



Reserve Forces Act 1996

1996 CHAPTER 14

PART VIII

SCHEMES FOR EXEMPTION AND FINANCIAL ASSISTANCE

Financial assistance in respect of [^{F1}reserve forces]

Textual Amendments

- F1** Words in s. 83 cross-heading substituted (5.9.2014) by [Defence Reform Act 2014 \(c. 20\), s. 50\(1\), Sch. 7 para. 2](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 3

- 83** **Payments to individuals in respect of [^{F2}financial loss attributable to] call out or recall.**
- (1) The Secretary of State may by regulations provide for the making of payments by him to any persons in respect of any financial loss of a description prescribed by the regulations which is suffered by them and attributable to their being in permanent service under Part IV or Part V or under a call-out or recall order.
 - (2) The regulations may provide for payments to be made, in relation to any description of financial loss, towards the provision of pensions, allowances or gratuities to or in respect of a person making a claim.
 - (3) The regulations may, in relation to any payments to be made as mentioned in subsection (2)—
 - (a) provide for any such payments to be made to any person of a prescribed description;
 - (b) require such a person to accept such payments (notwithstanding anything which would otherwise prevent him from doing so) on such terms as may be determined by or under the regulations; and

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- (c) require persons of any such description to provide information in connection with claims for such payments or, where payments have been made to them, in connection with the use made of the money.
- (4) A person making a claim under the regulations who is dissatisfied with the determination of his claim may appeal against the determination to a reserve forces appeal tribunal.

Textual Amendments

F2 Words in s. 83 heading inserted (5.9.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 7 para. 3](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 3

84 **Payments to employers etc. in respect of [^{F3}financial loss attributable to] call out or recall.**

- (1) The Secretary of State may by regulations provide for the making of payments by him to employers (including employers who are self-employed) in respect of any financial loss of a description prescribed by the regulations which is suffered by them and attributable to any of their employees being in permanent service under Part IV or Part V or under a call-out or recall order.
- (2) Regulations under this section may also provide for the making of payments by the Secretary of State to the partners of a person carrying on business in partnership in respect of any financial loss of a description prescribed by the regulations which is suffered by them and attributable to that person being in permanent service under Part IV or Part V or under a call-out or recall order.
- (3) A person making a claim under regulations under this section who is dissatisfied with the determination of his claim may appeal against the determination to a reserve forces appeal tribunal.

Textual Amendments

F3 Words in s. 84 heading inserted (5.9.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 7 para. 3](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 3

[^{F4}84A **Other payments to employers etc of members of reserve forces**

- (1) The Secretary of State may by regulations provide for the making of payments by the Secretary of State to—
 - (a) an employer whose employee is undertaking relevant reserve force activities or has undertaken such activities while employed by the employer, and
 - (b) a person carrying on business in partnership whose partner in the business is undertaking relevant reserve force activities or has undertaken such activities while a partner of the person,
 but see subsections (3) to (5).
- (2) For the purposes of this section, a person undertakes relevant reserve force activities when the person—
 - (a) is in permanent service under Part 4 or under a call-out order,

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- (b) undertakes training of a prescribed description while an ordinary member of a reserve force, or
 - (c) performs other voluntary duties of a prescribed description while an ordinary member of a reserve force.
- (3) The Secretary of State may make regulations under this section only if satisfied that the payments provided for, or such payments taken together with other measures, are likely to encourage persons—
- (a) to employ, or continue to employ, members of the reserve forces, or
 - (b) to carry on business, or continue to carry on business, in partnership with members of the reserve forces.
- (4) Regulations under subsection (1)(a) may provide for the making of payments to employers who are self-employed, but not in respect of their own relevant reserve force activities.
- (5) Regulations under this section may not provide for the making of payments to be conditional on a financial loss suffered by the employer or the person carrying on business in partnership.
- (6) A person making a claim under regulations under this section who is dissatisfied with the determination of the claim may appeal against the determination to a reserve forces appeal tribunal.
- (7) In this section—
- “ordinary member”, in relation to a reserve force, means a member who—
 - (a) is not a special member of that force, and
 - (b) is not a member of that force for the purpose only of becoming a special member;
 - “prescribed” means prescribed by regulations made under this section.]

Textual Amendments

- F4** S. 84A inserted (5.9.2014) by [Defence Reform Act 2014 \(c. 20\)](#), ss. [46\(1\)](#), [50\(1\)](#) (with s. [49\(4\)](#), Sch. 7 para. [12\(3\)](#)); S.I. 2014/2370, art. 3

85 Regulations under section 83^{F5}, 84 or 84A]: supplementary.

- (1) Regulations under section 83^{F6}, 84 or 84A] (“the regulations”) may, in particular, make provision with respect to—
- (a) the descriptions of persons who are entitled to claim payments^{F7}...;
 - [^{F8}(aa) in the case of regulations under section 83 or 84, the descriptions of the kinds of financial loss for which claims can be made;
 - (ab) in the case of regulations under section 84A, the descriptions of the kinds of training and other voluntary duties for which claims can be made;]
 - (b) the matters in respect of which, and any circumstances in which, persons are or are not entitled to any payment;
 - (c) the sums, or the method of determining the sums, to be paid;
 - (d) the procedure for making claims (including the time within which claims must be made and the information to be provided by persons making claims);

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- (e) in the case of regulations under section 83, the provision of information by persons in connection with claims made by their employees or former employees;
 - (f) in the case of regulations under section 84 [^{F9}or 84A], the provision of information by persons in respect of whom claims are made;
 - (g) the determination of claims by any person or body identified by, or of a description specified in, the regulations;
 - (h) any incidental or supplementary matters.
- (2) The regulations may make different provision for different cases (but need not require payments to be made in all cases or for all losses [^{F10}, permanent service, training or other voluntary duties]).
- (3) Before making any regulations under section 83 [^{F11}, 84 or 84A] the Secretary of State shall consult such persons or bodies as he considers to be appropriate, including—
- (a) a body appearing to him to represent the interests of employers, a body appearing to him to represent the interests of employees and a body appearing to him to represent the interests of the self-employed; and
 - (b) the associations established under Part XI or a body appearing to him to represent those associations.
- [^{F12}(3A) A payment that has been made, or may be made, under regulations under section 84A is not to be taken into account when calculating a financial loss for the purposes of regulations under section 84.]
- (4) The regulations shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) [^{F13}Regulations under section 83 or 84] may also make provision for claims by or in respect of—
- (a) persons recalled under the ^{M1}Reserve Forces Act 1980, or
 - (b) officers recalled otherwise than under this Act,
- corresponding to the provision which may be made for claims by or in respect of persons recalled under Part VII.

Textual Amendments

- F5** Words in s. 85 heading substituted (5.9.2014) by Defence Reform Act 2014 (c. 20), s. 50(1), **Sch. 7 para. 5** (with s. 49(4), Sch. 7 para. 12(3)); S.I. 2014/2370, art. 3
- F6** Words in s. 85(1) substituted (5.9.2014) by Defence Reform Act 2014 (c. 20), s. 50(1), **Sch. 7 para. 4(2)(a)** (with s. 49(4), Sch. 7 para. 12(3)); S.I. 2014/2370, art. 3
- F7** Words in s. 85(1)(a) omitted (5.9.2014) by virtue of Defence Reform Act 2014 (c. 20), s. 50(1), **Sch. 7 para. 4(2)(b)** (with s. 49(4), Sch. 7 para. 12(3)); S.I. 2014/2370, art. 3
- F8** S. 85(1)(aa)(ab) inserted (5.9.2014) by Defence Reform Act 2014 (c. 20), s. 50(1), **Sch. 7 para. 4(2)(c)** (with s. 49(4), Sch. 7 para. 12(3)); S.I. 2014/2370, art. 3
- F9** Words in s. 85(1)(f) inserted (5.9.2014) by Defence Reform Act 2014 (c. 20), s. 50(1), **Sch. 7 para. 4(2)(d)** (with s. 49(4), Sch. 7 para. 12(3)); S.I. 2014/2370, art. 3
- F10** Words in s. 85(2) inserted (5.9.2014) by Defence Reform Act 2014 (c. 20), s. 50(1), **Sch. 7 para. 4(3)** (with s. 49(4), Sch. 7 para. 12(3)); S.I. 2014/2370, art. 3
- F11** Words in s. 85(3) substituted (5.9.2014) by Defence Reform Act 2014 (c. 20), s. 50(1), **Sch. 7 para. 4(4)** (with s. 49(4), Sch. 7 para. 12(3)); S.I. 2014/2370, art. 3
- F12** S. 85(3A) inserted (5.9.2014) by Defence Reform Act 2014 (c. 20), s. 50(1), **Sch. 7 para. 4(5)** (with s. 49(4), Sch. 7 para. 12(3)); S.I. 2014/2370, art. 3

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F13 Words in s. 85(5) substituted (5.9.2014) by Defence Reform Act 2014 (c. 20), s. 50(1), **Sch. 7 para. 4(6)** (with s. 49(4), Sch. 7 para. 12(3)); S.I. 2014/2370, art. 3

Marginal Citations

M1 1980 c. 9.

86 Power to suspend payments due to national danger or great emergency.

[^{F14}(A1) Where a call-out order under section 52 is in force, the Secretary of State may by order suspend the operation of any regulations under section 83, 84 or 84A.]

- (1) Where ^{F15}...a recall order under section 68 is in force, the Secretary of State may by order suspend the operation of any regulations under section 83 or 84.
- (2) An order under [^{F16}this section] may suspend the application of the regulations concerned in all cases or in such cases as may be specified in the order; and the effect of such an order is—
 - (a) to prevent any right to payments arising or (in relation to people who have already been called out or recalled [^{F17}or who are already undertaking training or performing other voluntary duties]) accruing further under the suspended regulations in respect of the period during which the order is in force; and
 - (b) to suspend for that period any obligation of the Secretary of State to make payments under the suspended regulations in respect of earlier periods.
- (3) An order under [^{F18}this section]—
 - (a) shall be made for such period not exceeding 12 months as may be specified in the order; and
 - (b) may (if it has not otherwise expired) be revoked by the Secretary of State by order.
- (4) An order under [^{F19}this section] shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) An order revoking an order under [^{F20}this section] shall be made by statutory instrument and shall be laid before each House of Parliament after being made.

Textual Amendments

- F14** S. 86(A1) inserted (5.9.2014) by Defence Reform Act 2014 (c. 20), s. 50(1), **Sch. 7 para. 6(2)** (with s. 49(4), Sch. 7 para. 12(3)); S.I. 2014/2370, art. 3
- F15** Words in s. 86(1) omitted (5.9.2014) by virtue of Defence Reform Act 2014 (c. 20), s. 50(1), **Sch. 7 para. 6(3)** (with s. 49(4), Sch. 7 para. 12(3)); S.I. 2014/2370, art. 3
- F16** Words in s. 86(2) substituted (5.9.2014) by Defence Reform Act 2014 (c. 20), s. 50(1), **Sch. 7 para. 6(4)(a)** (with s. 49(4), Sch. 7 para. 12(3)); S.I. 2014/2370, art. 3
- F17** Words in s. 86(2)(a) inserted (5.9.2014) by Defence Reform Act 2014 (c. 20), s. 50(1), **Sch. 7 para. 6(4)(b)** (with s. 49(4), Sch. 7 para. 12(3)); S.I. 2014/2370, art. 3
- F18** Words in s. 86(3) substituted (5.9.2014) by Defence Reform Act 2014 (c. 20), s. 50(1), **Sch. 7 para. 6(5)** (with s. 49(4), Sch. 7 para. 12(3)); S.I. 2014/2370, art. 3
- F19** Words in s. 86(4) substituted (5.9.2014) by Defence Reform Act 2014 (c. 20), s. 50(1), **Sch. 7 para. 6(5)** (with s. 49(4), Sch. 7 para. 12(3)); S.I. 2014/2370, art. 3
- F20** Words in s. 86(5) substituted (5.9.2014) by Defence Reform Act 2014 (c. 20), s. 50(1), **Sch. 7 para. 6(5)** (with s. 49(4), Sch. 7 para. 12(3)); S.I. 2014/2370, art. 3

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87 Offences in connection with claims for payments.

- (1) Any person who, in connection with a claim by another person under regulations under section 83^{F21}, 84 or 84A], fails without reasonable excuse to provide information which he is required to provide by the regulations is guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale (or both).
- (2) Any person who, in connection with a claim under regulations under section 83^{F22}, 84 or 84A], knowingly or recklessly provides information which is false or misleading in a material particular is guilty of an offence and liable, on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).

Textual Amendments

- F21** Words in s. 87(1) substituted (5.9.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 7 para. 7](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 3
- F22** Words in s. 87(2) substituted (5.9.2014) by [Defence Reform Act 2014 \(c. 20\)](#), s. 50(1), [Sch. 7 para. 7](#) (with s. 49(4), [Sch. 7 para. 12\(3\)](#)); S.I. 2014/2370, art. 3

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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](#)