



Reserve Forces Act 1996

1996 CHAPTER 14

PART VI

CALL OUT FOR PERMANENT SERVICE

General liability to be called out for permanent service

50 Liability of members of reserve forces under call-out orders

- (1) Members of a reserve force are liable to be called out under this Part for permanent service when any call-out order authorising the calling out of those members is in force.
- (2) A call-out order authorises, subject to subsection (3), the calling out under this Part—
 - (a) of any members of a reserve force; or
 - (b) if the order is so limited, of any members of a reserve force of a description specified in the order;and for the purposes of paragraph (b) a group of members of a force may be described by reference to the unit or body of the force to which they belong or any other criterion.
- (3) A call-out order does not authorise the calling out under this Part of any person who is not liable to be called out under the order by virtue of regulations under section 62 or an exemption granted on an application under regulations under section 78.
- (4) A person who is in service under a call-out order shall serve until released from that service under section 60.
- (5) A person who is released from a period of service under a call-out order is, subject to the provisions of this Act, liable to be called out again on the authority of the same or any other call-out order.
- (6) The number of persons who are in service under a call-out order shall not be reckoned in any numbers for the time being authorised by Parliament for any of the regular services.

51 Geographical extent of liability to service on call out

- (1) A person who is called out under this Part for service under a call-out order is liable to serve anywhere in the world unless the terms of service applicable in his case restrict his liability on being so called out to service within the United Kingdom or any area of the United Kingdom.
- (2) A person whose liability for service is restricted as mentioned in subsection (1) may elect irrevocably in such manner as may be prescribed to be liable for worldwide service—
 - (a) whenever he is called out for service under this Part;
 - (b) whenever he is called out for service on the authority of a call-out order under any provision of this Part specified in the election; or
 - (c) during any period of service (including a current period of service) under a call-out order specified in the election.
- (3) The terms of service of a person who makes an election under subsection (2) are modified to the extent required by the election.
- (4) In this section “the United Kingdom” includes the Channel Islands and the Isle of Man.

Powers to authorise call out

52 Call out for national danger, great emergency or attack on the UK

- (1) Her Majesty may make an order authorising the call out under this Part of members of a reserve force—
 - (a) if it appears to Her that national danger is imminent or that a great emergency has arisen; or
 - (b) in the event of an actual or apprehended attack on the United Kingdom.
- (2) A call-out order under this section shall have effect (subject to any order under subsection (3)) until it is revoked.
- (3) Her Majesty may make an order providing that a call-out order under this section shall cease to authorise the call out of any person who is not in service under the order.
- (4) An order under subsection (3) shall not affect the operation of any call-out notice which is served on any person before the day on which the order under that subsection is made.
- (5) Her Majesty may make an order revoking a call-out order under this section (whether or not its effect has been restricted by an order under subsection (3)).
- (6) Where an order under subsection (5) revoking a call-out order is made—
 - (a) the call-out order shall cease to authorise the calling out of anyone who could otherwise be called out on the authority of that order (including anyone served with a call-out notice before the order under subsection (5) is made who has not been accepted into service); and
 - (b) any person in service under the call-out order shall be entitled to be released.
- (7) A call-out order under this section, and any order under subsection (3) or (5), shall be signified under the hand of the Secretary of State; and the making of such an order shall be reported forthwith to each House of Parliament.

- (8) If, when a call-out order under this section is made, Parliament is separated by an adjournment or prorogation which will not expire within 5 days—
- (a) a proclamation shall be issued for the meeting of Parliament within 5 days; and
 - (b) Parliament shall meet and sit upon the day appointed by the proclamation and shall continue to sit and act as if it had stood adjourned or prorogued to that day.
- (9) In this section “the United Kingdom” includes the Channel Islands and the Isle of Man.

53 Maximum duration of service on call out under section 52

- (1) This section applies for the purpose of determining when members of a reserve force (“the force”) who are in service under a call-out order made under section 52 (“the order”) are, if not released sooner, entitled to be released from that service.
- (2) A man is entitled to be released on the expiry of his current term as a member of the force.
- (3) The Defence Council or any authorised officer may, before a man who is in service under the order becomes entitled to be released by virtue of this section, postpone his entitlement to be released by virtue of subsection (2).
- (4) A man’s entitlement to be released by virtue of subsection (2) may be postponed under subsection (3) more than once, but may not be postponed beyond the end of the period of 12 months beginning with the day on which (disregarding any postponement) that entitlement arises.
- (5) A postponement of a man’s entitlement to be released by virtue of subsection (2) shall not prevent him becoming entitled to be released by virtue of subsection (6) or, as the case may be, subsection (10).
- (6) Any member of the force is entitled to be released when his current service under the order, or his current service under the order and any relevant service in aggregate, exceeds 3 years.
- (7) A person may enter into a written agreement consenting to the extension of his period of service under the order beyond—
- (a) the day on which he is entitled to be released by virtue of subsection (6), or
 - (b) the day on which, by virtue of a subsisting agreement under this subsection, he is entitled to be released by virtue of subsection (10),
- until the end of such period beginning with that day, not exceeding 12 months, as may be specified in the agreement.
- (8) An agreement under subsection (7) may not be entered into at any time—
- (a) when the person concerned is not in service under the order;
 - (b) when he could not be served with a call-out notice on the authority of the order or any other call-out order under section 52; or
 - (c) more than 12 months before the day on which (disregarding the agreement) he is entitled to be released by virtue of subsection (6) or, as the case may be, subsection (10).
- (9) An extension by an agreement under subsection (7) shall prevent the person concerned becoming entitled to be released on the day on which, apart from the agreement, he would be entitled to be released under subsection (6) or, as the case may be,

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subsection (10); but such an agreement shall not prevent a man becoming entitled to be released by virtue of subsection (2).

- (10) A person who has entered into an agreement under subsection (7) is entitled to be released at the end of the period specified in the agreement as the period for which his permanent service is being extended.
- (11) Her Majesty may by order signified under the hand of the Secretary of State provide that, in the case of such descriptions of person as may be specified in the order, subsection (6) shall apply as if for the words “3 years” there were substituted “5 years”.
- (12) The making of an order under subsection (11) shall be reported forthwith to each House of Parliament.
- (13) In this section “relevant service”, in relation to a person in service under the order, means any permanent service under this Part, or Part IV, V or VII, in the 6 years immediately preceding the first day of his current service under the order.

54 Call out for warlike operations

- (1) The Secretary of State may make an order authorising the calling out of members of a reserve force if it appears to him that warlike operations are in preparation or progress.
- (2) A call-out order under this section—
 - (a) shall specify a date, not more than 12 months from the day on which the order is made, on which the order is (unless an order under subsection (3) is made) to cease to authorise the call out of any person who is not in service under the order; and
 - (b) shall have effect (subject to paragraph (a) or to any order under subsection (3)) until it is revoked.
- (3) The Secretary of State may, before the date specified in the call-out order under subsection (2)(a), make an order providing that a call-out order under this section shall cease to authorise the call out of any person who is not in service under the order.
- (4) The restriction of the effect of a call-out order under this section—
 - (a) by an order under subsection (3), or
 - (b) by subsection (2)(a),
 shall not affect the operation of any call-out notice served on any person before the day on which the order under subsection (3) is made or, as the case may be, the day specified in the call-out order.
- (5) The Secretary of State may make an order revoking a call-out order under this section (whether or not its effect has been restricted as mentioned in subsection (4)).
- (6) Where an order under subsection (5) revoking a call-out order is made—
 - (a) the call-out order shall cease to authorise the calling out of anyone who could otherwise be called out on the authority of that order (including anyone served with a call-out notice before the order under subsection (5) is made who has not been accepted into service); and
 - (b) any person in service under the call-out order shall be entitled to be released.
- (7) The making of any call-out order under this section, or any order under subsection (3) or (5), shall be reported forthwith to each House of Parliament.

55 Maximum duration of service on call out under section 54

- (1) This section applies for the purpose of determining when members of a reserve force (“the force”) who are in service under a call-out order made under section 54 (“the order”) are, if not released sooner, entitled to be released from that service.
- (2) A man is entitled to be released on the expiry of his current term as a member of the force.
- (3) The Defence Council or any authorised officer may, before a man who is in service under the order becomes entitled to be released by virtue of this section, postpone his entitlement to be released by virtue of subsection (2).
- (4) A man’s entitlement to be released by virtue of subsection (2) may be postponed under subsection (3) more than once, but may not be postponed beyond the end of the period of 12 months beginning with the day on which (disregarding any postponement) that entitlement arises.
- (5) A postponement of a man’s entitlement to be released by virtue of subsection (2) shall not prevent him becoming entitled to be released by virtue of subsection (6) or, as the case may be, subsection (10).
- (6) Any member of the force is entitled to be released when his current service under the order, or his current service under the order and any relevant service in aggregate, exceeds 12 months.
- (7) A person may enter into a written agreement consenting to the extension of his period of service under the order beyond—
 - (a) the day on which he is entitled to be released by virtue of subsection (6), or
 - (b) the day on which, by virtue of a subsisting agreement under this subsection, he is entitled to be released by virtue of subsection (10),until the end of such period beginning with that day, not exceeding 6 months, as may be specified in the agreement.
- (8) An agreement under subsection (7) may not be entered into at any time—
 - (a) when the person concerned is not in permanent service under the order;
 - (b) when he could not be served with a call-out notice on the authority of the order or any other call-out order under section 54; or
 - (c) more than 6 months before the day on which (disregarding the agreement) he is entitled to be released by virtue of subsection (6) or, as the case may be, subsection (10).
- (9) An extension by an agreement under subsection (7) shall prevent the person concerned becoming entitled to be released on the day on which, apart from the agreement, he would be entitled to be released under subsection (6) or, as the case may be, subsection (10); but such an agreement shall not prevent a man becoming entitled to be released by virtue of subsection (2).
- (10) A person who has entered into an agreement under subsection (7) is entitled to be released at the end of the period specified in the agreement as the period for which his permanent service is being extended.
- (11) Her Majesty may by order signified under the hand of the Secretary of State provide that, in the case of such descriptions of person as may be specified in the order,

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subsection (6) shall apply as if for the words “12 months” there were substituted “2 years”.

- (12) The making of an order under subsection (11) shall be reported forthwith to each House of Parliament.
- (13) In this section “relevant service”, in relation to a person in service under the order, means any permanent service under this Part, or Part IV, V or VII, in the 3 years immediately preceding the first day of his current service under the order.

56 Call out for certain operations

- (1) The Secretary of State may make an order authorising the calling out of members of a reserve force if it appears to him that it is necessary or desirable to use armed forces—
- (a) on operations outside the United Kingdom for the protection of life or property; or
 - (b) on operations anywhere in the world for the alleviation of distress or the preservation of life or property in time of disaster or apprehended disaster.
- (2) A call-out order under this section—
- (a) shall specify a date, not more than 12 months from the day on which the order is made, on which the order is (unless an order under subsection (3) is made) to cease to authorise the call out of any person who is not in service under the order; and
 - (b) shall have effect (subject to paragraph (a) or to any order under subsection (3)) until it is revoked.
- (3) The Secretary of State may, before the date specified in the call-out order under subsection (2)(a), make an order providing that a call-out order under this section shall cease to authorise the call out of any person who is not in service under the order.
- (4) The restriction of the effect of a call-out order under this section—
- (a) by an order under subsection (3), or
 - (b) by subsection (2)(a),
- shall not affect the operation of any call-out notice served on any person before the day on which the order under subsection (3) is made or, as the case may be, the day specified in the call-out order.
- (5) The Secretary of State may make an order revoking a call-out order under this section (whether or not its effect has been restricted as mentioned in subsection (4)).
- (6) Where an order under subsection (5) revoking a call-out order is made—
- (a) the call-out order shall cease to authorise the calling out of anyone who could otherwise be called out on the authority of that order (including anyone served with a call-out notice before the order under subsection (5) is made who has not been accepted into service); and
 - (b) any person in service under the call-out order shall be entitled to be released.
- (7) The making of any call-out order under this section, or any order under subsection (3) or (5), shall be reported forthwith to each House of Parliament.

57 Maximum duration of service on call out under section 56

- (1) This section applies for the purpose of determining when members of a reserve force (“the force”) who are in service under a call-out order made under section 56 (“the order”) are, if not released sooner, entitled to be released from that service.
- (2) A man is entitled to be released on the expiry of his current term as a member of the force.
- (3) The Defence Council or any authorised officer may, before a man who is in service under the order becomes entitled to be released by virtue of this section, postpone his entitlement to be released by virtue of subsection (2).
- (4) A man’s entitlement to be released by virtue of subsection (2) may be postponed under subsection (3) more than once, but may not be postponed beyond the end of the period of 9 months beginning with the day on which (disregarding any postponement) that entitlement arises.
- (5) A postponement of a man’s entitlement to be released by virtue of subsection (2) shall not prevent him becoming entitled to be released by virtue of subsection (6) or, as the case may be, subsection (10).
- (6) Any member of the force is entitled to be released when his current service under the order, or his current service under the order and any relevant service in aggregate, exceeds 9 months.
- (7) A person may enter into a written agreement consenting to the extension of his period of service under the order beyond—
 - (a) the day on which he is entitled to be released by virtue of subsection (6), or
 - (b) the day on which, by virtue of a subsisting agreement under this subsection, he is entitled to be released by virtue of subsection (10),until the end of such period, not exceeding 6 months, as may be specified in the agreement.
- (8) An agreement under subsection (7) may not be entered into at any time—
 - (a) when the person concerned is not in service under the order;
 - (b) when he could not be served with a call-out notice on the authority of the order or any other call-out order under section 56; or
 - (c) more than 3 months before the day on which (disregarding the agreement) he is entitled to be released by virtue of subsection (6) or, as the case may be, subsection (10).
- (9) An extension by an agreement under subsection (7) shall prevent the person concerned becoming entitled to be released on the day on which, apart from the agreement, he would be entitled to be released under subsection (6) or, as the case may be, subsection (10); but such an agreement shall not prevent a man becoming entitled to be released by virtue of subsection (2).
- (10) A person who has entered into an agreement under subsection (7) is entitled to be released at the end of the period specified in the agreement as the period for which his permanent service is being extended.
- (11) In this section “relevant service”, in relation to a person in service under the order, means any permanent service under this Part, or Part IV, V or VII, in the 27 months immediately preceding the first day of his current service under the order.

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Call out of members of a reserve force

58 Call out of members of a reserve force on authority of call-out order

- (1) Where a call-out order is in force authorising the call out of members of a reserve force, the Secretary of State may call out any member who is liable to be called out under that order by serving a notice on him requiring him—
 - (a) to present himself for service at a specified time and place; and
 - (b) to remain at that place until he is either accepted into service or informed that he is not to be accepted into service in pursuance of the notice.
- (2) A call-out notice shall also require the person concerned, if he fails to comply with the requirements mentioned in subsection (1)—
 - (a) to present himself for service to any person specified in the notice or to any other authorised officer; and
 - (b) having so presented himself, to remain until he is either accepted into service or informed that he is not to be accepted into service in pursuance of the notice.
- (3) A call-out notice served on a person shall specify—
 - (a) the person to whom it applies;
 - (b) the call-out order authorising the calling out of that person and the provision of this Part under which the order is made; and
 - (c) the time and place at which the person is to present himself for service under that order;

and it may also specify places and times at which and persons to whom the person may present himself for service if he fails to present himself at the time and place specified under paragraph (c) of this subsection.
- (4) A call-out notice served on a person may—
 - (a) be varied by the Secretary of State by serving a variation notice on him;
 - (b) be revoked by the Secretary of State by serving a revocation notice or a subsequent call-out notice on him.
- (5) A call-out notice served on a person on the authority of a call-out order shall (without affecting any liability arising from a failure to comply with the notice) cease to have effect, if not revoked sooner—
 - (a) when an order revoking the call-out order is made after the day on which the notice was served but before the time mentioned in paragraph (b); or
 - (b) when the person concerned is either accepted into service or informed that he is not to be accepted into service in pursuance of the notice.
- (6) The restriction of the effect of a call-out order—
 - (a) by an order under section 52(3), 54(3) or 56(3) (as the case may be); or
 - (b) in the case of a call-out order under section 54 or 56, by subsection (2)(a) of that section,

shall not affect the power of the Secretary of State under subsection (4) of this section to vary a call-out notice served before the effect of the call-out order is so restricted.
- (7) A notice under this section may be served on a person by delivering it to him or by leaving it at, or sending it by post to, his last known address; and any call-out or variation notice delivered to that address by registered post or recorded delivery shall be deemed to have been served on him.

- (8) No steps may be taken against a person in respect of failure to comply with a call-out notice under this section unless the notice or, as the case may be, any variation notice was received by him or is deemed to have been served on him by virtue of subsection (7).

59 Acceptance into service under call-out order

- (1) A person served with a call-out notice who—
- (a) presents himself for service to an authorised officer at the time and place specified in the notice under section 58(3)(c);
 - (b) presents himself for service to an authorised officer at any other time or place; or
 - (c) is brought before an authorised officer after the time so specified,
- may be accepted into service by that officer.
- (2) Where such a person is accepted into service, he shall be informed by the authorised officer in the prescribed manner that he has been accepted into service by virtue of subsection (1).
- (3) If an authorised officer decides that such a person should not be accepted into service, he shall inform that person in the prescribed manner that he is not to be accepted into service in pursuance of the call-out notice concerned.
- (4) Any liability of such a person arising from a failure to comply with a call-out notice is not affected by his acceptance into service or by a decision not to accept him into service.
- (5) Where a call-out order is in force, any person who is liable to be called out under the order who—
- (a) has not been served with a call-out notice; and
 - (b) presents himself for service to an authorised officer,
- may be accepted into service under that call-out order by that officer.
- (6) Where a person is accepted into service under a call-out order by virtue of subsection (5)—
- (a) the authorised officer shall inform him in the prescribed manner that he has been accepted into service under that order by virtue of that subsection; and
 - (b) he shall be deemed to have been called out under this Part for service under that order.

60 Release from service under call-out order

- (1) A person who has been accepted into service under a call-out order shall remain in that service until released under subsection (2).
- (2) A person who is in service under a call-out order shall be released from that service with all convenient speed in such manner as may be prescribed when he is no longer required by Her Majesty to be in that service or (if not released sooner)—
- (a) when he becomes entitled to be released by virtue of section 53, 55 or 57, as the case may be;
 - (b) when an order revoking that call-out order is made; or

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- (c) when, on an application under section 78, it is determined that he is entitled to be released.
- (3) Orders or regulations under section 4 may make provision enabling or requiring a person who has been accepted into service under a call-out order to be treated—
 - (a) if the circumstances of his call out or acceptance into service are of a prescribed description, and
 - (b) for the purpose of calculating when he is entitled to be released by virtue of section 53, 55 or 57,
 - as having been accepted into service on an earlier day than that on which he was actually accepted.
- (4) Provision made for the purposes of subsection (3) shall secure—
 - (a) that any earlier day applicable for the purpose of calculating when a person is entitled to be released from service is to be notified to him as soon as is practicable after the day on which he was actually accepted into service; and
 - (b) that the period beginning with the earlier day is reckoned as part of his relevant service for the purposes of section 53(13), 55(13), 57(11) and 69(8).

61 Alteration of authority for call out

- (1) The Secretary of State may direct that—
 - (a) a person who is in service under a call-out order (“the original order”), or
 - (b) a person who is in service under Part IV,
 shall cease serving under that order or that Part and, in either case, shall continue in permanent service on the authority of a call-out order specified in the direction (“the new order”).
- (2) A call-out order may be specified in a direction under this section if it is in force on the day on which the direction is given and would, but for his being in permanent service already, authorise the calling out of the person concerned.
- (3) A person in respect of whom a direction under this section is given—
 - (a) shall continue in permanent service after the direction is given as if he had been called out under the new order; and
 - (b) shall be deemed to have begun service under the new order at the time at which his service under the original order began (or is deemed under this subsection to have begun) or, as the case may be, his service under Part IV began.
- (4) A direction under this section may be given in respect of two or more named persons or persons of a description specified in the direction.
- (5) Any person in permanent service in respect of whom a direction under this section is given shall be informed of the effect of the direction as soon as is practicable after the direction is given.

Supplementary

62 Power to exempt persons from or relax call-out liability

- (1) Orders or regulations under section 4 may provide for exempting any members of a reserve force, in such cases as may be prescribed, from liability to be called out

under the authority of the provisions of this Part or, as the case may be, any of those provisions.

- (2) Such orders or regulations may also provide for relaxing, in such cases as may be prescribed, the liability to be called out under the authority of the provisions of this Part or, as the case may be, any of those provisions.

63 Exercise of certain functions under section 58 or 61

- (1) The Secretary of State may authorise—
- (a) the Defence Council;
 - (b) any particular officers; or
 - (c) any officers of a description specified in the authorisation,
- to exercise any function of his under sections 58 and 61, subject to such limitations and conditions as may be so specified.
- (2) An authorisation under subsection (1) above relating to the exercise of any function of the Secretary of State by the Defence Council shall (unless the authorisation provides otherwise) be deemed to permit the Defence Council to authorise—
- (a) any particular officers; or
 - (b) any officers of a description determined by the Defence Council,
- to exercise the function, subject to such limitations and conditions as may be so specified.
- (3) Arrangements made under subsection (1) or (2) for the discharge of any function shall not prevent the exercise of the function by the Secretary of State or (in the case of arrangements under subsection (2)) the Defence Council.

64 Interpretation of Part VI

In this Part—

- “authorised officer” means an officer authorised by or in accordance with directions of the Defence Council for the purposes of this Part;
- “call-out notice” means a notice under section 58;
- “call-out order” means an order under section 52, 54 or 56; and
- “service under a call-out order”, and “service” mean permanent service on being called out under this Part on the authority of a call-out order.