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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Reserve Forces Act 1980 in consequence of the coming into force of the Reserve Forces Act 1996 to make provision for persons who remain subject to the 1980 Act.

Regulation 2 ensures that persons to whom section 10 of the 1980 Act applies continue to be liable to be called out under the authority of an order of Her Majesty if it appears to Her that national danger is imminent or that a great emergency has arisen. In order to avoid the need for two call-out orders in the same circumstances, however, this regulation makes persons to whom section 10 applies liable to be called out whenever an order of Her Majesty under section 52(1)(a) of the 1996 Act is in force.

Regulation 2 also applies to persons subject to section 10 the provisions of subsections (3) to (6) of section 52 of the 1996 Act under which Her Majesty may order that a call-out order under section 52 shall cease to authorise further call-out or shall be revoked.

The amendment to section 10(4) is consequential on the statutory recognition in section 1(2) of the 1996 Act of the Royal Fleet Reserve and its special class as a separate reserve force rather than a part of the Royal Naval Reserve.

Regulation 3 makes changes to section 11 of the 1980 Act corresponding to the changes to section 10 described above. Persons to whom section 11 applies are liable to be called out whenever the Secretary of State makes an order under section 54(1) of the 1996 Act on the grounds that warlike operations are in preparation or progress.

Regulation 4 makes the like changes to section 16 of the 1980 Act under which members of the Royal Naval Reserve, the Royal Fleet Reserve and the Royal Marines Reserve may be called out in the event of an actual or apprehended attack on the United Kingdom. They may be called out whenever an order under section 52(1)(b) of the 1996 Act is in force.

Regulation 5, which amends section 18 of the 1980 Act, makes provision for calling out the Army Reserve equivalent to regulation 4.

Regulation 6 amends section 19(3) of the 1980 Act to make it clear that the amendments to sections 9 and 10 of the Army Act 1955 effected by Schedule 7 to the 1996 Act do not apply to members of the Army Reserve who are subject to the 1980 Act.

Regulation 7, which amends section 20 of the 1980 Act, makes provision for calling out the Air Force Reserve equivalent to regulation 4.

Regulation 8 amends section 21(3) of the 1980 Act to make it clear that the amendments to sections 9 and 10 of the Air Force Act 1955 effected by Schedule 7 to the 1996 Act do not apply to members of the Air Force Reserve who are subject to the 1980 Act.

Regulation 9 provides new subsections (1) and (1A) in section 22 of the 1980 Act to the same effect as regulation 4 in relation to members of the Territorial Army and Royal Auxiliary Air Force who are liable to be called out for home defence service.

Regulation 10 inserts a new section 25A to the 1980 Act enabling orders and regulations under section 4 of the 1996 Act to provide, by virtue of section 62 of that Act, for exemption from or relaxation of the call-out liability of persons subject to the 1980 Act.

Regulation 11 substitutes a new section 26(1) in the 1980 Act applying the provisions of section 58 of the 1996 Act so that there are uniform provisions for serving call-out notices, whether call-out is under the 1980 Act or 1996 Act.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulations 12 and 13 amend sections 28 and 29 respectively of the 1980 Act to reflect the application of section 58 of the 1996 Act.

Regulation 14 inserts a new section 29A to make it clear that the 1980 Act only applies to persons liable to recall who enlisted or became officers in the armed forces before Part VII of the 1996 Act came into force and have not subsequently become liable to recall under Part VII of the 1996 Act. Section 129(2) of the 1996 Act achieves a similar effect for members of the reserve forces.

Regulation 15 amends section 30 of the 1980 Act to enable naval and marine pensioners to be recalled whenever an order under section 68 of the 1996 Act is in force. Such an order may be made by Her Majesty if it appears to Her that national danger is imminent or that a great emergency has arisen, or in the event of an actual or apprehended attack on the United Kingdom.

Regulation 16 amends section 32 of the 1980 Act to enable army and air force pensioners to be recalled whenever men of the Army Reserve or Air Force Reserve respectively are in permanent service under an order of Her Majesty under section 52 of the 1996 Act.

Regulation 17 amends section 34 of the 1980 Act to the same effect as the amendments to section 32 in regulation 16 in relation to former soldiers liable to recall.

Regulation 18 substitutes a new section 35 applying the provisions of section 65(5) and 70(2) of the 1996 Act to persons recalled under section 30, 31, or 34 of the 1980 Act.

Regulation 19 extends the provisions of sections 71, 73 to 75 and 77 of the 1996 Act to those liable to be recalled under section 30, 31 or 34 of the 1980 Act.

Regulation 20 substitutes a new section 37 of the 1980 Act which declares that the general offences provisions in Part X of the 1996 Act also apply to persons liable to recall under the 1980 Act.

Regulation 21 inserts a new section 42A into the 1980 Act extending the power in section 23 of the 1996 Act to exempt persons from training or relax their training obligations to persons subject to the 1980 Act. Regulation 21 does not apply to members of the Royal Naval Reserve or Royal Fleet Reserve to whom section 23 of the 1996 Act already applies.

Regulation 22 adds a new subsection (4) to section 50 of the 1980 Act to make clear that the provisions of subsections (1) and (3) as to terms of service for persons joining the Royal Naval Reserve or Royal Fleet Reserve do not apply to persons entered or re-entered in those forces after the 1996 Act came into force.

Regulation 23 substitutes a new subsection (1) in section 83 of the 1980 Act. This ensures that the amendments made to section 9 of the Army Act 1955 and the Air Force Act 1955 by the 1996 Act do not apply to transitional members of the Army Reserve or Air Force Reserve, and men of the regular army or regular air force who are capable of becoming transitional members on their transfer to the reserve.

Regulations 24 and 25 amend sections 100 and 101 respectively of the 1980 Act in relation to postponement of discharge of members of the Territorial Army and Royal Auxiliary Air Force by substituting references to the 1996 Act.

Regulation 26 amends section 154(1) of the 1980 Act by deleting the reference to paragraph 18(4) of Schedule 8 which is repealed by the 1996 Act.

Regulation 27 amends the definition of “prescribed” in section 156(1) of the 1980 Act so that anything which is to be “prescribed” in the 1980 Act may be prescribed by orders or regulations under section 4 or Part VII of the 1996 Act.

Regulation 29 saves any regulations made under section 128 of the 1980 Act which would otherwise have been revoked by the repeal of section 128.

These Regulations do not impose any costs on business.