as members of the association in carrying out the provisions of this Part of this Act.

## **125 Expenses of associations**

- (1) The Defence Council shall pay to an association, out of money provided by Parliament, such sums as in the opinion of the Defence Council are required to meet the necessary expenditure incurred by the association.
- (2) An association—
  - (a) shall annually at the prescribed time, and
  - (b) may at any other time for any special purpose,
 submit in the prescribed form and manner a statement of its necessary requirements to the Defence Council; and all payments under this section to an association shall be made upon the basis of such a statement, so far as approved by the Defence Council.
- (3) Subject to regulations under this Part of this Act, any money paid to an association by the Defence Council shall be applicable to any of the purposes specified in the approved statements in accordance with which money has been granted and, except with the written consent of the Defence Council shall not be applicable otherwise.
- (4) Nothing in this section shall be construed as enabling the Defence Council to give their consent to the application of money to any purpose to which, apart from this section, it could not lawfully be applied, or to give their consent without the authority of the Treasury in any case in which, apart from this section, the authority of the Treasury would be required.
- (5) All money received by an association otherwise than from the Defence Council (except such money, if any, as may be received by the association for specified purposes) shall be available for the purposes of any of the powers and duties of the association.

- (6) In the case of a joint association, the income from investments representing money originally received for the purpose of the Territorial Army or of the Royal Auxiliary Air Force shall be applied only to that purpose, unless the Defence Council otherwise direct.

#### **126 Accounts of associations**

- (1) An association shall cause its accounts to be made up annually and audited in such a manner as may be prescribed.
- (2) An association shall send copies of its accounts, together with any report of the auditors on them, to—
- (a) the Defence Council, or
  - (b) such authority or person as may be directed by regulations under this Part of this Act.

#### **127 Joint committees of associations**

- (1) Associations may from time to time join in appointing out of their respective bodies a joint committee for any purpose in respect of which they are jointly interested.
- (2) An association joining in appointing a joint committee under this section may delegate to it any power which such an association may exercise for the purpose for which the committee is appointed.
- (3) Subject to the terms of delegation a joint committee appointed under this section shall in respect of any matter delegated to it have the same power in all respects as the associations appointing it.
- (4) The costs of such joint committee shall be defrayed by the associations by whom it has been appointed in such proportion as may be agreed between them, and the accounts of such joint committees and their officers shall for the purposes of the provisions of this Part of this Act be deemed to be accounts of the associations appointing them and of their officers.

#### **128 Regulations as to associations**

- (1) Regulations for carrying into effect the foregoing provisions of this Part of this Act as respects joint associations may be made by the Defence Council and such regulations may, among other things, provide for the following matters—
- (a) for regulating the manner in which powers are to be exercised and duties performed by such associations, and for specifying the services to which money paid by the Defence Council is to be applicable ;
  - (b) for authorising and regulating the acquisition by or on behalf of such an association of land for the purposes of this Part and the disposal of any land so acquired ;
  - (c) for authorising and regulating the borrowing of money by such an association ;
  - (d) for authorising the acceptance of any money or other property, and the taking over of any liability, by such an association, and for regulating the administration of any money or property so acquired and the discharge of any liability so taken over ;

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- (e) for facilitating the co-operation of such an association with any other association such as is mentioned in section 121 above or with any local authority or other body, and for providing by the constitution of joint committees or otherwise for co-operative action in the organisation and administration of divisions, brigades and other military bodies and of groups, wings, squadrons and other air force bodies, and for the provision of assistance by one association to another;
  - (f) for affiliating cadet units, rifle and aviation clubs and other bodies to the Territorial Army or to the Royal Auxiliary Air Force or to any part of them ;
  - (g) for or in respect of anything by the foregoing provisions of this Part directed or authorised to be done or provided for by regulations or to be done in the prescribed manner;
  - (h) for the application for the purposes of the foregoing provisions of this Part, as respects any matters to be dealt with by regulations, of any provision in any Act of Parliament dealing with the like matters, with the necessary modifications or adaptations, and in particular of any provisions as to the acquisition of land by or on behalf of volunteer corps.
- (2) Regulations for carrying into effect the foregoing provisions of this Part as respects territorial and army volunteer reserve associations and auxiliary air force associations respectively may be made by the Defence Council, and such regulations may, among other things, provide for the matters mentioned in paragraphs (a) to (h) of subsection (1) above read with the following modifications—
- (a) for references to joint associations there shall be substituted references to territorial and army volunteer reserve associations or to auxiliary air force associations, as the case may be ;
  - (b) as respects territorial and army volunteer reserve associations there shall be omitted the references to the Royal Auxiliary Air Force, to groups, wings, squadrons, and other air force bodies, and to aviation clubs ;
  - (c) as respects auxiliary air force associations there shall be omitted the references to the Territorial Army, to divisions, brigades and other military bodies.
- (3) All regulations under this section as respects joint, territorial and army volunteer reserve and auxiliary air force associations respectively shall be applicable to all joint, territorial and army volunteer reserve and auxiliary air force associations respectively, except in so far as may be otherwise provided by the regulations or by any scheme made under this Part.
- (4) In relation to this section—
- (a) regulations made for the purposes of section 125 or of section 126 above shall be subject to the Treasury's consent; and
  - (b) all regulations shall be laid before Parliament after being made.

## **129 Compensation of displaced employees**

- (1) The Secretary of State may, with the consent of the Minister for the Civil Service, make regulations providing for the payment by the Secretary of State, out of moneys provided by Parliament, of compensation to or in respect of any person who in the Secretary of State's opinion—
- (a) has ceased to be employed by an association established for the purposes of this Part of this Act, or has suffered a diminution in the emoluments of his employment by such an association, in consequence of the winding-up of the

- association or any change in its activities or of any proposal to wind up the association or change its activities ; or
- (b) has ceased to be employed by the body commonly known as the Council of Territorial, Auxiliary and Volunteer Reserve Associations (formerly the Council of Territorial and Auxiliary Forces Associations), or has suffered a diminution in the emoluments of his employment by that body, in consequence of the winding-up of associations so established or of changes in their activities.
- (2) The power to make regulations under subsection (1) above shall be exercisable by statutory instrument, and any such regulation shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### *The lieutenancies*

## **130 Lieutenancies in England and Wales**

- (1) Her Majesty—
- (a) shall appoint a lord-lieutenant for each county in England and Wales and for Greater London ; and
- (b) may appoint lieutenants for each county and for Greater London.
- (2) For the purposes of the provisions of this Act relating to the lieutenancies—
- (a) " Greater London" in subsection (1) above does not include the City of London, or the Inner Temple and the Middle Temple, but otherwise shall be treated as a county; and
- (b) the Isles of Scilly shall be deemed to form part of the county of Cornwall.
- (3) Paragraph (a) of subsection (2) above—
- (a) so far as it provides that Greater London other than the City shall be treated as a county, and
- (b) so far as it relates to Schedule 7 to this Act,
- has effect subject to any order made by virtue of section 84(3) of the London Government Act 1963.

## **131 Lieutenancies in Scotland**

- (1) Her Majesty—
- (a) shall appoint for each region of Scotland such number of lord-lieutenants as She thinks fit;
- (b) shall appoint a lord-lieutenant for each islands area of Scotland; and
- (c) may appoint lieutenants for each region and islands area.
- (2) The Lord Provost of the cities of Aberdeen, Dundee, Edinburgh and Glasgow shall by virtue of his office be lord-lieutenant for the district of the city concerned and Her Majesty may appoint lieutenants for each such district.
- (3) The lord-lieutenants and lieutenants appointed for a region under subsection (1) above shall discharge their functions in such parts of the region as may be determined by Order in Council made by Her Majesty.

- (4) Where an Order in Council is made in pursuance of subsection (3) above, any deputy lieutenant holding office immediately before the date on which the Order in Council is made shall (without prejudice to any power of removal or of directing removal from any office) continue to hold office on and after the date as deputy lieutenant of the part of the region in which he resides or of such other part as may be specified in the Order in Council.
- (5) In this section " region " does not include the districts of the cities of Aberdeen, Dundee, Edinburgh and Glasgow.

### **132 Lieutenancies in Northern Ireland**

The provisions of this Part of this Act relating to the lieutenancies do not affect the provisions of the Northern Ireland (Lieutenancy) Order 1975, made under section 36(5) of the Northern Ireland Constitution Act 1973.

### **133 Deputy lieutenants**

- (1) A lord-lieutenant appointed under section 130 or section 131 above shall from time to time appoint such persons as he thinks fit to be his deputy lieutenants.
- (2) A person may be appointed to be a deputy lieutenant for a county in England and Wales, or for an area in Scotland, if—
- (a) he has a place of residence in the county or area, or within 7 miles from the boundary of the county or area; and
  - (b) he is shown to the satisfaction of the Secretary of State to have rendered either—
    - (i) worthy service as a member of, or in a civil capacity in connection with, Her Majesty's naval, military or air forces, or
    - (ii) such other service as, in the Secretary of State's opinion, makes him suitable for appointment as a deputy lieutenant.
- (3) The lord-lieutenant—
- (a) shall certify to Her Majesty the name of every person whom he proposes to appoint deputy lieutenant; and
  - (b) shall not grant a commission as deputy lieutenant to any person until informed by the Secretary of State that Her Majesty does not disapprove of the granting of such a commission.
- (4) The commission of a deputy lieutenant shall not be vacated by the lord-lieutenant who granted it ceasing to be a lord-lieutenant.
- (5) The clerk of the lieutenancy shall (at the cost of the county rate, or, in Scotland, the regional or general rate) arrange for the publication in the London Gazette of the names of the persons appointed deputy lieutenants, with the dates of their commissions, in like manner as commissions of officers of Her Majesty's land forces are published.

### **134 Absence or disability of lord-lieutenant**

Where—

- (a) the lord-lieutenant of a county or, in Scotland, an area, is absent from the United Kingdom, or by reason of sickness or otherwise is unable to act, or



(b) there is no lord-lieutenant of a county or an area,

Her Majesty may authorise any three deputy lieutenants, or lieutenants appointed under section 130(1) or section 131(1) above, of that county or area to act as its lord-lieutenant, and such deputy lieutenants or lieutenants while so authorised—

- (i) may do all acts which might be done by the lord-lieutenant; and
- (ii) shall for all purposes stand in the lord-lieutenant's place.

### **135 Appointment of vice lord-lieutenant**

- (1) The lord-lieutenant of a county, or, in Scotland, an area, with Her Majesty's approbation, may appoint any deputy lieutenant, or any lieutenant appointed under section 130(1) or section 131(1) above, of that county or area as vice lord-lieutenant to act for him during his absence from the county or area, sickness or other inability to act.
- (2) Every such vice lord-lieutenant, until his appointment is revoked or he is removed by Her Majesty (and without prejudice to Her Majesty's authority to make other provision under section 134 above)—
  - (a) may from time to time, whenever such absence, sickness or inability occurs, do all acts which might be done by the lord-lieutenant; and
  - (b) shall for all purposes stand in his place.

### **136 Removal of vice lord-lieutenant and deputy lieutenants**

Whenever Her Majesty may think fit to signify her pleasure to the lord-lieutenant of any county, or, in Scotland, of any area, that any vice lord-lieutenant or deputy lieutenants of the county or area be removed, that lord-lieutenant shall—

- (a) forthwith remove them; and
- (b) appoint others in their place, subject to the provisions of this Part of this Act.

### **137 Statutory functions of lord-lieutenant and deputy lieutenants**

- (1) The lord-lieutenant and deputy lieutenants appointed under this Part of this Act for any county, or, in Scotland, for any area, shall respectively have such jurisdiction, duties, powers, and privileges as are vested in the lord-lieutenant and the deputy lieutenants respectively for that county or area under any Act for the time being in force.
- (2) The lord-lieutenant of every county, or, in Scotland, of every area, shall appoint a clerk of the lieutenancy, and he may remove that clerk if he thinks fit, and appoint another in his place.

### **138 Commissioners of lieutenancy for City of London**

- (1) Her Majesty may issue commissions of lieutenancy in respect of the City of London to such persons as She thinks fit to be such lieutenants.
- (2) The City of London continues to be a separate county for the purposes of the lieutenancies and the militia, and so far as is consistent with the special enactments relating to the City the provisions of this Part of this Act relating to the lieutenancies apply accordingly.

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

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- (3) Her Majesty's Commissioners of Lieutenancy for the City of London are for the purposes of those special enactments and those provisions the lieutenant of the county, but the provisions of this Part with respect to deputy lieutenants do not apply to the City.
- (4) Nothing in this Part affects the raising and levying of the Trophy Tax in the City.
- (5) The proceeds of that tax may be applied by the Commissioners of Lieutenancy for the City of London (if in their discretion they see fit) for the purposes of any of the powers and duties of an association established under this Part for the City.