



# Reserve Forces Act 1996

## 1996 CHAPTER 14

### PART VI

#### CALL OUT FOR PERMANENT SERVICE

##### *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.

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- (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; <sup>F1</sup>or]
  - <sup>F2</sup>(b) .....
  - (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).

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- (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, 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.

#### Textual Amendments

- F1** Word in s. 53(8)(a) inserted (15.10.2007) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 33\(a\)](#); [S.I. 2007/2913](#), art. 2
- F2** S. 53(8)(b) repealed (15.10.2007) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 33\(b\)](#), [Sch. 17](#); [S.I. 2007/2913](#), art. 2

### [<sup>F3</sup>53A Agreement to alter limits in section 53

- (1) This section applies to a person if—
  - (a) he is not in service under a call-out order under section 52; and
  - (b) if accepted into service under such a call-out order, he would be immediately entitled to release under section 53(6) or (10).
- (2) The person may agree in writing that, if he is accepted into service under a call-out order under section 52, in calculating when he is entitled to be released by virtue of section 53(6) or (10) any service of his under this Part or Part 4, 5 or 7 that occurred before he entered into the agreement is to be treated as not having occurred.
- (3) An agreement under subsection (2) may also provide that, if the person is accepted into service under a call-out order under section 52, section 53 shall apply in his case as if for the period of 3 years specified in subsection (6) there were substituted a shorter period specified in the agreement.
- (4) If an order under section 53(11) applies in relation to the person, subsection (3) above has effect as if the reference to the period of 3 years were to the period of 5 years.]

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### Textual Amendments

**F3** S. 53A inserted (15.10.2007) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 34](#); S.I. 2007/2913, art. 2

## 54 Call out for warlike operations.

- (1) The Secretary of State may make an order [<sup>F4</sup>under this section] 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.

### Textual Amendments

**F4** Words in s. 54(1) inserted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), ss. 45(3), 50(1) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(b)

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## **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; [<sup>F5</sup>or]
  - <sup>F6</sup>(b) .....
  - (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, subsection (6) shall apply as if for the words “12 months” there were substituted “2 years”.

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- (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.

#### Textual Amendments

- F5** Word in s. 55(8)(a) inserted (15.10.2007) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 14 para. 33\(a\)](#); [S.I. 2007/2913, art. 2](#)
- F6** S. 55(8)(b) repealed (15.10.2007) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 14 para. 33\(b\), Sch. 17](#); [S.I. 2007/2913, art. 2](#)

### [<sup>F7</sup>55A Agreement to alter limits in section 55

- (1) This section applies to a person if—
- (a) he is not in service under a call-out order under section 54; and
  - (b) if accepted into service under such a call-out order, he would be immediately entitled to release under section 55(6) or (10).
- (2) The person may agree in writing that, if he is accepted into service under a call-out order under section 54, in calculating when he is entitled to be released by virtue of section 55(6) or (10) any service of his under this Part or Part 4, 5 or 7 that occurred before he entered into the agreement is to be treated as not having occurred.
- (3) An agreement under subsection (2) may also provide that, if the person is accepted into service under a call-out order under section 54, section 55 shall apply in his case as if for the period of 12 months specified in subsection (6) there were substituted a shorter period specified in the agreement.
- (4) If an order under section 55(11) applies in relation to the person, subsection (3) above has effect as if the reference to the period of 12 months were to the period of 2 years.]

#### Textual Amendments

- F7** S. 55A inserted (15.10.2007) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 14 para. 35](#); [S.I. 2007/2913, art. 2](#)

### 56 Call out for certain [<sup>F8</sup>purposes].

- [<sup>F9</sup>(1B) The Secretary of State may make an order under this section authorising the calling out of members of a reserve force if it appears to the Secretary of State that it is necessary or desirable to use members of a reserve force for any purpose for which members of the regular services may be used.]
- (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

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- (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.

#### Textual Amendments

- F8** Word in s. 56 heading substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), ss. 45\(5\), 50\(1\)](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); [S.I. 2014/2370](#), art. 4(b)
- F9** S. 56(1B) substituted for s. 56(1)(1A) (1.10.2014) by [Defence Reform Act 2014 \(c. 20\), ss. 45\(4\), 50\(1\)](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); [S.I. 2014/2370](#), art. 4(b)

## 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 <sup>F10</sup>12 months] beginning with the day on which (disregarding any postponement) that entitlement arises.

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- (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 [<sup>F11</sup>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, 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; [<sup>F12</sup>or
  - <sup>F13</sup>(b) . . . . .
  - (c) more than [<sup>F14</sup>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) 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 [<sup>F15</sup>3 years] immediately preceding the first day of his current service under the order.

#### Textual Amendments

- F10** Words in s. 57(4) substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), **ss. 45(6)(a)**, 50(1) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(b)
- F11** Words in s. 57(6) substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), **ss. 45(6)(b)**, 50(1) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(b)
- F12** Word in s. 57(8)(a) inserted (15.10.2007) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 14 para. 33(a)**; S.I. 2007/2913, art. 2
- F13** S. 57(8)(b) repealed (15.10.2007) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 33\(b\)](#), **Sch. 17**; S.I. 2007/2913, art. 2
- F14** Words in s. 57(8)(c) substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), **ss. 45(6)(c)**, 50(1) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(b)
- F15** Words in s. 57(11) substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), **ss. 45(6)(d)**, 50(1) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(b)



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### [<sup>F16</sup>57A Agreement to alter limits in section 57

- (1) This section applies to a person if—
  - (a) he is not in service under a call-out order under section 56; and
  - (b) if accepted into service under such a call-out order, he would be immediately entitled to release under section 57(6) or (10).
- (2) The person may agree in writing that, if he is accepted into service under a call-out order under section 56, in calculating when he is entitled to be released by virtue of section 57(6) or (10) any service of his under this Part or Part 4, 5 or 7 that occurred before he entered into the agreement is to be treated as not having occurred.
- (3) An agreement under subsection (2) may also provide that, if the person is accepted into service under a call-out order under section 56, section 57 shall apply in his case as if for the period of [<sup>F17</sup>12 months] specified in subsection (6) there were substituted a shorter period specified in the agreement.]

#### Textual Amendments

**F16** S. 57A inserted (15.10.2007) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 14 para. 36](#); S.I. 2007/2913, art. 2

**F17** Words in s. 57A(3) substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), [ss. 45\(7\)](#), 50(1) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 4(b)

**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](#)