CHAPTER 4.

An Act to provide, during twelve months, for the Discipline and Regulation of the Army.

[29th March 1890.]

WHEREAS the raising or keeping of 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-three thousand four hundred and eighty-three 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 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 ninety 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, 1890; and the Army Act, 1881, is in this Act referred to as the Army Act.

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

2.—(1.) The Army Act 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 ninety to the thirtieth day of April one thousand eight hundred and ninety-one, 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 ninety to the thirty-first day of July one thousand eight hundred and ninety-one, 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 ninety to the thirty-first day of December one thousand eight hundred and ninety-one, both inclusive;

and the day from which the Army Act 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, while in force, shall apply to persons subject to military law, whether within or without Her Majesty's dominions.

44 & 45 Vict. c. 58.

(3.) A person subject to military law shall not be exempted from the provisions of the Army Act 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.

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 the prices specified in the schedule to this Act.

Amendments of Army Act.

Amendments of 44 & 45 Vict. c. 58. s. 1 as to short title.

4. In section one of the Army Act (enacting a short title of the Act) the figures "1881" shall be omitted.

s. 57 as to commutation and remission of sentences.

5. Whereas doubts have been entertained whether the Commander-in-Chief of the forces of a presidency in India can, under section fifty-seven of the Army Act mitigate, remit, or commute the punishment of a person undergoing sentence in a place occupied by troops under the command of that Commander-in-Chief, but not within the presidency of which he is Commander-in-Chief, and it is expedient to remove those doubts; be it therefore enacted as follows:

In subsection (2) (*b*) of section fifty-seven of the Army Act, after the word "presidency," shall be added the following words: "or in any place occupied by troops under the

"command of the Commander-in-Chief of the forces of a "presidency."

Partial repeal of s. 151 as to civil courts in India.

6. Whereas subsection two of section one hundred and fifty-one of the Army Act (relating to courts of small causes and civil courts in India), is no longer required, therefore the said subsection is hereby repealed.

Amendment of s. 175 as to persons subject to military law as officers.

7. Whereas provision is about to be made for the establishment of an Indian reserve of officers, and it is expedient to provide for the application of military law to the officers of that reserve; be it therefore enacted as follows:—

To section one hundred and seventy-five of the Army Act the following paragraph shall be added.

"(9.) The persons holding commissions as officers in the Indian army reserve when such officers are called out in any military capacity."

" " s. 179 as to royal marines.

8. Whereas it is expedient that the provision as to forfeiture for absence without leave contained in subsection (14) of section one hundred and seventy-nine of the Army Act, should apply only on conviction by court martial; be it therefore enacted that for that subsection the following subsection shall be substituted, namely:—

(14.) A man in the royal marines shall, for absence without leave, on conviction of that offence by court martial, and for fraudulent enlistment, forfeit his service in like manner as he forfeits it for desertion under the Acts relating to the royal marines.

" " s. 190 as to definition of "India" and "colony."

9. Whereas it is expedient to assimilate certain definitions in the Army Act to the corresponding definitions in the Interpretation Act, 1889; be it therefore enacted as follows:—

(1.) For the definition of "India" in subsection twenty-one of section one hundred and ninety of the Army Act, the following definition shall be substituted:—

(21.) The expression "India" means British India, together with any territories of any native prince or chief under the suzerainty of Her Majesty exercised through the Governor-General of India, or through any governor or other officer subordinate to the Governor-General of India; and the expression "British India" means all territories and places within Her Majesty's dominions which are for the time being governed by Her Majesty through the Governor-General of India, or through any governor or other officer subordinate to the Governor-General of India.

(2.) For the definition of "colony" in subsection twenty-three of the same section the following definition shall be substituted:—

(23.) The expression "colony" means any part of Her Majesty's dominions exclusive of the British Islands and of British India, and includes Cyprus, and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one colony.

SCHEDULE.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where hot meal furnished.	Twopence halfpenny per night.
Hot meal as specified in Part I. of the Second Schedule to the Army Act.	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 ninepence per day.
Lodging and attendance for officer - -	Two shillings per night.

Note.—An officer shall pay for his food.

CHAPTER 5.

An Act to consolidate certain of the Enactments respecting Lunatics. [29th March 1890.]

BE it 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:

Preliminary.

1. This Act may be cited as the Lunacy Act, 1890. Short title.

2. Save as in this Act otherwise expressly provided, this Act shall not extend to Scotland or Ireland. Extent of Act.

3. This Act shall come into operation, save as in this Act otherwise expressly provided, on the first day of May one thousand eight hundred and ninety. Commencement.

PART I.

RECEPTION OF LUNATICS.

Reception Orders on Petition.

4.—(1.) Subject to the exceptions in this Act mentioned, a person, not being a pauper or a lunatic so found by inquisition, shall not be received and detained as a lunatic in an institution for lunatics, or as a single patient, unless under a reception order made by the judicial authority herein-after mentioned. A relative of the person applying for an order under this section or of the lunatic, or of the husband or wife of the lunatic, shall not be capable of making such order. Private patients not found lunatic by inquisition to be received only under order of judicial authority.

(2.) The order shall be obtained upon a private application by petition accompanied by a statement of particulars and by two medical certificates on separate sheets of paper. Forms 1, 2, 8.