



# Reserve Forces Act 1980

## 1980 CHAPTER 9

### PART II

#### CALL OUT AND RECALL

*Other provisions as to call out for service*

#### **[<sup>F1</sup>19A Postponement of discharge of members of [<sup>F2</sup>Regular Reserve] during call out.**

- (1) Where a man of the [<sup>F2</sup>Regular Reserve] is called out on permanent service at a time when he would apart from this section be entitled to be discharged he may be retained in service for such period as is mentioned below, and his service may be prolonged accordingly.
- (2) No person shall be retained in service by virtue of this section later than the end of twelve months after the date on which apart from this section he would be entitled to be discharged.
- (3) Subject to subsection (2) above, a person who apart from this section would be entitled to be discharged may be retained in service for such period as the competent military authority may order.
- (4) If while a man of the [<sup>F2</sup>Regular Reserve] is being retained in service by virtue of this section it appears to the competent military authority that his services can be dispensed with, he is entitled to be discharged.
- (5) Where, at the time at which under subsections (1) to (4) above a man of the [<sup>F2</sup>Regular Reserve] is entitled to be discharged, a state of war exists between Her Majesty and a foreign power—
  - (a) he may, by declaration made in the prescribed form before his commanding officer, agree to continue in service while such a state of war exists, and
  - (b) if the competent military authority approve, he may continue accordingly as if the period for which his term of service could be prolonged under subsections (1) to (4) above were a period continuing so long as a state of war exists;

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**Changes to legislation:** Reserve Forces Act 1980, Section 19A is up to date with all changes known to be in force on or before 03 August 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

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but this is subject to subsection (6) below.

- (6) If it is so specified in the declaration, he is entitled to be discharged at the end of three months' notice given by him to his commanding officer.
- (7) [<sup>F3</sup>In subsections (3) to (5)—
- “the competent military authority” means the Defence Council or any officer of a description prescribed by regulations of the Defence Council;
- “prescribed” means prescribed by regulations of the Defence Council.]
- (8) Subject to subsection (9) below, in subsection (1) above the reference to a man of the [<sup>F2</sup>Regular Reserve] being called out on permanent service is a reference to his being called out under an order made under—
- (a) section 52 of the Reserve Forces Act 1996 (call out in the event of a national emergency, great danger or an actual or apprehended attack on the United Kingdom, the Channel Islands or the Isle of Man), or
- (b) section 54 of the 1996 Act (call out because warlike operations are in preparation or in progress).
- (9) In relation to a man of the [<sup>F2</sup>Regular Reserve] who enlisted in the [<sup>F2</sup>Regular Reserve] before 1st April 1967, the reference to a man of the [<sup>F2</sup>Regular Reserve] being called out on permanent service includes a reference to his being called out under an order under section 54 of the 1996 Act only if—
- (a) he re-engaged in the [<sup>F2</sup>Regular Reserve] on or after that date, or
- (b) he has made an irrevocable election to that effect in the prescribed manner.]

#### Textual Amendments

- F1** S.19A inserted (1.1.1999) by 1998/3086, reg. 11, Sch. para. 6
- F2** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), [s. 44\(3\)\(a\)\(4\)50\(1\)](#) (with [s. 49\(3\)\(5\)](#)); [S.I. 2014/2370](#), art. 4(a)
- F3** S. 19A(7) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), [s. 383\(2\)](#), [Sch. 14 para. 5](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act excluded (prosp.) by [1996 c. 14 s. 129\(2\)](#)
- Act modified (prosp.) by [1996 c. 14 s. 128Sch. 8 para. 4\(5\)](#)
- Act repealed (except s.048, 55, 130-138,140,151,156,157, 158) (prosp.) by [1996 c. 14 s. 131\(2\)Sch. 11](#)