

SCHEDULE

POSTPONEMENT OF DISCHARGE OR TRANSFER TO RESERVE: TRANSITIONAL CASES

Postponement of discharge of men of the Army Reserve

6.—(1) In section 19 of the Reserve Forces Act 1980, for subsection (3) (application to reservists of sections 9 and 13 of the Army Act 1955, so far as relating to discharge) there shall be substituted—

“(3) Section 19A below shall apply to men of the Army Reserve called out for permanent service.

(4) Section 13 of the Army Act 1955 so far as it relates to discharge shall apply to men of the Army Reserve called out for permanent service as it applies to soldiers of the regular forces.

(5) Nothing in subsection (2) above shall prejudice the operation of subsections (3) and (4) above.”.

(2) After section 19 of the 1980 Act there shall be inserted—

“Postponement of discharge of members of Army Reserve during call out.

19A.—(1) Where a man of the Army Reserve is called out on permanent service at a time when he would apart from this section be entitled to be discharged he may be retained in service for such period as is mentioned below, and his service may be prolonged accordingly.

(2) No person shall be retained in service by virtue of this section later than the end of twelve months after the date on which apart from this section he would be entitled to be discharged.

(3) Subject to subsection (2) above, a person who apart from this section would be entitled to be discharged may be retained in service for such period as the competent military authority may order.

(4) If while a man of the Army Reserve is being retained in service by virtue of this section it appears to the competent military authority that his services can be dispensed with, he is entitled to be discharged.

(5) Where, at the time at which under subsections (1) to (4) above a man of the Army Reserve is entitled to be discharged, a state of war exists between Her Majesty and a foreign power—

(a) he may, by declaration made in the prescribed form before his commanding officer, agree to continue in service while such a state of war exists, and

(b) if the competent military authority approve, he may continue accordingly as if the period for which his term of service could be prolonged under subsections (1) to (4) above were a period continuing so long as a state of war exists;

but this is subject to subsection (6) below.

(6) If it is so specified in the declaration, he is entitled to be discharged at the end of three months' notice given by him to his commanding officer.

(7) In subsections (3) to (5) above “the competent military authority” and “prescribed” have the same meaning as in Part I of the Army Act 1955.

(8) Subject to subsection (9) below, in subsection (1) above the reference to a man of the Army Reserve being called out on permanent service is a reference to his being called out under an order made under—

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

- (a) section 52 of the Reserve Forces Act 1996 (call out in the event of a national emergency, great danger or an actual or apprehended attack on the United Kingdom, the Channel Islands or the Isle of Man), or
- (b) section 54 of the 1996 Act (call out because warlike operations are in preparation or in progress).

(9) In relation to a man of the Army Reserve who enlisted in the Army Reserve before 1st April 1967, the reference to a man of the Army Reserve being called out on permanent service includes a reference to his being called out under an order under section 54 of the 1996 Act only if—

- (a) he re-engaged in the Army Reserve on or after that date, or
- (b) he has made an irrevocable election to that effect in the prescribed manner.”.