



# The Law Commission

(LAW COM. No. 98)

## RESERVE FORCES BILL

REPORT ON THE CONSOLIDATION OF CERTAIN ENACTMENTS  
RELATING TO THE RESERVE AND AUXILIARY FORCES

*Presented to Parliament by the Lord High Chancellor  
by Command of Her Majesty  
November 1979*

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The Law Commission was set up by section 1 of the Law Commissions Act 1965 for the purpose of promoting the reform of the law.

The Law Commissioners are—

The Honourable Mr. Justice Kerr, *Chairman*.

Mr. Stephen M. Cretney.

Mr. Stephen Edell.

Mr. W. A. B. Forbes, Q.C.

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**THE LAW COMMISSION**

**RESERVE FORCES BILL**

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*To the Right Honourable the Lord Hailsham of Saint Marylebone, C.H.,  
Lord High Chancellor of Great Britain.*

The Reserve Forces Bill which is the subject of this Report seeks to consolidate the numerous enactments relating to the reserve and auxiliary forces. In order to produce a satisfactory consolidation it is necessary to make the amendment as to their application to the Isle of Man recommended in the Appendix to this Report.

The Isle of Man Authorities agree to the recommendation.

**MICHAEL KERR**

*November 1979.*

*Chairman of the Law Commission.*

APPENDIX  
RECOMMENDATION

In the enactments proposed to be consolidated by the Reserve Forces Bill no express provision is made with respect to application to the Isle of Man in any enactment prior to the Auxiliary Forces Act 1953. Nevertheless, from the nature of their subject matter, there is a necessary implication that these earlier enactments must apply to the Isle of Man so far as they are capable of doing so. Section 49(2) of the Auxiliary Forces Act 1953 (which relates to the Territorial Army and the Royal Auxiliary Air Force) applies that Act expressly to the Isle of Man, subject to certain specified modifications. Further, section 25(3) of the Reserve Forces Act 1966 (which relates to all the reserve and auxiliary forces) confers power, exercisable by Order in Council, to apply all or any of the provisions of that Act to the Isle of Man subject to any modifications specified in the Order.

The present position is therefore that some of the legislation to be consolidated applies to the Isle of Man by necessary implication only (and therefore without modifications); some applies by virtue of express statutory provision coupled with express statutory modifications; and some applies by virtue of, and subject to modifications in, an Order in Council, namely, the Reserve Forces Act 1966 (Isle of Man) Order 1968 (S.I. 1968 No. 1652). It would hardly be possible to preserve these differences in the proposed consolidation even if there were any point in doing so. We therefore recommend that the power in section 25(3) of the Reserve Forces Act 1966 be extended so that all the provisions in the proposed consolidation may be applied to the Isle of Man by Order in Council, subject to any modifications specified in the Order. This would be in accordance with modern legislative practice as to the Isle of Man.

In consequence of the recommendation the specific application to the Isle of Man contained in section 49(2) of the Auxiliary Forces Act 1953, together with the modifications contained in that section, would not be reproduced in the proposed consolidation, but would be left for inclusion in the applying Order in Council.

Effect is given to the recommendation in clause 158(3) of and Part II of Schedule 10 to the Bill.