



Reserve Forces Act 1996

1996 CHAPTER 14

PART XI

RESERVE ASSOCIATIONS

110 Establishment of associations for areas in the UK.

- (1) A territorial, auxiliary and volunteer reserve association (in this Part referred to as an “association”) may be established for any area in the United Kingdom determined by the Defence Council.
- (2) If the Defence Council alters the areas into which the United Kingdom has for the time being been divided for the purposes of subsection (1), the Defence Council may by order alter the area for which an existing association is established.
- (3) An order under subsection (2)—
 - (a) may make supplemental, incidental and transitional provision (including provision as respects the transfer of property, rights and liabilities and financial adjustments); and
 - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) In this section “the United Kingdom” includes the Channel Islands and the Isle of Man.

111 Constitution of associations.

- (1) An association shall be constituted, and its members shall be appointed and hold office, in accordance with a scheme made by the Defence Council.
- (2) Schedule 4 (schemes made under subsection (1)) shall have effect.
- (3) The Secretary of State may by order make such modifications (whether by way of addition, substitution or otherwise) to Schedule 4 as he considers appropriate.
- (4) An order under subsection (3)—

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- (a) may contain such supplemental, incidental and transitional provision as the Secretary of State considers appropriate; and
- (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

112 General duties of associations.

- (1) It shall be the duty of an association to make itself acquainted with, and conform to, the plan of the Defence Council for the organisation within the area for which the association is established of—
 - (a) Her Majesty’s land and air forces; and
 - (b) the reserve naval and marine forces in so far as the plan relates to matters with respect to which functions are conferred on the association under section 113(1).
- (2) It shall also be the duty of an association to give advice and assistance in relation to the military and air-force resources and capabilities of the area for which the association is established to the Defence Council and to such officers as the Defence Council may direct.
- (3) The advice and assistance which an association may be required to give under subsection (2) includes advice or assistance relating to any matter in connection with—
 - (a) local support for, or for the activities of, Her Majesty’s land and air forces, the reserve naval and marine forces and the cadet forces mentioned in section 113(1)(c); and
 - (b) the availability of financial and material assistance (including land and buildings) for any activity or requirement of those forces or for any other defence purpose,
 which the association is requested to provide by the Defence Council or any officer mentioned in subsection (2).

113 Powers and duties assignable to associations.

- (1) An association shall have such powers and duties connected with the organisation and administration of—
 - (a) Her Majesty’s land and air forces;
 - (b) the reserve naval and marine forces; or
 - (c) the Army Cadet Force, the Air Training Corps, the Combined Cadet Force and the Sea Cadet Corps,
 as may for the time being be transferred or assigned to it by order of Her Majesty signified under the hand of the Secretary of State or, subject to such an order, by regulations under this Part.
- (2) The powers and duties which may be so transferred or assigned include any powers conferred on or vested in Her Majesty, and any powers or duties conferred or imposed on the Defence Council or the Secretary of State, by statute or otherwise, and in particular respecting the following matters—
 - (a) the organisation of the units of the [^{F1}Army Reserve] and the Royal Auxiliary Air Force and their administration (including maintenance) at all times other than when training or on duty or when in permanent service;
 - (b) the recruiting of members for the volunteer reserve forces;

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- (c) the provision and maintenance of buildings, rifle ranges, magazines, sites of camps, aerodromes, landing grounds and hangars;
 - (d) facilitating the provision of areas to be used for manoeuvres;
 - (e) arranging with employers as to leave of absence for training, and ascertaining, after consultation with the representatives of the main employers in the area for which the association is established, the times of training which having regard to their businesses are best suited to the circumstances of civil life;
 - (f) establishing or assisting cadet units and also rifle and aviation clubs;
 - (g) the provision of transport for the peace-time requirements of the reserve forces;
 - (h) providing accommodation for the safe custody of arms or equipment;
 - (i) the supply of the requirements, when called out, of the units of the reserve forces within the area for which the association is established in so far as those requirements are directed by the Defence Council to be met locally;
 - (j) the welfare of members and former members of Her Majesty's land and air forces and of members and former members of the reserve naval and marine forces.
- (3) For the purposes of subsection (2)(i) the Defence Council shall make and issue to associations regulations specifying, so far as practicable, the requirements mentioned in that paragraph which are to be met locally.
- (4) An association shall not have any powers of command or training over any part of Her Majesty's forces.
- (5) The members of an association shall not be under any pecuniary liability for any act done by them in their capacity as members in carrying out the provisions of this Part.

Textual Amendments

- F1** 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)

[^{F2}113A Duty to prepare report on volunteer reserve forces

- (1) An association must prepare an annual report on the state of the volunteer reserve forces so far as concerns the area for which the association is established.
- (2) A report on the state of the volunteer reserve forces is a report that sets out the association's assessment of the capabilities of the volunteer reserve forces, having regard to the duties that may be imposed on members of those forces by or under this Act or any other enactment.
- (3) The assessment referred to in subsection (2) must, in particular, include the association's views on the effect of each of the following matters on the capabilities of the volunteer reserve forces—
- (a) the recruiting of members for the volunteer reserve forces;
 - (b) the retention of members of those forces;
 - (c) the provision of training for those forces;
 - (d) the upkeep of land and buildings for whose management and maintenance the association is responsible.

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- (4) A report under subsection (1) must also set out the association's assessment of the provision that is made as regards the mental welfare of members and former members of the volunteer reserve forces.
- (5) An association must send a report under subsection (1) to the Secretary of State—
 - (a) in the case of the first report, before the first anniversary of the day on which the last Future Reserves 2020 report prepared before the coming into force of this section was presented to the Secretary of State, and
 - (b) in the case of subsequent reports, before the anniversary of the day on which the first report was laid before Parliament under subsection (6).
- (6) On receiving a report under subsection (1), the Secretary of State must lay a copy of it before Parliament.
- (7) The duties under this section may, instead of being performed by an association, be performed by a joint committee appointed under section 116 by two or more associations in relation to their combined areas.
- (8) Where by virtue of subsection (7) a joint committee has the duty to prepare a report—
 - (a) references in subsections (1) to (5) to an association are to be read as if they were to the joint committee, and
 - (b) section 117(1)(a) (power to regulate manner in which functions are exercised) has effect as if the reference to associations were to the joint committee.
- (9) In subsection (5)(a), “Future Reserves 2020 report” means a report prepared by the External Scrutiny Group on the Future Reserves 2020 programme.]

Textual Amendments

- F2** S. 113A inserted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), **ss. 47, 50(1)** (with [s. 49\(4\)](#), [Sch. 7 para. 12\(3\)](#)); [S.I. 2014/2370](#), [art. 4\(c\)](#)

114 Expenses of associations.

- (1) The Defence Council shall pay to an association, out of money provided by Parliament, such sums as in the opinion of the Defence Council are required to meet the necessary expenditure incurred by the association.
- (2) An association—
 - (a) shall annually at such time as may be specified in regulations under this Part; and
 - (b) may at any other time for any special purpose, submit in such form and manner as may be so specified a statement of its necessary requirements to the Defence Council; and all payments under this section to an association shall be made upon the basis of such a statement, so far as approved by the Defence Council.
- (3) Subject to regulations under this Part, any money paid to an association by the Defence Council shall be applicable to any of the purposes specified in the approved statements in accordance with which money has been granted and, except with the written consent of the Defence Council or an officer authorised by or in accordance with directions

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of the Defence Council for the purpose of giving consents, shall not be applicable otherwise.

- (4) Nothing in this section shall be construed as enabling the Defence Council or an authorised officer to give consent to the application of money to any purpose to which, apart from this section, it could not lawfully be applied, or to give consent without the authority of the Treasury in any case in which, apart from this section, the authority of the Treasury would be required.
- (5) All money received by an association otherwise than from the Defence Council (except such money, if any, as may be received by the association for specified purposes) shall be available for the purposes of any of the powers and duties of the association.
- (6) The income from investments representing money originally received for the purposes of any of the reserve forces, or the cadet forces mentioned in section 113(1)(c), shall be applied only to that purpose, unless the Defence Council otherwise direct.

115 Accounts of associations.

- (1) An association shall cause its accounts to be made up and audited annually in such manner as may be specified in regulations under this Part.
- (2) An association shall send copies of its accounts, together with any report of the auditors on them, to—
 - (a) the Defence Council; or
 - (b) such authority or person as may be directed by regulations under this Part.

116 Joint committees of associations.

- (1) Two or more associations may from time to time join in appointing from among their respective members a joint committee for any purpose in respect of which they are jointly interested.
- (2) An association joining in appointing a joint committee under this section may delegate to it any power which such an association may exercise for the purpose for which the committee is appointed.
- (3) Subject to the terms of delegation, a joint committee appointed under this section shall in respect of any matter delegated to it have the same power in all respects as the associations appointing it.
- (4) The costs of such a joint committee shall be defrayed by the associations by whom it has been appointed in such proportion as may be agreed between them.
- (5) The accounts of such joint committees and their officers shall for the purposes of this Part be deemed to be accounts of the associations appointing them and of their officers.

117 Regulations as to associations.

- (1) Regulations for carrying into effect the provisions of this Part as respects associations may be made by the Defence Council and such regulations may, in particular, provide for the following matters—

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- (a) for regulating the manner in which powers are to be exercised and duties performed by associations, and for specifying the services to which money paid by the Defence Council is to be applicable;
 - (b) for authorising and regulating the acquisition by or on behalf of associations of land for the purposes of this Part and the disposal of any land so acquired;
 - (c) for authorising and regulating the borrowing of money by associations;
 - (d) for authorising the acceptance of any money or other property, and the taking over of any liability, by associations, and for regulating the administration of any money or property so acquired and the discharge of any liability so taken over;
 - (e) for facilitating the co-operation of an association with any other association or with any local authority or other body (whether by the constitution of joint committees or otherwise) and for the provision of assistance by one association to another;
 - (f) for affiliating cadet units, rifle and aviation clubs and other bodies to any of the reserve forces or any part of any such force;
 - (g) for or in respect of anything directed or authorised by any provision of this Part to be done or provided for by or in regulations or to be done in such manner as may be specified.
- (2) Regulations under this section made for the purposes of section 114 or 115 shall be subject to the Treasury's consent.
- (3) Regulations under this section shall be laid before each House of Parliament after being made.

118 Compensation of displaced employees.

- (1) The Secretary of State may make regulations providing for the payment by the Secretary of State of compensation to, or in respect of, any person who in the Secretary of State's opinion falls within subsection (2) or (3).
- (2) A person falls within this subsection if he has ceased to be employed by an association established for the purposes of this Part, or has suffered a diminution in the emoluments of his employment by such an association, in consequence of—
- (a) the winding-up of the association;
 - (b) any change in its activities or in the area for which it is established; or
 - (c) any proposal for such a winding-up or change.
- (3) A person falls within this subsection if he—
- (a) has ceased to be employed by the body known as the Council of Territorial, Auxiliary and Volunteer Reserve Associations; or
 - (b) has suffered a diminution in the emoluments of his employment by that body, in consequence of the winding-up of associations established for the purposes of this Part or of changes in their activities or the areas for which they are established.
- (4) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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119 Winding-up of associations.

- (1) The Defence Council may make an order providing for the winding-up of an association.
- (2) An order under subsection (1)—
 - (a) may make supplemental, incidental and transitional provision (including provision as respects the transfer of property, rights and liabilities and financial adjustments); and
 - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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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](#)