SUPPLIED FOR THE PUBLIC SERVICE

CHAPTER 26.

An Act to amend the Army Act. [16th March 1915.] A.D. 1915.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of s. 83 (1) of Army Act.

1.—(1) The limitation on the time within which a soldier of the Regular Forces enlisted for general service is liable to be transferred from the corps to which he was originally appointed to another corps of the same arm or branch of the service shall not apply whilst a Proclamation calling out the Army Reserve on permanent service is in force, and accordingly in subsection (1) of section eighty-three of the Army Act after the words "within three months after the date of his attestation" there shall be inserted the words "or, at any time whilst a Proclamation "ordering the Army Reserve to be called out on permanent "service is in force."

(2) This section shall not affect any man enlisted before the fourth day of August nineteen hundred and fourteen.

Amendment of s. 115 of the Army Act.

2.—(1) For subsection (4) of section one hundred and fifteen of the Army Act, which relates to the impressment of carriages, animals, and other things in the case of emergency, the following subsection shall be substituted:—

(4) The Army Council shall cause due payment to be made for carriages, animals, vessels, and aircraft furnished in pursuance of this section, and if any difference arises respecting the amount of payment for any carriage, animal, vessel, or aircraft the amount shall be such as may be fixed by a certificate of a county court judge having jurisdiction in any place in which such carriage, animal, vessel, or aircraft was furnished or through which it travelled in pursuance of the requisition; and for the purpose of fixing such amount the provisions set out in the Sixth Schedule to this Act shall have effect.

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Where a sum has been paid or tendered by or on behalf of the Army Council under this subsection, that sum shall be deemed to be the amount due, unless within three weeks from the date of payment or tender an application is made to a county court judge for his certificate.

(2) After the Fifth Schedule to the Army Act the Schedule to this Act shall be inserted as the Sixth Schedule.

(3) This section shall apply whether the article requisitioned was requisitioned before or after the passing of this Act:

Provided that in its application to articles requisitioned before the passing of this Act a reference to three weeks from the passing of this Act shall be substituted for the reference to three weeks from the date of payment or tender.

Amendment of s. 183 (2) of Army Act.

3. The power of reducing non-commissioned officers to a lower grade or to the ranks conferred on the Army Council by paragraph (2) of section one hundred and eighty-three of the Army Act, may on active service be delegated to any general officer whom the Army Council may appoint for the purpose, and accordingly in that paragraph, after the words "and any general officer he" there shall be inserted the words "or the Army Council."

Relations between military and naval forces acting together.

4. The following section shall be inserted in the Army Act after section one hundred and eighty-four:—

184A.—(1) Where an officer or petty officer in the Navy is a member of a body of His Majesty's naval forces acting with or is attached to any body of His Majesty's military forces under such conditions as may be prescribed by regulations made by the Admiralty and Army Council, then, for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, he shall, in relation to such body of His Majesty's military forces as aforesaid, be treated and have all such powers (other than powers of punishment) as if he were a military officer or non-commissioned officer as the case may be.

(2) Where any officer or soldier is a member of a body of His Majesty's military forces acting with or is attached to any body of His Majesty's naval forces under such conditions as may be so prescribed as aforesaid, then, for the purposes of command and discipline and for the purposes of the provisions of this Act relating to superior officers, the officers and petty officers of such naval body shall, in relation to him, be treated and have all such powers (other than powers of punishment) as if they were military officers or non-commissioned officers.

(3) The relative rank of naval and military officers, petty officers, and non-commissioned officers shall, for the purposes of this section, be such as is provided by the King's Regulations and Admiralty Instructions for the time being in force. A.D. 1915.

5. This Act may be cited as the Army (Amendment) Act, 1915. Short title.

A.D. 1915.

Section 2.

SCHEDULE.

PROVISIONS AS TO DETERMINING AMOUNT TO BE PAID FOR ARTICLES REQUISITIONED.

1. Subject to the provisions of this schedule an application to a county court judge for a certificate shall be made in manner provided by rules of court, and shall be heard by the judge, without a jury, and his decision shall not be subject to appeal.

2. Subject to the provisions of this schedule, and to rules of court, the judge shall on such application act in accordance with the law regulating, and shall have the powers attaching to, the exercise of his ordinary jurisdiction.

3. The amount fixed by the certificate shall be such amount as appears to the county court judge to be the fair market value of the article requisitioned on the day on which it was required to be furnished as between a willing buyer and a willing seller, and where the owner of a carriage or horse has been required to deliver it at a distance from his premises shall include such sum as the judge may consider reasonable to cover the cost of such delivery.

4. No court fees shall be payable on the application, but the judge may, if he thinks fit, order either party to pay such sum as he may consider proper by way of costs to the other party, which sum shall be added to or deducted from the amount fixed by the county court judge as the value of the article requisitioned, and the amount to be included in the certificate shall be adjusted accordingly.

5. If the amount already paid by the Army Council exceeds the amount specified in the certificate, the county court judge shall certify the amount of the excess and shall order the amount so certified to be paid to the Army Council, which order shall be enforceable in like manner as a judgment of a county court.

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