



# Reserve Forces Act 1996

## 1996 CHAPTER 14

### PART XII

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

#### **120 Disbanding of units: charitable property**

Schedule 5 (treatment of charitable property held for purposes of any body of a reserve force which has been, or is to be, disbanded or amalgamated with another body) shall have effect.

#### **121 The lieutenancies**

- (1) Schedule 6 (minor amendments and pre-consolidation amendments relating to the lieutenancies) shall have effect.
- (2) It is hereby declared that the validity of the appointment of a lord-lieutenant after 20th April 1980 is not affected by the fact that the instrument appointing him refers to the power of appointment previously contained in the Local Government Act 1972 or the Local Government (Scotland) Act 1973 and not the corresponding power under the Reserve Forces Act 1980.

This subsection shall come into force on the passing of this Act.

#### **122 Safeguard of employment for members of reserve forces**

- (1) The Reserve Forces (Safeguard of Employment) Act 1985 shall be amended as follows.
- (2) For subsection (1) of section 1 (obligation to reinstate) there shall be substituted the following subsections—

“(1) This section applies to any person who is in permanent service under—

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- (a) Part IV (special agreements for call out) or Part V (special members) of the Reserve Forces Act 1996;
  - (b) a call-out order under Part VI of that Act (orders authorising general call out of members of reserve forces); or
  - (c) a recall order under section 68 (recall of officers and former servicemen) of that Act.
- (1A) In this Act “whole-time service” means permanent service to which this section applies.”
- (3) For subsection (1) of section 17 (prohibition of dismissal for liability to whole-time service) there shall be substituted the following subsection—
- “(1) If the employer of a person who may be required to enter upon a period of whole-time service—
- (a) terminates that person’s employment without his consent at any time when he is not in that service, and
  - (b) does so solely or mainly by reason of any duties or liabilities which that person may be liable to perform or discharge—
    - (i) if required to report at any time or place with a view to entering into whole-time service; or
    - (ii) if he enters upon a period of whole-time service,
- the employer is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.”
- (4) In section 20(1) (interpretation), for the definition of “whole-time service” there shall be substituted the following definition—
- ““whole-time service” has the meaning given by section 1(1A).”
- (5) For subsections (3) and (4) of section 20 (interpretation) there shall be substituted the following subsection—
- “(3) A period of whole time service shall not be regarded as having ceased by reason of any absence on leave (including sick leave or maternity leave) before release from service or discharge.”
- (6) The amendments made by this section do not affect the operation of the Reserve Forces (Safeguard of Employment) Act 1985 in its application to persons liable to be called out or recalled for permanent service under the Reserve Forces Act 1980 or officers liable to be called out or recalled otherwise than under this Act.

## **123 Billeting**

- (1) All provisions for the time being in force in relation to the billeting of the Royal Marines shall be applicable to the men of the reserve naval and marine forces during such time as they attend training or are in permanent service or full-time service under a full-time service commitment.
- (2) All powers and authorities in relation to the billeting of the Royal Marines which may be exercised by any colonel, commandant, or commanding officer of any division of Royal Marines, may, for the purpose of billeting the men of the reserve naval and marine forces, be exercised by any officer in the Royal Navy holding the rank of

commander, or any higher rank, authorised for the purpose by orders or regulations under section 4.

#### **124 Exemption from tolls etc**

- (1) This section applies to a member of any reserve land, air or marine force when going to or returning from any place at which he is required to attend, and for non-attendance at which he is liable to be punished.
- (2) For the purposes of section 184 of the Army Act 1955, section 184 of the Air Force Act 1955 and all other enactments relating to the duties, tolls and ferries which are mentioned in those sections, a person to whom this section applies shall be deemed to be a member of the regular army on duty or (as the case may be) the regular air force on duty.

#### **125 Absence for voting**

No member of a reserve force shall be liable, when not in permanent service, to any penalty or punishment on account of his absence from duty in the United Kingdom for voting at—

- (a) any election of a Member of Parliament or a Member of the European Parliament, or
  - (b) any local election,
- or going to or returning from such voting.

#### **126 Postponement of transfer to the reserve or discharge of servicemen**

Schedule 7 (amendments of the enactments concerning the postponement of transfer to the reserve or discharge from the regular services of soldiers, marines, airmen and ratings) shall have effect.

### *General*

#### **127 Interpretation**

- (1) In this Act—
  - “additional duties commitment” means a commitment under section 25;
  - “call-out order” has the meaning given by section 64;
  - “the ex-regular reserve forces” has the meaning given by section 2(2);
  - “full-time service commitment” means a commitment under section 24;
  - “man” (except in Part VII) has the meaning given by section 2(4);
  - “permanent service” includes actual service;
  - “prescribed” means (except in Part VII) prescribed by orders or regulations under section 4;
  - “recall” and “recall order” have the meanings given by section 77;
  - “regular air force” has the same meaning as in the Air Force Act 1955;
  - “regular army” means the regular forces within the meaning of the Army Act 1955 (but does not include the Royal Marines);
  - “regular services” means the Royal Navy, the Royal Marines, the regular army or the regular air force;

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“the reserve forces”, “the reserve naval and marine forces”, “the reserve land forces” and “the reserve air forces” have the meaning given by section 1(2);

“reserve marine force” means the Royal Marines Reserve;

“service law” means military law, air-force law or the Naval Discipline Act 1957 (as the case may require);

“special member” means a member of a reserve force who is, by virtue of Part V, a special member of that force;

“term of compulsory service” has the meaning given by section 13(7);

“the volunteer reserve forces” has the meaning given by section 2(3).

- (2) Any reference in this Act to a member of a reserve force or a member of the reserve forces is to an officer in, or a man of, that force or any of those forces, as the case may be.

### **128 Transitory provisions**

Schedule 8 (transitory and transitional provisions relating to the organisation of the reserve forces as maintained under the Reserve Forces Act 1980) shall have effect.

### **129 Application of Act to persons currently serving in the reserve forces or regular services**

- (1) Schedule 9 shall have effect with respect to the application of this Act in relation to members of the reserve forces who are members of the transitional class.
- (2) Nothing in the Reserve Forces Act 1980 shall apply to a member of a reserve force who is not a member of the transitional class or, in the case of a person who is to be transferred to the reserve from the regular services, is not capable of becoming a member of the transitional class.
- (3) In this Act “the transitional class”, in relation to members of the reserve forces, shall be construed in accordance with Part I of Schedule 9.

### **130 Power to make transitional, consequential etc. provisions**

- (1) The Secretary of State may by regulations make such transitional and consequential provisions and such savings as he considers necessary or expedient in preparation for, in connection with, or in consequence of—
- (a) the coming into force of any provision of this Act; or
  - (b) the operation of any enactment repealed or amended by a provision of this Act during any period when the repeal or amendment is not wholly in force.
- (2) Regulations under this section—
- (a) may make modifications of any enactment contained in this or in any other Act;
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **131 Consequential amendments and repeals**

- (1) Schedule 10 (consequential amendments) shall have effect.

- (2) The enactments specified in Schedule 11 (which include some that are spent) are repealed to the extent specified.

**132 Short title, extent and commencement**

- (1) This Act may be cited as the Reserve Forces Act 1996.
- (2) This Act extends to Northern Ireland.
- (3) Her Majesty may by Order in Council direct that any of the provisions of this Act shall extend, with such exceptions and modifications as appear to Her Majesty to be appropriate, to the Channel Islands and the Isle of Man.
- (4) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed for different purposes.