CHAPTER 8.

An Act to provide, during twelve months, for the Discipline and Regulation of the Army. [16th April 1886.] A.D. 1886.

WHEREAS the raising or keeping a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by Her Majesty and this present Parliament, that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of Her Majesty's Crown, and that the whole number of such forces should consist of one hundred and fifty-one thousand eight hundred and sixty-seven men, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within Her Majesty's Indian possessions:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in Her Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of Her Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet nevertheless it being requisite, for the retaining all

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the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert Her Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

44 & 45 Vict. c. 58.

And whereas the Army Act, 1881, will expire in the year one thousand eight hundred and eighty-six on the following days:

(*a.*) In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and

(*b.*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, on the thirty-first day of July; and

(*c.*) Elsewhere, whether within or without Her Majesty's dominions, on the thirty-first day of December:

Be it therefore enacted by the Queen'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:

Short title.

1. This Act may be cited as the Army (Annual) Act, 1886.

Army Act (44 & 45 Vict. c. 58.) to be in force for specified times.

2.—(1.) The Army Act, 1881, shall be and remain in force during the periods herein-after mentioned, and no longer, unless otherwise provided by Parliament; that is to say,

(*a.*) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand eight hundred and eighty-six to the thirtieth day of April one thousand eight hundred and eighty-seven, both inclusive; and

(*b.*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, from the thirty-first day of July one thousand eight hundred and eighty-six to the thirty-first day of July one thousand eight hundred and eighty-seven, both inclusive; and

(*c.*) Elsewhere, whether within or without Her Majesty's dominions, from the thirty-first day of December one thousand eight hundred and eighty-six to the thirty-first day of December one thousand eight hundred and eighty-seven, both inclusive;

and the day from which the Army Act, 1881, is continued in any place by this Act is in relation to that place referred to in this Act as the commencement of this Act.

(2.) The Army Act, 1881, while in force shall apply to persons subject to military law, whether within or without Her Majesty's dominions.

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(3.) A person subject to military law shall not be exempted from the provisions of the Army Act, 1881, by reason only that the number of the forces for the time being in the service of Her Majesty, exclusive of the marine forces, is either greater or less than the number herein-before mentioned. 44 & 45 Vict. c. 58.

Prices in respect of billeting.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act, 1881, the prices specified in the Schedule to this Act.

Amendments of Army Act, 1881.

Amendment of s. 41 of 44 & 45 Vict. c. 58. as to offences punishable by ordinary law of England.

4. Whereas under section forty-one of the Army Act, 1881, sub-section five, a person subject to military law is liable, if convicted by court-martial of any offence not before in the said Act particularly specified, which when committed in England is punishable by the law of England, to suffer such punishment as in the said section mentioned :

And whereas doubts frequently arise as to whether an offence punishable by the law of England is or is not before in the said Act particularly specified, and it is expedient to prevent such doubts : Be it therefore enacted as follows :—

The words "not before in this Act particularly specified" shall be omitted from sub-section five of section forty-one of the Army Act, 1881.

Amendment of s. 70 of 44 & 45 Vict. c. 58. as to power of Her Majesty to make rules of procedure.

5. Whereas sub-section one of section seventy of the Army Act, 1881, provides that "Her Majesty may, by rules to be signified "under the hand of a Secretary of State, from time to time make" provisions in respect of various matters relating to courts-martial, including "the confirmation and revision of the findings and "sentences of courts-martial :"

And whereas in some cases the conviction by court-martial of a person subject to military law is valid, but the sentence, by reason of being in excess of what is authorised by law or otherwise, is invalid, and doubts have arisen as to whether the said rules can extend to the making of provisions for the passing of a valid sentence in such a case, and with a view to prevent miscarriage of justice it is expedient to remove such doubts : Be it therefore enacted as follows :—

In sub-section one of section seventy of the Army Act, 1881, there shall be inserted after the words "revision of the findings and "sentences of courts-martial" the words "and enabling the autho- "rity having power under section fifty-seven of this Act to commute "sentences to substitute a valid sentence for an invalid sentence of "a court-martial."

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Amendment of s. 84 of 44 & 45 Vict. c. 58. as to re-engagement of soldiers.

6. Whereas by section eighty-four of the Army Act, 1881, provision is made respecting the re-engagement of "a soldier of the "regular forces, if in army service, and within three years of the "completion of his original term of enlistment," and doubts have arisen as to the computation of the said three years, and it is expedient to remove such doubts: Be it therefore enacted as follows:—

In section eighty-four of the Army Act, 1881, the words "after "the expiration of nine years from the date of his original term of "enlistment" shall be substituted for the words "within three "years of the completion of his original term of enlistment."

Amendment of s. 179 (12) of 44 & 45 Vict. c. 58. and s. 7 of 47 & 48 Vict. c. 8. as to Royal Marines.

7. Whereas the twelfth sub-section of section one hundred and seventy-nine of the Army Act, 1881, as amended by section seven of the Army (Annual) Act, 1884, is as follows:—

"Nothing in the provisions of this Act relating to the term of enlistment, to the conditions of service, to appointment or transfer, to transfer to the reserve, to the re-engagement or prolongation of service, or to forfeiture of service of a soldier of the regular forces, or to the rules for reckoning service for discharge or transfer to the reserve, shall apply to the Royal Marines.

"Save that if regulations made by a Secretary of State and the Admiralty provide for the transfer of men of the Royal Marines to any other part of Her Majesty's regular forces, a man of the Royal Marines may, with his consent, be so transferred in accordance with the said regulations, and subject to those regulations shall become a soldier of the said part of Her Majesty's regular forces in like manner, so nearly as circumstances admit, as if he had been enlisted in pursuance of this Act."

And whereas it is expedient to provide for the transfer to the Royal Marines of men belonging to other portions of Her Majesty's regular forces: Be it therefore enacted as follows:—

There shall be added to section one hundred and seventy-nine of the Army Act, 1881, at the end of the said twelfth sub-section, the following enactment:—

And save that if any regulations so made provide for the transfer to the Royal Marines of men belonging to any other part of Her Majesty's regular forces, a man belonging to such part may, with his consent, be so transferred in accordance with the said regulations, and, subject to those regulations, shall become a man of the Royal Marines in like manner, so nearly as circumstances admit, as if he had been enlisted in pursuance of the Acts relating to the Royal Marines.

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Amendment of s. 182 of 44 & 45 Vict. c. 58. respecting special provisions as to warrant officers.

8. Whereas section one hundred and eighty-two of the Army Act, 1881, provides that a warrant officer not holding an honorary commission shall not be tried by a regimental court-martial nor sentenced by a district court-martial to any punishment not in this section mentioned; and (by sub-section two) provides that "without "prejudice to any other power of a court-martial he may be "sentenced by a court-martial other than a regimental court-"martial to be dismissed from the service," and to the other punishments in that sub-section mentioned:

And whereas those punishments, though including reduction to the ranks, do not include the lower punishment of forfeitures, fines, and stoppages, and it is expedient to include the same, and to remove doubts as to the meaning of the words "without prejudice "to any other power of a court-martial": Be it therefore enacted as follows:—

In sub-section two of section one hundred and eighty-two of the Army Act, 1881, the following words

"Without taking away any power of a court-martial, other than a district court-martial, he may be sentenced by any court-martial having power to try him to such forfeitures, fines, and stoppages as are allowed by this Act either in addition to or without any other punishment, and also to be dismissed from the service,"

shall be substituted for the above-recited words in the said sub-section.

Amendment of ss. 179 and 186 of 44 & 45 Vict. c. 58. as to the reference to the Naval Discipline Act.

9. Whereas in the Army Act, 1881, reference is made to the Naval Discipline Act, 1866:

And whereas by the Naval Discipline Act, 1884, the "Naval Discipline Act" is made the short title of the Naval Discipline Act, 1866, as amended by the Naval Discipline Act, 1884: Be it therefore enacted as follows:—

In the Army Act, 1881, the figures "1866" shall be omitted after the words "Naval Discipline Act," wherever these words occur.

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SCHEDULE.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where hot meal furnished.	Two pence halfpenny per night.
Hot meal as specified in Part I. of the Second Schedule to the Army Act, 1881.	One shilling and one penny halfpenny each.
Where no hot meal furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Fourpence per day.
Ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	One shilling and nine pence per day.
Lodging and attendance for officer - - -	Two shillings per night.

Note.—An officer shall pay for his food.

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