CHAPTER 5.

An Act to make further provision with respect to Military Service during the present war. [18th April 1918.]

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:

Extension of obligation to Military Service.

1.—(1) Every male British subject who has, at any time since the fourteenth day of August nineteen hundred and fifteen, been, or who for the time being is, in Great Britain, and who at the date of the passing of this Act has attained the age of eighteen years and has not attained the age of fifty-one years, or who at any subsequent date attains the age of eighteen years, shall, unless he is for the time being within the exceptions set out in the First Schedule to this Act, be deemed, as from the date of the passing of this Act, or as from that subsequent date, or, if having been within those exceptions he subsequently ceases so to be, as from the date on which he so ceases, as the case may be, to have been duly enlisted in His Majesty's regular forces for general service with the colours or in the reserve for the period of the war, and to have been forthwith transferred to the reserve:

Provided that—

(*a*) if it appears to His Majesty at any time that it is necessary so to do for the defence of the realm, His Majesty may by Order in Council declare that the foregoing provision shall, as respects men generally, or as respects any class of men, have effect, as from a date to be specified in the Order, as if any age specified in the Order not exceeding fifty-six years were therein substituted for the age of fifty-one years, but where it is proposed to make any such Order as aforesaid, a draft of the Order shall be presented to each House of Parliament, and the draft Order shall not be submitted to His Majesty in Council unless each House presents an Address to His Majesty praying that the Order may be made; and

(*b*) as respects any person being a duly qualified medical practitioner, the foregoing provision shall have effect as if the age of fifty-six years were therein substituted for the age of fifty-one years.

(2) The proviso to section two, and section eight, of the Military Service Act, 1916 (Session 2), shall cease to have effect: 6 & 7 Geo. 5. c. 15.

Provided that the foregoing provision shall be without prejudice to any undertaking recognised by His Majesty's Government and for the time being in force, whereby it is

provided that any released or exchanged prisoners of war shall not serve in His Majesty's Forces during the present war.

(3) All the provisions of the Military Service Acts, 1916 to 1918, as amended by this Act, shall, so far as applicable, extend to men to whom this section applies in the same manner as to men to whom section one of the Military Service Act, 1916 (Session 2), applied.

Power by Order in Council to apply Act to Ireland.

2. His Majesty may by Order in Council extend this Act to Ireland, and this Act if so extended shall, subject to such modifications and adaptations as may be made by the Order for the purpose of making it applicable to Ireland, have effect accordingly.

An Order in Council under this section may, as respects the civil court before which proceedings in respect of any offence punishable on summary conviction under the Reserve Forces Acts, 1882 to 1907, the Army Act, the Military Service Acts, 1916 to 1918, or this Act, or any orders or regulations made thereunder, are to be brought in Ireland—

(*a*) make special provision with respect to the constitution of the court; and

(*b*) assign any such proceedings to such civil court or courts as may be specified in the Order.

Power by proclamation to withdraw certificates of exemption in case of national emergency. 5 & 6 Geo. 5. c. 104.

3.—(1) His Majesty may, by proclamation declaring that a national emergency has arisen, direct that any certificates of exemption, other than certificates expressed to be granted or renewed solely on the ground specified in paragraph (*c*) or on the ground specified in paragraph (*d*) of subsection (1) of section two of the Military Service Act, 1916, granted or renewed to any class or body of men specified in the proclamation, or to men of any class or description so specified shall, as from the date specified in the proclamation, cease to have effect, and all certificates to which the proclamation applies shall as from that date cease to be in force.

(2) While any such proclamation remains in operation no application shall, except in so far as the proclamation provides for the making of applications in any special cases, be entertained for the grant or renewal of any certificate to which the proclamation applies, or for the grant of any certificate to which the proclamation would have applied if the certificate had been in existence at the date when the proclamation came into operation, and if any application for the grant or renewal of any such certificate is pending at that date, it shall be deemed not to have been made.

Provisions as to applications for certificates of exemption and as to calling up.

4.—(1) The Local Government Board or, as respects Scotland, the Secretary for Scotland may make regulations for any of the following purposes:—

(*a*) For providing for applications for or relating to certificates of exemption (including appeals) being made to such tribunals, constituted in such manner and for

such areas, as may be authorised by the regulations, and for authorising tribunals to act by committees or panels constituted in such manner as may be provided by the regulations:

(*b*) For establishing special tribunals, committees, or panels for dealing with particular classes of cases:

(*c*) For regulating and limiting the making of such applications as aforesaid and the grant, renewal, variation, or withdrawal of certificates:

(*d*) For providing for any other matters for which it may be necessary to make provision in order to secure the expeditious making and disposal of such applications and for any other matter for which provision may be made under paragraph five of the Second Schedule to the Military Service Act, 1916.

Any regulations made under this subsection shall have full effect notwithstanding anything in the provisions of the Military Service Acts, 1916 to 1918, and those provisions, so far as they are inconsistent with any regulations so made, shall be repealed:

Provided that nothing in this section shall authorise the making of regulations for altering the terms of paragraphs (*a*), (*b*), (*c*) or (*d*) of subsection (1) of section two of the Military Service Act, 1916.

(2) If any person, with a view to preventing, hindering, or postponing—

(*a*) the calling up of himself or any other person for any form of military service or for any medical examination as to his fitness therefor; or

(*b*) the operation of any notice duly given for the purpose of so calling up any person;

or otherwise in connection with any proceedings before any tribunal or other body established for the purpose of dealing with applications for or relating to certificates of exemption, makes or connives at the making of any statement, whether oral or in writing, which is false or misleading in any material particular, he shall be liable on summary conviction to imprisonment for a term not exceeding six months with or without hard labour.

(3) If any question arises in any legal proceedings under the Reserve Forces Acts, 1882 to 1907, or any orders or regulations made thereunder whether any certificate of exemption has been withdrawn or has otherwise ceased to be in force, the court may require the holder of the certificate to give evidence on the question, and if satisfactory evidence is not given to the contrary the certificate shall be deemed to have been withdrawn or to have otherwise ceased to be in force.

(4) It shall be the duty of any man holding a certificate of exemption, if the certificate has been withdrawn or has ceased to be in force or if, in the case of a conditional certificate, the conditions on which the certificate was granted are no longer

satisfied, forthwith to transmit the certificate to the local office of the Ministry of National Service for the area in which the man is registered under the National Registration Acts, 1915 and 1918, with a notification that the certificate has been withdrawn or ceased to be in force, or that the conditions are no longer satisfied, as the case may be; and if he fails without reasonable cause or excuse to do so he shall be liable on summary conviction to a fine not exceeding fifty pounds.

(5) A man who holds a certificate of exemption (other than a certificate of exemption from combatant service only), or in respect of whom an application has been duly made for the grant or renewal of a certificate of exemption, shall not be liable for service with the colours while the certificate is in force or until the application has been disposed of, as the case may be, but notices served for the purposes of the Reserve Forces Acts, 1882 to 1907, shall not be deemed to be invalid on the ground only that they were served before any such man became liable for service, and any such man may at any time be required to present himself for medical examination or re-examination.

(6) Every person to whom a certificate of exemption shall be granted by a tribunal after the thirtieth day of April, nineteen hundred and eighteen, shall, unless the tribunal by which the certificate is granted otherwise direct, be liable on being so required in such manner as may be prescribed by Order in Council to join the Volunteer Force and remain a member of that Force for the period during which the certificate remains in force, and shall, during that period, attend such drills, undergo such training and undertake such military duties as may be so prescribed.

Amendment of 7 & 8 Geo. 5. c. 26.

5. The Military Service (Conventions with Allied States) Act, 1917, shall have effect as if for references to the Military Service Act, 1916, and to the Military Service Acts, 1916 and 1917, there were substituted references to the Military Service Acts, 1916 to 1918, and this Act, and, in the event of this Act being extended to Ireland, as if for the reference to Great Britain there were substituted a reference to the United Kingdom, and the Military Service (Conventions with Allied States) Act, 1917, shall apply accordingly, subject to the modifications aforesaid and to such other modifications as may be prescribed by Order in Council made under this Act.

Power to revoke or vary Orders in Council or proclamations.

6. Any Order in Council or proclamation made under this Act may be revoked or varied by any subsequent Order in Council or proclamation made in the like manner and subject to the like conditions.

Presentation of Orders in Council and proclamations to both Houses of Parliament.

7. Every Order in Council made under this Act, other than an Order in Council made in pursuance of section one thereof, and every proclamation so made, shall be laid before each House of Parliament forthwith, and if an Address is presented to His Majesty by either House of Parliament, within fourteen days after the Order or proclamation is laid before it, praying that

the Order or proclamation may be annulled, His Majesty in Council may annul the Order or proclamation, and it shall thenceforth be void, but without prejudice to the validity of anything done thereunder.

Short title, interpretation, and repeal.

8.—(1) This Act may be cited as the Military Service (No. 2) Act, 1918, and shall be construed as one with, and be included among, the Acts which may be cited as the Military Service Acts, 1916 to 1918.

(2) In this Act, unless the context otherwise requires, the expression "certificate of exemption" means any certificate of exemption from military service granted or renewed, whether before or after the passing of this Act, to any man belonging to the Army Reserve.

(3) The enactments specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule:

Provided that, without prejudice to the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals, the repeal of the said enactments shall not affect any obligation whatsoever incurred by any man to whom section one of the Military Service Act, 1916, or section one of the Military Service Act, 1916 (Session 2), applied.

SCHEDULES.

FIRST SCHEDULE.

Section 1 (1).

EXCEPTIONS.

1. Men ordinarily resident in His Majesty's Dominions abroad.

2. Members of His Majesty's regular or reserve forces, or of the forces raised by the Governments of His Majesty's Dominions, and members of the Territorial Force who are liable for foreign service.

3. Men serving in the Navy, the Royal Marines, or the Air Force.

4.—(*a*) Disabled men who during the present war have served outside the British Islands or at sea, or who have served in the field or at sea in any previous war.

(*b*) Disabled men who, though not having served as aforesaid, have during the present war served for not less than a week in any of His Majesty's forces (other than reserve forces), and men who, having been officially reported as wounded during the present war, have been discharged in consequence of the termination of their period of service, if in either case they are engaged in whole-time work which is for the time being certified by the Director-General of National Service to be of national importance.

(*c*) Disabled men, or men who have been medically rejected after offering themselves for enlistment, if on further medical examination after the fifth day of April nineteen hundred and seventeen in accordance with the regulations of the Army Council, or as respects an examination after the date on which the Ministry of National Service Order, 1917, came into force in accordance with the regulations of the Director-General of National Service, they have been certified to be totally and permanently unfit for any form of military service.

In this paragraph the expression "disabled men" means men (including officers) who have left or been discharged from the naval, military or air forces in consequence of disablement or ill-health.

5. Men in holy orders or regular ministers of any religious denomination.

Section 8 (3).

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
5 & 6 Geo. 5. c. 104.	Military Service Act, 1916.	Subsection (1) of section one; subsections (2) and (5) of section three; and the First Schedule.
6 & 7 Geo. 5. c. 15.	Military Service Act, 1916 (Session 2).	Section one; the proviso to section two; and section eight.
7 Geo. 5. c. 12	Military Service (Review of Exceptions) Act, 1917.	The whole Act.
7 & 8 Geo. 5. c. 26.	Military Service (Conventions with Allied States) Act, 1917.	Paragraph (*d*) of subsection (1) of section two.

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CHAPTER 6.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army.

[30th April 1918.]

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: