



Reserve Forces Act 1996

1996 CHAPTER 14

PART II

ENLISTMENT AND CONDITIONS OF SERVICE

Enlistment and re-engagement

9 Enlistment of men in the reserve forces

- (1) An enlisting officer may enlist as men in any reserve force such persons as he considers suitable.
- (2) In this Part “enlisting officer” means—
 - (a) a lord-lieutenant or deputy lieutenant holding office under Part VI of the Reserve Forces Act 1980;
 - (b) an officer of the regular services or of any reserve force;
 - (c) any consul-general, consul or vice consul or any other person duly exercising the functions of a British consul in any place outside the United Kingdom.
- (3) A recruit may not be enlisted in any country or territory outside the United Kingdom which is specified for the purposes of this subsection by Her Majesty by Order in Council.
- (4) Schedule 1 (enlistment of men in the reserve forces) shall have effect.
- (5) In this Act any reference to men enlisted in a reserve force, so far as relating to any of the reserve naval and marine forces, is a reference to men entered for service in that force.

10 Enlistment of foreign nationals and residents

- (1) Orders or regulations under section 4 may provide for the enlistment in any reserve force of persons who are not British citizens or who reside outside the United Kingdom.

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- (2) A person who is not a British citizen or who resides outside the United Kingdom may not be enlisted in a reserve force unless his enlistment is permitted by provision made for the purposes of subsection (1).

11 Re-engagement for service

- (1) A man of a reserve force may be re-engaged for such period, beginning immediately after the end of his current term of service, as may be prescribed.
- (2) A man wishing to re-engage—
- (a) shall do so before being discharged, but not more than 12 months before the end of his current term of service; and
 - (b) on that re-engagement shall make such declaration as may be prescribed before an enlisting officer.
- (3) A man who has re-engaged under this section may re-engage on a second or subsequent occasion.

12 Service in the reserve land and air forces on enlistment

- (1) Orders and regulations under section 4 may make provision as to the corps, units or bodies into which persons enlisting in a reserve land or air force may be enlisted.
- (2) Subject to any restriction of choice imposed by or in accordance with orders or regulations under section 4—
- (a) a man of the Territorial Army shall be enlisted for service in such corps and posted to such unit as he may select;
 - (b) a man of the Royal Auxiliary Air Force shall be enlisted for service in such unit as he may select; and
 - (c) a man enlisted in the Army Reserve or the Air Force Reserve shall be enlisted for service in such military body or air-force body (as the case may be) as he may select.
- (3) A man of the Territorial Army may not (after his enlistment) be transferred to another corps, or posted or attached to any unit, without his consent.
- (4) A man of the Royal Auxiliary Air Force may not (after his enlistment) be posted or attached to any unit without his consent.
- (5) A man of the Army Reserve or Air Force Reserve may not (after his enlistment in or transfer to that force) be appointed, posted, transferred or attached to any military body or air-force body without his consent.
- (6) Subsections (3), (4) and (5) do not apply to a man of a reserve force while he is in permanent service.

13 Transfer of men between reserve forces

- (1) A man serving in an ex-regular reserve force on transfer from the regular services may, with the consent of an authorised officer, enlist in another reserve force.
- (2) A man enlisted in a reserve force (including a man enlisted by virtue of subsection (1)) may, with the consent of an authorised officer, enlist in another reserve force.

- (3) On enlisting in a reserve force by virtue of this section the man concerned shall cease to be a member of the reserve force in which he was previously serving.
- (4) A man originally serving in an ex-regular reserve force on transfer from the regular services who—
 - (a) ceases to be a member of a reserve force in which he enlisted by virtue of this section without enlisting or re-enlisting in another reserve force; and
 - (b) does so before the date on which his term of compulsory service in the ex-regular reserve force to which he was transferred would have expired if he had not ceased to be a member of it on enlisting in another reserve force,shall, unless an authorised officer otherwise directs, again be a man of the ex-regular reserve force to which he was transferred from the regular services.
- (5) A direction by an authorised officer under subsection (4) may be given in respect of—
 - (a) one or more named individuals; or
 - (b) persons of any description specified in the direction.
- (6) In this section “authorised officer” means an officer authorised by or in accordance with directions of the Defence Council to exercise the powers conferred by this section.
- (7) In this Act “term of compulsory service” means the term for which a person is required to serve in an ex-regular reserve force in pursuance of a requirement imposed by or under the Army Act 1955, the Air Force Act 1955 or the Armed Forces Act 1966.

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) A commanding officer may discharge any man of a reserve force under his command, 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.

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—

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- (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 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.

Supplementary

19 Orders and regulations as to enlistment etc

- (1) Orders or regulations under section 4 may make provision with respect to the enlistment and re-engagement of men in, and the discharge of men from, the reserve forces.
- (2) Such orders or regulations may, in particular, include provision—
 - (a) specifying the duration of any term for which a person may enlist, whether by reference to a number of years or another criterion or a number of years and another criterion;
 - (b) enabling a man enlisted for a term of service of a description specified in the order or regulations concerned to be treated as if he had enlisted for a term of service of a different description;
 - (c) enabling a man to extend or reduce the term of his service; and
 - (d) enabling service in the reserve forces, or service otherwise than for the purposes of training, to be restricted to service in the United Kingdom or in any area of the United Kingdom.
- (3) No order or regulations under section 4 may make provision such as is mentioned in subsection (1) which has the effect, in relation to any person who was a man of a reserve force immediately before the coming into force of the order or regulations concerned—
 - (a) of imposing a new or greater obligation on him without his consent, or
 - (b) of varying or revoking, without his consent, a right to which he is entitled, not being a right exercisable only with the consent of another person or an authority.
- (4) The term for which, or any limited area within which, a man of a reserve force is liable to serve may not, without his consent, be affected or extended by or in accordance with orders or regulations under section 4.

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20 Command, posting etc. of men in permanent service

- (1) Men of a reserve force who are in permanent service shall be placed under the command of such officers as the Defence Council or an authorised officer may direct and may be attached to any body or unit of Her Majesty's armed forces.
- (2) Men of the reserve forces in permanent service may, without their consent—
 - (a) in the case of the reserve naval and marine forces, be drafted or posted, appointed or transferred to any naval or marine body or unit;
 - (b) in the case of the reserve land forces, be posted, appointed or transferred to any military body or unit (including, in the case of a man of the Territorial Army, transfer to any corps);
 - (c) in the case of the reserve air forces, be posted, appointed or transferred to any air-force unit or body,by order of the Defence Council or an authorised officer.
- (3) A man of a reserve force who has been the subject of an order under subsection (2) is entitled, if he continues as a member of that force on being released from permanent service, to be returned with all convenient speed to the corps, unit or body in which he was serving immediately before he was accepted into permanent service.
- (4) In this section “authorised officer” means an officer authorised for the purposes of this section by or in accordance with directions of the Defence Council.

21 Service of marines in the Royal Fleet Reserve

Men of the Royal Fleet Reserve who were transferred to that force from the Royal Marines or are enlisted in that force as marines shall—

- (a) when in permanent service; or
 - (b) when undergoing training or performing other duties,
- be liable to serve as marine warrant officers, non-commissioned officers and men and not as warrant officers, petty officers and ratings of the Royal Navy.