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C A P. CXI.

An Act to form a Reserve of Men in the Militia to join Her Majesty's Army in the event of War.

[20th *August* 1867.]

WHEREAS it is expedient to authorize the Enlistment of a Portion of the Militia for Service in Her Majesty's Army in the event of War, and for that Purpose to make such Provisions as are herein-after contained:

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:

1. This Act may be cited as "The Militia Reserve Act, 1867." Short Title.

2. In this Act the following Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction: Interpretation of Terms.

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

"Regiment" includes Battalion, Corps, and Company:

"Mutiny Act" means the Act for the Punishment of Mutiny and Desertion, and for the better Payment of the Army and their Quarters, for the Time being in force:

"Articles of War" means the Articles of War for the Time being in force under the Authority of the Mutiny Act.

Establishment of Militia Reserve.

3. The Secretary of State may cause to be enlisted from Time to Time under this Act such Men from the Militia of the United Kingdom as may be willing, with the Consent of the Commanding Officers of their respective Regiments, so to enlist themselves:

The total Number of Men enlisted under this Act from the respective Militias raised in *England*, *Scotland*, and *Ireland* shall not at any One Time exceed in Number One Fourth Part of the respective Quotas of Private Militiamen for the Time being fixed by Law to be raised therein respectively:

Subject to the Limitation herein-before contained, the Secretary of State may fix, at his Discretion, by Order under his Hand, the greatest Number of Militiamen that may for the Time being be enlisted as aforesaid out of each or any Regiment of Militia.

Term and Mode of Enlistment.

4. Every Man to be enlisted under this Act shall be so enlisted for the Term of Five Years, and further to serve until he is legally discharged, if, at the Expiration of such Term, he is upon Army Service, and shall be attested accordingly before a Justice of the Peace as in the Case of ordinary Army Enlistment, save as otherwise provided by any Regulations made under this Act.

Militia Engagement extended on Enlistment under this Act.

5. The then existing Engagement in the Militia of any Man who is enlisted under this Act shall be deemed extended for the Term of Five Years for which he is so enlisted, and he shall accordingly, save as herein otherwise provided, be deemed for all Purposes a Militiaman during such Term in like Manner as if he had been lawfully and duly enrolled to serve for such Term in the Militia Regiment to which he formerly belonged; and upon his becoming subject as herein-after provided to Army Service, but not before, his Place in the Militia shall be deemed vacant, and be filled up as by Law provided in relation to casual Vacancies in the Militia.

Enlisted Men volunteering for that Purpose may be trained with the Army.

6. The Secretary of State may cause any Men enlisted under this Act who may volunteer for such Training and Exercise to be trained and exercised with any Part of Her Majesty's Army during any Time or Times not exceeding in the whole Fifty-six Days in any One Year;

all or any Part of the Time or Times of Training and Exercise as aforesaid of any Man volunteering as aforesaid may be in addition to, or, with the Consent of the Commanding Officer of the Regiment of Militia to which such Man may belong, in substitution for, all or any Part of the Period of Training and Exercise with and as Part of the Militia to which such Man would or might otherwise be subject.

Secretary of State may discharge

7. The Secretary of State may, at his Discretion, at any Time discharge any Man enlisted under this Act from his Enlistment,

so

so far as it subjects him to Army Service; and any Man so discharged shall thenceforth for the Remainder of his Term of Enlistment be deemed a Militiaman only, and be subject to all Provisions affecting Militiamen accordingly.

Men from Enlistment under this Act so far as respects Army Service.

Nothing in this Enactment shall affect the Power of the Secretary of State to discharge such Man from the Militia.

8. Whenever a State of War exists between Her Majesty and any Foreign Power, and in all Cases of actual Invasion or imminent Danger thereof, it shall be lawful for Her Majesty (the Cause being first communicated to Parliament if Parliament be then sitting, or declared in Council and notified by Proclamation if Parliament be not then sitting,) from Time to Time to order that, on such Day as may be mentioned in Her Majesty's Order in this Behalf, the Men enlisted under this Act, or such of them as Her Majesty may judge necessary, and by such Order direct, shall enter upon Army Service, and for that Purpose shall attend at such Place or Places and at such Time or Times as shall be duly notified in this Behalf.

In what Events Men enlisted may be ordered to enter upon Army Service.

9. On the Day fixed in such Order of Her Majesty as aforesaid, and thenceforth until it be signified by Her Majesty's Command to the Men to whom such Order applies that their Services are no longer required, such Men shall be deemed upon Army Service, and they shall form Part of Her Majesty's Army as if they were Men who had been duly enlisted in and attested for Her Majesty's Army for General Service, and whose Enlistment and Attestation had been completed on the Day aforesaid; but so, nevertheless, that the Services of Men enlisted under this Act shall not be required under any such Order of Her Majesty as aforesaid beyond Six Months after Peace has been next proclaimed.

Effect of Order for Entry upon Army Service.

10. Subject to the Provisions herein-before contained, Men enlisted under this Act who have entered upon Army Service under this Act shall, on its being signified to them as aforesaid that their Services are no longer required, return and serve, for the Remainder (if any) of their respective Terms of Enlistment, to and in the Militia Regiments to which they respectively belonged when they enlisted under this Act, and such Men shall hold such Rank and be entitled to such Pay and Allowance as they held and possessed when they entered upon Army Service under Her Majesty's Order; and if, by reason of their Places being supplied, there is no Opportunity for their resuming their former Position consistently with the ordinary Organization of any Militia Regiment to which they belonged, they shall be Supernumeraries thereof, with such Rank, Pay, and Allowances as aforesaid, until they can occupy their former Position.

On Dismissal from Army Service Men to return to their Militia Regiments for Remainder of Term of Enlistment.

11. During

When enlisted Men are being trained with the Army, or are upon Army Service, Mutiny Act and Articles of War to apply to them.

11. During any Time for which any Men enlisted under this Act may have volunteered to be trained and exercised with any Part of Her Majesty's Army, and whenever any Men enlisted under this Act are upon Army Service, all the Provisions of the Mutiny Act and Articles of War shall apply to such Men and to all Persons whomsoever in respect of them, as fully as such Act and Articles may be applicable to and in respect of Her Majesty's Regular Forces; and Offences committed by such Men may be inquired of and tried by Court-martial assembled under the Provisions of any such Act according to the usual Discipline of Her Majesty's Army;

and Courts-martial for the Trial of any such Offences may be holden, and the Punishment awarded by any such Court-martial may be inflicted, either during the Time for which such Men have volunteered to be trained and exercised, or (as the Case may be) are upon Army Service, or at any Time within Twelve Months after the Offence has been committed or the Offender has been apprehended.

Power to Secretary of State to make Regulations.

12. It shall be lawful for the Secretary of State from Time to Time to make Regulations in relation to Men enlisted under this Act, as follows:

as to the Amount of the Sums to be paid to Men so enlisting by way of Bounty or periodical Payment or Allowance in consideration of their Enlistment, and as to the Time or respective Times, Conditions, and Manner of the Payment thereof;

as to the Ages between which Men may be enlisted;

as to the Height and for the Examination and Approval of all Men to be enlisted under this Act;

as to the Oaths or Declarations to be made by Men so enlisted on their Attestation;

as to the Mode of giving Notices to Men when required to enter upon Army Service as herein provided;

and as to any Matter by this Act made subject to Regulations made thereunder.

Regulations to be laid before Parliament.

13. All Regulations to be made under this Act shall be laid before both Houses of Parliament within Twenty-one Days next after the making thereof, if Parliament be then sitting, or if Parliament be not sitting, then within Twenty-one Days after the next meeting of Parliament.

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