1967 No. 1857

DEFENCE

The Auxiliary Forces Act 1953 (Constitution of Associations) Order 1967

Made - - - -	14*th December* 1967
Laid before Parliament	19*th December* 1967
Coming into Operation	1*st March* 1968

The Secretary of State, in exercise of the powers conferred upon him by section 17(2) of the Reserve Forces Act 1966(a), and of all other powers enabling him in that behalf, hereby makes the following order:—

Commencement, citation and interpretation

1.—(1) This Order shall come into operation on the 1st March 1968, and may be cited as the Auxiliary Forces Act 1953 (Constitution of Associations) Order 1967.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Constitution of Associations

2. The Auxiliary Forces Act 1953(c), as amended (d), shall have effect as though for Schedule 1 the following were substituted:—

"PROVISIONS OF SCHEMES FOR THE CONSTITUTION OF ASSOCIATIONS

1. A scheme for the constitution of an association shall provide—

(*a*) for the date of the establishment of the association:

(*b*) for the incorporation of the association by an appropriate name, with power to hold land for the purposes of this Act:

(*c*) for appointment as members of the association of military members and air force members the aggregate number of such members to be not less than half of the whole number of members of the association:

(*d*) for the appointment as members of the association by the Defence Council, after consultation with, and on the recommendation of, the bodies to be represented, of representatives of such of the local authorities wholly or partly within the area for which the association is established as the Defence Council may from time to time determine:

(*e*) for the mode of appointment, dismissal, term of office and rotation of members of the association and the filling of casual vacancies:

(*f*) for the election of a chairman and a vice-chairman or vice-chairmen by the association and for defining their powers and duties:

(a) 1966 c. 30. (b) 1889 c. 63. (c) 1953 c. 50.
(d) The relevant amending enactments and instrument are 1963 c. 33; S.I. 1964/488 (1964 I. p. 769); 1966 c.30.

(*g*) for the appointment by the association, subject to the approval of the Defence Council, of a secretary and other officers and members of the staff of the association provided that a secretary or other officer or member of the staff who is in the employment of the association by virtue of the provisions of an Order made by the Defence Council in exercise of the powers conferred upon the Defence Council by section 17(4) of the Reserve Forces Act 1966 and section 2(4) of the Auxiliary Forces Act 1953 as amended by section 23(6) of the Reserve Forces Act 1966 shall be deemed for the purpose of this provision in the scheme to have been appointed by the association:

(*h*) for the procedure to be adopted, including the appointment of committees and the delegation to committees of any of the powers or duties of the association:

(*i*) for enabling general or air officers of any part of Her Majesty's forces, or officers deputed by them, to attend the meetings of the association, and to speak but not to vote.

2. A scheme for the constitution of an association other than an association established for an area including Greater London shall provide for constituting the lieutenant of one of the counties or parts of counties for which the association is established as the Defence Council may from time to time think fit or, failing any of those lieutenants, such other person as the Defence Council may think fit, president of the association, and for constituting as vice-presidents of the association the lieutenants of any of those counties or parts of counties in any case where they are not president of the association and are willing to act as vice-presidents.

3. A scheme for the constitution of an association established for an area including Greater London shall provide for constituting the Lieutenant of Greater London or, failing him, such other person as the Defence Council may think fit, president of the association.

4. A scheme for the constitution of an association may provide—

(*a*) for the appointment as members of the association by the Defence Council, of representatives of universities whose activities are carried on wholly or partly within the area for which the association is established:

(*b*) for the appointment as members of the association by the Defence Council, of persons representing the Army Cadet Force, the Air Training Corps, the Combined Cadet Force and the Sea Cadet Corps:

(*c*) for the appointment as members of the association by the Defence Council, of persons representing employers in and persons employed in the area for which the association is established:

(*d*) for the appointment of co-opted members:

(*e*) for dividing the area for which the association is established into two or more parts and for establishing sub-associations for any of the parts and for delegating to a sub-association such of the powers and duties of the association as may be approved by the Defence Council and regulating the relations of a sub-association to the association and, where any association has established more than one sub-association, regulating the relations of one sub-association to another.

5. A scheme shall provide that of the chairman and the vice-chairman or vice-chairmen at least one shall be a military member of the association and at least one an air force member of the association.

6. A scheme may contain any consequential, supplemental, or transitory provisions which may appear to be necessary or proper for the purposes of the scheme, and also as respects any matter for which provision may be made by regulations under this Act and for which it appears desirable to make special provision affecting the association established by the scheme.

7.—(1) A scheme for the constitution of an association established for an area including or including any part of the counties of Kent and Sussex may provide that the Lord Warden of the Cinque Ports shall ex-officio be a member of the association.

(2) A scheme for the constitution of an association established for an area including or including any part of the counties of Devon and Cornwall may provide that the Warden of the Stannaries shall ex-officio be a member of the association.

(3) The Governor or Deputy Governor of the Isle of Wight shall ex-officio be a member of an association established for an area including the Isle of Wight.

(4) The Lord Mayor of the City of London shall ex-officio be president of a sub-association established for the City of London."

Denis Healey,
One of Her Majesty's Principal Secretaries of State.

14th December 1967.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order substitutes for Schedule 1 of the Auxiliary Forces Act 1953, as amended, a new Schedule incorporating further amendments to facilitate the forthcoming re-organisation of County Territorial and Auxiliary Forces Associations into Area Associations. The principal amendments are:—

(*a*) References to separate associations for military and air forces are removed as redundant;

(*b*) Provision is made for the appointment of more than two vice-chairmen where necessary (paragraph 1(*f*) of the new Schedule).