STATUTORY INSTRUMENTS

2015 No. 460

DEFENCE

The Reserve Forces (Call-out and Recall) (Financial Assistance) (Amendment) Regulations 2015

Made - - - -	*3rd March 2015*
Laid before Parliament	*5th March 2015*
Coming into force - -	*27th March 2015*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 83 and 84 of the Reserve Forces Act 1996(**1**) and after consultation by him in accordance with section 85(3) of that Act.

Citation and commencement

1. These Regulations may be cited as the Reserve Forces (Call-out and Recall) (Financial Assistance) (Amendment) Regulations 2015 and come into force on 27th March 2015.

Interpretation

2. In these Regulations "the 2005 Regulations" means the Reserve Forces (Call-out and Recall) (Financial Assistance) Regulations 2005(**2**).

Amendments to Parts 1 and 2 of the 2005 Regulations

3.—(1) In paragraph (1) of regulation 2 (general interpretation) of the 2005 Regulations—

(a) after the definition of "employer", insert—

""handover" means—

(a) a period of transfer, by the reservist, of work from the reservist to any person who is to replace the reservist during the relevant period and which an adjudication officer is satisfied the replacement needs for the performance of his or her employment as the reservist's replacement; or

(**1**) 1996 c. 14

(**2**) S.I. 2005/859

(b) a period of transfer, by any person who replaced the reservist during the relevant period, of work from the replacement to the reservist and which an adjudication officer is satisfied the reservist needs, as a result of his or her relevant service, for the performance of his or her employment;";

(b) in the definition of "service pay", for "grant." substitute "grant;";

(c) after the definition of "service pay", insert—

""undertaking" has the meaning given in section 1161(1) of the Companies Act 2006(**3**).".

(2) In paragraph (5)(b) of regulation 3 (reservist's award) of the 2005 Regulations, for "£548" substitute "£400".

(3) After regulation 5 (pensions payments) of the 2005 Regulations, insert—

"**Self-employed reservist's award**

5A.—(1) Subject to fulfilment to an adjudication officer's satisfaction of the requirement to furnish information or documentation under paragraph (3A) of regulation 11, a self-employed reservist is entitled to claim an award under this regulation for expenses that he or she incurs in respect of the period of cessation of his or her undertaking.

(2) The amount of a self-employed reservist's award is (subject to the cap) the total of—

(a) the expenses incurred before or during the relevant period in order to effect the cessation; and

(b) any expenses incurred before, during or after the relevant period and which an adjudication officer is satisfied—

(i) fall within paragraph (3);

(ii) are in respect of his or her undertaking; and

(iii) are not expenses which the self-employed reservist has paid or will pay from earnings in respect of which he is entitled to claim an award under regulation 3 of the 2005 Regulations.

(3) For the purposes of paragraph (2)(b), the specified expenses are—

(a) the cost of insuring the business or equipment;

(b) the cost of renting business premises;

(c) business rates;

(d) profession or trade membership fees;

(e) the cost of line rental for telephone or internet;

(f) the cost of leasing vehicles or equipment.

(4) For the purposes of this regulation the cap is £2000.

(5) A claim under this regulation may be for expenses which have been, or will be, incurred. In the case of expenses which will be incurred, an adjudication officer may agree to make monthly payments under this regulation subject to evidence being provided subsequently that the amounts have been paid by the reservist.

(6) In this regulation "cessation of his or her undertaking" means cessation, for any part of the relevant period and by reason of the relevant service of the self-employed reservist, of the operation of any part or all of the undertaking in which he or she is self-employed.".

(**3**) 2006 c. 46

Amendments to Part 3 of the 2005 Regulations

4.—(1) For paragraph (4) of regulation 6 (employer's awards) of the 2005 Regulations substitute —

"(4) In addition an employer may claim the amount of certain costs that he or she incurs in replacing the reservist. Those costs are—

(a) agency fees;

(b) non-recurring advertising costs.".

(2) After regulation 7 (training award) of the 2005 Regulations, insert—

"**Replacement award**

7A.—(1) Subject to fulfilment to an adjudication officer's satisfaction of the requirement to furnish information or documentation under paragraph (5A) of regulation 11, an employer is entitled to reclaim the cost (subject to the cap) of training for any person who replaces the reservist during the relevant period, if an adjudication officer is satisfied that the replacement needs to undertake such training for the performance of his or her employment as the reservist's replacement.

(2) For the purposes of this regulation the cap is £2000.

Handover award

7B.—(1) Subject to fulfilment to an adjudication officer's satisfaction of the requirement to furnish information or documentation under paragraph (5B) of regulation 11, an employer is entitled to claim an award under this regulation in respect of a handover.

(2) The amount payable in respect of a handover is (subject to paragraph (3) and the cap) the daily rate of pay to any replacement of the reservist during the handover multiplied by the number of days on which the handover was conducted.

(3) An employer may claim under this regulation in respect of no more than 5 days on which a handover was conducted before the relevant period and no more than 5 days on which a handover was conducted after the relevant period.

(4) For the purposes of this regulation the cap is the sum of the daily rate of pay to the reservist during the handover and £110 per day.

Clothing award

7C.—(1) Subject to fulfilment to an adjudication officer's satisfaction of the requirement to furnish information or documentation under paragraph (5C) of regulation 11, an employer is entitled to reclaim the cost (subject to the cap) of providing specialist clothing to any person who replaces the reservist during the relevant period, if an adjudication officer is satisfied that the replacement requires the clothing for the performance of his or her employment as the reservist's replacement.

(2) For the purposes of this regulation the cap is the lesser of £300 or 75% of the costs incurred by the employer in providing the clothing.".

Amendments to Part 4 of the 2005 Regulations

5.—(1) After paragraph (3) of regulation 11 (information and documentation to be furnished in relation to claims) of the 2005 Regulations, insert—