

CHAPTER 49.

An Act to consolidate the Acts relating to the Militia. A.D. 1882.

[18th August 1882.]

WHEREAS it is expedient to re-enact the Militia (Voluntary Enlistment) Act, 1875, (which consolidated divers enactments applicable to the Militia of the United Kingdom,) with such modifications as are rendered necessary by the passing of the Regulation of the Forces Act 1881 and the Army Act 1881, and are otherwise expedient: 38 & 39 Vict. c. 69. 44 & 45 Vict. c. 57. 44 & 45 Vict. c. 58.

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:

Preliminary.

1. This Act may be cited as the Militia Act, 1882. Short title.

2. This Act shall come into operation on the first day of January one thousand eight hundred and eighty-three (which day is in this Act referred to as the commencement of this Act). Commencement of Act.

PART I.

Maintenance and Government.

3. It shall be lawful for Her Majesty to raise and keep up a Militia, consisting of such number of men as may from time to time be provided by Parliament. Raising and number of Militia.

4. (1.) Subject to the provisions of the Militia Acts, it shall be lawful for Her Majesty, by order signified under the hand of a Secretary of State, from time to time to make, and when made revoke and vary, orders with respect to the government, discipline, and pay of the Militia, and with respect to all other matters and things relating to the Militia, including any matter by this Act Organisation of Militia.

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authorized to be prescribed, or expressed to be subject to orders or regulations.

(2.) The said orders may provide for the formation of militiamen into regiments, battalions, or military bodies, and for the formation of such regiments, battalions, or military bodies into corps, either alone or jointly with any other part of Her Majesty's forces, and for appointing, transferring, or attaching militiamen to corps, and for posting, attaching, or otherwise dealing with militiamen within the corps, and may regulate the appointment, rank, duties, and numbers of the militia officers and non-commissioned officers.

(3.) Subject to the provisions of any such order, a Secretary of State may from time to time make and when made revoke and vary, general or special regulations with respect to any matter with respect to which Her Majesty may make orders under this section.

(4.) Provided that the said orders or regulations shall not—

(*a.*) affect or extend the term for which or the area within which a militiaman is liable under the Militia Acts to serve; or

(*b.*) authorize a militiaman when belonging to one corps to be transferred without his consent to another corps; or

(*c.*) where the corps of a militiaman includes any battalion or other body of the regular forces, authorize him to be posted without his consent to that battalion or body.

(5.) Where a militiaman was enlisted or re-engaged before the date of any order or regulation under this Act, nothing in such order or regulation shall render him liable without his consent to be appointed, transferred, or attached to any military body to which he could not without his consent have been appointed, transferred, or attached if the said order or regulation had not been made.

(6.) All orders and general regulations made under this Act shall be laid before both Houses of Parliament as soon as practicable after they are made, if Parliament be then sitting, or if Parliament be not sitting, then as soon as practicable after the beginning of the then next session of Parliament.

Vesting in Her Majesty of jurisdiction under certain Acts in relation to the Militia.

5. All jurisdiction, powers, duties, command, and privileges over, of, or in relation to the Militia, or any part thereof, which under any Acts, other than this Act, are vested in or exerciseable by the lieutenants of counties, or by the Lord Lieutenant of Ireland, either of his own motion or with the advice of the Privy Council in Ireland, shall be exerciseable by Her Majesty, through a Secretary of State or any officers to whom Her Majesty may, by the advice of a Secretary of State, delegate such jurisdiction, powers,

duties, command, and privileges, or any of them, or any part thereof; saving, nevertheless, to the lieutenants of counties their jurisdictions, powers, duties, and privileges in relation to raising the Militia by ballot, and the proceedings incidental thereto.

First appointments to lowest rank of militia officer.

6. First appointments to the lowest rank of militia officer in any corps shall be given to persons recommended by the lieutenant of the county, if a person approved by Her Majesty is recommended by such lieutenant for any such appointment within thirty days after notice of a vacancy for such appointment has been given to such lieutenant in the prescribed manner, provided the person or persons fulfil all the prescribed conditions as to age, physical fitness, and educational qualifications; and where a corps comprises militiamen of two or more counties, the recommendations for such first appointments shall be made by the lieutenants of the respective counties in such rotation or otherwise as may be from time to time prescribed.

PART II.

VOLUNTARY ENLISTMENT.

Raising of men by voluntary enlistment.

7. Subject to the provisions of this Act, private militiamen may be raised by voluntary enlistment by such persons and in such manner and subject to such regulations as may be prescribed, and this part of this Act shall apply only to persons who have voluntarily enlisted.

Enlistment, term of service, and re-engagement.

8. (1.) Every militiaman enlisted under this Act shall be enlisted as a militiaman for some county, and shall forthwith be appointed to serve in a corps for that county, or for some area comprising the whole or part of that county.

(2.) Every militiaman enlisted under this Act shall be enlisted to serve for such period not exceeding six years as may be prescribed, and such period shall be reckoned from the date of his attestation.

(3.) Every militiaman enlisted under this Act may from time to time within twelve months of the end of his current term of service be re-engaged for such period, not exceeding six years from the end of that current term, as may be prescribed.

(4.) A militiaman on re-engagement shall make the prescribed declaration before a justice of the peace or an officer.

(5.) Militiamen enlisted or re-engaged under this Act shall for the purposes of any enactment referring to persons enrolled in the Militia be deemed to be enrolled.

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Application to militia recruits of certain enlistment sections of 44 & 45 Vict. c. 58.

9. (1.) The following sections of the Army Act 1881 shall apply to militia recruits; that is to say,

Section eighty (relating to the mode of enlistment and attestation);

Section ninety-six (relating to the claims of masters to apprentices);

Section ninety-eight (imposing a fine for unlawful recruiting);

Section ninety-nine (making recruits punishable for false answers);

Section one hundred (relating to the validity of attestation and enlistment, or re-engagement):

Section one hundred and one (relating to the competent military authority); and

So much of section one hundred and sixty-three as relates to an attestation paper, or a copy thereof, or a declaration, being evidence;

And the said sections shall apply in like manner as if they were herein re-enacted, with the substitution,—

(*a.*) of "Militia" for "regular forces," and of "militiaman" for "soldier"; and

(*b.*) (in section one hundred) of "during three months, or during "the whole period of preliminary training if less than three "months, or during one whole period of annual training" for "during three months."

(2.) A recruit may be attested by any lieutenant or deputy lieutenant of any county in the United Kingdom, or by a regular officer, or by a militia officer, and the sections of the Army Act 1881 in this section mentioned, and also section thirty-three of the same Act, shall, as applied to the Militia, be construed as if a justice of the peace in those sections included such lieutenant, deputy lieutenant, or officer.

(3.) A man enlisted in the Militia, until duly discharged in the prescribed manner, shall remain subject to this Act as a militiaman.

Enlistment of men discharged with disgrace from army or navy, or contrary to rules.

10. (1.) If a person—

(*a.*) Having been discharged with disgrace from any part of Her Majesty's forces, or having been dismissed with disgrace from the Navy, has afterwards enlisted in the Militia without declaring the circumstances of his discharge or dismissal; or

(*b.*) Is concerned when subject to military law in the enlistment for service in the Militia of any man, when he knows or has reasonable cause to believe such man to be so circumstanced that by enlisting he commits an offence against the Army Act 1881 or this Act; or

(*c.*) Wilfully contravenes when subject to military law any enactments, orders, or regulations which relate to the enlistment or attestation of militiamen,

such person shall be guilty of an offence.

(2.) A person guilty of an offence under this section, whether otherwise subject to military law or not, shall be liable as follows; that is to say,

(*a.*) be liable to be tried by court-martial, and on conviction to suffer such punishment as is imposed for the like offence by section thirty-two or thirty-four of the Army Act 1881, as the case may be; or

(*b.*) be liable to be convicted by a court of summary jurisdiction, and to be sentenced to imprisonment, with or without hard labour, for any term not less than two and not more than six months;

and may in any case be taken into military custody.

(3.) For the purpose of this section the expression "discharged "with disgrace" means discharged with ignominy, discharged as incorrigible and worthless, or discharged on account of a conviction for felony or a sentence of penal servitude.

Enlistment of militiamen in regular forces.

11. Militiamen may, if it is so prescribed, and subject to the prescribed conditions (if any), enlist in the regular forces; and a militiaman so enlisting in the regular forces shall be deemed to be discharged from the Militia.

PART III.

GENERAL PROVISIONS.

Service and Oath.

Area of service of Militia.

12. (1.) Any part of the Militia shall be liable to serve in any part of the United Kingdom, but no part of the Militia shall be carried or ordered to go out of the United Kingdom.

(2.) Provided that if any part of the Militia make a voluntary offer certified by their commanding officer to extend their services to the Islands of Guernsey, Jersey, Alderney, and Sark, the Isle of Man, Malta, and the garrison of Gibraltar, or any of them, it shall be lawful for Her Majesty, if she thinks fit, to accept such offer and to employ the said part of the Militia accordingly; and where such offers are made by several parts of the Militia it shall be lawful for Her Majesty, as may seem fit, to accept some and refuse others of such offers.

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(3.) It shall be lawful for Her Majesty to direct the commanding officer of any part of the Militia to propose to that part to make an offer to extend the area of their services as aforesaid under such regulations as Her Majesty may be pleased to appoint.

(4.) A person shall not be compelled to make an offer to serve as aforesaid, or be engaged so to serve, except by his own consent;

and a commanding officer shall not certify any voluntary offer previously to his having explained to every person offering so to serve that the offer is to be purely voluntary on his part.

Oath of allegiance of militiaman.

13. Every militiaman raised under this Act or under any other of the Militia Acts shall take the following oath; that is to say,

'I *A.B.* do solemnly promise and swear, that I will be faithful 'to [*here insert name of sovereign for time being*], her [*or* his] 'heirs and successors, and that I will faithfully serve in the Militia 'until I shall be discharged.'

And such oath may be administered by any lieutenant or deputy lieutenant of a county, or by any justice of the peace, or by any regular officer or militia officer, and in the case of a militiaman enlisted under this Act shall be specified in the attestation paper.

Training.

Preliminary training of Militia recruits.

14. (1.) Every militiaman shall attend for preliminary training at such place or places within the United Kingdom, at such time or times, and for such period or periods, not exceeding in the whole six months, as may be prescribed, and may be trained by such officers, non-commissioned officers, and men of the regular forces or of the militia as may be prescribed.

(2.) The time of such preliminary training shall not be included in the time during which such man is liable to be called out for annual training.

Calling up for instruction.

15. Any orders or regulations under this Act may provide for any militia officer or militiaman, with his own consent, being called up for the purpose of instruction.

Annual training.

16. Save as otherwise provided by this Act, the Militia shall be annually trained for not less than twenty-one nor more than twenty-eight days in every year, at such times and at such places in any part of the United Kingdom as may be prescribed;

and for that purpose may be called out once or oftener in every year.

Extension, reduction, or suspension of annual training.

17. Her Majesty in Council may from time to time,—

(*a.*) order that the period of annual training in any year of all or any part of the Militia be extended, but so that the whole

period of annual training be not more than fifty-six days in any year; or

(*b.*) order that the period of annual training in any year of all or any part of the Militia be reduced to such time as to Her Majesty may seem fit; or

(*c.*) order that in any year the annual training of all or any part of the Militia be dispensed with;

and every such order shall have full effect.

Embodiment.

Embodiment of Militia.

18. (1.) In case of imminent national danger or of great emergency it shall be lawful for Her Majesty in Council by proclamation (the occasion being first communicated to Parliament, if Parliament be then sitting, or declared in Council, and notified by the proclamation, if Parliament be not sitting) to order the Militia to be embodied.

(2.) It shall be lawful for Her Majesty by any such proclamation to order a Secretary of State from time to time to give, and when given to revoke or vary, such directions as may seem necessary or proper for embodying all or any part of the Militia.

(3.) Every such proclamation and the directions given in pursuance thereof shall be obeyed as if enacted in this Act, and where such directions for the time being direct the embodiment of any part of the Militia, every officer and man belonging to that part shall attend at the place and time fixed by those directions, and at and after that time shall be deemed to be embodied; and such officers and men are in this Act referred to as embodied, or as the embodied part or parts of the Militia.

Assembly of Parliament when Militia is ordered to be embodied.

19. Whenever Her Majesty orders the Militia to be embodied, if Parliament be then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of Parliament within ten days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.

Disembodying of Militia.

20. (1.) It shall be lawful for Her Majesty by proclamation to order that the Militia shall be disembodied, and thereupon a Secretary of State shall give such directions as may seem necessary or proper for carrying the said proclamation into effect.

(2.) Until any such proclamation of Her Majesty has been issued a Secretary of State may from time to time, as he may think expedient for the public service, give such directions as may seem

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necessary or proper for disembodying any embodied part of the Militia, and for embodying any part of the Militia not embodied, whether previously disembodied or otherwise.

(3.) After the date fixed by the directions for the disembodiment of any part of the Militia, the officers and men belonging to that part shall be in the position of militia officers and men not embodied.

Provisions common to Annual Training and Embodiment.

Notice of times and places of attendance for annual training or embodiment.

21. (1.) Where directions have been given for calling out for annual training or embodying any part of the Militia, the commanding officer shall cause a notice to attend at the time and place fixed to be served on each militiaman required to attend.

(2.) Such notice shall also be published in the prescribed manner in every parish in the county or area to which the corps of any such militiaman belongs.

(3.) The notices to be served and published under this section shall be served and published within such reasonable time before the time fixed for the attendance of the persons required to attend as may be prescribed.

General provision as to notices.

22. With respect to notices required in pursuance of this Act or of the orders and regulations in force under this Act to be given to militiamen, the following provisions shall have effect:

(1.) Any such notice may be served on a militiaman either by being sent by post to his usual place of abode, or by being served in the prescribed manner;

(2.) For the purpose of the service of any such notice the usual place of abode of a militiaman shall be that stated on his attestation or enrolment, or that subsequently notified by him in the prescribed manner;

(3.) Evidence of the delivery at the usual place of abode of a militiaman of a notice, or of a letter addressed to such man and containing a notice, shall be evidence that such notice was brought to the knowledge of such man;

(4.) The publication of any such notice in the prescribed manner in every parish in the county or area to which a corps belongs shall be sufficient notice to every militiaman in that corps to whom the notice applies, notwithstanding that a copy of such notice is not served upon him;

(5.) Every constable and overseer of the poor shall, when so required by or on behalf of a Secretary of State, conform with the orders and regulations for the time being in force under this Act

with respect to the publication and service of notices, and in default shall be liable, on conviction by a court of summary jurisdiction, to a fine not exceeding twenty pounds.

Desertion and Fraudulent Enlistment.

Punishment for non-attendance for preliminary or annual training or embodiment, and for desertion or absence without leave.

23. (1.) Any militiaman who commits any of the following offences, that is to say,—

Without leave lawfully granted, or such sickness or other reasonable excuse as may be allowed in accordance with the orders and regulations under this Act, fails to appear at the time and place appointed, either for preliminary training, or for annual training, or for assembling on embodiment, shall—

(*a.*) in the case of embodiment, be guilty, according to the circumstances, of deserting within the meaning of section twelve, or of absenting himself without leave within the meaning of section fifteen, of the Army Act 1881; and

(*b.*) in any other case, be guilty of absenting himself without leave within the meaning of section fifteen of the Army Act 1881.

(2.) A militiaman who commits an offence under this section, or under section twelve or section fifteen of the Army Act 1881, whether otherwise subject to military law or not, shall be liable as follows; that is to say,

(*a.*) be liable to be tried by court-martial, and convicted and punished accordingly; or

(*b.*) be liable to be convicted by a court of summary jurisdiction, and to be sentenced to a fine of not less than forty shillings and not more than twenty-five pounds, and in default of payment to imprisonment, with or without hard labour, for any term not less than seven days and not more than the maximum term allowed by law for nonpayment of the fine;

and may in any case be taken into military custody.

Supplemental provision as to deserters and absentees.

24. (1.) Section one hundred and fifty-four of the Army Act 1881 shall apply to a militiaman who is a deserter or absentee without leave within the meaning of this Act in like manner as it applies to a deserter in that section mentioned, and a man who under that section is delivered into military custody or committed for the purpose of being so delivered may be tried as provided by this Act.

(2.) Any person who falsely represents himself to any military, naval, or civil authority to be a deserter or absentee without leave from the Militia shall be liable, on conviction by a court of summary

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jurisdiction, to imprisonment, with or without hard labour, for a term not exceeding three months.

Punishment for inducing militiaman to desert or absent himself.

25. (1.) Any person who by any means whatsoever—

(*a.*) Procures or persuades any militiaman to commit an offence of absence without leave within the meaning of this Act, or attempts to procure or persuade any militiaman to commit such offence; or

(*b.*) Knowing that a militiaman is about to commit the offence of absence without leave within the meaning of this Act, aids or assists him in so doing; or

(*c.*) Knowing any militiaman to be an absentee without leave within the meaning of this Act, conceals such militiaman, or aids or assists him in concealing himself, or employs or continues to employ him, or aids or assists in his rescue;

shall be liable, on conviction by a court of summary jurisdiction, to a fine not exceeding twenty pounds.

(2.) Section one hundred and fifty-three of the Army Act 1881 shall apply as if a militiaman were a soldier, and as if the word "desert" and other words referring to desertion included desertion within the meaning of this Act as well as desertion within the meaning of the Army Act 1881; and any person who, knowing any militiaman to be a deserter within the meaning of this Act or of the Army Act 1881, employs or continues to employ such militiaman, shall be deemed to aid him in concealing himself within the meaning of the said section.

Fraudulent enlistment or false answer of militiaman.

26. If any person commits any of the following offences; that is to say,

(*a.*) When belonging to the Militia, without having fulfilled the conditions enabling him to enlist, enrol, or enter, enlists or enrols in any of the auxiliary or reserve forces, or enters the Royal Navy; or

(*b.*) When belonging to the reserve forces, or to any of the auxiliary forces other than the Militia, or to the Royal Navy, without having fulfilled the conditions enabling him to enlist or enrol, enlists or enrols in the Militia;

such person, if on service as part of the regular forces at the time when he commits the offence, shall be guilty of fraudulent enlistment, and in any other case shall be guilty of making a false answer; and for the purposes of this section a person shall be deemed to be on service as part of the regular forces if being a militiaman he is embodied, or if when belonging to the reserve

forces he is called out on permanent service, or if when belonging to the yeomanry or volunteers he is on actual military service.

(2.) A person who commits an offence under this section, whether otherwise subject to military law or not, shall be liable as follows; that is to say,

(*a.*) be liable to be tried by court-martial, and on conviction to suffer such punishment as is imposed, if the offence is fraudulent enlistment, by section thirteen, and if it is a false answer, by section thirty-three of the Army Act 1881; or

(*b.*) be liable to be convicted by a court of summary jurisdiction, and to be sentenced to imprisonment, with or without hard labour, for any term not less than one month and not more than three months, or to a fine of not less than five pounds and not more than twenty-five pounds, and in default of payment to imprisonment, with or without hard labour, for any term not less than one month and not more than the maximum term allowed by law for nonpayment of the fine, and in the case of a second or any subsequent conviction to be sentenced to imprisonment, with or without hard labour, for any term not less than two and not more than six months;

and may in any case be taken into military custody.

(3.) A person who attempts to commit an offence under this section shall, whether otherwise subject to military law or not, be liable to be taken into military custody, tried, convicted, and punished in like manner in all respects as if he had committed an offence under this section, with this qualification, that if he is convicted by court-martial he shall not be liable to any punishment exceeding imprisonment, and if he is convicted by a court of summary jurisdiction this section shall apply as if the terms of imprisonment or amounts of fine were reduced by one half.

Liability of deserter, absentee, or fraudulent enlister to further service.

27. Any militiaman who is delivered into military custody or committed as a deserter or absentee without leave by a court of summary jurisdiction, or is convicted by court-martial or by a court of summary jurisdiction of desertion or absence without leave or fraudulent enlistment under the Army Act 1881 or this Act, or is dealt with summarily by his commanding officer for any such offence, shall, whether he is or is not punished for his offence, be liable to serve as follows; (that is to say,)

(*a.*) If he has not completed the period of his preliminary training, he shall be liable to attend for preliminary training for the whole of the prescribed period or periods, or for the prescribed portion thereof, without any deduction being made for any time he has previously attended for such training; and

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(*b.*) If the duration of his absence from annual training has amounted in any year to the whole of the time of annual training, or to any part of that time not less than fourteen days, he shall be liable to serve after the expiration of the term of his militia service for an additional year for each year in which he has been so absent; and

(*c.*) If he was embodied either at the time when he committed the offence or afterwards, he shall be liable to serve for an additional period equal to the time which elapsed between the time of his committing the offence and the time of his apprehension or voluntary surrender; and the period of such additional service shall commence at the expiration of the term of his militia service, or at the time of his apprehension or surrender, whichever last happens.

Record of illegal absence of militiaman.

28. (1.) Where a militiaman is subject to military law, and is illegally absent from his duty, a court of inquiry under section seventy-two of the Army Act 1881 may be assembled after the expiration of twenty-one days from the date of such absence, notwithstanding that the period during which such man was subject to military law is less than twenty-one days, or has expired before the expiration of twenty-one days.

(2.) Where a militiaman fails to appear at the time and place appointed for preliminary training or for annual training or for assembling on embodiment, and his absence continues for not less than fourteen days, his commanding officer shall make an entry in the regimental books of such absence, and such entry shall be conclusive evidence of the fact of such absence.

Lieutenants and Deputy Lieutenants of Counties.

Appointment of lieutenants of counties.

29. Her Majesty shall from time to time appoint lieutenants for the several counties in the United Kingdom.

Appointment, approval, and removal of deputy lieutenants.

30. (1.) The lieutenant of every county shall from time to time appoint such persons as he thinks fit, living within the county, and qualified as provided by this Act, to be his deputy lieutenants.

(2.) In every county twenty persons at least, or if so many persons cannot be found duly qualified, then all the duly qualified persons living within the county, shall, subject as herein-after mentioned, be appointed deputy lieutenants.

(3.) The lieutenant shall certify to Her Majesty the name of every person whom he proposes to appoint deputy lieutenant, and shall not grant a commission as deputy lieutenant to any person until informed by a Secretary of State that Her Majesty does not disapprove of the granting of such commission.

(4.) Whenever Her Majesty may think fit to signify her pleasure to the lieutenant of any county that all or any of the deputy lieutenants thereof be displaced, such lieutenant shall forthwith displace them, and appoint others in their stead, subject to the provisions of this Act; and a return of all persons by name who have been appointed deputy lieutenants or have been displaced shall be annually laid before Parliament, made up to the thirty-first day of December, within ten days after Parliament meets.

(5.) The commission of a deputy lieutenant shall not be vacated by the lieutenant who granted it ceasing to be lieutenant.

Provision for absence or disability of lieutenant.

31. Where the lieutenant of a county is absent from the United Kingdom, or by reason of sickness or otherwise is unable to act, or where there is no lieutenant of a county, Her Majesty may authorize any three deputy lieutenants of such county to act as the lieutenant thereof, and such deputy lieutenants while so authorized may do all acts which might lawfully be done by the lieutenant, and shall for all purposes stand in the place of the lieutenant.

Appointment of vice-lieutenant.

32. The lieutenant of a county, with the approbation of Her Majesty, may appoint any deputy lieutenant of the county to act for him as vice-lieutenant during his absence from the county, sickness, or other inability to act; and every such vice-lieutenant, until the appointment is revoked or he is removed by Her Majesty, may from time to time, whenever such absence, sickness, or inability occurs, do all acts which might lawfully be done by the lieutenant, and shall for all purposes stand in the place of the lieutenant, without prejudice to the authority of Her Majesty to make other provision for this purpose under the foregoing enactment.

Qualifications of deputy lieutenants.

33. Every person appointed a deputy lieutenant shall be qualified as follows; that is to say,

(*a.*) He shall be a peer of the realm or the heir apparent of such a peer, and have a place of residence within the county for which he is appointed; or

(*b.*) He shall be in possession for his own benefit of an estate for the life of himself or another, or of some greater estate, in land in the United Kingdom of the yearly value of not less than two hundred pounds; or

(*c.*) He shall be the heir apparent of some person who is in possession for his own benefit of such an estate as above mentioned; or

(*d.*) He shall be possessed or entitled, at law or in equity, in possession for his own benefit, for the life of himself or another,

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or for some greater interest, of or to a clear yearly income arising from personal estate within the United Kingdom of not less amount than the yearly value of an estate in land above mentioned;

and the clear yearly income arising from any such personal estate shall be admitted in whole or in part of a qualification arising from the possession of an estate in land.

Delivery, enrolment, and return of qualifications, and gazetting of commissions.

34. (1.) A person appointed a deputy lieutenant of a county, who is not qualified as a peer or heir apparent of a peer of the realm, shall before acting as deputy lieutenant deliver to the clerk of general meetings of lieutenancy of that county a specific description in writing, signed by himself, of his qualification, stating, where the same consists wholly or partly of an estate in land or of heirship to an estate in land, the county and parish in which the land is situate.

(2.) The clerk of general meetings of lieutenancy shall send to the lieutenant of the county a copy of every such description delivered to him, and shall enter every such description on a roll to be kept for that purpose; and shall (at the cost of the county rate) cause to be published in the London Gazette the names of the persons appointed deputy lieutenants, with the dates of their commissions, in like manner as commissions of officers of Her Majesty's land forces are published.

(3.) The clerk of general meetings of lieutenancy shall from time to time, when so required, send to a Secretary of State a complete account of the several descriptions of qualification delivered to him during the period mentioned in the requisition, and the Secretary of State shall cause copies of every such account to be laid before both Houses of Parliament.

Penalty for acting as deputy lieutenant without being qualified, &c.

35. (1.) If any person acts as deputy lieutenant without being duly qualified, or without having delivered the description of his qualification as required by this Act, he shall forfeit the sum of two hundred pounds; but where such person has been appointed a deputy lieutenant all acts done by him in the execution of his office shall be as valid as if he had been duly qualified and had duly delivered such description.

(2.) In any legal proceeding for the recovery of any such penal sum the proof of qualification shall lie on the defendant.

Powers, &c. of lieutenants and deputy lieutenants.

36. Except as otherwise provided by this or any other Act, the lieutenant and deputy lieutenants appointed under this Act for any county shall respectively have such jurisdiction, duties, powers, and privileges as are vested in the lieutenant and deputy

lieutenants respectively for such county under any Act of Parliament for the time being in force. A.D. 1882.

Quotas.

Quotas of Militia.

37. (1.) It shall be lawful for Her Majesty in Council from time to time to appoint the quotas of militiamen to serve for the several counties of the United Kingdom.

(2.) Notice of the quota from time to time appointed for any county shall be transmitted to the lieutenant of that county and published in the London Gazette.

(3.) Such quota shall be the quota of the county until another quota is appointed and notified in like manner.

Civil Rights and Exemptions.

Militia commissions not to vacate seats in Parliament.

38. The acceptance of a commission as a militia officer shall not vacate the seat of any member returned to serve in Parliament.

Attendance of voters at parliamentary elections.

39. A person in the Militia shall not be liable to any penalty or punishment for or on account of his absence during the time he is voting at any election of a member to serve in Parliament, or during the time he is going to or returning from such voting.

Performance of duties of sheriff, if a militia officer, during embodiment.

40. If a sheriff is a militia officer, then during embodiment he shall be discharged from personally performing the office of sheriff, and the under sheriff shall be answerable for the execution of the said office, in the name of the high sheriff; and the security given by the under sheriff, and his pledges to the high sheriff, shall stand a security to the Queen, her heirs and successors, and to all persons whomsoever, for the due performance of the office of sheriff during such time.

Exemption of militiamen.

41. A person in the Militia shall not be compelled to serve as a peace officer or parish officer.

Legal Proceedings.

Trial of offences and recovery and application of fines under Militia Acts.

42. (1.) Any offence which under the Militia Acts is punishable on conviction by court-martial shall for all purposes of and incidental to the arrest, trial, and punishment of the offender, including the summary dealing with the case by his commanding officer, be deemed to be an offence under the Army Act 1881, with this modification, that any reference in that Act to forfeitures and stoppages shall be construed to refer to such forfeitures and stoppages as may be prescribed.

(2.) Every fine or pecuniary forfeiture imposed under any of the Militia Acts, if exceeding the sum of twenty-five pounds, may be

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recovered by action in Her Majesty's High Court of Justice in England or Ireland, or in the Court of Session in Scotland; and if not exceeding such amount may, so far as the recovery thereof is not otherwise provided for, be recovered on conviction by a court of summary jurisdiction, in like manner as if it were a fine under this Act.

(3.) Any offence which under the Militia Acts is punishable on conviction by or before a court of summary jurisdiction within the meaning of this Act may be prosecuted, and any fine or pecuniary forfeiture which under the Militia Acts is recoverable for any such offence, or is otherwise recoverable before a court of summary jurisdiction, may be recovered, in manner provided by sections one hundred and sixty-six and one hundred and sixty-seven of the Army Act 1881, in like manner as if those sections were herein re-enacted and in terms made applicable to the Militia Acts, subject to the following modification, namely,

every fine or pecuniary forfeiture imposed under any of the Militia Acts on a militiaman, or recovered on a prosecution instituted under any of the Militia Acts by or on behalf of the commanding officer of a militiaman, (the application of which is not otherwise provided for by the said Acts) shall, notwithstanding anything in any Act or charter or in the said sections to the contrary, be paid to the commanding officer of the part of the Militia to which the militiaman belongs, and shall be accounted for by him in the prescribed manner.

(4.) Save as provided by the said section one hundred and sixty-six, the minimum fixed by any of the Militia Acts for the amount of any fine or forfeiture or for the term of any imprisonment shall be duly observed by courts of summary jurisdiction, and shall, notwithstanding anything in any other Act contained, not be reduced by way of mitigation or otherwise.

Provision as to offences triable both by court-martial and by court of summary jurisdiction.

43. With respect to the trial and punishment of men charged with offences which in pursuance of this Act are cognizable both by a court-martial and by a court of summary jurisdiction, the following provisions shall have effect:

(1.) An alleged offender shall not be liable to be tried both by court-martial and by a court of summary jurisdiction, but may be tried by either of such courts, according as may be prescribed by orders or regulations under this Act.

(2.) Proceedings against an alleged offender when a militiaman, before either a court-martial or his commanding officer or a court of summary jurisdiction, may be instituted, whether the term of his militia service has or has not expired, and may, notwith-

standing anything in any other Act, be instituted at any time within two months after the time at which the offence becomes known to the commanding officer of the militiaman, if the militiaman is then apprehended, or if he is not then apprehended, then within two months after the time at which he is apprehended, whether such apprehension was by a civil or military authority, and any limitation contained in any other Act with respect to the time for hearing and determining an offence shall not apply in the case of any proceeding so instituted.

(3.) Where an offender has on several occasions been guilty of desertion, fraudulent enlistment, or making a false answer, he may, for the purposes of any proceedings against him, be deemed to belong to any one or more of the corps to which he has been appointed or transferred, as well as to the corps to which he properly belongs; and it shall be lawful to charge the offender with any number of the above-mentioned offences at the same time, whether they are offences within the meaning of the Army Act 1881 or offences within the meaning of this Act, and to give evidence of such offences against him, and if he be convicted of more than one offence to punish him accordingly, as if he had been previously convicted of any such offence.

(4.) For the purposes of this section the expression "tried by court-martial" shall include "dealt with summarily by his commanding officer."

Evidence.

44. (1.) Section one hundred and sixty-four of the Army Act 1881 (which relates to evidence of the civil conviction or acquittal of a person subject to military law) shall apply to a militiaman who is tried by a civil court, whether he is or is not at the time of such trial subject to military law.

(2.) Section one hundred and sixty-three of the Army Act 1881 (relating to evidence) shall apply to all proceedings under the Militia Acts.

Miscellaneous.

Militia returns, how to be made.

45. All returns required or authorized to be made in relation to the Militia by any of the Militia Acts shall be made to such persons as may be prescribed.

Protection of persons acting under Militia Acts.

46. (1.) The law relating to the protection of justices of the peace in the execution of their office shall, save as regards limitation of actions, notice of action, venue, tender of amends and payment into court, and other matters relating to actions which are provided for by this section, apply to lieutenants and deputy lieutenants when

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acting in the execution of the Militia Acts, as if they were included in the expression "justices of the peace."

(2.) An action, prosecution, or proceeding against any person for any act done in pursuance or execution or intended execution of the Militia Acts, or in respect of any alleged neglect or default in the execution of those Acts, shall not lie or be instituted unless it is commenced within twelve months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within twelve months next after the ceasing thereof.

(3.) In any such action tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action.

(4.) Every such action, and also every action against a member or minister of a court-martial in respect of a sentence of such court, or of anything done by virtue or in pursuance of such sentence, shall be brought in one of Her Majesty's superior courts in the United Kingdom.

Exercise of powers vested in holder of military office.

47. (1.) Any power or jurisdiction given to, and act or thing to be done by, to, or before any person holding any military office may in relation to the Militia be exercised by or done by, to, or before any other person for the time being authorized in that behalf according to the custom of the service.

(2.) Where by any of the Militia Acts, or by any order or regulation in force under this Act, any order is authorized to be made by any military authority, such order may be signified by an order, instruction, or letter under the hand of any officer authorized to issue orders on behalf of such military authority, and an order, instruction, or letter purporting to be signed by any officer appearing therein to be so authorized shall be evidence of his being so authorized.

Provisions as to special Localities.

Provisions as to counties for purposes of Militia Acts.

48. For the purposes of the Militia Acts the following provisions shall have effect with respect to counties :—

(1.) The expression "county" shall, unless the context otherwise requires, mean a county at large, with the exception

that each riding of the county of York shall be a separate county.

(2.) Each county of a city, county of a town, or place mentioned in the first column of the first schedule to this Act shall be deemed to form part of the county set opposite thereto in the second column of that schedule, and where a parish is mentioned in that second column to form part of that parish.

(3.) All other places locally situate within a county as above defined shall be deemed to form part of that county.

(4.) Every place declared by this section to form part of a county shall (save as otherwise expressly provided) be subject to the jurisdiction and authority of the lieutenant, deputy lieutenants, and other officers of the said county.

Application of Militia Acts to certain places.

49. The Militia Acts shall apply to the following places, with the modifications herein-after mentioned:

Isle of Wight.

(1.) The Governor of the Isle of Wight may appoint to act for him in the Island five or more deputies, in like manner and subject to the like conditions and restrictions as deputy lieutenants are appointed under this Act, and such deputies shall act in the execution of the Militia Acts as if they were deputy lieutenants; the Militia of the Isle of Wight shall be raised in the same manner as and shall form part of the Militia of the county of Southampton; but shall remain within the said Isle as an internal defence thereof, unless Her Majesty otherwise orders.

Tower Hamlets.

(2.) The Militia Acts shall apply to the liberty or district of the Tower Division in the county of Middlesex, commonly known by the name of the Tower Hamlets, as if it were a separate county.

Cinque Ports.

(3.) This Act shall apply to the Cinque Ports, two ancient towns, and their members, so far as is consistent with the special enactments relating thereto, as if they were a separate county, and the Warden of the Cinque Ports were the lieutenant of that county.

Haverfordwest.

(4.) It shall be lawful for Her Majesty to appoint a lieutenant for the county of the town of Haverfordwest in like manner as if it were a separate county, and he may appoint deputy lieutenants under this Act.

Miners of Cornwall and Devon.

(5.) A corps of miners may continue to be raised for the counties of Cornwall and Devon as part of the Militia, and the Militia Acts shall apply in like manner as if such corps were the Militia of a separate county, and the Warden of the Stannaries were the lieutenant of that county, and the quota for such corps may be fixed accordingly. The deputies appointed by the Warden shall be called deputy wardens of the Stannaries, and need not exceed twelve in number, and the persons appointed shall be

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qualified, in respect of residence and otherwise, as if they were appointed deputy lieutenants for a county comprising the counties of Cornwall and Devon, and any reference to the clerk of general meetings of lieutenancy shall be deemed to refer to the clerk of general meetings appointed by the Warden.

Application of Act to city of London.

50. The city of London shall continue to be a separate county for the purposes of the Militia, and so far as is consistent with the special enactments relating to such city this Act shall apply accordingly, and the Commissioners of Lieutenancy of the city shall for the purposes of this Act and those enactments be the lieutenant of the county, and the provisions of this Act with respect to deputy lieutenants shall not apply to the said city, and nothing in this Act shall affect the raising and levying of the trophy tax as heretofore in the said city.

Definitions.

Definitions.

51. In this Act, unless the context otherwise requires,—

The expression "Secretary of State" means one of Her Majesty's Principal Secretaries of State:

The expression "parish" means a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed:

The expression "Militia" means the regular Militia raised in the United Kingdom, or in any county or part thereof:

The expressions "militiaman" and "man in the Militia" include respectively a non-commissioned officer:

The expression "term of militia service" means, in the case of a man enlisted or re-engaged under this Act the term for which he has so enlisted or re-engaged, and in case of any other man the term for which he is enrolled.

The expression "Militia Acts" means this Act, and any Act passed or hereafter to be passed relating to the Militia, so far as it is for the time being in force:

The expression "prescribed" means prescribed by orders or regulations in force under this Act.

Expressions not above in this section mentioned have, unless the context otherwise requires, the same meaning as they have in the Army Act 1881.

Application of Act to Scotland.

Modifications in application of Act to Scotland.

52. In the application of this Act to Scotland, the following modifications shall be made; that is to say,

(1.) The Militia Acts shall apply to the county of the city of Edinburgh in like manner as to any other county, and the chief

magistrate of that city shall, when there is no lieutenant appointed, appoint the deputy lieutenants under this Act.

(2.) The expression "land" includes heritages.

(3.) The expression "county rate" means "county general assessment."

(4.) The expression "overseer" means "inspector of the poor."

(5.) In the provisions respecting an action, prosecution, or proceeding against any person, "plaintiff" shall mean "pursuer" and "defendant" shall mean "defender," and "solicitor" shall mean "law agent."

Application of Act to Ireland.

Modification in application of Act to Ireland.

53. In the application of this Act to Ireland, the following modifications shall be made; that is to say,

(1.) The Militia Acts shall apply to the counties of the cities of Dublin, Cork, and Limerick respectively in like manner as to any other county.

(2.) Lieutenants may be appointed for the county of the city of Waterford and the town and county of the town of Galway respectively in like manner as if such city and town were respectively separate counties, and such lieutenants may appoint deputy lieutenants under this Act.

(3.) As regards the qualifications of deputy lieutenants, the description shall state the denomination of any land forming the whole or part of the qualification, and in the case of any such city or town as above in this section mentioned the town clerk shall be substituted for the clerk of general meetings of lieutenancy, and the borough rate shall be substituted for the county rate.

(4.) The powers vested in Her Majesty with reference to lieutenants and their deputy lieutenants and vice-lieutenants may, subject to any direction of Her Majesty, be exercised by the Lord Lieutenant of Ireland, and anything in relation to lieutenants or deputy lieutenants, if authorized or required to be done by, to, or before Her Majesty, may, subject as aforesaid, be done by, to, or before the Lord Lieutenant, and if authorized or required to be done by or to a Secretary of State, may be done by or to the Chief Secretary or Under Secretary of the Lord Lieutenant.

(5.) The number of deputy lieutenants in each county and in each such city or town as above mentioned shall be such as Her Majesty, or, subject to any direction of Her Majesty, the Lord Lieutenant from time to time determines.

(6.) Anything required to be published in the London Gazette shall be published in the Dublin Gazette in lieu of the London Gazette.

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(7.) Except as otherwise provided by this or any other Act, the lieutenants and deputy lieutenants appointed under this Act for any county, city, or town shall respectively have all the powers which by any Act for the time being in force are vested in the governors or deputy governors respectively of counties or places in Ireland.

(8.) The expression "Lord Lieutenant" includes the Lords Justices or other Chief Governors or Governor of Ireland for the time being.

(9.) The expression "rate" includes "cess."

(10.) The constables shall perform the duties of overseers with respect to the publication of notices.

Repeal.

Repeal of Acts.

54. The Acts mentioned in the second schedule to this Act are hereby repealed as from the commencement of this Act to the extent in the third column of that schedule specified;

Provided as follows:

(1.) So much of the said Acts as is set out in the third schedule to this Act shall continue in force in manner therein appearing, as if the same were enacted in the body of this Act.

(2.) Such repeal shall not revive any enactment, and shall not, save as herein otherwise provided, affect anything previously done or suffered, or any existing right or title, or any remedy in respect thereof, or the proof of any past act.

(3.) All commissions and appointments in relation to the Militia which exist at the commencement of this Act shall be of the same effect as if granted or made under this Act.

(4.) All orders, warrants, regulations, and directions in relation to the Militia which exist at the commencement of this Act shall be of the same effect as if they were orders and regulations made under this Act, and may be revoked or altered accordingly.

(5.) The quota in force at the commencement of this Act for any county, or for any place which is under this Act deemed to be a county, shall continue to be the quota appointed for that county or place until another quota is appointed under this Act.

(6.) The several militiamen who before the commencement of this Act have been attested for service, whether before a justice of the peace or an officer, or have been re-engaged, shall be deemed to have been duly attested and re-engaged as if they had been enlisted or re-engaged under this Act, and shall continue to serve accordingly, and shall be subject to and be deemed to be raised under this Act,

and their service before the commencement of this Act shall be reckoned as if the same had taken place under this Act. A.D. 1882.

(7.) A member of the permanent staff of the Militia who has been enlisted or re-engaged in pursuance of any enactment hereby repealed shall continue to serve in like manner as if the said enactment had not been repealed.

(8.) Where a member of the permanent staff of the Militia or a militiaman was enlisted or re-engaged before the passing of the Regulation of the Forces Act 1881, or before the date of any order or regulation made under the said Act, nothing in the said Act, order, or regulation, or in this Act shall render such member or man liable without his consent to serve in or be appointed, transferred, posted, or attached to any military body in or to which he could not have been required without his consent to serve or be appointed, transferred, or attached if the Regulation of the Forces Act 1881 or this Act, or the said order or regulation, as the case may be, had not been passed or made.

(9.) In the case of any offence committed before the commencement of this Act, if any proceeding for the trial or punishment of the offender has been commenced before the commencement of this Act, such proceeding may be carried on and completed, and the offender may be tried and punished, as if this Act had not passed; but, save as aforesaid, this Act shall apply to the arrest, trial, conviction, and punishment of a person accused of an offence committed before the commencement of this Act, (including the dealing with the case by the commanding officer) so however that a person shall not be subject for any such offence to any greater punishment than that to which he was subject before the commencement of this Act, nor to any punishment for anything done before the commencement of this Act which at the time of its being done was not an offence punishable by law.

(10.) Any unrepealed enactment referring to any provisions hereby repealed, or to any provisions repealed by the Militia (Voluntary Enlistment) Act, 1875, shall be construed as referring to the corresponding provisions of this Act.

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SCHEDULES.

FIRST SCHEDULE.

	The following places are for the purposes of the Militia Acts	to be included in the following counties.
	England.	
See 42 Geo. 3. c. 90. ss. 19, 149, 151. 38 & 39 Vict. c. 69, ss. 2, 80.	County of the city of Chester - -	Chester.
	County of the city of Exeter - -	Devon.
	County of the town of Poole - -	Dorset.
	County of the city of Gloucester - -	Gloucester.
	County of the city of Bristol - -	Gloucester.
	County of the city of Canterbury - -	Kent.
	County of the city of Lincoln - -	Lincoln.
	County of the city of Norwich - -	Norfolk.
	County of the town of Newcastle-upon-Tyne	Northumberland.
	Borough and town of Berwick-upon-Tweed	Northumberland.
	County of the town of Nottingham - -	Nottingham.
	County of the town of Southampton -	Southampton.
	County of the city of Lichfield - -	Stafford.
	County of the city of Worcester - -	Worcester.
	County of the city of York - - -	West Riding of York.
	County of the town of Kingston-upon-Hull -	East Riding of York.
	County of the town of Carmarthen -	Carmarthen.
	County of the town of Haverfordwest -	Pembroke.
	The constabulary of Craike - -	North Riding of York.
	That part of the parish of Maker which lies in the county of Cornwall - - -	Cornwall.
	Town and parish of Wokingham - -	Berks.
	The township of Filey - - -	East Riding of York.
	Threapwood - - - -	Parish of Worthenbury in Flint.
	Parish of Saint Martin, called Stamford Baron, in the suburbs of the borough and town of Stamford on the south side of the waters called Welland - - -	Lincoln.
	Ireland.	
See 49 Geo. 3. c. 120. s. 2. 38 & 39 Vict. c. 69, ss. 2, 3.	County of the city of Waterford - -	Waterford.
	County of the city of Kilkenny - -	Kilkenny.
	County of the town of Drogheda - -	Louth.
	County of the town of Londonderry -	Londonderry.
	County of the town of Galway - -	Galway.

SECOND SCHEDULE.

Acts repealed.

A description or citation of a portion of an Act is inclusive of the words, section, or other part, first or last mentioned, or otherwise referred to as forming the beginning, or as forming the end, of the portion comprised in the description or citation.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
37 Geo. 3. c. 25 -	An Act for the better raising and ordering the militia forces of the Tower Hamlets in the county of Middlesex.	Section three, from "and also such" to "the said Hamlets," and sections thirteen, fourteen, and sixteen to eighteen.
42 Geo. 3. c. 72 -	An Act for repealing an Act made in the thirty-eighth year of the reign of His present Majesty, intituled "An Act for "raising a body of "miners in the counties "of Cornwall and "Devon, for the defence "of the Kingdom during "the present war"; and for the more effectually raising and regulating a body of miners for the defence of Great Britain.	Section one, from "and the "said warden shall consti- "tute" to "are entitled to rank," sections two, three, and thirty-one, section thirty-three, from "and that all fines" to the end of the section, and sections thirty-four and thirty-five.
42 Geo. 3. c. 90 -	An Act for amending the laws relating to the militia in England, and for augmenting the militia.	Section one hundred and forty-eight, section one hundred and forty-nine, the words "and officers," and from "and such number of officers" to the end of the section, section one hundred and fifty, from "shall appoint" to "and shall and," and from "and shall appoint five" to the end of the section, and sections one hundred and fifty-one, one hundred and fifty-two, one hundred and seventy-one, one hundred and seventy-seven, and one hundred and seventy-eight.
42 Geo. 3. c. 91 -	An Act to raise and establish a militia force in Scotland.	Sections fifteen, thirty-two, one hundred and forty-one, one hundred and forty-two, one hundred and forty-three, one hundred and sixty-six, one hundred and seventy-three, and one hundred and seventy-four.

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Session and Chapter.	Title or Short Title.	Extent of Repeal.
43 Geo. 3. c. 50 -	An Act for more speedily completing the militia of Great Britain, raised under two Acts passed in the forty-second year of the reign of His present Majesty; and for amending the said Acts.	Section five, section six, from "either for the purpose" to "for that purpose or," and section eight.
49 Geo. 3. c. 120 -	An Act for amending and reducing into one Act of Parliament the several laws for raising and training the militia of Ireland.	Sections two, three, five, six, section one hundred and eighteen, from "every such person" to "by virtue of this Act, and," sections one hundred and thirty to one hundred and thirty-eight, section one hundred and forty-one, from "or within four months" to "enrolling volunteers," and sections one hundred and forty-five to one hundred and forty-seven.
51 Geo. 3. c. 114 -	An Act to permit the services of the regiment of miners of Cornwall and Devon to be extended to Ireland.	The whole Act so far as unrepealed.
51 Geo. 3. c. 118 -	An Act to permit the interchange of the British and Irish militias respectively.	The whole Act so far as unrepealed.
52 Geo. 3. c. 29 -	An Act to amend the laws relating to the militia of Ireland.	The whole Act so far as unrepealed.
53 Geo. 3. c. 48 -	An Act to amend the laws for raising and training the militia of Ireland.	Sections three to five.
53 Geo. 3. c. 132 -	An Act to extend the services of the militia of the Tower Hamlets to all parts of the United Kingdom.	The whole Act so far as unrepealed.
55 Geo. 3. c. 65 -	An Act to amend the laws relating to the militia of Great Britain.	The whole Act so far as unrepealed, except section eight.
1 Geo. 4. c. 100 -	An Act for amending and reducing into one Act of Parliament, two several Acts passed in the thirty-sixth and thirty-ninth years of the reign of His late Majesty King George the Third, for the better ordering and further regulating of the militia of the city of London.	Sections two, four, five, and seven, section nine, as to the form of oath thereby prescribed, sections nineteen to twenty-one, twenty-three to twenty-six, and twenty-nine, section forty-two, from "provided always" to the end of the section, sections forty-six and forty-seven, section forty-eight, from "provided always" to the end of the section, and section forty-nine.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
15 & 16 Vict. c. 50 -	An Act to consolidate and amend the laws in relation to the militia in England.	Sections eight and nine, section twenty-four, the words "as herein-before directed," section thirty, section thirty-one, section thirty-five, section thirty-six, from "but the number" to the end of the section, and section thirty-eight from "in apportioning" down to "but so that," and from "and the oath to be taken," down to "sovereign for the time being."
17 & 18 Vict. c. 105 -	The Militia Law Amendment Act, 1854.	Section fifty-two.
23 & 24 Vict. c. 94. -	An Act to amend the laws relating to the militia.	Sections ten to twelve, section twenty, and section twenty-one.
23 & 24 Vict. c. 120 -	An Act to amend the laws relating to the ballots for the militia in England, and to suspend the making of lists and ballots for the militia of the United Kingdom.	Section nineteen.
28 & 29 Vict. c. 46 -	An Act to suspend the making of lists and the ballots for the militia of the United Kingdom.	Section four from "or of any meeting" to the end of the section.
32 & 33 Vict. c. 66 -	An Act to continue and amend an Act to defray the charge of the pay, clothing, and contingent and other expenses of the disembodied militia in Great Britain and Ireland; to grant allowances in certain cases to subaltern officers, adjutants, paymasters, quartermasters, surgeons, assistant surgeons, and surgeons' mates of the militia; and to authorise the employment of the non-commissioned officers.	The whole Act.
33 & 34 Vict. c. 67. -	The Army Enlistment Act, 1870.	Section twenty, so far as it relates to the Militia.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
34 & 35 Vict. c. 86. -	The Regulation of the Forces Act, 1871.	Section six from "saving "nevertheless to the lieu- "tenants of counties," down to "proceedings incidental "thereto," and so much of the rest of the section as relates to the Militia; so much of section seven as relates to the Militia; sections eight and fourteen; the words "militia or" wherever they occur in section seventeen, section eighteen, and the definition of "militia" in section nineteen.
36 & 37 Vict. c. 84 -	An Act to explain the Militia Pay Acts, 1868 and 1869, and to facilitate the sale of property held for militia purposes.	Section one.
37 & 38 Vict. c. 29 -	The Militia Law Amendment Act, 1874.	The whole Act.
38 & 39 Vict. c. 69 -	The Militia (Voluntary Enlistment) Act, 1875.	The whole Act.
41 & 42 Vict. c. 10 -	An Act for punishing mutiny and desertion, and for the better payment of the army and their quarters.	Sections forty-four, fifty-seven, fifty-eight, and eighty, and the schedule.
42 & 43 Vict. c. 32 -	The Army Discipline Regulation (Commencement) Act, 1879.	Section five from "as respects" to "and also," and so much of the rest of the section as keeps in force any portion of the Army Mutiny Act relating to the Militia.
44 & 45 Vict. c. 57 -	The Regulation of the Forces Act, 1881.	Section two from "the expression militia" to "non-commissioned officer," sections three to eight, and so much of sections thirty-eight, thirty-nine and fifty-three as relates to the Militia.

THIRD SCHEDULE.

Local Militia.

Enactments re-enacted with respect to local Militia.

33 & 34 Vict. c. 67. s. 20.

Service of notices on local Militia.

A Secretary of State may require the chief officer of police in every district in the United Kingdom to cause to be served within his district any notice which the Secretary of State may desire to be served on any member of the local Militia in such district; and all officers and men of every police force shall conform to the orders of a Secretary of State in relation to the service of such notices given through such chief officer.

34 & 35 Vict. c. 86. s. 6.

Jurisdiction of Her Majesty in relation to the local Militia.

(1.) All jurisdiction, powers, duties, command, and privileges over, of, or in relation to the local Militia, or any part thereof, which under any Acts, other than this Act, are vested in or exerciseable by the lieutenants of counties, shall be exerciseable by Her Majesty through a Secretary of State, or any officers to whom Her Majesty may, by and with the advice of a Secretary of State, delegate such jurisdiction, powers, duties, command, and privileges, or any of them, or any part thereof; saving nevertheless to the lieutenants of counties their jurisdictions, powers, duties, and privileges in relation to raising the local Militia by ballot, and the proceedings incidental thereto.

(2.) All officers in the local Militia shall be appointed by and hold commissions from Her Majesty; such commissions shall be prepared, authenticated, and issued in the manner in which commissions of officers in Her Majesty's land forces are prepared, authenticated, and issued, according to any law or custom for the time being in force.

(3.) First appointments to the lowest rank of officer in any corps of local Militia shall be given to persons recommended by the lieutenant of the county to which the corps belongs, if a person approved by Her Majesty is recommended by such lieutenant for any such appointment within thirty days after notice of a vacancy for such appointment has been given to such lieutenant by a Secretary of State, which notice may be given by a letter addressed to him by post.

34 & 35 Vict. c. 86. s. 7.

Number of local Militia.

The local Militia shall consist of such number of men as may from time to time be provided by Parliament.

34 & 35 Vict. c. 86. s. 8.

Training for Militia.

Men enrolled in the local Militia shall attend at the head-quarters of the corps in which they are enrolled, or at such other place and at such times as may be directed by a Secretary of State, for preliminary instruction for a period of not more than six months.

A.D. 1882.

34 & 35 Vict. c. 86. s. 14.

All returns required or authorized to be made in relation to the local Militia by any Act for the time being in force shall be made to such persons as may be prescribed by a Secretary of State.

34 & 35 Vict. c. 86. s. 19.

Returns in relation to the local Militia.

In this schedule, if not inconsistent with the context,—

The expression "a Secretary of State" means "one of Her Majesty's principal Secretaries of State";

The expression "lieutenant of a county" includes a vice-lieutenant, also the Governor of the Isle of Wight, the Warden of the Cinque Ports, the Warden of the Stannaries, the Constable of the Tower, and any other officer or officers however named having a jurisdiction in relation to the local Militia similar to that of lieutenant, or lieutenants, or deputy lieutenants of a county.

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Municipal Corporations Act, 1882.

[45 & 46 Vict. Ch. 50.]

ARRANGEMENT OF SECTIONS. A.D. 1882.

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