



**Ministry
of Defence**

**JSP 753
Regulations for the Mobilisation of UK Reserve
Forces**

Part 1: Directive

Foreword

People lie at the heart of operational capability; attracting and retaining the right numbers of capable, motivated individuals to deliver Defence outputs is critical. This is dependent upon maintaining a credible and realistic offer that earns and retains the trust of people in Defence. In order to achieve this, all personnel must be confident that, not only will they be treated fairly, but also that their families will be treated properly and that Service veterans and their dependants will be respected and appropriately supported.

Reserve Forces provide a key component of the United Kingdom's Defence capability and in recent years they have made a significant contribution to operations. Under Future Force 2020, Reservists will play an even greater role as part of an integrated mix of people delivering Defence Outputs. This latest edition of JSP 753 builds on our recent and extensive experience of mobilising our Reserve Forces and incorporates the key changes brought about by the Defence Reform Act 2014.

JSP 753 is the authoritative policy and guidance on mobilising UK Reserve Forces.

Chief of Defence People
Defence Authority for the United Kingdom's Reserve Forces

Preface

How to use this JSP

1. JSP 753 is designed to be used by staff responsible for the mobilisation of UK Reserve Forces. This JSP contains the policy, direction and guidance on the processes involved and details of best practice. This JSP will be reviewed at least annually.
2. The JSP is structured in two parts:
 - a. Part 1- Directive, which provides the direction that must be followed in accordance with Statute, or Policy mandated by Defence or on Defence by Central Government.
 - b. Part 2 - Guidance, which provides the guidance and best practice that will assist the user to comply with the Directive detailed in Part 1.

| Related JSPs | Title |
|-------------------|--|
| JSP 753 Part 2 | Regulations for the Mobilisation of UK Reserve Forces - Guidance |
| JSP 516 | The Reserve Forces Act 1996 |
| JSP 532 | Guidance for Reservists returning to civilian employment following a period of mobilised service |
| JSP 752 | Allowances |
| JSP 754 | Pay and Charges |
| JSP 764 | Reserve Forces Pension Scheme 2005 |
| JSP 854 (pending) | Armed Forces Pension Scheme 1975 |
| JSP 905 (pending) | Armed Forces Pension Scheme 2015 and Accrued Rights |

Coherence with other Defence Authority Policy and Guidance

3. Where applicable, this document contains links to other relevant JSPs, some of which may be published by different Defence Authorities. Where particular dependencies exist, these other Defence Authorities have been consulted in the formulation of the policy and guidance detailed in this publication.

Further Advice and Feedback- Contacts

4. The owner of this JSP is Capability and Commitments Branch, Reserve Forces and Cadets Directorate, MOD. For further information on any aspect of this guide, or questions not answered within the subsequent sections, or to provide feedback on the content, contact:

| Job Title/E-mail | Project focus | Phone |
|---------------------|---------------------|------------|
| People-RFC-Cap Cts1 | Mobilisation Policy | 9621 83852 |
| People-RFC-Cap Cts2 | Sponsored Reserves | 9621 89310 |

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1 General Conditions

Introduction

1. Reserve Forces provide an integral component of the UK Defence capability, as part of the Whole Force¹. Provision is made with respect to the Reserve Forces by the Reserve Forces Act 1996 (RFA 96), as amended by the Armed Forces Act 2006 and the Defence Reform Act 2014 (DRA 14). RFA 96 provides for the call out of Reserve Forces for permanent service. This process is also referred to as 'mobilisation' and serves as the primary mechanism for Reservists to undertake military operations or other authorised military tasks.

2. For the purposes of this JSP, mobilisation is the process by which an individual Reservist, or group of Reservists, is brought into permanent service. Failure to attend for service on call out without leave lawfully granted or reasonable excuse is an offence under RFA 96. However, employers have the right to apply for deferral of, or exemption from, a Reservist's liability to be mobilised or, in the case of persons already serving, release or discharge from service. RFA 96 limits the periods for which Reservists may be required to serve when mobilised. Once brought into permanent service, Reservists attract many of the same rights and benefits as their Regular counterparts. In addition, their civilian employment rights are protected and both the employer and Reservist may be entitled to claim financial assistance.

3. DRA 14 amended RFA 96 to allow the Secretary of State for Defence to authorise the mobilisation of Reserve Forces if it appears to him that it is necessary or desirable to use Reservists for any purpose for which members of the Regular services may be used². This amendment significantly broadened the circumstances in which Reservists could be mobilised. The intent of DRA 14, as a key component of the Future Reserves 2020 programme, was to enable Reservists to be effectively integrated within the Whole Force, making a valuable, flexible and sustainable contribution to Defence capability.

The Reserve Forces

4. The UK Reserve Forces consist of:

a. **Volunteer Reserve Forces.** Volunteers who accept an annual training commitment and a liability for call out for permanent service. The Volunteer Reserve Forces are the Royal Naval Reserve, the Royal Marines Reserve, the Army Reserve³ and the Royal Auxiliary Air Force.

b. **Ex-Regular Reserve Forces.** Ex-regular forces personnel who, on leaving the regular forces, retain a liability for call out. The Ex-Regular Reserve Forces are the

¹ The Whole Force Concept was introduced in the 2011 Defence Reform Review and seeks to ensure that Defence is supported by the most sustainable, effective, integrated and affordable balance of Regular military personnel, Reservists, MOD civilians and contractors.

² The new, broader call-out liability introduced by DRA 14 does not apply automatically to those who joined the reserve or regular forces before 1 October 2014, but such persons may elect to accept that liability. DRA 14 makes no changes to the powers in RFA 96 to mobilise Reservists in times of national danger or great emergency or in the event of an actual or apprehended attack on the UK (see section 52 of RFA 96) or for warlike operations (see section 54 of RFA 96).

³ Formerly titled the Territorial Army.

Royal Fleet Reserve, the Regular Reserve and the Royal Air Force Reserve.

5. In addition, there are ex-Regulars not in the Reserve Forces who have a liability to be recalled for service in the event of national danger, great emergency or an actual or apprehended attack on the UK.

Terms of Reserve Service

6. Short of mobilisation, RFA 96 makes provision with respect to Reserve Forces training and other duties and additional commitments.

a. **Mandatory Annual Training Obligation.** RFA 96 section 22 provides for Reservists to be subject to training obligations. Meeting training obligations set down in Service Command (SC) regulations is mandatory in order for Reservists to be eligible for award of the Certificate of Efficiency and therefore Training Bounty. Pay is attendance based and paid as Man Training Days (MTDs).

b. **Voluntary Training or Other Duties (VTOD).** In addition to mandatory annual training obligations, RFA 96 section 27 provides for Reservists to be given the opportunity to volunteer to undertake a period of VTOD. Training carried out under section 27 is entirely separate from the minimum training obligation under section 22. It is a non-binding commitment. Pay is attendance based and while rates of pay will normally be the same as those under section 22, in some circumstances section 27 duties may be unpaid, with the agreement of both parties.

c. **Additional Duties Commitment (ADC).** An ADC is a formal binding commitment, provided under RFA 96 Section 25, under which a member of the Reserve Forces commits, in writing, to perform specified duties for specified periods. In broad terms personnel enter an ADC to make use of competencies they already hold for Regular or Reserve service, or to take advantage of longer training opportunities or courses. Duties carried out under a ADC are separate to those conducted under section 22 or 27. A commitment can range between 4 weeks up to a maximum of 180 days in any twelve month period.

d. **Full Time Reserve Service (FTRS).** Section 24 of RFA 96 provides for a member of the Reserve Forces to enter into a commitment in writing to undertake a period of FTRS performing specified duties for a specified period. This is a formal binding commitment under which the Reservist is contracted to undertake duties. There are three types of FTRS: Full Commitment (FC), Limited Commitment (LC) and Home Commitment (HC); each with a different liability and attracting different benefits and entitlements.

7. Further details can be found in SC Reserve regulations⁴.

Agreements under Parts 4 and 5 of RFA 96

8. **High Readiness Reserves (HRR).** HRR are members of any of the Reserve Forces who have specialist skills and who accept an increased liability for call out (under Part 4 of RFA 96). HRR meets the need for skills that might be in short supply in Regular and

⁴ RN: BR3 Navy Personnel Management; Army: Army Reserve Regulations; RAF: AP3392 Vol 7

Reserve Forces and which might be needed early in a crisis. Further details can be found in Chapter 2.

9. **Sponsored Reserves (SRs).** SRs are employees whose employers have an arrangement (usually a contract) with the MOD for the provision of support services and who have become special members of a Reserve Force (under Part 5 of RFA 96). SRs have liabilities for training and call out so that they can be called out to continue to support MOD on operations, utilising their civilian skills, but as service personnel. Further details on SRs can be found within the Defence Logistic Framework (which replaced JSP 567 Part 1 – Contractor Support to Operations) and which can be accessed via the [Defence Gateway](#).

Reasons for Mobilisation

10. **Guiding Principles.** When deciding whether to recommend to the Secretary of State that members of the Reserve Forces be mobilised, SCs must consider whether their use:

- a. Meets a defined Defence output, or specified military task;
- b. Wherever possible, is retention positive and likely to retain the overall support of employers;
- c. Provides value for money for Defence.

11. **Types of Activity.** The types of activity for which mobilisation might be expected to be authorised include:

- a. **Standing Military Tasks**, such as support to the operation of Permanent Joint Operating Bases or maritime components;
- b. **Operations**, within or outside the UK;
- c. **Defence Engagement Tasks**, such as Military Capacity Building, Short Term Training Teams or activities in direct support of defence diplomacy objectives.

12. **Restrictions.** To retain the support of employers and the ability to mobilise Reservists for priority tasks - taking into account that there are limits on the duration of permanent service within set periods - Reservists should not be mobilised solely to conduct training, professional/personal development activities, or provide training support which is not directly related to operations. Such activities should be undertaken under sections 22, 24, 25 or 27 of RFA 96.

The Mobilisation Process

13. The generic mobilisation process is shown diagrammatically at figure 1 and described below:

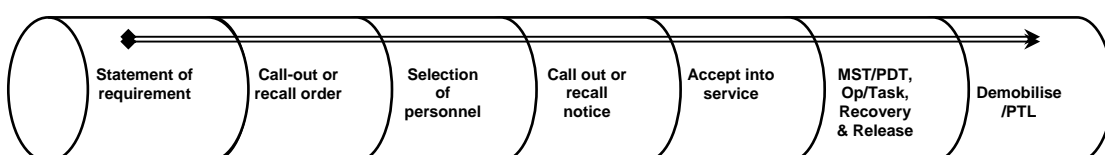


Figure 1

- a. **Statement of Requirement.** SCs are responsible for force generation within their respective services and deciding on whether there is a requirement to mobilise Reservists for an operation or task. This will normally be established following a review of the operational Statement of Requirement (SOR) or CDS Directive which will detail the capabilities required for any task.
- b. **Call Out/Recall Order.** A call-out order provides legal authority to mobilise Reservists. A recall order provides lawful authority to mobilise persons liable to recall. Whilst a call-out order is not required to mobilise High Readiness Reserves (HRR) or Sponsored Reserves (SR) the authority to issue a call out notice can be delegated by the Secretary of State for Defence to the relevant SC.
- c. **Selection of Personnel for Mobilisation.** Failure to attend for service on call out without leave lawfully granted or reasonable excuse is an offence under RFA 96. However, employers have the right to apply for deferral of, or exemption from a Reservist's liability to be mobilised or, in the case of persons already serving, release or discharge from service. Defence seeks to reduce mobilisation risk⁵ by applying selection filters before issuing call-out notices. These include the willingness, suitability and availability of a Reservist to deploy. This process is known as 'Intelligent Selection.' Other considerations include the operational requirement, financial implications (including levels of financial assistance) and other relevant MOD guidance such as Defence augmentation policy. It is the process that underpins call-out. The degree of intelligent selection applied will be dependant on the time available for dialogue.
- d. **Call Out/Recall Notice.** Legally enforceable call out notices are issued to individual Reservists who are to be mobilised. Legally enforceable recall notices are issued to individual persons liable to be recalled who are to be mobilised. Notices are issued by the relevant Service Secretary and direct the date on which a person is to report for permanent service. A notice is also sent to a Reservist's employer.
- e. **Acceptance into Service.** Acceptance into service is the formal induction of a person into permanent service. It is normally undertaken at a mobilisation centre along with a period of mobilisation training.
- f. **Pre-Deployment Training, Deployment (or Task) and Post Operational Activity.** On assignment to an operational unit or ship a Reservist will normally undertake a period of PDT/MST prior to any deployment. Deployment consists of the operational tour (or authorised task), R&R if applicable, Recovery, Decompression and Normalisation activity prior to their release from service.
- g. **Demobilisation.** Demobilisation is the process used to formally release the Reservist from their period of permanent service and includes normal J1/4 checks to ensure that there are no outstanding issues before a Reservist is released on annual or Post Operational Leave (AL/POL). The period of leave ends on the last day of permanent service. Employers receive notice of the release of the Reservist and their last day of permanent service, to facilitate their return to work and to conform with the Safeguard of Employment Act 1985.

⁵ For example, through reducing the likelihood of an application for deferral or exemption and of medical failure.

Readiness

14. SCs are responsible for determining the appropriate readiness levels for their units and individuals, including Reserves. With the exception of HRR and SRs, the majority of Reserves will not routinely be held at higher than Medium readiness (R6 and above) for contingent operations. Regular units relying on Reserves must take into account associated Reservist readiness, in particular:

a. **Readiness Time.** While all Reservists are technically on immediate notice for call-out⁶, when circumstances permit it is Defence policy that they, and their employers, will be given a minimum of 28 days formal notice⁷ to report to a mobilisation centre for contingency operations and 90 days notice for pre-planned operations. The notice period is to be included in the readiness times for Reserves, along with any preparations for call-out that cannot be completed before a decision to call out Reserves is made. This limits the amount of time available for force preparation within any readiness times. For example a Reserve unit held at R7 (60 days) will only have 30 days available for any remaining force preparation, including training, prior to deployment.

b. **Training.** While the Volunteer Reserves training progression is designed to deliver Reservists at the correct start state for Mission Specific Training (MST) and/or Pre-Deployment Training (PDT) the reality is that some Reservists, particularly those from the Regular Reserves, may require additional training to bring them to the required standard. This may need to be conducted post call out and should therefore be taken into account when determining levels of readiness.

⁶ There is no minimum notice period required for call-out under RFA 96.

⁷ The formal notice period will be initiated by the issue of call-out notices (with 2 days for postal delivery) to Reservists. Intelligent selection may mean a Reservist has already been informally informed.

2 Reserve Forces and Legislation

The Reserve Forces Act 1996

1. The Reserve Forces Act 1996 (RFA 96) makes provision with respect to the Reserve Forces, including their maintenance, membership, enlistment and conditions of service, training and call out. RFA 96 repealed and replaced the Reserve Forces Act 1980 (RFA 80) save that certain provisions in RFA 80 continue to apply to persons who were in reserve or regular service before RFA 96 came into force (on 1 April 1997). RFA 96 introduced:

- a. New call out powers.
- b. New Reserve service commitments:
 - (1) Full Time Reserve Service (FTRS) and Additional Duties Commitment (ADC);
 - (2) High Readiness Reserve (HRR) service;
 - (3) Sponsored Reserve (SR) service.
- c. New safeguards for Reservists and their employers.

Defence Reform Act 2014

2. The Government White Paper 'Reserves in the Future Force 2020' set out changes to the structure, size and role of the UK's Reserve Forces. Reserve Forces are expected to be more closely integrated with their regular counterparts, to be used more often, and on a broader range of tasks. The Defence Reform Act 2014 (DRA 14) made changes which included amending section 56 of RFA 96 to allow the Secretary of State to authorise call out if it appears to him that it is necessary or desirable to use Reserves for any purpose for which members of the regular services may be used. It also extended the period for which Reservists mobilised under a call-out order made under section 56 may be required to serve from nine months to twelve months.

3. Further details of RFA 96 are contained in JSP 516 but a summary of those aspects that relate to mobilisation are restated here for ease of reference. Neither this JSP nor JSP 516 provide an authoritative statement of law.

Transitional Classes

4. The call-out powers in RFA 96 do not automatically apply to those who joined the Reserve Forces before RFA 96 came into force (on 1 April 1997) or those who joined the regular forces before that date and later transferred from regular service to an ex-regular Reserve Force. RFA 96 makes provision so that persons serving in the Reserve Forces immediately before 1 April 1997 have the option to remain in a class of persons ("the transitional class) in relation to whom certain provisions in RFA 96 do not apply and in relation to whom provisions in the Reserve Forces Act 1980 (RFA 80) continue to apply. Provision is also made so that persons serving in the regular forces immediately before 1 April 1997 may become a member of the transitional class on transfer to the reserve. Members of the transitional class remain in that class until they elect to cease to be a

transitional member or they leave the forces and rejoin, re-engage, extend their service or become an officer.

5. By 31 March 2002, there were no longer any ratings or ranks in the Volunteer Reserve Forces who were members of this transitional class. In theory, some officers may continue as members and may do so until reaching the specified retirement age, or in some cases, death. However, all officers have been positively encouraged to elect to cease to be transitional members. Ex-Regular Reservists and officers who joined the Armed Forces prior to 1 April 1997 and subsequently transfer to the Reserves also form part of this transitional class. However, by 1 April 2015 the ex-Regular Reserve Forces will no longer contain any non-officer members of this transitional class (owing to the expiry of all eighteen year engagements which began before 1 April 1997).

6. These transitional members continue to be subject to the call-out powers in RFA 80 (provisions in RFA 80 continue in force solely to make provision with respect to such transitional members). The 1980 Act was amended so that a call-out order under section 52 or 54 of RFA 96 authorises call-out under the call-out powers in RFA 80. RFA 96 also provides so that Reservist officers, who were previously not subject to call out under the 1980 Act but were called out under separate powers, are now subject to the same call-out provisions as non-commissioned personnel.

7. The amendments that DRA 14 makes to the call-out powers in RFA 96, only automatically apply to those who joined the Reserve Forces after those amendments came into force on 1 October 2014. The call-out powers in RFA 96 as amended by DRA 14 do not automatically apply to those who joined the reserve forces before 1 October 2014 or those who joined the regular forces before that date and later transfer from regular service to an ex-regular reserve force. DRA 14 amended RFA 96 so that persons serving in the Reserve Forces immediately before 1 October 2014 have the option to remain in a class of persons ("the second transitional class) in relation to whom the changes made to call-out powers by DRA 14 do not apply. The call-out liability of such persons is limited so that it is the same as that provided for in RFA 96 before it was amended by DRA 14. Provision is also made by DRA 14 so that persons serving in the regular forces immediately before 1 October 2014 may become members of the second transitional class on transfer to the reserve. Members of the second transitional class remain in that class until they elect to cease to be a transitional member or they leave the forces and rejoin, re-engage, extend their service or become an officer.

8. **Ceasing to be a Transitional Member.** A Reservist who is a member of either transitional class remains within that class until either:

- a. they elect to cease to be a transitional member; or
- b. they leave and rejoin; re-engage or otherwise extend their service or become an officer

upon which they will become subject to the new, broader call-out liability in RFA 96 as amended by DRA 14.

9. Any member of a transitional class who wishes to accept that new, broader call-out liability must do so by electing to cease to be a transitional member. The election must be made on a special form, which can be provided by Service Personnel Branches.

Call Out Powers

10. RFA 96 provides for the following call out powers:

- a. **Section 32 - Call out of Persons who have entered into Special Agreements.** The Secretary of State may, if he considers it appropriate to do so, call out for service any person who has entered into a special agreement (also known as High Readiness Reservists). Authority to call out Reservists under this section may be delegated to the relevant SC.
- b. **Section 43 - Call out of Special Members.** The Secretary of State may call out for service any special member of a reserve force if he considers it appropriate, in the light of operational requirements and the arrangements he has made with the employer of that person, for that person to continue to undertake work of direct or indirect benefit to the Armed Forces. Reservists who are special members are also known as Sponsored Reserves. Authority to call such Reservists out under this section may be delegated to the relevant SC.
- c. **Section 52 - Call out for National Danger, Great Emergency or Attack on the UK.** Her Majesty may make an order authorising the call out of members of a reserve force if it appears to Her that national danger is imminent or that a great emergency has arisen; or in event of an actual or apprehended attack on the United Kingdom.
- d. **Section 54 - Call out for Warlike Operations.** 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 them that warlike operations are in preparation or progress.
- e. **Section 56 - Call out for Certain Purposes.** 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 them 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. Some members of the reserve forces who were serving in those forces immediately before 1 October 2014 may remain in a class of persons (“the second transitional class”) in relation to whom changes made by DRA 14 to section 56 do not apply. For such persons, the call-out power in section 56 applies as if it is limited to the powers that were contained in section 56 before that section was amended by DRA 14. Those powers allowed the Secretary of State to make an order authorising the calling out of members of a reserve force in the following circumstances:
 - (1) Where it appeared to him that it was necessary or desirable to use armed forces-
 - (a) on operations outside the United Kingdom for the protection of life or property;
 - or
 - (b) on operations anywhere in the world for the preservation of life or property in time of disaster or apprehended disaster.
 - (2) For the purposes of carrying out work approved in accordance with instructions issued by the Defence Council under the Defence (Armed Forces)

Regulations 1939 as being urgent work of national importance, where the Defence Council has by order under those regulations authorised members of any forces to be temporarily employed in such work.

Recall Powers

11. **RFA 96.** Under section 68 of RFA 96 Her Majesty may make an order authorising the recall for service of persons to whom section 66 of RFA 96 applies. Such an order may be made in the same circumstances as a call-out order may be made under section 52 of RFA96 (see para 10c above). Section 66 applies to a person who is not serving in the Regular Services or the Reserve Forces and who:

- a. holds a commission as an officer; or
- b. has served as a rating, or other rank in the Regular Services, and:
 - (1) has not become an officer since being discharged or transferred to the reserve from the regular services, and
 - (2) is under the age of 55, and
 - (3) is not a person in relation to whom a period of 18 years or more has elapsed since discharge or transfer to the reserve from the regular services (6 years or more for former Royal Navy or Royal Marines personnel).

12. **RFA 80.** The recall liabilities of some reservists are governed by RFA 80, or, in the case of former RAF Officers who served on permanent commissions, under certain prerogative powers. They may be recalled in the same circumstances as a call-out order may be made under section 52 of RFA 96 (see para 10c above). Such reservists include:

- a. **RAF Officers on the Retired List.** RAF officers who served on a permanent commission and who have completed their service are designated as Retired List officers. Their liability to recall, under prerogative powers, continues to age 60 for officers up to the rank of OF5 and, in the case of RAF air officers, to age 65 (1 and 2-star ranks) and to age 67 (3 and 4-star ranks).
- b. **Former Service Personnel in Receipt of a Service Pension.** Former Naval Ratings/Other Ranks, Army Other Ranks and RAF Airmen who are in receipt of a Service pension are designated as service pensioners. Except for those ineligible for recall by virtue of Schedule 2 of RFA 80, such pensioners are subject to recall to age 60 or for Home Defence Service, and there is no limit on the length of service that may be required after recall.
- c. **Members of the Long Term Reserves.** Former Naval Ratings/Other Ranks, Army Other Ranks and RAF Airmen who enlisted before 1 Apr 97, are under 45 years of age and are no longer members of a Reserve Force.

Duration of Call Out

13. RFA 96 includes provisions which limit the periods for which Reservists may be required to serve under a call-out order. The limits take account of a Reservist's recent "relevant service" (ie other periods of service on call out). The limits are:

- a. For call out under section 52 of RFA 96, up to 3 years (though this may be extended to 5 years by order of Her Majesty)⁸. However, for a Reservist who has served on call out in the previous 6 years, the 3 year maximum is reduced by a period equal in length to the total time spent in service on call out in those 6 years.
- b. For call out under section 54 of RFA 96, up to 12 months (though this may be extended to 2 years by order of Her Majesty). However, for a Reservist who has served on call out in the previous 3 years, the 12 month maximum is reduced by a period equal in length to the total time spent in service on call out in those 3 years. A reservist who has completed a period of 12 months service within the 3 year period cannot be called out, unless they choose to formally waive this right.
- c. For call out under section 56 of RFA 96, up to 12 months (this cannot be extended by order of Her Majesty). However, for a Reservist who has served on call out in the previous 3 years, the 12 month maximum is reduced by a period equal in length to the total time spent in service on call out in those 3 years.⁹

Eligibility for Call Out Following Previous Permanent Service

14. Responsibility for establishing whether an individual may be mobilised lies with the appropriate Service Personnel Centre who will need to check previous service and calculate whether the intended mobilisation would breach the limits described in paragraph 13 above. Service Personnel Centres must ensure that no Reservists are mobilised to serve for periods that they cannot lawfully be required to serve.

Voluntary Extensions and Additional Periods of Permanent Service

15. **Extensions While in Permanent Service.** A Reservist in permanent service may agree to an extension of that period of permanent service beyond the maximum period for which he may otherwise be required to serve (see paragraph 14 above). A Reservist called out under section 54 or 56 of RFA 96 may agree to an extension of up to six months. A Reservist called out under section 52 of RFA 96 may agree to an extension of up to 12 months. An agreement in respect of service under an order made under section 54 or 56 of RFA 96 cannot be entered into more than 6 months before the day on which (disregarding the agreement), the Reservist would be entitled to be released from permanent service. An agreement in respect of service under an order made under section 52 of RFA 96 cannot be entered into more than 12 months before the day on which (disregarding the agreement), the Reservist would be entitled to be released from permanent service. Extensions of permanent service are to be considered by exception only. SC personnel branches are responsible for providing guidance on situations where extensions are appropriate, maximum extension timelines and for reviewing all extension requests in order to ensure individuals do not exceed a sensible level of exposure to operational stresses.

⁸ This is the same as the limit which applies to service on recall under section 68 of RFA 96

⁹ For members of the second transitional class (within the meaning of Schedule 9 to RFA 96) who are called out under section 56 of RFA 96, the limits are different. They may be required to serve under an order made under section 56 for up to 9 months. However, for a member of that class who has served on call out in the previous 27 months, the 9 month maximum is reduced by a period equal in length to the total time spent in service on call out in those 27 months.

16. **Voluntary Agreements.** The Armed Forces Act 2006 (AFA 06) amended RFA 96 to allow Reservists who would otherwise be 'timed out' (ie not eligible for permanent service because the limits explained in paragraph 14 would, by reason of their recent permanent service, be exceeded in the event of call out) to enter into 'Voluntary Agreements' to treat that recent permanent service as not having occurred. As a matter of policy, such agreements are subject to the support of the employer and must be managed within Service harmony guidelines (considering sensible exposure to operational commitments and stresses). Further details are available from SC personnel branches.

17. **HRR.** HRR personnel called out under section 32 may be required to serve for up to 12 months on call out (up to 9 months if they are members of the second transitional class). The maximum period for which they may be required to serve on call out is specified in their HRR agreement. An HRR agreement terminates 12 months after the day on which it was entered into if the Reservist is not accepted into service under Part 4 during that period. If the Reservist is accepted into service under Part 4 at any time during those 12 months, the HRR agreement does not terminate until they are released from mobilised service (which may be up to 12 months from the date of call out (up to 9 months for members of the second transitional class)). The respective SC personnel branch has responsibility to ensure that individuals do not exceed a sensible level of exposure to operational stress.

18. **SR.** SR personnel called out under section 43 may be required to serve for up to 9 months.

Compulsory Extension - When in Permanent Service

19. A Reservist will normally be entitled to be released from permanent service on the expiry of their current term as a member of a reserve force. However, that entitlement may be postponed. For a Reservist in service under a call-out order made under section 52, 54 or 56, it may be postponed for up to 12 months¹⁰.

Compulsory Extension - Not in Permanent Service

20. RFA 96 section 16 makes provision about entitlement to discharge from the Reserve Forces of ratings or other ranks when not in permanent service. Section 17 provides so that, where a call-out order under section 52 is in force, a Reservist's entitlement to discharge on the expiry of his term of service may be postponed for up to 12 months. Section 17 also provides so that, where a call-out order under section 52 or 54 is in force, a Reservist's entitlement to discharge before the expiry of his term of service (on meeting the conditions for entitlement to discharge under section 16(4), including giving notice to his CO of his desire to be discharged) may be postponed for the duration of the period in which the call-out order is in force.

Call Out/Recall Orders

21. Before Reservists can be called out under Part 6 of RFA 96, a call-out order must be in force. Before officers and former service personnel can be recalled under Part 7 of RFA 96, a recall order must be in force. Such orders provide legal authority for bringing persons into permanent service. Orders under sections 52 and 68 are made by Her Majesty, while orders

¹⁰ For members of the second transitional class in service under a call-out order made under section 56, it may be postponed for up to 9 months.

under sections 54 and 56 are made by the Secretary of State for Defence¹¹. The process for calling out HRR and SR under Parts 4 and 5 of the Act respectively does not involve the making of a call-out order but RFA 96 provides that such personnel may not be called out unless the Secretary of State considers it appropriate (though the Act provides that he may authorise others to exercise this function). Requests to Ministers for delegated authority to call out members of the HRR are to be staffed through RFC Commitments. Further detail is contained in Chapter 3.

Call Out/Recall Notices

22. Once an order authorising call out is in force, call out notices may be sent to Reservists requiring them to report for service at a specified time and place and to remain there until either accepted into service or informed that they are not required. Once an order authorising recall is in force, recall notices may be sent to persons liable to be recalled requiring them to report for service at a specified time and place and to remain there until either accepted into service or informed that they are not required. Failure to comply with a call out or recall notice without leave lawfully granted or reasonable excuse is an offence (see section 96 of RFA 96). Full details of call out and recall notices may be found in Chapters 3 and 4 respectively.

High Readiness Reserves

23. Part 4 of RFA 96 makes provision with respect to HRR agreements (referred to in the Act as “special agreements for call out”). HRR personnel are members of any Reserve Force who accept an increased liability for call-out. HRR is designed to meet the need for skills that are in short supply within the Regular and Reserve Forces and might be needed early in a crisis or operation. Features of the HRR are:

- a. Volunteers to become HRR accept an enhanced liability for call out and sign an agreement defining their liability.
- b. The maximum duration of an agreement is twelve months (9 months for members of the second transitional class) but it is possible to sign up to successive agreements.
- c. The maximum period for which a HRR may be required to serve on call out under Part 4 of RFA 96 is twelve¹² months. Where a Reservist is accepted into service under Part 4, their HRR agreement does not terminate until they are released from mobilised service. This means that a HRR who has been called out under Part 4 of RFA 96 may be required to remain in service on call out beyond the point when, had they not been called out, their HRR agreement would have terminated.
- d. Where the Reservist is employed under a contract of service which normally involves employment for 14 hours or more a week, the Reservist must have the written consent of that employer before entering into a HRR agreement. An employer may make a request for termination of the agreement or exemption from call out as a result of unforeseen circumstances.
- e. HRRs are eligible for an additional bounty on the anniversary of their HRR

¹¹ May be delegated to Minister of State for the Armed Forces.

¹² Nine months for members of the second transitional class.

agreement and call-out gratuity on acceptance into service.

f. Although the calling out of HRR personnel under Part 4 of RFA 96 does not require the making of a call-out order, RFA 96 provides that such personnel may not be called out unless the Secretary of State considers it appropriate (though the Act provides that he may authorise the Defence Council or any particular officers or officers of a specified description to exercise this function).

24. **Alteration of authority for call out.** The Secretary of State may make a direction that a person who is in service under Part 4 of RFA 96 (HRR) shall cease serving under that Part and shall continue in permanent service on the authority of a call-out order (made under sections 52, 54 or 56) specified in the direction. A person in respect of whom such a direction is given shall continue in service as if he or she had been called out under the specified call-out order and shall be deemed to have begun service under that call-out order at the time when his or her service under Part 4 began.

Sponsored Reserves

25. Part 5 of RFA 96 makes provision with respect to SRs (referred to in the Act as “special members of a reserve force”). Part 5 enables employees, in pursuance of arrangements between their employer and the MoD, to enter into employee agreements and become special members. Employee agreements are written agreements by which a person agrees to become a special member. SRs are Civil Servants or private sector employees whose employers have an agreement with the MOD, usually a contract, for the provision of support services. Features include:

- a. SRs have special liabilities for reserve service, training and call out.
- b. The contractor will be responsible for employing sufficient employees who have become SRs to meet MOD’s requirements.
- c. Terms and conditions of service are modified to take account of the special liabilities and commercial relationships involved.
- d. Although the calling out of SR personnel does not require the making of a call-out order, RFA 96 provides that such personnel may not be called out unless the Secretary of State considers it appropriate (though the Act provides that he may authorise the Defence Council, any particular officers, or officers of a specified description to exercise this function).

26. **Mobilisation.** Mobilisation of SRs is detailed in the SR element of the Defence Logistic Framework and within SC regulations.

3 Call Out for Permanent Service

Setting the Requirement for Reserve Forces

1. **New Requirements.** Following review of a PJHQ or SJC(UK) produced Statement of Requirement (SoR), or endorsed CDS or authorised command directive, SC commitment branches will determine whether there is a requirement to mobilise Reservists for an operation or task. As part of the Whole Force, Reservists are likely to be a component of any force mix, particularly follow-on forces or roulemonts. However, in addition to adhering to the guiding principles detailed at Chap 1, para 10, due consideration should be given to whether sufficient Reservists can be provided within the requisite notice period¹³. Once the requirement has been determined SCs should, as a minimum, provide the following details to RFC Commitments Branch to support the generation of the call-out order:

- a. Op name and theatre.
- b. Outline of likely role/tasks, in particular details of any specialist skills that might only, or readily, be provided from within the Reserve Forces.
- c. Numbers required.
- d. Dates and duration of commitment, including any pre-deployment training requirements.

2. **Enduring or Routine Commitments.** Some enduring or routine Defence commitments may be covered by a 'standing' call-out order (made under section 56(1B) of RFA 96), or an authorised commitment (in the case of HRR and SRs). Subject to the provisions of the order or agreement, this would allow Reservists to be called out without further Ministerial authority. RFC Cts will maintain a list of all approved call-out orders, HRR agreements and other commitments where authority for call out has been delegated.

Requesting a Call-out Order

3. **Call-Out Orders.** A call-out order made by the Secretary of State for Defence¹⁴ under section 54 or 56 of RFA 96 or by Her Majesty under section 52 of RFA 96 provides the requisite legal authority to call out members of the Reserve Forces through the issuing of a call-out notice. The call-out order will state the section of RFA 96 under which it is made, a broad description of the purpose or purposes for which it is made, and the period for which the order will be in effect. The draft call-out order should be submitted to the appropriate Minister's office under cover of a ministerial submission, following the standard format. An example call-out order is at Annex A.

4. **Parliamentary and other Notification.** RFA 96 requires the Secretary of State to notify Parliament forthwith once a call-out order has been made. Notification will normally be delivered to Parliament by MOD Parliamentary Branch or Central Legal Services. An example of a Parliamentary notification letter is at Annex B. In addition, as a matter of

¹³ Defence Policy is that where circumstances allow, Reservists and their employers will be provided a minimum of 28 days notice of mobilisation for unforeseen contingency operations and 90 days notice for pre-planned operations.

¹⁴ Or where authorised Minister of State for the Armed Forces.

protocol, the Minister writes to the House of Commons Defence Committee and Shadow Defence Secretary informing them of the making of a call-out order. The Minister may choose to bring the call out to wider attention through a written or verbal ministerial statement.

Selection of Personnel

5. **Intelligent Selection.** On the making of a call-out order, or ideally before, SCs should identify suitable Reservists at readiness to meet the requirement. The Intelligent Selection process should ensure personnel have the correct competencies, meet the training start standards, necessary medical standards, have sufficient remaining service and are time-eligible. The process should also take into account an individual's personal circumstances, including employment, and their willingness to deploy. The level of flexibility in selecting individuals for call out will depend on the urgency and scale of the operational requirement¹⁵.

6. **Creation of Liability and JPA Position.** Once a call-out order has been made SC commitments branches, most likely in conjunction with Org/Liabilities branches and PJHQ staff, are required to ensure that each Reservist post is detailed on the relevant operational establishment table (OET) and, where required, create the necessary JPA position. Positions should be created before a call-out notice is served on a Reservist.

7. **Time Eligibility for Mobilisation.** RFA 96 limits the periods for which Reservists may be required to serve under call-out orders. The limits take account of a Reservist's recent "relevant service" (ie other periods of service on call out) (see Chap 2, paras 14-17). SCs are required to check Reservists' previous service to ensure that intended mobilisations would not breach the time limits. Figure 2 provides a rough guide to calculating time eligibility.

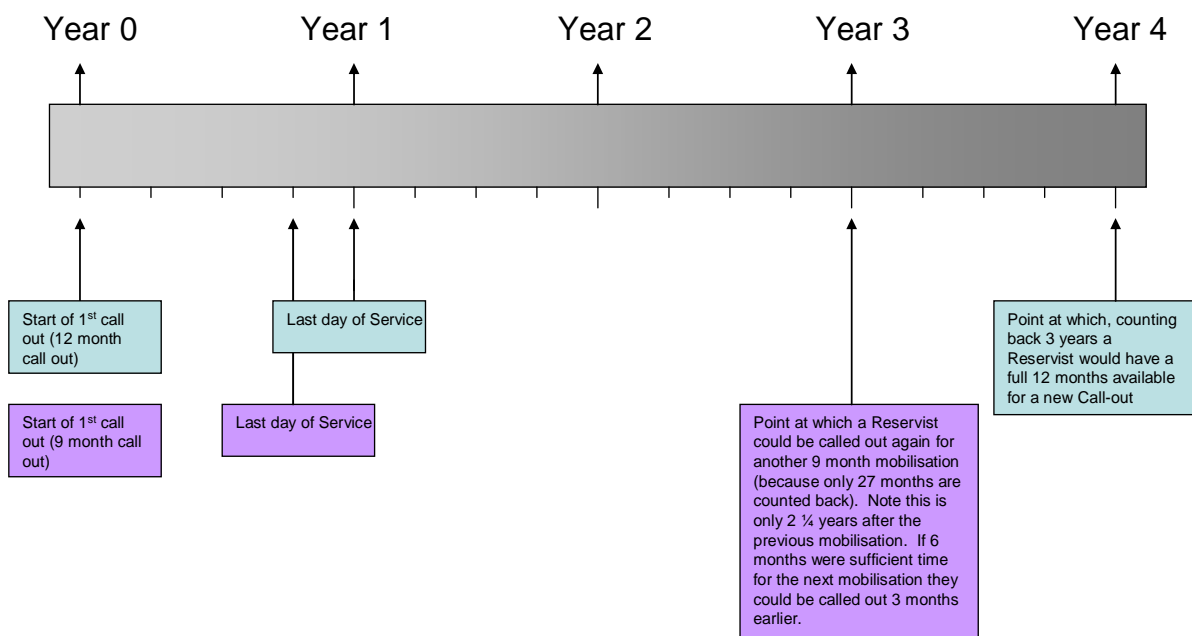


Figure 2

¹⁵ SCs should also consider the cost-benefit, given the financial assistance implications, of mobilising particular individuals for specific roles.

8. **Call Out of Reservists Living Abroad.** There are specific challenges when dealing with Reservists subject to call out who are living abroad. These include enforcement of legal obligations under RFA 96 and such Reservists not benefiting from the employment protection provided by the Reserve Forces (Safeguard of Employment) Act 1985. Some restrictions on travel costs may also apply (further details are contained in JSP 752). Where SCs seek to mobilise a Reservist living abroad, the consequences of responding to a call-out notice must be exposed in full to the individual. In particular, the Reservist must be encouraged to think through the consequences of the absence of employer protection and related social issues. Agreements to reinstate an individual may be negotiated with employers where possible but each case will require specific examination and in most cases there is little that can be done to enforce such agreements.

Issue of Call-Out Notices

9. When authorised, call-out notices for Reservists are issued by the appropriate Service Reserves Manager on behalf of the Secretary of State for Defence and in accordance with the directions of the Defence Council. Once issued a notice may be varied or revoked by the issue of an amending notice. A notice may be served on a person by delivering it to them, or by leaving it at or sending it by post to their last known address. Any call-out or variation notice delivered to that address by registered post or recorded delivery shall be deemed to have been served on that person. JPA letter templates for call-out notices are available via the Library on the JPA portal at:

<http://www.ipublish.dii.r.mil.uk/nlapps/docs/default.asp?id=4260#m>

Call Out Attendance

10. Commanding Officers (COs) of mobilisation units or centres are to maintain a record of Reservists who have reported to their unit in response to a call-out notice sent to them under the authority of a call-out order in force at the time. The record is to be retained for audit purposes under SC arrangements. Services are also to maintain, on JPA, records of the periods of mobilised service undertaken by individuals so as to ensure that the limits which RFA 96 places on the periods for which Reservists may be required to serve under call-out orders are not exceeded.

11. COs of mobilisation units or centres are to maintain a record of reservists who, without leave lawfully granted or reasonable excuse, fail to present themselves for permanent service at the time and place specified in their call-out notice or, having so presented themselves, fail to remain there until formally accepted into service or informed that they are not to be accepted into service. The record is to be retained for audit purposes under SC arrangements. A call-out or recall notice remains in effect until either the person upon whom it was served is formally accepted into service or informed that they are not to be accepted into service or the notice is revoked.

Acceptance into Service on Call Out and Call Out Gratuity

12. An individual who has been served with a call-out notice, or who presents himself for service and who is accepted into service, is to be informed of that fact. He is also to be informed that on acceptance into service he becomes subject to Service Law¹⁶. A record of

¹⁶ On arrival at the mobilisation centre or other place stated in the call-out notice, a member of the Reserve Force is bound by section 95 of RFA 96.

this is to be made in accordance with para 10.

13. **Form of Acceptance.** Individuals, or groups of individuals, are to be informed of their acceptance into service by an authorised officer and a record of this is to be kept. A copy of this record (JPA C018) is to be handed to the individual when he is accepted into service, with further copies being sent to the appropriate Reserve Manager (SPC).

14. **Call-out Gratuity (COG).** Reservists, including Ex-Regular Reservists and those serving on FTRS or ADC, called out into permanent service will receive a tax-free COG on acceptance into service provided that confirmation of acceptance into service is effective within 28 days of the date on which the individual is required to report and there is a gap of more than 90 days between their release from previous permanent service and when they must report for the new permanent service. For further information see JSP 754 Section 6.

Personnel Not Accepted into Service After Call Out

15. There is no requirement to accept into permanent service everyone who reports in response to a call-out notice. RFA 96 provides that if an authorised officer decides not to accept an individual he shall inform him of the fact. The purpose of formally notifying an individual that he is not accepted into service is to signal, without ambiguity, that he is free to leave the mobilisation centre.

16. **Form of Non-Acceptance.** To avoid any doubt, a person not accepted into service should always be informed in writing. Copies of the form (JPA C019) are to be retained with the mobilisation records and a copy forwarded to the appropriate Reserves Manager (SPC).

17. **Reasons for Non-Acceptance.** At the discretion of an authorised officer, an individual may be informed why he has not been accepted into service. Possible reasons would be: in response to a justified request by the individual; because of failure to meet the required standards; because all suitable vacancies have been filled.

Date of Acceptance Into Service

18. Provision may be made under orders or regulations under section 4 of RFA 96 to enable a person whose acceptance into service under a call-out order was delayed through no fault of their own to be treated as if they had been accepted into service on an earlier day than that on which they were actually accepted. Any such provision must ensure that the period beginning with the earlier day is reckoned as part of the Reservist's period of service under the order for the purpose of calculating when they are entitled to be released. Individuals accepted into permanent service and informed of that fact in accordance with para 13 should, where necessary, have their accepted into service date backdated to the date which they were required to report to the mobilisation centre. This date should be recorded on JPA accordingly.

19. Any person who has been delayed in presenting himself for acceptance into service must clearly demonstrate that the delay was through no fault of his own. The CO of the mobilisation centre is to consider the circumstances of the case and, if necessary, discuss it with the appropriate Reserves Manager (SPC).

Exemption from Call Out Liability

20. Section 62 of RFA 96 provides that orders or regulations under section 4 of the Act may provide for exempting any members of a reserve force from liability to be called out, and for relaxing liability to be called out. Any exemption from, or relaxation of, liability to call out may be of a temporary or permanent nature and applied to either individuals or groups. Such exemptions are distinct from individual exemptions from call out which may be granted under regulations made under Part 8 of RFA 96. The appropriate Adjudication Officer, in consultation with the Reservist's CO, is responsible for granting any exemption from, or relaxation of, call-out liability. An exemption may be granted for up to 12 months. A Reservist's employer may also apply for an exemption.

Length of Service on Call Out

21. The table at Figure 3 sets out the periods for which Reservists may be required to serve under call-out orders. The limits take account of a Reservist's recent "relevant service" (ie other periods of service on call out).

| RFA96 Call Out Section | Max duration of continuous service that may be required ¹⁷ | Previous "relevant service" to be taken into account when determining the maximum duration of continuous service that may be required | Max length of voluntary in-service extension permitted ¹⁸ |
|------------------------|--|---|--|
| Section 32 (HRR) | 12 months, no compulsory extension permitted (see para 21) (9 months for members of the second transitional class) | None | None |
| Section 43 (SR) | 9 months. | None, unless specified in the Employee Agreement | No limit specified |
| Section 52 | 3 years extendable by order of HM to 5 years | Service under Part 4, 5, 6 or 7 of RFA 96 in the 6 years immediately preceding current service under a call-out order | 12 months |
| Section 54 | 12 months extendable by order of HM to 2 years | Service under Part 4, 5, 6 or 7 of RFA 96 in the 3 years immediately preceding current service under a call-out order | 6 months |
| Section 56 | 12 months (9 months for members of the second transitional class) | Service under Part 4, 5, 6 or 7 of RFA 96 in the 3 years immediately preceding current service under a call-out order. (27 months for members of the second transitional class) | 6 months |

Figure 3

22. The Secretary of State may direct that a person in service under a call-out order will continue in permanent service under the authority of a different call-out order. That person

¹⁷ A Reservist is entitled to be released on the expiry of their current term of service as a member of the Reserve Forces but that entitlement may be postponed: for up to twelve months if under permanent service under section 52 or section 54 of RFA 96; and for up to nine (2nd Transitional Class), or twelve months (non transitionals) if under permanent service under section 56.

¹⁸ Providing conditions of RFA 96 section 53(8), section 55(8) or section 57(8) as appropriate are met.

will be deemed to have begun service under the new call-out order at the time at which his or her service under the original order began.

Voluntary Extension of Service After Call Out

23. An individual in service on call out who voluntarily wishes to extend his period of service under the order is to complete a written agreement, a copy of which is to be forwarded to the appropriate Reserve Manager. Such extensions are to be considered by exception only. The agreement will provide for an extension of service for a period not to exceed the limits at column 4 of the table at Figure 3 above. In addition to an operational requirement, an extension may be authorised to cover completion of a Reservist's medical treatment attributable to injuries and illness while in permanent service.

24. Where the Reservist wishing to extend is in employment, the employer(s) should be contacted to ensure their consent. Firstly, to maintain their support for mobilisation and secondly, to ensure that the Reservist is not disadvantaged in any subsequent reinstatement tribunal. Employers must also be informed in the case of extensions for operational or medical reasons.

Release from Service After Call Out

25. An individual who is in permanent service under a call-out order is to be released from that service with all convenient speed and in such manner as may be prescribed when he or she is no longer required to be in that service or, if not released sooner, when any of the following circumstances apply¹⁹:

- a. They have completed the required period of service under the call-out order.
- b. The purpose or task for which they were called out under a call-out order ends.
- c. Their current service and any previous relevant service exceeds the statutory limits on length of service.
- d. Any extension of service agreed to by the individual has been completed.
- e. An order is made revoking the call-out order under which the individual is in permanent service.
- f. It has been determined that the individual is entitled to be released from permanent service following a successful application for exemption.
- g. For a member of a reserve force who has entered into a special agreement (HRR), on the expiry of the period specified in the agreement as the maximum period for which the person may be required to serve on being accepted into service under Part 4 of RFA 96.
- h. For a special member of a reserve force (SR), on the expiry of the period of nine months from the date of acceptance into service, or such shorter period as may be specified in the agreement.

¹⁹ There may also be medical grounds for early release from permanent service.

26. The entitlement to be released from service after call-out 'with all convenient speed' means that the necessary administrative procedures are to be carried out in a manner that avoids any unreasonable delay in the discharge procedure, thus mitigating against the possibility of an individual submitting a complaint through the normal Service procedure.

27. Reservists are to be informed of the date of their cessation of permanent service. This date is to take into account all accrued Annual and Post Operational Leave (POL).

28. **Applicability of Service Law.** See Annex A, Chapter 10 of JSP 830 (Manual of Service Law) Volume 1.

Leave when Called Out

29. **Leave and Other Types of Absence.** Regulations governing Annual Leave Allowance (ALA), Public Holidays (PH), Rest and Recuperation (R&R) and Post Operational Leave (POL) entitlement are contained in JSP 760 – Leave and Other Types of Absence. Reserves called out or recalled for Permanent Service are eligible for the same allocation and types of absence as Regular personnel.

a. **ALA and PH.** Personnel who are called out or recalled for permanent Service receive the same ALA and PH as Regular personnel, although the entitlement is to be calculated in proportion to the duration of Permanent Service.

b. **POL.** Reserve Forces personnel returning from operational theatres are entitled to POL. The allowance, additional to ALA, is one day of POL for every nine calendar days deployed; there is no qualifying period. POL is to be taken immediately following deployment. Where this infringes upon the anticipated or expected cessation date of call-out, the date of cessation of called-out service is to be extended to coincide with the last day of any accrued leave entitlement. Where possible, Reservists called out for permanent service in excess of nine months are to be given the opportunity for leave to be taken prior to deployment.

c. **R&R.** R&R is not leave and is to be taken at a time, location and for a duration specified by the authorised military commander. Any leave taken whilst on permanent service (other than officially approved R&R) is to be deducted from the accrued annual leave allowance.

30. **Paid Annual Leave (PAL).** Since 2012 Reservists are entitled to PAL based on their attendance for training (under RFA 96 section 22 and section 27). Reservists are not permitted to combine, transfer or carry over leave accrued during periods of mobilised service with PAL.

31. **Deployments to Non-Operational Overseas Theatres.** Overseas deployments of between three and six months duration to Non-Operational Theatres will accrue five days Temporary Relocation Leave (TRL). There is no entitlement to POL. Mobilised Reserve personnel are to receive TRL if they are deployed overseas but not when deployed to an operational theatre. For a tour over ten months they will receive ten days Relocation Leave.

32. **Deployments in the UK.** Personnel deployed in the UK are entitled to ALA and public holidays during their periods of permanent service, in line with their Regular counterparts.

33. **Compassionate Leave and Travel.** Details for compassionate leave and travel arrangements can be found in JSP 751.

34. **Maternity, Paternity and Adoption Leave.** Reservists called out and persons recalled for permanent service are granted the same maternity, paternity and adoption leave entitlements as Regular personnel; see JSP 760.

35. **Leave and Other Types of Absence for Sponsored Reservists.** Leave and Other Types of Absence, as described above, do not apply to Sponsored Reservists except where it has been agreed between the MOD and the employer that they shall apply.

Pension and Compensation Entitlement

36. **Armed Forces Pension Scheme (AFPS) 15.** AFPS 15²⁰ came into effect on 1 April 15 and has implications for Reservists on mobilisation. All eligible Reservists were auto-enrolled in AFPS on 1 April 15, unless they had Transitional Protection²¹ from another scheme.

37. On mobilisation a Reservist will be required to choose one of the following pension options:

- a. Opt back in to AFPS 15.
- b. Continue as a member of AFPS 15.
- c. Opt out of the AFPS 15 and apply to the MOD to make employer contributions to a civilian occupational pension scheme.
- d. Continue to remain opted out of AFPS and have the MOD make employer contributions to their civilian occupational pension scheme.

38. Reservists are required to make a pension declaration by completing the Pension Scheme Choice proforma contained within the call out notice pack (JPA form C004). In addition, Reservists opting in or out of AFPS will also be required to complete AFPS 15 Form 16.

39. Personnel may be a member of AFPS 15 while continuing to be a member of a civilian occupational pension scheme and/or a personal pension plan. However, the MOD will not make any employer contributions to a civilian occupational scheme unless the Reservist opts out of AFPS 15. Personnel should seek independent financial advice prior to making any decision to opt out. Further advice can be provided by mobilisation staff.

40. If a Reservist opts out, they may:

²⁰ Full details can be found in 2015DIN01-53 - Reservists and the AFPS 15 Scheme.

²¹ See 2014DIN01-210 paras 20-26 for details on Transitional Protection. Transitional Protection was granted to members of the Armed Forces who, on 1 Apr 2012, were within ten years of reaching their schemes Normal Pension Age. Personnel with Transitional Protection are not eligible to join AFPS 15 immediately; instead they will stay in their existing pension scheme for as long as they remain active full time members of their existing scheme, or if serving within the Volunteer Reserves, until they complete their period of mobilisation. Thereafter they will join AFPS 15.

- a. Request the MOD to pay employer contributions into a civilian occupational pension scheme. If they choose this option the Reservist must provide details of the scheme and must continue to make employee contributions. MOD will not make any contributions into a personal pension.
- b. Choose to opt back in to AFPS 15 at the end of the period of permanent service or at a later date. They may exercise this option once per year, or once per period of mobilised service.

41. If a Reservist opts out they will be required to make increased National Insurance contributions. They will also be ineligible for any AFPS ill-health or death benefits.. Any compensation provided through the Armed Forces Compensation Scheme will be unaffected.

42. **Pension Abatement.** If an individual is in receipt of AFPS 75, AFPS 05 or RFPS 05 pension, then the pension will not be abated during the period of permanent service. If the individual is in receipt of an Early Departure Payment (EDP) under AFPS 05, the payment will cease. EDP can be considered as earnings that would have been received but for mobilisation when submitting a claim for financial assistance under Statutory Instrument (SI) 2005/859. EDP paid under AFPS 15 will continue. There is no requirement to repay any part of any EDP lump sum.

43. **The Armed Forces Compensation Scheme.** The Armed Forces Compensation Scheme (AFCS) came into effect on 6 April 2005 and is managed by the Defence Business Services (DBS). AFCS provides benefits to personnel called out for permanent service to compensate for certain illnesses or injuries caused by service from that date. The AFCS also gives compensation payments to bereaved spouses or partners and any eligible children on the death of a person in permanent service, caused by service, from 6 April 2005.

44. Pay staff and called out personnel should refer to the relevant pension and compensation JSPs and other Service publications before advising on or making pension decisions, taking independent financial advice where necessary.

Pay, Charges and Allowances

45. **Basic Pay.** All categories of Reserve Forces personnel who are called-out or recalled for permanent service are paid on a whole time basis as though they are Regular personnel in accordance with the provisions of JSP 754 - Tri-Service Regulations for Pay and Charges. Full X-factor will be applied for the duration of permanent service. Sponsored Reservists will continue to receive pay in accordance with their individual employee agreements.

46. **Financial Assistance.** In accordance with SI 859/2005 and SI 460/2015, Reservists and their employers are entitled to receive financial assistance during periods of mobilisation. Further details are contained in Part 2.

47. **Pay Increment Levels.** Entrants to the Reserve Forces with former Regular service, Regular Reservists who are called out for permanent service and former Regulars who are recalled should refer to JSP 754 Chapter 4 Section 3 for details of pay increment levels.

48. **Calculation of the Military Salary.** Salaries are paid monthly, in arrears. On call-out to permanent service, rates of pay will be expressed as an annual salary which is divisible

by twelve. Basic pay will be the same each month, comprising one twelfth of the annual salary, less the appropriate mandatory deductions (e.g. Income Tax and National Insurance). Recruiting and Retention Pay (RRP), allowances and charges will continue to be paid/levied on a daily basis.

49. **Payment of the Military Salary.** Salary is paid monthly, in arrears, to a nominated bank or building society account on the last working day of each calendar month. Personnel are to ensure that their bank or building society details are correctly recorded on JPA during the documentation phase at the Mobilisation Centre. Alterations to bank account details are to be recorded on JPA. Personnel who do not have a bank or building society current account are to open one before reporting to the Mobilisation Centre.

50. **Substitution Pay and Acting Higher Rank.** Personnel currently in receipt of Substitution Pay (SUPA) or holding Acting Higher Rank (AHR) will revert to the rate of pay appropriate to their substantive rank on call-out/re-call into permanent service. Those personnel appointed after deployment to fill a post established for a higher rank will be eligible to be considered for AHR or SUPA, as appropriate. However, personnel will not be eligible for substantive promotion on these grounds alone. Service personnel will not be eligible for the granting of AHR if the post is rank-ranged and they already hold a substantive rank within that range.

51. **Promotion.** A Reservist whilst in permanent service and holding AHR can be promoted to the substantive rank when they have been boarded, selected and assigned by their Reserve unit in the new rank. If their current assignment is rank-ranged then substantive promotion can also be authorised. If a Reservist is promoted to the next substantive rank but the operational assignment cannot accommodate that rank a Reservist can be re-assigned to a new position in the higher rank. If a new position is not available the Reservist cannot be promoted until released.

52. **Charges.** Reservists called out or recalled for permanent service are liable for charges, where appropriate, and in accordance with the regulations for Regular personnel contained in JSP 754 - Tri-Service Regulations for Pay and Charges.

53. **Allowances.** Reservists called out for permanent service may claim all appropriate allowances, subject to meeting the eligibility criteria laid down in JSP 752 - Tri-Service Regulations for Allowances.

Annexes:

- A. Example Call-Out Order.
- B. Example Parliamentary Notification of Call Out.

**CALL-OUT ORDER TO SUPPORT OPERATIONS IN XXXX: SECTION XXXX OF THE
RESERVE FORCES ACT 1996**

WHEREAS it is provided by section [*insert section*] of the Reserve Forces Act 1996 that the Secretary of State may, if it appears to him that [warlike operations are in preparation or progress] [*or*] [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] –

make an order authorising the calling out for permanent service of members of a reserve force, as defined in section 1(2);

AND WHEREAS it appears to the Secretary of State that [warlike operations are in preparation or progress] [*or*] [it is desirable to use members of the reserve forces as part of [*insert scope of operation or type of support*]].

NOW, THEREFORE, the Secretary of State in exercise of the powers contained in section [*insert section*] of the 1996 Act, hereby authorises the calling out for permanent service of members of the reserve forces;

THIS order shall take effect from [*insert date*] and shall cease to have effect on [*insert date*].

Dated this day of [*insert month/year*]

THE RESERVE FORCES ACT 1996

**THE MAKING OF A CALL-OUT ORDER TO AUTHORISE THE CALL OUT OF
MEMBERS OF THE RESERVE FORCES TO SUPPORT XXXX**

As required under [section 54(7) [or] [section 56(7)]] of the Reserve Forces Act 1996, I am reporting that with [the expiry of the call-out order made on [*insert date*],] a call-out order has been made under section [*insert section*] of the 1996 Act, authorising the calling out of members of the Reserve Forces.

The order enables Reservists to be called out into permanent service to support [*insert scope of operation or type of support*].

The order takes effect from [*insert date*] and ceases to have effect on [*insert date*].

Dated this day of [*insert month/year*]

Rt Hon [*insert Minister name*] MP

[*insert appointment*]

4 Recall for Permanent Service

Geographical Restriction of Area of Service on Recall

1. Personnel recalled for permanent service are liable for service worldwide unless, when they were last discharged or transferred to the reserve from the regular services, they were liable only for service within the UK or any area of it, in which case they will not be liable to serve outside the UK or, as the case may be, that area on being recalled.
2. A person whose liability for service on recall is restricted as mentioned in paragraph 1 above may elect irrevocably to be liable for worldwide service-
 - a. whenever he or she is recalled for service; or,
 - b. during any period of service (including a current period of service) under a recall order specified in the election
3. Such elections are made under single Service arrangements.

Recall Notices

4. Recall notices for the Reserve Forces are issued by the Service PPO or appropriate delegated officer on behalf of the Secretary of State for Defence in accordance with the directions of the Defence Council. A notice, once issued, may be varied or revoked by the issue of an amending notice to that effect. A notice may be served on a person by delivering it to him or by leaving it, at or sending it by post to, his last known address; and any recall or Variation Notice delivered to that address by registered post or recorded delivery shall be deemed to have been served on that person.

Recall Attendance

5. In compliance with the general provisions as to evidence, stated in RFA 96, COs of mobilisation units/centres are to maintain a record of individuals who have reported to their mobilisation unit/centre in response to a recall notice sent to them under the terms of a recall order in force at the time. The record is to be retained for audit purposes under Service arrangements. Services are also to maintain records of the periods of mobilised service undertaken by individuals so as to ensure that the periods stipulated in RFA 96 are not exceeded.
6. In compliance with the general provisions as to illegal absence, stated in RFA 96, COs of mobilisation units/centres are to maintain a record of individuals who fail without lawful leave or reasonable excuse to present themselves for service, or having so presented themselves to remain there until formally accepted into service or informed that they are not accepted into service, as required by their recall notice. The record is to be retained for audit purposes under single Service arrangements.
7. COs of mobilisation units/centres are to pass details of any individuals who fail to report to the appropriate Service Personnel Centre for action. The mobilisation authority will arrange for a second recall notice to be issued. If the individual does not subsequently report for duty the CO of the mobilisation unit should once again report the failure to report to the mobilisation authority. The individual will be regarded as AWOL and appropriate

single service procedures will be initiated by the mobilisation authority.

Personnel Accepted into Service on Recall

8. An individual who is accepted into service (either (a) having been served with a recall notice and presenting themselves for service or (b) having not been served with a recall notice but presenting themselves for service) is to be informed of that fact. They are also to be informed of the fact that on acceptance into service they become subject to Service Law.

9. **Form of Acceptance.** Individuals, or groups of individuals, are to be informed of their acceptance into service by an authorised officer and a record of this is to be kept. A copy of this record (acceptance into service certificate JPA C018) is to be handed to the individual when they are accepted into service, with further copies being sent to the appropriate Reserve Manager for retention.

10. **Call-out Gratuity (COG).** Personnel recalled into permanent service will receive a tax-free COG on acceptance into Service provided that confirmation of acceptance into Service is effective within 28 days of the date on which the individual is required to report and there is a gap of more than 90 days between their release from previous permanent service and when they must report for the new permanent service. For further information see JSP 754 Chapter 4 Section 6.

Personnel not Accepted into Service on Recall

11. There is no requirement to accept into permanent service everyone who reports in response to a recall notice. RFA 96 provides that, if an authorised officer decides not to accept an individual, they shall inform them of the fact. The purpose of formally notifying an individual that they are not accepted into service is to signal without ambiguity that they are free to leave the Mobilisation Centre.

12. **Form of Non-Acceptance.** To avoid any doubt, a person not accepted into service should always be so informed in writing. Copies of the form (non-acceptance into service certificate JPA C019) are to be retained with the Mobilisation records and a copy forwarded to the appropriate Reserves Manager.

13. **Reasons for Non-Acceptance.** At the discretion of an authorised officer, an individual may be informed why they have not been accepted into service. Possible reasons would be: in response to a justified request by the individual; because of failure to meet the required standards; because all suitable vacancies have been filled.

Date of Acceptance into Service on Recall

14. Provision may be made by Defence Council regulations to enable a person, whose acceptance into service under a recall order was delayed through no fault of their own to be treated as if they had been accepted into service on an earlier day than that on which they were actually accepted. Any such provision must ensure that the period beginning with the earlier day is reckoned as part of the person's period of service under the order for the purpose of calculating when they are entitled to be released.

15. Any person who has been delayed in presenting themselves for acceptance into service must clearly demonstrate that the delay was through no fault of their own. The CO

of the mobilisation unit/centre is to consider the circumstances of the case and, if necessary, discuss it with the appropriate Reserves Manager.

Exemption from Recall Liability

16. Section 73 of RFA 96 provides that the Defence Council may, by regulations, provide for exempting persons otherwise liable to be recalled and relaxing the liability of any persons to be recalled. Any exemption from, or relaxation of, liability to recall may be of a temporary or permanent nature and applied to either individuals or groups. Such exemptions are distinct from individual exemptions from recall which may be granted under regulations made under Part 8 of RFA 96.

17. The appropriate single Service Reserves Manager is responsible for granting any relaxation of, or exemption from recall liability.

Maximum Duration of Service on Recall

18. If not released or discharged sooner, recalled personnel are entitled to be released from service or discharged when their current service under the recall order, or their current service and any "relevant service" in aggregate, exceeds 3 years (though this may be extended to 5 years by order of Her Majesty). "Relevant service" means any service under Parts 4, 5, 6 or 7 of RFA 96 in the 6 years immediately preceding the day on which a person's current service under the recall order began.

Voluntary Extension of Service After Recall

19. A person in service under a recall order may, during the twelve months before the day on which they are entitled to be released from service under that order, voluntarily extend their service for a period not exceeding twelve months. An individual who wishes to do this is required to enter into a written agreement, a copy of which is to be forwarded to the appropriate Reserves Manager. An extension of service may be required for an individual to complete medical treatment.

Release from Service After Recall

20. An individual who is in permanent service under a recall order is to be released from permanent service or discharged 'with all convenient speed in such manner as may be prescribed' when either their services are no longer required for recalled service or (if not released or discharged sooner) when they are entitled to be released or discharged because:

- a. Their current service under the recall order, or their current service and any "relevant service" in aggregate exceeds three years (or five years if an order under section 69(6) of RFA 96 is in force) (unless they have consented to an extension of their period of service).
- b. An order is made revoking the recall order which authorised the individual's recall.
- c. It has been determined that the individual is entitled to be released or discharged following an application under regulations made under section 79 of RFA 96 (individual exemptions).

21. The entitlement to be released or discharged 'with all convenient speed' means that the necessary administrative procedures are to be carried out with the means and in a manner that avoids any unreasonable delay, thus mitigating against the possibility of individuals submitting a complaint through the normal Service procedures.

22. Cessation of permanent service is to be notified formally by the appropriate Reserve Manager.

23. Applicability of Service Law. See Annex A, Chapter 10 of JSP 830 (Manual of Service Law) Volume 1.

Leave When Recalled

24. **Leave and Other Types of Absence.** The regulations governing Annual Leave Allowance (ALA), Public Holidays (PH), Rest and Recuperation (R&R) and Post Operational Leave (POL) entitlement are contained in JSP 760 – Leave and Other Types of Absence. Personnel recalled for Permanent Service are eligible for the same allocation and types of absence as Regular personnel.

Pay, Charges and Allowances

25. Pay, charges and allowances are paid on a whole time basis as if they were Regular personnel. The details provided regarding call-out at Chapter 3, paras 45-53 are applicable to those personnel being recalled.