



# 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 [<sup>F1</sup>the Lieutenancies Act 1997];
  - (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.
- <sup>F2</sup>(5) .....

#### Textual Amendments

- F1** Words in s. 9 substituted (1.7.1997) by 1997 c. 23, ss. 8(2), 9(2) (with s. 7(3), Sch. 2 para. 6)
- F2** S. 9(5) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), Sch. 17; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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*Changes to legislation: Reserve Forces Act 1996, Cross Heading: Enlistment and re-engagement is up to date with all changes known to be in force on or before 11 May 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) View outstanding changes*

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## **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.
- (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 [<sup>F3</sup>Army Reserve] 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 [<sup>F4</sup>Regular 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 [<sup>F3</sup>Army Reserve] 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 [<sup>F4</sup>Regular 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.

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#### Textual Amendments

- F3** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(b\)\(4\), 50\(1\)](#) (with [s. 49\(4\), Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(a)
- F4** Words in Act substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), s. 44\(3\)\(a\)\(4\), 50\(1\)](#) (with [s. 49\(4\), Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(a)

### 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 [<sup>F5</sup>under the Armed Forces Act 2006.]

#### Textual Amendments

- F5** Words in s. 13(7) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 14 para. 28](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, art. 4

#### Modifications etc. (not altering text)

- C1** S. 13(7) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\), arts. 1\(3\), 195](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 2 para. 3(2A) inserted by [2003 c. 44 Sch. 3 para. 65](#)