



# Reserve Forces Act 1996

## 1996 CHAPTER 14

### PART V

#### EMPLOYEE AGREEMENTS

##### *Liabilities of special members*

#### **41 Cessation of liabilities.**

- (1) The liability of a special member under section 40(1) to be called out, and to fulfil training obligations, shall cease when any of the following events occurs—
- (a) the expiry of any period specified in his employee agreement as the maximum duration of that liability;
  - (b) the termination of his employment with the employer whose consent was required to his entry into the employee agreement;
  - (c) the expiry of a notice given by him—
    - (i) to the Secretary of State; or
    - (ii) to any other person specified by his agreement or prescribed for the purpose of receiving such notices;
  - (d) the expiry of a notice given by the Secretary of State to him; and
  - (e) any other event specified in his agreement or prescribed as an event leading to the cessation of that liability;
- but that liability shall not cease by virtue of paragraph (c) while the operation of that paragraph in relation to him is suspended by an order made under subsection (6).
- (2) A notice under paragraph (c) or (d) of subsection (1) shall expire at the end of such period not exceeding three months—
- (a) as is specified in the employee agreement for the purpose of that paragraph, or
  - (b) if no such period is specified, as is prescribed for that purpose.

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*Status: Point in time view as at 01/10/2001.*

*Changes to legislation: Reserve Forces Act 1996, Section 41 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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- (3) Subsection (1) shall not apply to a special member who is in permanent service when an event mentioned in paragraph (a), (b), (d) or (e) of that subsection occurs until he is released from that service under section 45.
- (4) A notice under subsection (1)(c) may not be given by a person who is in permanent service; and any such notice which a person has <sup>F1</sup> . . . given shall cease to have effect if he is accepted into permanent service before it has expired.
- (5) The Secretary of State shall give a notice under subsection (1)(d) if it appears to him that his arrangements with the special member's employer have ceased to have effect.
- (6) Where a call-out order under section 52 or 54 is in force, the Secretary of State may by order suspend the operation of paragraph (c) of subsection (1) of this section in relation to persons of a description specified in the order; and while an order under this subsection is in force—
- (a) no notices under that paragraph may be given by the persons so specified; and
  - (b) any notice which was given by a person so specified before the order was made shall cease to have effect.
- (7) An order under subsection (6) shall expire at the end of such period not exceeding six months as is specified in the order, without prejudice to the power of the Secretary of State to make more than one such order in relation to persons of the same description.

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#### **Textual Amendments**

- F1** Word in s. 41(4) repealed (1.10.2001 subject to art. 3 of the commencing S.I.) by 2001 c. 19, ss. 34, 38, Sch. 6 Pt. 3 para. 12, Sch. 7 Pt. 7; S.I. 2001/3234, arts. 2, 3

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