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SCHEDULES

^{F1}SCHEDULE 1

Textual Amendments

F1 Sch. 1 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2

SCHEDULE 2

Sections 31 and 34.

ARMY AND AIR FORCE PENSIONERS AND OTHER FORMER SOLDIERS NOT LIABLE TO BE RECALLED FOR SERVICE

- 1 A man in holy orders or a regular minister of any religious denomination.
- [^{F42} A person who is receiving treatment for mental disorder as an in-patient in any establishment in the United Kingdom and is under the supervision of a registered medical practitioner.]

Textual Amendments

F4 Sch. 2 para. 2 substituted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 32(2), Sch. 9, Pt. I para. 27

- 3 A person certified to be registered as a blind person—
- (a) by a local authority, as defined for the purposes of Part III of the ^{M3}National Assistance Act 1948, under arrangements made by the authority under section 29 of that Act;
 - (b) by a Health and Social Services Board in Northern Ireland under arrangements made under Article 15(1) of the ^{M4}Health and Personal Social Services (Northern Ireland) Order 1972.

Marginal Citations

M3 1948 c. 29.
M4 S.I. 1972/1265 (N.I. 14)

^{F5}SCHEDULE 3

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Textual Amendments

F5 Sch. 3 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

^{F7}SCHEDULE 4

Textual Amendments

F7 Sch. 4 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

^{F8}SCHEDULE 5

Textual Amendments

F8 Sch. 5 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

^{F10}SCHEDULE 6

Textual Amendments

F10 Sch. 6 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

^{F12}SCHEDULE 7

Textual Amendments

F12 Sch. 7 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

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^{F23}SCHEDULE 8

Section 157.

SAVING AND TRANSITIONAL PROVISIONS

Textual Amendments

F23 Sch. 8 repealed (1.4.1997 except so far as relating to certain paras. and subparas. the repeals of which are still *prosp.*) by 1996 c. 14, ss. 131(2), 132(4), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

General

- 1 References in paragraph (b) of section 17(2) of the ^{M11}Interpretation Act 1978 to subordinate legislation made or other thing done under enactments repealed and re-enacted by this Act shall be construed as including references to subordinate legislation or other thing having effect as if made or done by virtue of—
- (a) the ^{M12}Army Reserve Act 1950 section 29(4);
 - (b) the ^{M13}Air Force Reserve Act 1950 section 30(4);
 - (c) the ^{M14}Auxiliary Forces Act 1953 section 46(2).

Marginal Citations

- M11** 1978 c. 30.
- M12** 1950 c. 32.
- M13** 1950 c. 33.
- M14** 1953 c. 50.

- 2
- 3
- 4 A conviction for an offence under an enactment repealed by this Act shall be treated for the purposes of the Act as a conviction for an offence under the corresponding provision of the Act.

Saving of amendments

- [^{F245} (1) The amendments made—
- (a) by section 23(6) of, and paragraph 32 of Schedule 1 to, the ^{M15}Reserve Forces Act 1966, ^{F25}
 - (b) ^{F25}
- (2) The ^{F26}Royal Marine Forces Volunteer Reserve shall continue to be known ^{F26}as ^{F26}the Royal Marines Reserve, and references to that ^{F26}marine volunteer reserve in any enactment or instrument shall continue to be construed accordingly.
- (3) In section 210(2)(b) of the ^{M16}Army Act 1955 the reference to actual service shall continue to be construed as including a reference to permanent service in the marine forces in pursuance of section 11(1) above.]

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Textual Amendments

- F24** Sch. 8 para. 5 repealed (1.4.1997 except so far as relating to para. 5(1)(3) the repeal of which is still *prosp.*) by 1996 c. 14, ss. 131(2), 132(4), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**
- F25** Sch. 8 para. 5(1)(b) and the immediately preceding “and” repealed (with saving) by **Armed Forces Act 1981** (c. 55, SIF 7:1), s. 28(2), **Sch. 5 Pt. I**
- F26** Words repealed by **Reserve Forces Act 1982** (c. 14, SIF 7:2), **s. 1(3)**

Marginal Citations

- M15** 1966 c. 30.
M16 1955 c. 18.

Permanent service in naval and marine reserves

- 6 Any reference in any enactment to actual service under section 4 of the ^{M17}Royal Naval Reserve (Volunteer) Act 1859 shall be construed as a reference to permanent service in the naval or marine forces by virtue of section 10(1) above.

Marginal Citations

- M17** 1859 c. 40.

Militia storehouses

- 7 (1) Notwithstanding the repeal by this Act of section 4 of the ^{M18}Territorial Army and Militia Act 1921, any enactment repealed by that Act which related to militia storehouses shall continue to apply in relation to militia storehouses provided before the commencement of that Act as though that Act and this Act had not been passed.

In this sub-paragraph “militia storehouses” means any building or premises provided for keeping in them the arms, accoutrements, clothing and other stores belonging to any regiment, battalion or corps of militia, when not embodied.

- (2) Any moneys—
- (a) which have been paid to and invested by or shall be paid to the proper officer of a county council on account of the proceeds of the sale of any place provided for keeping militia stores, and
 - (b) which are not required for the purposes of the ^{M19}Militia Law Amendment Act 1854,

may be applied to any of the purposes to which money raised on the security of the county rate or stock is applicable or it may be invested in any security in which trustees may by law invest trust moneys, and the interest applied in aid of the county rate or stock, as shall be directed by the county council.

Marginal Citations

- M18** 1921 c. 37.
M19 1854 c. 105.

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*Enlistment in the ^{M20}Territorial Army or Royal Auxiliary Air Force
prior to order or regulation under Auxiliary Forces Act 1953*

Marginal Citations

M20 1953 c. 50.

- 8 Where a man—
- (a) is a member of the Territorial Army or the Royal Auxiliary Air Force, and
 - (b) was enlisted before the date of any order or regulation under the Auxiliary Forces Act 1953,
- nothing in any order or regulation made under any provision of that Act or made or having effect under a corresponding provision of this Act shall render him liable without his consent to be appointed, transferred or attached to any military or air force body to which he could not without his consent have been appointed, transferred or attached if that order or regulation had not been made.

Reserve of officers maintained under section 11(4) of Auxiliary Forces Act 1953

.....

Transfers to reserve under Army Act and Air Force Act

- 10 In this Act—
- (a) references to the ^{M23}Army Act 1955 in connection with transfers to the reserve include such transfers under the Army Act;
 - (b) references to the ^{M24}Air Force Act 1955 in connection with transfers to the reserve include such transfers under the Air Force Act.

Marginal Citations

M23 1955 c. 18.

M24 1955 c. 19.

Modifications of other enactments

- 11 Without prejudice to section 152(2) above—
- (a) any reference in any enactment to, or to provisions which include, section 5 of the ^{M25}Army Reserve Act 1950 or section 5 of the ^{M26}Air Force Reserve Act 1950 or to a proclamation ordering the calling out of the Army Reserve or the Air Force Reserve under those sections shall be construed respectively as, or as including, a reference to section 10 above or to an order authorising the calling out of the Army Reserve or the Air Force Reserve under that section 10;
 - (b) any reference in any enactment to the embodying or disembodying of the Territorial Army or the Royal Auxiliary Air Force or any part or member of that reserve or force shall be construed—
 - (i) in relation to a member of the Territorial Army, as a reference to his being called into, or released from, service by virtue of section 10(1) or section 11(1) above;

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- (ii) in relation to a member of the Royal Auxiliary Air Force, as a reference to his being called into, or released from, service by virtue of section 10(1).

Marginal Citations

M25 1950 c. 32.

M26 1950 c. 33.

Naval and Marine Reserves Pay Act 1957

- 12 Notwithstanding the repeal by this Act of the references to—
- (a) officers and men of the Royal Naval Volunteer Reserve, and
 - (b) officers and men of the Royal Naval Special Reserve,
- in Schedule 1 to the ^{M27}Naval and Marine Reserves Pay Act 1957, those officers and men described in paragraphs (a) and (b) above shall be deemed to be among those described in subsection (2) of section 59 above for the purposes of that section.

Marginal Citations

M27 1957 c. 32.

The lieutenancies in England and Wales

- 13 (1) Any reference to a lieutenant of a county or of Greater London—
- (a) in any enactment passed before the end of the session in which the ^{M28}Local Government Act 1972 was passed, or
 - (b) in any instrument made before the passing of that Act,
- shall be construed as a reference to the lord-lieutenant of a county or of Greater London, as the case may be.
- (2) Where immediately before 1st April 1974—
- (a) any lieutenant held office, Her Majesty may by Order in Council provide that he shall continue to hold office on and after that date as a lord-lieutenant or as a lieutenant of a new county or Greater London, according as may be specified in the Order;
 - (b) any deputy lieutenant held office outside Greater London, he shall continue to hold office on and after that date as deputy lieutenant of the new county in which he resides or such other new county as may be specified in an order made by the Secretary of State.

In this sub-paragraph—

- (i) nothing prejudices any power of removal or of directing removal from any office; and
- (ii) “Greater London” does not include the City of London or the Inner Temple and the Middle Temple; and
- (iii) “new county” has the meaning given by the Local Government Act 1972.

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Marginal Citations

M28 1972 c. 70.

The lieutenancies in Scotland

- 14 (1) Any reference to a lieutenant of a county in Scotland—
- (a) in any enactment passed before the end of the session in which the Local Government (Scotland) Act 1973 was passed, or
 - (b) in any instrument made before the passing of that Act,
- shall be construed as a reference to the lord-lieutenant holding office for an area by virtue of section 131 above.
- (2) Where immediately before 16th May 1975—
- (a) any lieutenant held office in Scotland, Her Majesty may by Order in Council provide that he shall continue to hold office on and after that date as lord-lieutenant for such part of a region as may be specified in the Order or for an islands area;
 - (b) any deputy lieutenant held office in Scotland, he shall continue to hold office on and after that date as deputy lieutenant of the part of the region, islands area or district of the city in which he resides or of such other area as may be specified in an order made by the Secretary of State.
- Nothing in this sub-paragraph prejudices any power of removal or of directing removal from any office.

Permanent service call out of special class of Royal Fleet Reserve otherwise than under section 11

- 15 (1) Where section 11 above does not apply to a man of the special class of the Royal Fleet Reserve he is liable during the whole of his service in that class of the reserve to be called out for permanent service at any time when warlike operations are in preparation or in progress outside the United Kingdom (including the Channel Islands and the Isle of Man), but this sub-paragraph—
- (a) does not make the man liable to serve for a period or periods exceeding 12 months in all without his written consent,
 - (b) is without prejudice to any liability imposed on the man by section 16(1) above,
- and any exercise of the power under this sub-paragraph to call men out for permanent service shall be reported to Parliament forthwith.
- (2) The provisions of sub-paragraph (1) above are in addition to, and not in substitution for, the provisions of any other enactment under which officers or men of—
- (a) the Royal Naval Reserve and the Royal Fleet Reserve, and
 - (b) the Royal Marines Reserve,
- are liable to be called out for permanent service.

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*Permanent service call out of Army Reserve and
Air Force Reserve otherwise than under section 11*

[^{F27}16^{E27}(1).....

- (2) Where section 11 does not apply to a man—
 - (a) who enlisted in the regular forces within the meaning of the Army Act 1955 after 26th February 1964, and
 - (b) who was transferred to the Army Reserve in pursuance of—
 - (i) the ^{M29}Army Act 1955, or
 - (ii) the ^{M30}Army and Air Force Act 1961, or
 - (iii) regulations under section 2 of the ^{M31}Armed Forces Act 1966, and
 - (c) who on his transfer was designated by the competent military authority as subject to this provision for a specified period not exceeding 3 years beginning with the beginning of his service in the Army Reserve,
 he is liable to be called out for permanent service on overseas service at any time during that period.

- (3) Where section 11 does not apply to a man of the Army Reserve, that man, whether he entered the reserve—
 - (a) on transfer, or
 - (b) on re-engagement, or
 - (c) on being enlisted or on being deemed to be enlisted,
 shall, if he has entered into a written agreement (which may be revoked by 3 months’ written notice) to be so liable at the time in question, be liable at any time during his service in that reserve to be called out for permanent service on overseas service.

This sub-paragraph is without prejudice to sub-paragraphs (1) and (2) above.

^{F27}(4).....

- (5) Where section 11 does not apply to a man—
 - (a) who enlisted in the regular air force within the meaning of the Air Force Act 1955 after 26th February 1964, and
 - (b) who was transferred to the Air Force Reserve in pursuance of—
 - (i) the Air Force Act 1955, or
 - (ii) the Army and Air Force Act 1961, or
 - (iii) regulations under section 2 of the ^{M32}Armed Forces Act 1966, and
 - (c) who on his transfer was designated by the competent air force authority as subject to this provision for a specified period not exceeding 3 years beginning with the beginning of his service in the Air Force Reserve,
 he is liable to be called out for permanent service on overseas service at any time during that period.

- (6) Where section 11 does not apply to a man of the Air Force Reserve, that man, whether he entered the reserve—
 - (a) on transfer, or
 - (b) on re-engagement, or
 - (c) on being enlisted or on being deemed to be enlisted,

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shall, if he has entered into a written agreement (which may be revoked by 3 months' written notice) to be so liable at the time in question, be liable at any time during his service in that reserve to be called out for permanent service on overseas service.

This sub-paragraph is without prejudice to [F28 sub-paragraph] (2) above.

- (7) A man shall not without his written consent be liable to serve under sub-paragraphs (1) to (6) above for a period which, together with any previous period for which he was called out under any of those sub-paragraphs, exceeds 12 months.
- (8) Any exercise of the power of calling out men under this paragraph shall be reported to Parliament forthwith.
- (9) The number of men for the time being called out under any of the provisions of this paragraph shall not be reckoned in the numbers for the time being authorised by Parliament for the regular forces or for the regular air force.
- (10) In this paragraph “overseas service” means service when the men in question are required for service outside the United Kingdom when warlike operations are in preparation or progress; and the reference to the United Kingdom in this sub-paragraph shall be construed as if that expression included the Channel Islands and the Isle of Man.]

Textual Amendments

- F27** Sch. 8 para. 16 repealed (1.4.1997 except so far as relating to para. 16(2)(3)(5)-(10) the repeal of which is still *prosp.*) by [1996 c. 14](#) ss. 131(2), 132(4), Sch. 11 (with s. 72(5)); [S.I. 1997/305](#), [art. 2](#)
- F28** Words in Sch. 8 para. 16(6) substituted (1.4.1997) by [S.I. 1997/306](#), [reg. 28](#).

Marginal Citations

- M29** [1955 c. 18](#).
- M30** [1961 c. 52](#).
- M31** [1966 c. 45](#).
- M32** [1966 c. 45](#).

Call out for training of Army Reserve and Air Force Reserve otherwise than under section 38

- 17 (1) Where section 38 above does not apply to a man of the Army Reserve he may be called out for annual training—
- (a) at such time or times, and
 - (b) at such place or places within the United Kingdom, and
 - (c) for such period or periods,
- as may be prescribed, but he is not liable to be called out under this sub-paragraph in any one year for more than 12 days or 20 drills.
- (2) Such a man may, during any period of training for which he may be called out, be attached to and trained with any body of the regular or auxiliary forces.
- (3) Where section 38 does not apply to a man of the Air Force Reserve he may be called out for annual training—
- (a) at such time or times, and
 - (b) at such place or places within the United Kingdom, and
 - (c) for such period or periods,

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as may be prescribed.

- (4) The period or periods so prescribed shall not exceed in any one year—
- (a) 24 days in the case of a man who is serving as a qualified pilot or as a qualified navigator;
 - (b) 6 months in the case of a man who is undergoing instruction with a view to his qualifying for service as a pilot or navigator;
 - (c) 12 days or 20 drills or instructional parades in the case of any other man.

In this sub-paragraph “navigator” includes “observer”, and “qualified” means qualified in accordance with orders or regulations made under the provisions of this Act relating to the Air Force Reserve.

- (5) A man of the Air Force Reserve may, during any period of training for which he may be called out or which he may be required to undergo, be attached to and trained with any body of the regular or auxiliary air force.
- (6) Sub-paragraphs (3) to (5) above are subject to the provisions of this Act relating to special reservists.

Call out for training of Territorial Army otherwise than under section 38

.....

Election for section 38 to apply

- 19 A person who immediately before 1st January 1967 was a man of the regular army or the regular air force may elect irrevocably in the prescribed manner that, on his becoming a member of the Army Reserve or the Air Force Reserve, he shall be a person to whom section 38 above applies.

Section 12 of Social Security (Miscellaneous Provisions) Act 1977

- 20 Where section 12 of the ^{M33}Social Security (Miscellaneous Provisions) Act 1977 applied immediately before the commencement of this Act to any provision which is repealed and re-enacted by this Act that section continues to apply to that provision as so re-enacted as it applied immediately before that commencement.

Marginal Citations

M33 1977 c. 5.

CONSEQUENTIAL AMENDMENTS

Textual Amendments

F29 Sch. 9 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11 (with s. 72(5)); S.I. 1997/305, art. 2(1)

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ORDERS

M34 Industrial Relations (Northern Ireland) Order 1976

Marginal Citations

M34 [S.I. 1976/1043 \(N.I. 16\)](#).

F30 19

Textual Amendments

F30 [Sch. 9 para. 19](#) repealed (1.7.1994) by [S.I. 1993/2668 \(N.I. 11\)](#), arts. 18(4), [Sch.8](#); [S.R. 1994/215](#), [art. 2](#)

Industrial Relations (No. 2) (Northern Ireland) Order 1976

F31 20

Textual Amendments

F31 [Sch. 19 para. 20](#) repealed (1.7.1994) by [S.I. 1993/2668\(N.I.11\)](#), arts. 18(4), [Sch.8](#); [S.R. 1994/215](#), [art. 2](#)

21

Textual Amendments

F32 [Sch. 9 para. 21](#) repealed by [S.I. 1980/870 \(N.I. 8\)](#), [Sch. 4 Pt II](#)

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