



# Reserve Forces Act 1996

## 1996 CHAPTER 14

### PART II

#### ENLISTMENT AND CONDITIONS OF SERVICE

##### *Discharge*

#### **14 General powers to discharge men of the reserve forces.**

- (1) The Defence Council may at any time discharge any man of any of the reserve forces.
- (2) The power conferred by this section may also be exercised by any officer authorised by or in accordance with directions of the Defence Council to exercise that power.
- (3) A man discharged by an authorised officer may appeal to the Defence Council, who may give such directions in his case (including a direction annulling the discharge) as they consider appropriate.

#### **15 Discharge by commanding officer.**

- (1) [<sup>F1</sup>A commanding officer may discharge any man of a reserve force under his command][<sup>F1</sup>A man of a reserve force may be discharged by his commanding officer ], in such manner and on such grounds as may be prescribed.
- (2) A man discharged by his commanding officer may appeal to the Defence Council, who may give such directions in his case (including a direction annulling the discharge) as they consider appropriate.

#### **Textual Amendments**

- F1** Words in s. 15(1) substituted (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 29](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

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*Status: Point in time view as at 28/03/2009.*

*Changes to legislation: Reserve Forces Act 1996, Cross Heading: Discharge is up to date with all changes known to be in force on or before 12 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)*

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## **16 Entitlement to discharge.**

- (1) Any man of a reserve force shall (subject to the provisions of this Act) be entitled to be discharged on the expiry of his current term of service.
- (2) Any enlisted man of a reserve force shall (subject to the provisions of this Act) be entitled to be discharged—
  - (a) before the end of his current term of service, on complying with the conditions mentioned in subsection (4); and
  - (b) in such other circumstances as may be prescribed.
- (3) Subsection (2) shall also apply to any man of a reserve force who re-engages in the force; but in the case of a man who—
  - (a) is serving on transfer to the reserve from the regular services, and
  - (b) re-engages before the end of his term of compulsory service,
 paragraph (a) of that subsection shall not apply until after the end of his term of compulsory service.
- (4) The conditions for entitlement to discharge under subsection (2)(a) are that the man concerned—
  - (a) gives to his commanding officer 3 months' notice in writing, or such less notice as may be prescribed, of his desire to be discharged; and
  - (b) delivers up in good order, fair wear and tear excepted, all arms, clothing and other public property issued to him, or, in cases where for any good or sufficient cause the delivery of that property is impossible, paying its value, but his commanding officer may, if it appears that the reasons for which the discharge is claimed are of sufficient urgency or weight, dispense either wholly or in part with either or both of the above conditions.
- (5) A man of a reserve force who becomes entitled to be discharged shall be discharged in such manner as may be prescribed with all convenient speed (and shall continue as a man of that force until actually discharged).

## **17 Postponement of discharge.**

- (1) Where, at the time he would (apart from this section) become entitled to be discharged under section 16, a man is in permanent service or full-time service under a full-time service commitment, he shall not be entitled to be discharged until he is released from that service.
- (2) Where, at the time when a man not in permanent service or full-time service under a full-time service commitment would (apart from this section) become entitled to be discharged under section 16(1), an order under section 52 is in force authorising the call out of members of any reserve force, he may be required to prolong his service for such further term, not exceeding 12 months, as the Defence Council or an authorised officer may order.
- (3) In subsection (2) “authorised officer” means an officer authorised by or in accordance with directions of the Defence Council to exercise the power conferred by that subsection.
- (4) Where, at the time when a man not in permanent service or full-time service under a full-time service commitment would (apart from this section) become entitled to be discharged under section 16(2), an order under section 52 or 54 is in force authorising

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the call out of members of any reserve force, he shall not be entitled to be so discharged while that call-out order is in force.

## **18 Rights of men on being discharged.**

- (1) Where a man who is to be discharged from a reserve force is in permanent service and serving outside the United Kingdom—
  - (a) if he requires to be released from that service and discharged in the United Kingdom, he shall be sent there free of charge with all convenient speed and shall be released from service and discharged on his arrival there; but
  - (b) if at his request he is released from that service and discharged at the place where he is serving he shall have no claim to be sent to the United Kingdom or elsewhere.
- (2) If such a man is released from permanent service and discharged in the United Kingdom, he shall be entitled to be conveyed free of charge from the place where he is discharged to the place stated on his attestation paper to be the place where he was attested or to any place in the United Kingdom at which he intends to reside.

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