CHAPTER 31.

An Act to amend the Public Health Act, 1875, as to Interments. [21st July 1879.]

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; (that is to say,)

Short title and construction. 38 & 39 Vict. c. 55.

1. This Act may be cited as the Public Health (Interments) Act, 1879, and shall be construed as one with the Public Health Act, 1875, in this Act called the principal Act.

The provisions of 38 & 39 Vict. c. 55. extended to cemeteries.

2. (1.) The provisions of the principal Act, as to a place for the reception of the dead before interment, in the principal Act called a mortuary, shall extend to a place for the interment of the dead, in this Act called a cemetery; and the purposes of the principal Act shall include the acquisition, construction, and maintenance of a cemetery.

(2.) A local authority may acquire, construct, and maintain a cemetery either wholly or partly within or without their district, subject as to works without their district for the purpose of a cemetery to the provisions of the principal Act as to sewage works by a local authority without their district.

38 & 39 Vict. c. 55. ss. 32–34.

(3.) A local authority may accept a donation of land for the purpose of a cemetery, and a donation of money or other property for enabling them to acquire, construct, or maintain a cemetery.

10 & 11 Vict. c. 65. incorporated with this Act.

3. The Cemeteries Clauses Act, 1847, shall be incorporated with this Act.

CHAPTER 32.

An Act to bring into force the Army Discipline and Regulation Act, 1879, and for other purposes. [24th July 1879.]

Mutiny Act, Preamble.

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 thirty-five thousand six hundred and twenty-five 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:

Marine Mutiny Act, Preamble.

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 as 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 merchant ships or vessels, or ships or vessels of Her Majesty, 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:

Mutiny and Marine Mutiny Acts, Preamble.

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:

42 & 43 Vict. c. 33.

And whereas a Bill has been brought into Parliament intituled the Army Discipline and Regulation Act, 1879, and the object of such Bill is to provide for the discipline and regulation of Her Majesty's forces, including the said Royal Marine forces:

And whereas it is provided by the said Bill that when passed into an Act it shall not come into force except in pursuance of an annual Act of Parliament to be thereafter passed bringing the same into force, and shall continue in force only for such time, and subject to such provisions, as may be specified in such last-mentioned Act:

And whereas it is expedient to provide for the bringing into force and for the continuance in force of the said Bill so intituled as aforesaid, in the event of the same becoming an Act:

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 for all purposes as the Army Discipline and Regulation (Commencement) Act, 1879.

Definition of Army Mutiny Act and Marine Mutiny Act.

2. The Army Mutiny Act means the Act of the session of the forty-first and forty-second years of the reign of Her present Majesty, chapter ten, intituled "An Act for punishing mutiny and "desertion, and for the better payment of the army and their "quarters," as continued by the Act of the present session of Parliament, chapter four, intituled "An Act to continue for three months "the Act of the session of the forty-first and forty-second years of "the reign of Her present Majesty, chapter ten, intituled 'An Act "'for punishing mutiny and desertion, and for the better payment "'of the army and their quarters.'"

The Marine Mutiny Act means the Act of the session of the forty-first and forty-second years of the reign of Her present Majesty, chapter eleven, intituled "An Act for the regulation of Her "Majesty's royal marine forces while on shore," as continued by

the Act of the present session of Parliament, chapter five, intituled "An Act to continue for three months the Act of the session of the "forty-first and forty-second years of the reign of Her present "Majesty, chapter eleven, intituled 'An Act for the regulation of "'Her Majesty's Royal Marine forces while on shore.'"

Commencement and duration of 42 & 43 Vict. c. 33.

3. The Bill intituled the Army Discipline and Regulation Act, 1879, shall in the event of the same becoming an Act of Parliament, come into and be in force at and for the times herein-after mentioned, and no longer, unless otherwise provided by Parliament; that is to say,

(1.) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the twenty-fifth day of July one thousand eight hundred and seventy-nine to the thirtieth day of April one thousand eight hundred and eighty, both inclusive; and

(2.) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, from the first day of November one thousand eight hundred and seventy-nine to the thirty-first day of July one thousand eight hundred and eighty, both inclusive; and

(3.) Elsewhere, whether within or without Her Majesty's dominions, from the first day of March one thousand eight hundred and eighty to the thirty-first day of December in the same year, both inclusive:

and the day upon which the Army Discipline and Regulation Act, 1879, so comes into force in any place is in this Act and in reference to such place referred to as the commencement of that Act. 42 & 43 Vict. c. 33.

Provided that the Army Discipline and Regulation Act, 1879, shall, if promulgated in any general order in any place out of the United Kingdom, the Channel Islands, and the Isle of Man, come into full force from and after the date named in such general order, anything in this section contained to the contrary notwithstanding. 42 & 43 Vict. c. 33.

If the Army Mutiny Act or the Marine Mutiny Act is in force in any place on the day on which the Army Discipline and Regulation Act, 1879, comes into force in that place, then the Army Mutiny Act or the Marine Mutiny Act, as circumstances require, shall be deemed to have expired at the commencement of that day. 42 & 43 Vict. c. 33.

Adjustment of past and present military law.

4. Where in any place before the commencement of the Army Discipline and Regulation Act, 1879, a court-martial under the Army Mutiny Act or the Marine Mutiny Act has been convened for the trial of any offender, such trial may be carried on and the offender may be sentenced and punished in the same manner in all respects as if the Act under which the court-martial was held had not expired: Provided that the offender shall not be subjected to any greater punishment than he would be subject to for his offence if his offence had been committed against the Army Discipline and Regulation Act, 1879. 42 & 43 Vict. c. 33. 42 & 43 Vict. c. 33.

Subject as aforesaid, all crimes and offences which have been committed against the Army Mutiny Act or any former Act for punishing mutiny and desertion and for the better payment of the army and their quarters, and all offences which have been committed against the Marine Mutiny Act, or any former Act for the regulation of the Royal Marine Forces while on shore, or against any rules,

regulations, or articles of war made or in force in pursuance of any of the said Acts, may be tried and punished in like manner as if they had been committed against the Army Discipline and Regulation Act, 1879, subject to the restrictions in the said Act contained as to the time within which persons may be tried or punished for offences in pursuance of the said Act.

42 & 43 Vict. c. 33.

All sentences imposed under the Army Mutiny Act or any former Act for punishing mutiny and desertion, and for the better payment of the army and their quarters, and all sentences imposed under the Marine Mutiny Act, or any former Act for the regulation of the Royal Marine Forces while on shore, or under any rules, regulations, or articles of war made or in force by virtue of any of the said Acts may, after the expiration of the said Acts or any of them, be carried into effect in the same manner in all respects as if such Acts had not expired, and the Army Discipline and Regulation Act, 1879, had not come into force: Provided that the provisions of the Army Discipline and Regulation Act, 1879, with respect to the commutation and remission of sentences and the discharge of offenders, shall be applicable to any offender sentenced under any of such former Acts, rules, regulations, or articles in the same manner as if he had been sentenced under the said Army Discipline and Regulation Act, 1879.

42 & 43 Vict. c. 33.

42 & 43 Vict. c. 33.

42 & 43 Vict. c. 33.

The expiration of the Army Mutiny Act and the Marine Mutiny Act shall not affect—

(*a.*) Anything duly done or suffered under any enactment therein contained; or

(*b.*) Except in so far as the same are altered or affected by the Army Discipline and Regulation Act, 1879, any office, power, right, privilege, or obligation conferred, acquired, accrued, or incurred under any enactment therein contained.

42 & 43 Vict. c. 33.

The commencement of the Army Discipline Act shall not, nor shall the expiration of any enactment contained in the Army Mutiny Act, or the Marine Mutiny Act, affect the position of any soldier enlisted or re-engaged before the commencement of the Army Discipline and Regulation Act, 1879, as respects the reckoning of service, the forfeiture of service, his liability to serve or to be detained in service, or his liability to transfer from one corps to another, or to the reserve; and the enactments relating to those matters, including any Article of War, shall continue to apply to such soldier unless he consents to the application to him of the provisions of Part II. of the Army Discipline and Regulation Act, 1879, relating to the same matters.

42 & 43 Vict. c. 33.

42 & 43 Vict. c. 33.

Every commission or warrant granted under the Army Mutiny Act and the Marine Mutiny Act, or either of such Acts, for the holding or convening of courts-martial, or for authorising any person to convene courts-martial, shall remain in force until revoked, and may be used for the purpose of holding or convening courts-martial or authorising any person to convene courts-martial, under the Army Discipline and Regulation Act, 1879.

42 & 43 Vict. c. 33.

Construction of Acts referring to the Mutiny Acts and Articles of War.

5. Any reference in any Act of Parliament or other document to the Army Mutiny Act or the Marine Mutiny Act, or any Act for the punishment of mutiny and desertion or for the regulation of the Royal Marine forces when on shore, or the Articles of War made

under any of such Acts, shall after the commencement of the Army Discipline and Regulation Act, 1879, be deemed to refer to the corresponding provisions of that Act: Provided that as respects section thirty-one of the Militia Voluntary Enlistment Act, 1875, the form of oath therein mentioned shall continue to be referred to, and also so much of the Army Mutiny Act as relates to the auxiliary or reserve forces, and is not inconsistent with the provisions of the Army Discipline and Regulation Act, 1879, and also so much of the Army Mutiny Act as repeals or amends any other Act, shall continue in force so long and in the same places as the Army Discipline and Regulation Act, 1879, continues in force in such places. 42 & 43 Vict. c. 33. 38 & 39 Vict. c. 69. 42 & 43 Vict. c. 33. 42 & 43 Vict. c. 33.

Any reference in the Reserve Force Act, 1867, or in any other Act, to the first term of enlistment of a soldier shall, in the case of a soldier enlisted under the Army Discipline and Regulation Act, 1879, be construed to refer to the term of his original enlistment within the meaning of that Act. 30 & 31 Vict. c. 110. 42 & 43 Vict. c. 33.

Saving for existing military prisons.

6. Any building or part of a building which at the commencement of the Army Discipline and Regulation Act, 1879, is by law set apart as a military prison shall be deemed, until otherwise directed by a Secretary of State in pursuance of the said Act, to be a military prison set apart and declared under the Army Discipline and Regulation Act, 1879. 42 & 43 Vict. c. 33. 42 & 43 Vict. c. 33.

Repeal of enactments.

7. Any enactments inconsistent with the provisions of the Army Discipline and Regulation Act, 1879, shall, on that Act coming into force in any place, be repealed as respects that place. 42 & 43 Vict. c. 33.

Prices in respect of billeting.

8. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Discipline and Regulation Act, 1879, the prices specified in the Schedule hereto. 42 & 43 Vict. c. 33.

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 Discipline and Regulation Act, 1879.	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.