

CHAPTER 25.

An Act to make temporary provision for rendering persons between the ages of twenty and twenty-one years liable to undergo training in the armed forces of the Crown; and for purposes connected with the matter aforesaid.

[26th May 1939.]

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:—

Classes of persons liable to be registered and called up for military training.

1.—(1) Subject to the provisions of this Act, every male British subject ordinarily resident in Great Britain shall, while he is between the ages of twenty years and twenty-one years, be registered for military training in the United Kingdom under this Act, in a register kept by the Minister (hereinafter referred to as "the military training register"), and shall, at such time and place as may be notified by the Minister in accordance with regulations made under this Act, make in the prescribed manner application to be so registered and furnish the prescribed particulars about himself.

(2) Every person registered in the military training register shall, during the period of one year beginning with the date on which he is so registered, be liable to be called up for military training under this Act.

(3) The Minister, if satisfied that there is good cause for so doing, may permit any person to be registered in the military training register before he attains the age of twenty years, or may permit any person registered in that register, on application made by him within the prescribed period after being so registered, to postpone his liability to be called up for military training, and in the latter case, the period of one year for which he is liable to be so called up shall begin with the date to which his liability is postponed instead of the date on which he was so registered; and where application for such permission is made to the Minister on grounds of hardship, the Minister shall, unless he grants the permission, refer the application to a Military Training (Hardship) Committee constituted under Part I of the Schedule to this Act.

(4) An applicant for such permission as aforesaid who is aggrieved by the determination of a Military Training (Hardship) Committee, and the Minister, if he considers it necessary, may, within the prescribed time and in the prescribed manner, appeal to the umpire or any deputy umpire appointed by His Majesty for the purposes of the Unemployment Insurance Act, 1935, whose decision shall be final; and the umpire or any deputy umpire shall, when hearing any such appeal, sit with two assessors appointed by the Minister:

24 & 25 Geo. 5. c. 8.

Provided that, if the determination of the Committee with respect to any application was unanimous, the applicant shall not be entitled to appeal to the umpire or any deputy umpire except with the leave of the Committee.

(5) The Minister or any person authorised by him shall be entitled to be heard on any reference or appeal under this section.

(6) If any person, on making application to be registered in the military training register, or at any time thereafter while he is liable to be called up for military training under this Act, notifies the Minister in the prescribed manner that he has a preference for naval or air force service, that fact shall be recorded in the said register.

(7) If, while a person is liable to be called up for military training under this Act, any change occurs in

the particulars which he is required by subsection (1) of this section to furnish, he shall forthwith notify the change to the Minister in the prescribed manner.

(8) Any person who fails to comply with any of the requirements of this section shall be liable on summary conviction to a fine not exceeding five pounds:

Provided that no prosecution in respect of any such failure shall be instituted without the consent of the Minister.

(9) A person who has failed to apply for registration in the military training register at the time when he was required to make such application may nevertheless, on application being subsequently made by him and on furnishing the prescribed particulars about himself, be registered in that register, notwithstanding that he may have attained the age of twenty-one years; and any person found guilty of an offence under this section by reason of his failure to apply for registration shall furnish the prescribed particulars about himself and shall forthwith be registered in that register, notwithstanding that he may have attained that age.

(10) For the purposes of this Act, the time at which a person attains any relevant age shall be deemed to be, according to the law in force elsewhere than Scotland as well as according to the law in force in Scotland, the commencement of the relevant anniversary of the date of his birth.

(11) The Minister may pay—

(*a*) to members of Military Training (Hardship) Committees, and to persons appointed to sit as assessors with the umpire or any deputy umpire, such remuneration and allowances as the Minister may, with the approval of the Treasury, determine, and

(*b*) to persons whose applications are referred to such Committees or who appeal from the decisions of such Committees, and to any witnesses whose attendance is certified by any such Committee or by the umpire or deputy umpire, as the case may be, to have been necessary, travelling and subsistence

allowances in accordance with such scale as the Minister may, with the consent of the Treasury, approve.

Exemption of certain classes of persons.

2.—(1) No person shall be liable to be registered in the military training register, or to be called up for military training under this Act, who—

(*a*) is a person employed in the service of the Government of a part of His Majesty's dominions outside Great Britain or in the service of the Government of a British protectorate, a mandated territory or some other country or territory which is under His Majesty's protection or suzerainty, being a person whose presence in Great Britain is occasioned solely by his employment in that service; or

(*b*) is a member of any of His Majesty's regular forces, or has, after attaining the age of seventeen years, served for a continuous period of not less than six months as a member of any of those forces; or

(*c*) has, before the twenty-seventh day of April nineteen hundred and thirty-nine, been entered or enlisted in any of His Majesty's reserve and auxiliary forces or been appointed to be an officer of any of those forces; or

(*d*) is undergoing training as a cadet at the Royal Military Academy, the Royal Military College or the Royal Air Force College; or

(*e*) is the subject of an order or inquisition under the Lunacy and Mental Treatment Acts, 1890 to 1930, or is being detained in pursuance of section twenty-five of the Lunacy Act, 1890, or as a criminal lunatic or in pursuance of an order made under the Criminal Lunatics Act, 1884, or is undergoing treatment as a temporary patient under section five of the Mental Treatment Act, 1930, or is a person placed in an institution or a certified house, or under guardianship, under section three of the Mental Deficiency Act, 1913, or is the subject of an order under section six, eight, or nine of that Act, or is under supervision provided under paragraph (*b*) of section thirty of that Act, or

53 & 54 Vict. c. 5.
47 & 48 Vict. c. 64.
20 & 21 Geo. 5. c. 23.
3 & 4 Geo. 5. c. 28.

is an inmate of a home approved under section fifty of that Act, or is the subject of a notification under subsection (2) of section fifty-one of that Act; or

(*f*) is certified by a local authority, as defined by the Blind Persons Acts, 1920 and 1938, to be registered as a blind person under arrangements made by the authority under those Acts:

Provided that paragraph (*c*) of this subsection shall not apply to any person unless he has, at the date of the passing of this Act, completed four years' service in any of His Majesty's reserve and auxiliary forces or is at that date serving in one of those forces.

(2) A person who has, before the twenty-seventh day of April nineteen hundred and thirty-nine, been accepted for service in one of His Majesty's reserve and auxiliary forces, and who has neither—

(*a*) failed to comply with any directions given by the competent authority requiring him to join that force, nor

(*b*) been notified by that authority that his services in that force are not required,

shall not be liable to be called up for military training under this Act, notwithstanding that he may not yet have been entered or enlisted in that force, or been appointed to be an officer thereof, and for the purposes of this subsection a person shall be deemed to have been accepted before the said date for service in one of His Majesty's reserve and auxiliary forces if he offered himself before that date for such service and has been accepted by the competent authority not later than one month after the passing of this Act.

(3) Any person who, on or after the twenty-seventh day of April nineteen hundred and thirty-nine, has been entered in the naval reserve force raised under the following provisions of this Act, or been enlisted in the militia or in the air force reserve or auxiliary air force, for service in each case for a period of at least four years on terms which render him liable to be called up for training for a continuous period of not less than six months, shall not be liable to be registered in the military training register if, at the time when he would otherwise be required to make application to be so

registered, he is serving by virtue of that entry or enlistment, and shall not in any event be liable to be called up for military training under this Act.

(4) Sections eighty-one and ninety-six of the Army Act and sections eighty-one and ninety-six of the Air Force Act (which enable recruits to purchase their discharge, and enable masters of apprentices who have been attested as soldiers or airmen to claim them while under the age of twenty-one years), and so much of any regulations under section one of the Naval Forces Act, 1903, and of section nine of the Territorial and Reserve Forces Act, 1907, as enables members of the royal naval volunteer reserve, the territorial army or the auxiliary air force to quit their corps or obtain their discharge on certain conditions, shall not apply in relation to a member of any of His Majesty's forces who, apart from the foregoing provisions of this section, would be or would have been a person liable to be registered in the military training register or to be called up for military training under this Act, unless the period for which he has served in that force is not less than four years.

3 Edw. 7. c. 6.
7 Edw. 7. c. 9.

Conscientious objectors.

3.—(1) The provisions of this Act requiring persons to apply for registration in the military training register shall be deemed to be complied with by any person if, at the time and place at which he is required by those provisions to apply for registration as aforesaid, he furnishes the prescribed particulars about himself and makes application in the prescribed manner to be registered as a conscientious objector in a special register kept by the Minister (hereinafter referred to as "the register of conscientious objectors"); and where any person has failed to comply with those provisions, then if, at any time before proceedings for the failure are taken against him, he furnishes such particulars as aforesaid and makes, in the prescribed manner, an application to be registered in the register of conscientious objectors, no proceedings shall lie against him in respect of that failure, and any person found guilty of an offence by reason of his failure to comply with the said provisions may, within the prescribed period, furnish such particulars as aforesaid and make in the prescribed manner an application to be registered in the register of conscientious objectors.

(2) A person may apply to be registered in the register of conscientious objectors on the ground that he conscientiously objects—

(*a*) to being registered in the military training register, or

(*b*) to undergoing military training, or

(*c*) to performing combatant duties.

(3) Where any person duly makes application to be registered in the register of conscientious objectors, he shall be provisionally registered in that register and not in the military training register.

(4) A person who has been provisionally registered in the register of conscientious objectors shall, within the prescribed period and in the prescribed manner, make to a local tribunal constituted under Part II of the Schedule to this Act an application stating to which of the matters mentioned in paragraphs (*a*) to (*c*) of subsection (2) of this section he conscientiously objects, and, if he fails to do so, the Minister shall transfer his name to the military training register.

(5) An applicant for registration as a conscientious objector who is aggrieved by any order of a local tribunal, and the Minister, if he considers it necessary, may, within the prescribed time and in the prescribed manner, appeal to the appellate tribunal constituted under Part II of the Schedule to this Act, and the decision of the appellate tribunal shall be final.

(6) The Minister or any person authorised by him shall be entitled to be heard on any application or appeal to a tribunal under this section.

(7) A local tribunal, if satisfied, upon an application duly made to it under this section, or the appellate tribunal, if satisfied on appeal, that the ground upon which the application was made is established, shall by order direct either—

(*a*) that the applicant shall, without conditions, be finally registered in the register of conscientious objectors; or

(*b*) that he shall be conditionally registered in that register for the period of one year beginning with the date on which he is so registered, the condition being that he must during that period

comply with the requirements of the subsection next following, and shall then, without conditions, be finally registered in that register; or

(*c*) that he shall be registered in the military training register as a person liable to be employed only in non-combatant duties;

but, if not so satisfied, shall by order direct that he shall be registered, without qualification, in the military training register.

(8) A person who is ordered to comply with the requirements of this subsection shall, when directed by the Minister, undergo a continuous period of six months' training provided or approved by the Minister, being training of a civil character and under civilian control for work of national importance, and the Minister shall pay to persons undergoing such training allowances in accordance with such scale as he may, with the consent of the Treasury, approve, being a scale corresponding as nearly as may be to the scale of pay and allowances applicable to militiamen while undergoing the special course of training which they are liable to undergo by virtue of the provisions of this Act:

Provided that, if the tribunal by which a person is ordered to be conditionally registered in the register of conscientious objectors is of opinion that it would be detrimental to the national interest that he should undergo such training as aforesaid instead of performing some class of work specified by the tribunal (being work of a civil character and under civilian control), the order of the tribunal may direct that he shall be exempt from liability to undergo such training, and a person so exempted shall be deemed to comply with the requirements of this subsection so long as he engages in, and performs, that class of work.

(9) Any such direction as aforesaid that a person shall be registered in the military training register, either without qualification or as a person liable to be employed only in non-combatant duties, shall be complied with notwithstanding that that person may have attained the age of twenty-one years; and if, on the information of any person, a local tribunal is satisfied that any person who is conditionally registered in the register of conscientious objectors by virtue of a direction given under paragraph (*b*) of subsection (7) of this section has failed to

observe that condition, the local tribunal shall report the fact to the Minister, who shall require him to make a fresh application to a local tribunal, and upon any such application that tribunal may deal with him in like manner as after being satisfied that the ground of his application was established, they had power to deal with him on his original application, but if he fails to make such a fresh application when required by the Minister, the Minister shall forthwith transfer that person's name to the military training register as a person liable to be employed only in non-combatant duties, notwithstanding that he may have attained the said age.

(10) If, while a person is conditionally registered in the register of conscientious objectors, any change occurs in the particulars furnished by him in accordance with subsection (1) of this section, he shall forthwith notify the change to the Minister in the prescribed manner, and if he fails to do so shall be liable on summary conviction to a fine not exceeding five pounds; and the Minister may transfer the name of any person found guilty of an offence under this subsection to the military training register as a person liable to be employed only in non-combatant duties, notwithstanding that he was conditionally registered or that he has attained the age of twenty-one years.

(11) A person shall not be liable to be called up for military training under this Act, so long as he is registered in the register of conscientious objectors; and the Army Council shall make arrangements for securing that, where a person registered in the military training register as a person liable to be employed only in non-combatant duties is called up for military training under this Act, he shall, during the period for which he serves by virtue of being so called up, be employed only in such duties.

(12) The regulations made under this Act regulating the procedure of such tribunals as aforesaid shall make provision for the appellate tribunal to sit in two divisions, of which one shall sit for Scotland, and shall empower the tribunals to take evidence on oath, and shall make provision as to the representation of parties to proceedings before the tribunals which shall include the right to appear either in person or by counsel or a solicitor or by a representative of any trade union to which they belong or by any person who satisfies such a tribunal

that he is a relative or personal friend of the party he proposes to represent.

(13) The Minister may pay—

(*a*) to members of tribunals constituted under this Act such remuneration and allowances as he may, with the approval of the Treasury, determine; and

(*b*) to applicants appearing before such tribunals, and to any witnesses whose attendance is certified by any such tribunal to have been necessary, travelling and subsistence allowances in accordance with such scale as the Minister may, with the consent of the Treasury, approve.

Medical examination.

4.—(1) The Minister may cause to be served on any person liable to be called up for military training under this Act a written notice requiring that person to submit himself to medical examination by a medical board at such place and time as may be specified in the notice; and where such a notice has been served on any person, the Minister may, at any time while that person remains liable to be called up for military training under this Act, cancel the notice or cause to be served on him a further notice varying the original notice by altering the place or time at which he is thereby required to submit himself to medical examination.

(2) The Minister may make regulations for determining the constitution of medical boards for the purposes of this section, and for regulating the procedure of such boards, and such regulations may, in particular, provide for enabling a medical board—

(*a*) in a case where the board is unable to complete a medical examination on one occasion, to direct the person examined to submit himself to a further medical examination by a medical board at a specified time and place; and

(*b*) to direct the person examined to submit himself to examination by a consultant examiner.

(3) If any person fails to comply with the requirements of a notice under this section or of any regulations made or directions given by virtue thereof, he shall be liable on summary conviction to a fine not exceeding five pounds, and the court by which he is found guilty may

make such orders (including orders for his arrest and detention) as may be necessary to secure compliance with the requirements or otherwise to secure his attendance before a medical board or consultant examiner, as the case may be.

(4) A notice served on any person under this section shall cease to have effect if, before the date on which he is thereby required to submit himself to medical examination, he ceases to be liable to be called up for military training under this Act.

(5) A notice under this section to be served on any person may be served by post or otherwise, addressed to him at his address as shown for the time being in the military training register.

(6) If, by reason of the failure of any person upon whom a notice may be served under this section to furnish the prescribed particulars about himself in accordance with the requirements of this Act, his address is not shown in the military training register, or, by reason of his having failed to notify any change in such particulars in accordance with the said requirements, he cannot be found, his registration in that register shall be cancelled, and he shall, when found, be re-registered in that register without application, whether or not he has attained the age of twenty-one years, and shall, during the period of one year beginning with the date on which he is so re-registered, be liable to be called up for military training under this Act, notwithstanding that he may have attained that age.

(7) The Minister may pay—

(*a*) to members of medical boards constituted for the purposes of this section, and to consultant examiners employed for those purposes, such remuneration and allowances as he may, with the approval of the Treasury, determine; and

(*b*) to persons undergoing medical examination under this section travelling and other allowances, including compensation for loss of remunerative time, in accordance with such scale as he may, with the consent of the Treasury, approve.

Calling up persons for military training.

5.—(1) The Minister may cause to be served on any person liable to be called up for military training under this Act who has been medically examined under the last foregoing section, a written notice (hereinafter referred to as "a military training notice") requiring him to present himself at such place and time (not earlier than the fourteenth day after the date of the service of the notice), and to such authority, as may be specified in the notice:

Provided that, in relation to any person who has duly notified the Minister that he has a preference for naval or air force service, the power of the Minister to serve a military training notice shall be so exercised as to afford that person a reasonable opportunity of entering such service before he is called up for military training under this Act.

(2) Where a military training notice has been served on any person, the Minister may, at any time while that person remains liable to be called up for military training under this Act, cancel the notice or cause to be served on him a further military training notice varying the original notice by altering the place or time at which he is thereby required to present himself.

(3) A military training notice served on any person shall cease to have effect if, before the date on which he is thereby required to present himself, he ceases to be liable to be called up for military training under this Act.

(4) A military training notice to be served on any person may be served by post or otherwise, addressed to him at his address as shown for the time being in the military training register.

(5) If, by reason of the failure of any person upon whom a military training notice may be served to furnish the prescribed particulars about himself in accordance with the requirements of this Act, his address is not shown in the military training register, or by reason of his having failed to notify any change in such particulars in accordance with the said requirements he cannot be found, his registration in that register shall be cancelled, and he shall, when found, be re-registered in that register, without application, whether or not he has attained the age of twenty-one years, and shall, during the period of

one year beginning with the date on which he is so re-registered, be liable to be called up for military training under this Act, notwithstanding that he may have attained that age.

(6) The Minister may pay to persons required to present themselves in accordance with military training notices served upon them such travelling and other allowances as he may, with the approval of the Treasury, determine.

Military training.

6.—(1) Subject to the provisions of subsections (2) and (3) of the last foregoing section, every person upon whom a military training notice is served shall be deemed—

(*a*) to have been, on the day on which he is required by the notice to present himself, duly enlisted as a militiaman under section thirty of the Territorial and Reserve Forces Act, 1907, for a period of four years, and

(*b*) to have been, immediately after being so enlisted, called out under subsection (2) of the said section thirty for a continuous period of six months, for a special course of training at such places as the Army Council may determine:

Provided that the provisions of the said section thirty limiting the places at which militiamen may be called out for such special courses of training to places within the United Kingdom, shall, in relation to persons deemed by virtue of this subsection to have been so called out, be construed as including references to the Channel Islands.

(2) Where any person who is deemed to have been enlisted by virtue of the last foregoing subsection has previously served in any of His Majesty's forces or the senior division of the officers' training corps, the period for which, by virtue of that subsection, he is liable to serve after completing the special course of training mentioned in paragraph (*b*) of that subsection, shall be reduced by the length of the period of his said previous service, and, if that period is three-and-a-half years or more, the period for which he is so deemed to have been enlisted shall be six months.

(3) The Admiralty, Army Council and Air Council shall make arrangements whereby any person who is

deemed to have been enlisted by virtue of subsection (1) of this section—

(*a*) may, at any time during the period for which he is so deemed to have been enlisted, enter or enlist, with the approval of the Army Council, for service in the royal navy or the regular air force, and

(*b*) may, at any time during that period, after completing the special course of training which he is liable to undergo by virtue of the said subsection, enter or enlist, with the approval of the Army Council, for service in any of His Majesty's reserve and auxiliary forces for a period which (together with any period for which he may have served in any of His Majesty's forces or the senior division of the officers' training corps before the day on which he is so deemed to have been enlisted) is not less than three-and-a-half years;

and where any person enters or enlists in any force in pursuance of such arrangements as aforesaid, subsection (1) of this section shall thereupon cease to apply to him except as respects things previously done or omitted to be done, and, unless that force is part of the army reserve, he shall, upon such entry or enlistment, be deemed to be discharged from the army reserve.

(4) Sections eighty-one and ninety-six of the Army Act and sections eighty-one and ninety-six of the Air Force Act shall not apply in relation to any person deemed to have been enlisted by virtue of subsection (1) of this section who enlists in the regular forces or in the regular air force, unless the period for which he has served by virtue of that enlistment (together with the period for which he has served by virtue of that subsection, and any period for which he may have previously served in any of His Majesty's forces or the senior division of the officers' training corps) is not less than four years; and so much of any regulations under section one of the Naval Forces Act, 1903, and of section nine of the Territorial and Reserve Forces Act, 1907, as enables members of the royal naval volunteer reserve, the territorial army or the auxiliary air force to quit their corps or obtain their discharge on certain conditions, shall not apply in relation to any person

deemed to have been enlisted by virtue of subsection (1) of this section who enters or enlists in any of His Majesty's reserve and auxiliary forces, unless the period for which he has served by virtue of that entry or enlistment (together with any period for which he may have served in any of His Majesty's forces or in the senior division of the officers' training corps before the day on which he is so deemed to have been enlisted) is not less than three-and-a-half years.

(5) Where a person, having entered or enlisted for service in any of His Majesty's reserve and auxiliary forces in pursuance of arrangements under subsection (3) of this section, is discharged from that force before the expiration of the period for which, by virtue of subsections (1) and (2) of this section, he would otherwise have been liable to serve as a militiaman, then, subject to any directions of the Army Council, he shall, upon being so discharged, be deemed to be again duly enlisted under section thirty of the Territorial and Reserve Forces Act, 1907, for the unexpired part of the said period:

Provided that, during the period for which any person is deemed by virtue of this subsection to be enlisted under the said section thirty, he shall not be liable to be called out for a special course of training under subsection (2) of that section.

(6) Where, immediately before the time when a person is deemed to have been enlisted by virtue of subsection (1) of this section, he is a member of any of His Majesty's reserve and auxiliary forces, his service in that force shall be deemed to have been duly terminated at that time.

Reinstatement in civil employment.

7.—(1) It shall be the duty of any employer by whom a person called up for training to which this section applies was employed when he was so called up, to reinstate him in his employment at the termination of that training in an occupation and under conditions not less favourable to him than those which would have been applicable to him had he not been called up, and if he fails to do so, the employer shall, subject as hereinafter provided, be liable on summary conviction to a fine not exceeding fifty pounds; and the court by which any employer is found guilty of an offence under this subsection may order him to pay to the person whom he has failed to reinstate a sum not exceeding an amount

equal to twelve weeks' remuneration at the rate at which his remuneration was last payable to him by the employer:

Provided that in any proceedings under this subsection it shall be a defence for the employer to prove that the person formerly employed by him did not, before the expiration of one month after the termination of such training as aforesaid, apply to the employer for reinstatement, or that, having been offered reinstatement by him, he failed, without reasonable excuse, to present himself for employment at the time and place notified to him by the employer, or that by reason of a change of circumstances (other than the engagement of some other person to replace him)—

(*a*) it was not reasonably practicable to reinstate him; or

(*b*) his reinstatement in an occupation and under conditions not less favourable to him than those which would have been applicable to him had he not been called up, was impracticable, and that the employer has offered to reinstate him in the most favourable occupation and under the most favourable conditions reasonably practicable.

(2) The training to which this section applies is training for a continuous period of six months or more, being training which the person called up has become liable to undergo by virtue of his having entered or enlisted in one of His Majesty's reserve and auxiliary forces on or after the twenty-seventh day of April nineteen hundred and thirty-nine; and any reference in this section to a person enlisted or called up shall be construed as including a reference to a person who, by virtue of this Act, is deemed to have been enlisted or to have been called up, as the case may be.

(3) For the purpose of securing the fair adjustment of contracts of service or apprenticeship in force between employers and employees when the employees are called up for training to which this section applies, the Minister may make regulations relieving the parties to such contracts of all or any of their obligations thereunder in respect of the period of that training, and may also make regulations modifying such contracts by extending the

period of service or apprenticeship thereunder by a period not exceeding the period of the said training, and adapting the terms of the contracts in relation to any such extension.

(4) In relation to any person called up for training, references in this section to an employer shall be construed as including references to any person for the time being carrying on the undertaking or service in which he was employed when called up for training, or carrying on any undertaking or service with which that undertaking or service has been amalgamated or in which it was comprised on the date on which he was called up.

(5) If the Minister is satisfied that it is necessary to restrain employers from terminating the employment of their employees by reason of any duties or liabilities which they are or may become liable to perform or discharge by virtue of the provisions of this Act, or to make provision for the prevention of evasion of the provisions of this section, he may make regulations for those purposes, and such regulations may make provision for the punishment of breaches of the regulations, and may in particular apply with respect to persons found guilty of such breaches any of the provisions of this section relating to persons found guilty of offences under this section, with or without modifications.

Simplification of procedure for obtaining possession of land taken under Defence Acts. 5 & 6 Vict. c. 94. 23 & 24 Vict. c. 112.

8.—(1) Where, in pursuance of section nineteen of the Defence Act, 1842, notice to treat is given by the Admiralty or a Secretary of State with respect to any land required for the purposes of this Act, the Admiralty or the Secretary of State, as the case may be, may, at the same time as, or at any time after, the service of that notice, give to the owner and to the occupier of that land, in the manner prescribed by section forty-five of the Defence Act, 1860, in relation to notices required to be given by the Admiralty or Secretary of State, notice of intention to enter on and take possession of the land or any specified part thereof at the expiration of the period of fourteen days beginning with the date of the service of the last-mentioned notice; and at any time after the expiration of the said period the Admiralty or the Secretary of State, as the case may be, may, if then entitled under the Defence Acts, 1842 to 1935, to take

the land, enter on and take possession of the land or that part thereof, without consent or compliance with the said section nineteen.

(2) Where possession of any land is taken under the foregoing provisions of this section, then, notwithstanding that the case is one in which the land is not to be acquired by way of absolute purchase, the amount of compensation to be paid, shall in default of agreement, be determined by an official arbitrator appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, who shall conform to the rules prescribed by that Act, subject to such modifications as may be necessary to render them applicable to such cases.

9 & 10 Geo. 5. c. 57.

Power to raise royal naval special reserve.

9.—(1) For the purpose of enabling persons to be entered for service in accordance with subsection (3) of section two of this Act, the Admiralty may raise and maintain a naval reserve force, which shall be called the royal naval special reserve, and persons entered therein shall be called royal naval special reservists.

22 & 23 Vict. c. 40.

(2) The provisions of the Royal Naval Reserve (Volunteer) Act, 1859, as amended by any subsequent enactment, shall apply in relation to royal naval special reservists as they apply in relation to volunteers under that Act, subject to the following modifications :—

(*a*) section two of the said Act (which provides that volunteers under that Act shall be entered for the term of five years) shall have effect as if for the reference in that section to five years there were substituted a reference to four years;

(*b*) a royal naval special reservist shall, notwithstanding anything in the proviso to section three of the said Act, be liable to undergo a course of continuous training for a period of six months; and

(*c*) a royal naval special reservist entered for marine service, shall, when called into actual service, and when being trained or exercised, be subject to the law for the time being in force for the government of the royal marine forces, and accordingly section six of the said Act shall, in relation to royal naval special reservists so entered, have effect as if in that section for the

words "petty officers or seamen of the royal navy" there were substituted the words "non-commissioned officers or men of the royal marine forces."

Information to be furnished by education authorities.

10. It shall be the duty of every local education authority, and of the governing body or other persons having the management of any university, school or other educational institution, to furnish to the Minister, when requested by him, such information in their possession, or reasonably available to them, with respect to male persons receiving, or who have received, education for which the local education authority is responsible or, as the case may be, education at the university, school or other institution, as the Minister may from time to time require for the purposes of section one of this Act.

Power to provide for consequential matters.

11.—(1) Subject to the provisions of this section, His Majesty may by Order in Council make provision for such consequential matters as it appears to Him expedient to provide for by reason of the passing of this Act, and may by any such Order modify any enactment relating to such matters.

(2) Any Order in Council made under this section may provide for the continuance of any provisions contained therein after the expiry of this Act; and any such Order may, while this Act is in force, be varied or revoked by any subsequent Order made in like manner as the original Order.

(3) The draft of any Order in Council proposed to be made under this section shall not be submitted to His Majesty unless it has been approved by resolutions passed by each House of Parliament:

Provided that if, at any time when Parliament is dissolved or prorogued, or when both Houses of Parliament are adjourned for more than fourteen days, it is shown to the satisfaction of the Admiralty or a Secretary of State that the making of an Order in Council under this section is urgently necessary, a draft of the Order need not be laid before Parliament, but the Order shall, except as respects things previously done or omitted to be done, cease to have effect at the expiration of the period of twenty-eight days beginning with the date on which the Commons House first sits after the making of the

Order, unless within that period resolutions approving the making of the Order are passed by both Houses of Parliament.

False statements.

12. Any person who, in giving any information for the purposes of this Act, knowingly or recklessly makes any statement which is false in a material particular, shall be guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine.

Place and time for legal proceedings.

13.—(1) Proceedings for an offence under this Act may be taken against any person at any place at which he is for the time being.

(2) Notwithstanding any limitation imposed by law as respects the time within which proceedings under the Summary Jurisdiction Acts may be commenced, proceedings against any person for an offence under this Act alleged to have been committed by him while outside Great Britain, may be commenced at any time after the date on which he is alleged to have committed that offence.

Discharge of prisoners claiming to be conscientious objectors.

14.—(1) If any person undergoing a term of imprisonment of three months or any greater punishment imposed on him by a court martial in respect of an offence committed while he was undergoing a special course of training which he was required to undergo by virtue of subsection (1) of section six of this Act, claims that the offence was committed by reason of his conscientiously objecting to undergoing military training or to obeying any order in respect of which the offence was committed, then he may apply in the prescribed manner to have his case considered by the appellate tribunal constituted under Part II of the Schedule to this Act, and that tribunal shall, whether or not it finds that the offence for which he was sentenced was committed by reason of such a conscientious objection as aforesaid, have power to recommend to the Secretary of State that he be discharged from the army reserve as soon as may be after serving the sentence imposed upon him, but if the tribunal finds that the said offence was not committed by reason of such a conscientious objection, it may order him to undergo immediately after his discharge from the army reserve the like training and subject to the like conditions as if he had

been a person ordered to comply with the requirements of subsection (8) of section three of this Act, so however that the period for which he is required to undergo such training shall be specified in the order and shall not exceed six months from the date of his discharge from the army reserve.

(2) If any person ordered under this section to undergo such training as aforesaid fails to comply with the order, or while undergoing such training is discharged therefrom for serious and wilful misconduct, he shall be guilty of an offence and be liable on summary conviction thereof to be imprisoned for a term not exceeding two years.

(3) Upon receiving from the appellate tribunal a recommendation made under this section that a person be discharged from the army reserve, it shall be the duty of the Secretary of State to arrange for his discharge accordingly.

Regulations and Orders.

15.—(1) The Minister may make regulations regulating any matter of procedure under this Act.

(2) Any regulations made under this Act by the Minister shall, as soon as may be after they are made, be laid before Parliament.

(3) If either House of Parliament, within the period of forty days beginning with the day on which any such regulations as aforesaid are laid before it, resolves that the regulations be annulled, they shall thereupon become void, without prejudice, however, to the validity of anything previously done thereunder or to the making of new regulations.

In reckoning any such period of forty days as aforesaid no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

56 & 57 Vict. c. 66.

(4) Section one of the Rules Publication Act, 1893, shall not apply to any Order in Council or regulations made under this Act.

Expenses.

16. Any expenses incurred by the Minister or by any Secretary of State or other Minister of the Crown, in consequence of the passing of this Act or the making of any Order in Council thereunder, shall be defrayed out of moneys provided by Parliament.

Interpretation.

17.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"His Majesty's regular forces" means the royal navy, the regular forces and the regular air force, and includes any similar regular naval, military or air forces raised in any part of His Majesty's dominions; and the expressions "regular forces" and "regular air force" have the meanings assigned to them by the Army Act and the Air Force Act, respectively;

"His Majesty's reserve and auxiliary forces" means His Majesty's reserve and auxiliary forces raised in the United Kingdom;

"mandated territory" means a territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by the Government of any part of His Majesty's dominions;

"the Minister" means the Minister of Labour;

"prescribed" means prescribed by regulations made by the Minister under this Act;

"United Kingdom" has the same meaning as in the Army Act.

(2) For the purposes of this Act—

(*a*) a person residing in Great Britain who is, under the provisions of any Act in force in any part of His Majesty's dominions outside Great Britain, a national or citizen of that part within the meaning of that Act, or who is a person born or domiciled in any such part of His Majesty's dominions or in a British protectorate, a mandated territory, or any other country or territory being a country or territory under His Majesty's protection or suzerainty, shall be deemed to be ordinarily resident in that part, protectorate, country or territory, as the case may be, if he has been resident in Great Britain for less than two years or is residing there only for the purpose of attending a course of education, or the circumstances of his residence in Great Britain are otherwise such as to show that

he is residing there for a temporary purpose only;

(*b*) a person residing in Great Britain, not being such a person as is mentioned in the foregoing paragraph of this subsection, shall be deemed to be ordinarily resident in Great Britain unless he proves that he is residing there only for the purpose of attending a course of education, or that the circumstances of his residence in Great Britain are otherwise such as to show that he is residing there for a temporary purpose only.

Power to apply Act to British subjects ordinarily resident outside Great Britain.

18. The Minister may by regulations made under this Act impose upon any class or description of male British subjects who have not attained the age of twenty-one years, and who are ordinarily resident outside Great Britain, the like obligation to register as is by this Act imposed on persons ordinarily resident in Great Britain, and such regulations shall make provision for applying to persons thereby required to register the provisions of this Act, subject to such adaptations and modifications as may be prescribed, for the purpose of imposing and conferring upon such persons the like duties, liabilities, rights and privileges, as nearly as may be, as are by this Act imposed or conferred on persons ordinarily resident in Great Britain, and may make provision as to the manner in which any duties, liabilities, rights or privileges are to be performed, discharged or exercised:

Provided that the Minister shall not by such regulations as aforesaid impose an obligation to register upon any person who is, under the provisions of any Act in force in any part of His Majesty's dominions outside Great Britain a national or citizen of that part within the meaning of that Act, or who is a person belonging to any such part of His Majesty's dominions, or to a British Protectorate, a mandated territory, or any other country or territory being a country or territory under His Majesty's protection or suzerainty.

Application to Scotland.

19. In the application of this Act to Scotland—

(1) for any reference to a local education authority there shall be substituted a reference to an education authority;

(2) subsection (8) of section one of this Act shall have effect as if the proviso were omitted;

(3) subsection (1) of section two of this Act shall have effect as if for paragraph (*e*) thereof the following paragraph were substituted:—

"(*e*) is the subject of an order or warrant for his detention or custody under the Lunacy (Scotland) Acts, 1857 to 1919, or is being entertained and kept in an asylum in pursuance of section fifteen of the Lunacy (Scotland) Act, 1866, or is a person for whose safe custody during His Majesty's pleasure His Majesty is authorised to give order or is a prisoner whom the Secretary of State or the Prisons Department for Scotland has, in pursuance of any Act, directed to be removed to a criminal lunatic asylum or to the criminal lunatic department of Perth prison or to an asylum, or is a person placed in an institution or a certified house or under guardianship under section four of the Mental Deficiency and Lunacy (Scotland) Act, 1913, or is the subject of an order under section seven, nine, or ten of that Act."

29 & 30 Vict. c. 51.

3 & 4 Geo. 5. c. 38.

Power to extend to Isle of Man.

20. His Majesty may by Order in Council direct that this Act shall extend to the Isle of Man, subject to such modifications and adaptations as may be specified in the Order, and upon this Act being so extended, references therein to Great Britain shall be construed as including references to the Isle of Man.

Duration of Act.

21.—(1) Subject to the provisions of this section, this Act shall continue in force for the period of three years beginning with the date of the passing of this Act, and shall then expire:

Provided that if, at any time while this Act is in force, an address is presented to His Majesty by each House of Parliament praying that this Act should be continued in force for a further period of one year from the time at which it would otherwise expire, His Majesty may by Order in Council direct that this Act shall continue in force for that further period.

(2) Notwithstanding anything in the foregoing subsection, if His Majesty by Order in Council declares that the necessity for this Act has ceased to exist, this Act shall expire at the end of the day on which the Order is expressed to come into operation.

(3) The expiry of this Act shall not affect anything previously done or omitted to be done thereunder, or the operation thereof in relation to persons upon whom military training notices have been served, or who are serving in the royal naval special reserve, or the operation of any provisions of an Order in Council made under section eleven of this Act with respect to which the Order provides that they shall continue after the expiry of this Act.

22. This Act may be cited as the Military Training Act, 1939. **Short title.**

SCHEDULE.

Section 1.

PART I.

MILITARY TRAINING (HARDSHIP) COMMITTEES.

Military Training (Hardship) Committees shall be appointed for such districts as the Minister may determine, and shall consist of a chairman appointed by the Minister and of two other persons selected by the Minister from a panel constituted by him for the purposes of this Act, which shall, so far as practicable, include all persons being members of one or other of the panels constituted under section forty-one of the Unemployment Insurance Act, 1935.

The chairman shall be a person holding the office of chairman of a court of referees under the said section forty-one, or having such other qualifications as the Minister considers suitable.

Sections 3 and 14.

PART II.

LOCAL AND APPELLATE TRIBUNALS.

Local Tribunals.

Local tribunals shall be appointed for such districts as the Minister may determine, and shall consist of a chairman and four other members appointed by the Minister. In appointing members of such tribunals the Minister shall have regard to the necessity of selecting impartial persons, and of the four members not less than one shall be appointed by the Minister after consultation with organisations representative of workers.

The chairman shall be a county court judge or, in the case of a local tribunal for a district in Scotland, a sheriff or sheriff-substitute.

The Appellate Tribunal.

Each division of the appellate tribunal shall consist of a chairman and two other members appointed by the Minister. In appointing members of the appellate tribunal the Minister shall have regard to the necessity of selecting impartial persons, and of the two members one shall be appointed by the Minister after consultation with organisations representative of workers.

The chairman shall be a person nominated in the case of the division for England by the Lord Chancellor and in the case of the division for Scotland by the Lord President of the Court of Session.

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