



# Reserve Forces Act 1980

## 1980 CHAPTER 9

### PART II U.K.

#### CALL OUT AND RECALL

##### *Recall of service pensioners and former soldiers*

### 31 Liability of army and air force pensioners to recall. U.K.

- (1) An army or air force pensioner to whom this section applies shall be liable under this section to be recalled for service in such circumstances and for such period as are specified in this section and in sections 32 and 33 below.
- (2) This section applies to army and air force pensioners whose service pensions have been assessed or re-assessed in accordance with pension provisions made on or after 16th December 1948, other than—
  - (a) pensioners whose service pensions were originally granted before 3rd September 1939;
  - (b) pensioners being those of any description mentioned in Schedule 2 to this Act.
- (3) In subsection (2) above the expression “pension provisions made on or after 16th December 1948” means—
  - (a) in the case of army pensioners, the provisions of a Royal Warrant issued on or after 16th December 1948,
  - (b) in the case of air force pensioners, the provisions of an Order by Her Majesty so issued,not being provisions as to which the Warrant or Order directs that they shall be disregarded for the purposes of this section.
- (4) A person shall cease to be liable under this section to be recalled for service when he attains the age of 60 years.
- (5) A person recalled for service under this section shall not suffer—

*Status: Point in time view as at 31/10/2009.*

*Changes to legislation: Reserve Forces Act 1980, Section 31 is up to date with all changes known to be in force on or before 22 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)*

- (a) any reduction in pay or other emoluments in respect of his service while recalled by reason of being in receipt of a service pension; or
  - (b) the withholding or reduction of his service pension by reason of his being in receipt of any such pay or emoluments.
- (6) In this section—
- “army pensioner” and “air force pensioner” means persons who have been discharged from service as soldiers and as airmen respectively and are in receipt of service pensions,
- “service pension” means a pension granted in respect of service as a soldier of the [<sup>F1</sup>regular army] or an airman of the [<sup>F2</sup>Royal Air Force] or in respect of that service and other service, but does not include a pension awarded in respect of disablement,
- [<sup>F3</sup>“soldier” and “airman” include a warrant officer and a non-commissioned officer.]
- (7) For the purposes of [<sup>F4</sup>this section and section 32], a person shall be deemed to be in receipt of a pension if the pension has been granted to him and has not been wholly forfeited, notwithstanding—
- (a) that any part of the pension has been commuted for a sum of money in lieu of the pension; or
  - (b) that the pension or any part of it is for the time being administered or otherwise applied for any purpose or paid to some other person; or
  - (c) that the pension or any part of it has not been paid for any period.

For the purposes of this subsection the forfeiture of a pension shall be disregarded if the whole or any part of the pension has been restored since the forfeiture was incurred.

#### Textual Amendments

- F1** Words in s. 31(6) 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. 12\(2\)\(a\)\(i\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- F2** Words in s. 31(6) 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. 12\(2\)\(a\)\(ii\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- F3** Words in s. 31(6) 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. 12\(2\)\(b\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4
- F4** Words in s. 31(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. 12\(3\)](#); 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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