CHAPTER 31.

An Act to confine the operation of the National Service Acts to male British subjects and to service in the armed forces of the Crown; to make provision as to the terms and conditions of such service and as to the period for which those Acts shall continue in operation; and for purposes connected with the matters aforesaid.

[18th July 1947.]

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:—

Service in the armed forces.

Liability to be called up for service.

1.—(1) Subject to the provisions of the National Service Acts, 1939 to 1946, and this Act (which Acts are hereinafter collectively referred to as the National Service Acts), every male British subject who has attained the age of eighteen years and has not attained the age of twenty-six years and is ordinarily resident in Great Britain shall, by virtue of this Act, be liable to be called upon to serve in the armed forces of the Crown for two terms of service that is to say—

(*a*) a term of whole-time service, that is to say, service in the regular forces for a period of twelve months or such shorter period as His Majesty may by Order in Council appoint; and

(*b*) a term of part-time service as defined by this Act;

and save as aforesaid no person shall be liable to be called up for service under the National Service Acts.

(2) The provisions of the National Service Acts, 1939 to 1946, as amended by this Act shall apply with respect to a person liable to be called up for service by virtue of this Act and to a person called up thereunder; and references in those Acts to a person liable to be called up for service under the National

2 & 3 Geo. 6. c. 81.

Service (Armed Forces) Act, 1939 (in this Act referred to as " the principal Act "), and to a person called up therefor shall be construed accordingly.

Whole-time and part-time service.

2.—(1) Where an enlistment notice is served under section four of the principal Act upon any person liable to be called up for service by virtue of this Act, the term or period for which he shall be deemed to have been entered or enlisted shall begin with the day on which he is required by the notice to present himself to the authority specified therein and shall end when his term of whole-time service is completed in accordance with the provisions of the First Schedule to this Act.

(2) On the day next after that on which the term of a person's whole-time service is completed he shall, subject to the provisions of the next following section, be deemed—

(*a*) if his last service during that term was in the royal navy or the royal marines, to be entered for service in a royal naval special reserve which the Admiralty shall raise and maintain for the purposes of this Act ; or

(*b*) if that last service was in the regular army, to be enlisted for service in the territorial army or the army reserve, as the Army Council may direct ; or

(*c*) if that last service was in the regular air force, to be enlisted for service in the air force reserve ;

for a term of part-time service ending with the expiration of the seventh year after the beginning of his term of whole-time service ; so, however, that the end of a person's part-time service shall be postponed by any period by which the term of his whole-time service was extended by virtue of proviso (*b*) to paragraph 1 of the First Schedule to this Act.

(3) During his term of part-time service a person may be required to undergo training for any periods not exceeding in the aggregate—

(*a*) sixty days during the whole of his term of part-time service ;

(*b*) twenty-one days in any year of that service.

(4) The Service Authorities shall by regulations make provision for defining what constitutes a day's training for the purposes of this Act ; and such regulations may in particular allow, within such limitations as may be prescribed, hourly periods of instruction to be aggregated so that four such periods may be reckoned as a day's training.

(5) The provisions of this Act and of any regulations made thereunder relating to the terms and conditions of service of a person serving in any auxiliary force during his part-time service shall be subject to the provisions of any enactment whereby reservists may be called into actual service or called out

on permanent service or to aid the civil power, or the territorial army or the auxiliary air force may be embodied, or whereby men of the air force reserve or the auxiliary air force may be called out to serve in defence of the British Islands.

Volunteer service in lieu of part-time service.

3.—(1) If, during his whole-time service, any person is accepted by a Service Authority as a volunteer for service in the royal naval reserve, the royal naval volunteer reserve, the territorial army, the army reserve, the royal air force volunteer reserve or the auxiliary air force, and enters into an engagement whereby he will, on the day next after that on which his term of whole-time service is completed, be entered or enlisted in one of those auxiliary forces as a volunteer for a term not less than the term of part-time service which he would otherwise be required to serve under this Act, he shall be entered or enlisted in accordance with that engagement and shall not be deemed to be entered or enlisted in accordance with the provisions of subsection (2) of the last foregoing section.

(2) A person who is entered or enlisted for service as a volunteer in one of the forces aforesaid in accordance with the provisions of this section shall perform the service required of members of that force in lieu of the part-time service required by this Act.

Transfer.

4. The Service Authorities shall by regulations make provision for enabling or requiring a person serving in any auxiliary force during his part-time service, or during service performed in lieu thereof, to be transferred to any other auxiliary force; so however that such regulations shall not provide for the transfer of any person to the royal naval reserve, the royal naval volunteer reserve, the royal air force volunteer reserve or the auxiliary air force except at his own request.

Liability to complete interrupted service.

5.—(1) If any person serving in the armed forces of the Crown ceases to serve therein before he has completed his whole-time and part-time service, or terms of service equivalent thereto, he shall unless he has attained the age of thirty-six years or has ceased to be liable under this Act to be called up for service otherwise than by reason of his having attained the age of twenty-six years, be liable to be called upon to serve for such terms of whole-time or part-time service as will, with the service completed by him, be equivalent to the terms of service for which persons are liable under section one of this Act.

(2) The Service Authorities shall by regulations make provision for defining what terms of service shall be treated as equivalent to terms of whole-time and part-time service for the purposes of this section and for prescribing the terms of whole-time or part-time service which will, with any service completed by any person, be equivalent to the terms of service for which persons are liable under section one of this Act; so, however, that with

respect to service as a volunteer in lieu of part-time service in pursuance of subsection (1) of section three of this Act, such regulations shall not permit more than fifteen days' training in any year to be reckoned towards the total of sixty days' training which a person is required to undergo during the whole of his term of part-time service.

(3) The Minister may cause to be served on any person liable under this section to be called upon to undertake part-time service a written notice specifying the term of part-time service which he is liable to perform, and, subject as hereinafter provided, that person shall after the expiration of the period of fourteen days after the service of the notice be deemed to be entered or enlisted for service in such force as may be specified in the notice :

Provided that if within the said period of fourteen days that person applies in the prescribed manner to the Minister for the cancellation or variation of the notice on the ground that he is not liable to be called upon to undertake part-time service under this section or is liable to undertake a term of part-time service shorter than that specified in the notice, the Minister shall, unless he grants the application, refer it to a referee selected by the Minister from a panel of persons nominated by the Lord Chancellor ; and the notice shall not become operative to enter or enlist the applicant for service except as from such date and for such a term as may be determined by the Minister or the referee as aforesaid.

Calling up for training during part-time service.

6.—(1) The Service Authority may cause to be served on any person during his term of part-time service a training notice which shall state that he is called up for training and the period for which he is called up and shall require him to present himself at such place and time on such day (not earlier than the thirtieth day after the date of the service of the notice), and to such authority, as may be specified in the notice.

(2) Where a training notice has been served on any person, the Service Authority may at any time before the day on which he is thereby required to present himself cause to be served on him a supplementary notice varying the training notice by altering the place or time at which but not the date on which he is thereby required to present himself.

(3) Every training notice served otherwise than by registered post shall require the person upon whom it is served to acknowledge receipt thereof within such time as may be specified in the requirement ; and if acknowledgment is not received the Service Authority may cause a further training notice to be served on him by registered post and may by that notice direct that the former notice shall be deemed never to have had effect.

(4) A person who fails to comply with a training notice shall be liable to be apprehended and unless he has some reasonable excuse punished in the same manner as a person belonging to

an auxiliary force failing to appear when called into actual or permanent service or on embodiment so, however, that the maximum punishment that may be awarded in respect of any such offence shall be, in the case of a person convicted by a court of summary jurisdiction, a fine of twenty-five pounds, and in any other case detention or imprisonment for a term not exceeding two years.

(5) If at any time during a person's term of part-time service any change occurs in his name or address, he shall forthwith notify the change to such person and in such manner as may be notified to him under regulations of the Service Authority; and if he fails to do so, he shall be guilty of an offence under the principal Act.

(6) A person shall not during his term of part-time service be required to perform any duty under this Act so long as he is not ordinarily resident in Great Britain or is a person such as is specified in subsection (1) of section eleven of the principal Act; and subsection (3) of that section shall have effect accordingly.

Modifications of enactments relating to persons called up for service.

7.—(1) His Majesty may by Order in Council direct that any enactment relating to the length or conditions of service of persons serving in the armed forces of the Crown shall, in its application to persons serving or who have served in those forces in pursuance of the requirements of this Act (including persons performing service as volunteers in lieu of part-time service), have effect subject to such adaptations and modifications as may appear to him to be necessary or expedient having regard to the provisions of this Act; and, without prejudice to the generality of the foregoing provision, any such Order in Council may in particular alter the term of service for which a person may be entered or enlisted for service.

(2) A royal naval special reservist shall, during any period of training for which he has been called up, and when called into actual service, be subject—

(*a*) if he is entered for marine service, to the law for the time being in force for the government of the royal marine forces;

(*b*) if he is not so entered, to the Naval Discipline Act;

and subject to the foregoing provisions of this subsection the Royal Naval Reserve (Volunteer) Act, 1859, shall apply to royal naval special reservists subject to such adaptations and modifications as may be directed under the last foregoing subsection. 22½ & 23½ Vict. c. 40.

(3) For the removal of doubt it is hereby declared that any person who fails without reasonable excuse to comply with an enlistment notice or a training notice may, for the purposes of section nineteen of the Naval Discipline Act, be deemed to be a deserter notwithstanding that he has not been previously in the ship or at the place where his duty requires him to be.

(4) A man of the territorial army who is deemed under section two of this Act to have been enlisted therein shall not, during his term of part-time service, be exempt from serving on a jury under subsection (4) of section twenty-three of the Territorial and Reserve Forces Act, 1907.

7 Edw. 7. c. 9.

Transitional provisions.

8.—(1) Where, between the thirty-first day of December, nineteen hundred and forty-six, and the commencement of this Act, a person

(*a*) has presented himself in pursuance of an enlistment notice, or has entered or enlisted for service in the regular forces; or

(*b*) has received a commission whereby he has become an officer of a regular force, or of a reserve force on actual or permanent service;

then if he has ceased to serve in the armed forces of the Crown or has been transferred to a reserve (whether before or after the commencement of this Act) before he has completed a term of twelve months' service, he shall, unless he has attained the age of thirty-six years or has ceased to be liable under this Act to be called up for service otherwise than by reason of his having attained the age of twenty-six years, be liable to be so called up to complete that term; and the proviso to paragraph 1 of the First Schedule to this Act shall apply for the purpose of reckoning the said term of twelve months as it applies for the purpose of reckoning the term of whole-time service for which a person is liable in pursuance of an enlistment notice.

(2) A person who has been entered or enlisted under section four of the principal Act for a term or period ending with the present emergency and is serving in pursuance of that engagement or enlistment at the commencement of this Act shall, subject to the provisions of the last foregoing subsection, continue to serve in pursuance thereof for that term or period.

(3) For the purposes of any exemption from liability under the National Service Acts to be called up for service, service in any auxiliary force since the seventh day of November, nineteen hundred and forty-six, other than embodied service in the territorial army or auxiliary air force and permanent service in the royal air force volunteer reserve, shall not be deemed to be, or to have been, service in the armed forces of the Crown.

This subsection shall come into force on the passing of this Act.

(4) Subject to the foregoing provisions of this section, a person who has served in the armed forces of the Crown before the commencement of this Act shall not be liable under section one of this Act to be called upon to serve in those forces.

Special provision as to medical and dental practitioners.

9. If the Minister is satisfied that any registered medical practitioner or person registered in the Dentists Register under the Dentists Acts, 1878 to 1923, is undergoing or about to undergo training for the purpose of acquiring further qualifications or

special experience, the Minister may at the request of that person direct that he may be called up at any time before he attains the age of thirty years; and in relation to any person with respect to whom such a direction is given references in this Act to twenty-six years shall accordingly be construed as references to thirty years.

Education and Education Authorities.

Further education during whole-time service. 7 & 8 Geo. 6. c. 31.

10.—(1) The duty of local education authorities under section forty-one of the Education Act, 1944, to secure the provision for their area of adequate facilities for further education shall not extend to any person during his term of whole-time service; and a person shall, during his term of whole-time service, be exempt from compulsory attendance for further education under that Act.

(2) It shall be the duty of the Service Authorities to provide, so far as may be practicable, further education within the meaning of the said section forty-one for persons during their terms of whole-time service; and, notwithstanding the provisions of the last foregoing subsection, every local education authority shall have power to provide, or secure the provision of, such facilities for further education for such persons as aforesaid as may be agreed between them and any Service Authority, upon such terms, if any, as may be so agreed.

(3) In making arrangements for such further education as aforesaid the Service Authorities shall have regard to any representations made to them by or on behalf of bodies of persons concerned with education.

Information to be furnished by education authorities.

11. 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 give to the Minister, on his request, such information in their possession, or reasonably available to them, about male persons receiving, or who have received, education for which the local education authority are 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 purpose of assisting his consideration of questions connected with their being called up for service under this Act.

Safeguarding of employment.

Reinstatement in civil employment after whole-time service. 7 & 8 Geo. 6. c. 15.

12.—(1) The persons to whom the Reinstatement in Civil Employment Act, 1944 (in this Act referred to as "the Reinstatement Act"), applies shall be—

(*a*) persons to whom that Act applied by reason of their having before the passing of this Act entered upon such a period of whole-time service as is specified in section six of that Act; and

(*b*) persons who after the passing of this Act enter upon a period of whole-time service in the armed forces of the Crown by presenting themselves in pursuance of an enlistment notice,

and no others.

This subsection shall come into force on the passing of this Act.

(2) As from the commencement of this Act, the Reinstatement Act shall, in its application to a person who thereafter presents himself in pursuance of an enlistment notice, have effect as if the date on which his former employer is relieved under section one of that Act of his obligation to take that person into his employment were six months after the end of that person's whole-time service instead of six months after the end of the present emergency as defined by that Act; and in relation to any such person as aforesaid the Reinstatement Act shall have effect subject to the modifications specified in Part I of the Second Schedule to this Act.

In this subsection and in the Reinstatement Act as so modified, except in sections six and twelve and subsection (4) of section twenty thereof, the expression "whole-time service" means whole-time service within the meaning of this Act:

Provided that—

(*a*) the provisions of subsections (1) and (3) of section twelve of the Reinstatement Act shall apply for the purpose of reckoning several periods of whole-time service, or of war service and whole-time service, as one period of service as they apply for the purpose of reckoning several periods of war service as one period of war service; and

(*b*) paragraphs (*a*) and (*b*) of subsection (4) of section twenty of the Reinstatement Act shall apply for the purpose of determining the end of whole-time service within the meaning of this subsection as they apply for the purpose of determining the end of whole-time service such as is mentioned in subsection (1) of section six of that Act.

(3) In relation to any person entered or enlisted for service in pursuance of an enlistment notice on or after the first day of January, nineteen hundred and forty-seven, the Reinstatement Act shall have effect subject to the modifications specified in Part II of the Second Schedule to this Act.

This subsection shall come into force on the passing of this Act; but shall not affect any person whose war service within the meaning of that Act has ended before the passing of this Act.

Prohibition of dismissal of employees by reason of liability for service.

13.—(1) If the employer of any person liable to be called upon to serve for a period of whole-time service terminates his employment without his consent before the date on which he is required to present himself in accordance with an enlistment notice, and does so solely or mainly by reason of any duties or liabilities which that person is, or may become, liable to perform or discharge by reason of his being, or being liable to be, called upon to serve for that term, the employer shall be guilty of an offence and liable on summary conviction thereof to a fine not exceeding fifty pounds; and the court by which he is convicted may order him to pay to the person whose employment has been terminated, as compensation for any loss suffered or likely to be suffered by him by reason of the termination, a sum not exceeding an amount equal to five weeks' remuneration at the rate at which his remuneration was last payable to him by the employer.

(2) If the employment of any person is terminated by his employer solely or mainly by reason of any duties or liabilities which he is, or may become, liable to perform or discharge in pursuance of this Act during his term of part-time service, that person shall be entitled to recover from his employer as compensation for any loss suffered or likely to be suffered by him by reason of the termination of his employment a sum not exceeding an amount equal to five weeks' remuneration at the rate at which his remuneration was last payable to him by the employer; and in case of dispute he may, within such time as may be prescribed by regulations under section sixteen of the Reinstatement Act, apply to a Reinstatement Committee for the determination of his right to recover compensation, and if that right is established to the satisfaction of the Committee they shall make an order for the payment by the employer to the applicant of such sum as they consider him to be entitled to recover.

(3) If in any proceedings under this section the court or the Committee, as the case may be, are of opinion that there is reasonable cause to believe that the duties or liabilities aforesaid caused or contributed to the termination of the employment, the employment shall be deemed to have been terminated by reason of those duties or liabilities unless the employer proves that the termination was for a reason unconnected therewith.

(4) The following provisions of the Reinstatement Act shall, with the necessary modifications, apply for the purposes of subsection (2) of this section as they apply for the purposes of that Act, that is to say:—

section eight (which relates to Reinstatement Committees, the umpire and deputy umpires);

section ten (which relates to appeals from those Committees), except so much thereof as defines the expression "the employer";

subsection (2) of section eleven (which relates to the recovery of sums ordered to be paid by those Committees);

subsection (4) of section eleven (which relates to the institution of proceedings by authorised officers);
section sixteen (which relates to regulations);
subsections (3) and (4) of section seventeen (which relate to evidence);
section eighteen (which relates to the priority of debts);
section nineteen (which relates to expenses);
the definition of "the Minister" in section twenty;
section twenty-one (which modifies section eighteen in its application to Scotland); and
subsections (1) (2) and (4) of section twenty-two (which relate to the application of the said section eighteen, and the provisions of the Act relating to the Minister, to Northern Ireland).

Adjustment of contracts of service and apprenticeship affected by annual training.

14.—(1) Where by virtue of any contract of service or apprenticeship or of any order made or direction given under any enactment an employer is required to allow annual holidays to any person liable to be called up for training in pursuance of a training notice, the annual holidays shall not, except at his request, be allowed at times comprised within the period of training.

In this section the expression "annual holidays" does not include any bank holidays or other customary holidays on dates not fixed by the employers.

(2) 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 in pursuance of a training notice, 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 training required by the notice, and may also make regulations modifying such contracts by extending the periods of service or apprenticeship thereunder by a period not exceeding the period of the said training, and adapting the terms of the contract in relation to any such extension.

Miscellaneous amendments of the National Service Acts, 1939 to 1946.

Early registration and calling up.

15.—(1) The Minister shall by regulations make provision whereby, for sufficient cause, any person who is subject to registration, or might but for his age be made subject to registration, may if he so desires be called up for service at any time after he has attained the age of seventeen years and six months; and any regulations so made may allow any person as aforesaid who has attained the age of seventeen years and two months to be registered in the military service register notwithstanding that he has not been required to be so registered by regulations under section two of the principal Act or by notice under section one of the National Service Act, 1942.

6 & 7 Geo. 6. c. 3.

(2) This section shall come into force on the passing of this Act.

Enforcement of requirement to submit to medical examination. 4 & 5 Geo. 6. c. 15.

16. Any person who, having been ordered by a court under subsection (1) of section four of the National Service Act, 1941, to submit himself to medical examination, further medical examination or examination by a consultant examiner and to be detained in custody and taken by a constable to the place and at the time at which he is to be examined, fails to submit himself for examination in accordance with the order may be arrested by a constable without warrant.

Other amendments.

17.—(1) The National Service Acts, 1939 to 1946, shall have effect subject to the minor and consequential amendments specified in the Third Schedule to this Act.

(2) The said Acts shall have effect as if for any references therein to Part I of the Schedule to the principal Act there were substituted references to the Fourth Schedule to this Act.

In subsection (2) of section one of the National Service Act, 1942, after the words "a notice under this section," there shall be inserted the words "or having been registered under section fifteen of the National Service Act, 1947."

This subsection shall come into force on the passing of this Act.

(3) The amendment made by paragraph (2) of Regulation 5 of the Defence (Armed Forces) Regulations, 1939, shall have effect by virtue of this Act and not by virtue of that paragraph; and accordingly subsection (11) of section five of the principal Act (which relates to the appellate tribunal constituted under that section) shall continue to have effect as if for the words "in two divisions, of which one shall sit for Scotland" there were substituted the words "in two or more divisions, of which at least one shall sit for Scotland".

This subsection shall come into force on the passing of this Act.

Supplemental.

Postponement of liability to be called up for service.

18. The period during which a postponement certificate is in force shall be added to the period during which the person to whom the certificate was granted is liable under this Act to be called up for service; and accordingly this Act shall, in relation to that person, have effect as if for references therein to the age of twenty-six years there were substituted references to an age being the sum of twenty-six years and the period during which the certificate is in force.

Termination of reserve or auxiliary service by enlistment notice.

19. Where, immediately before the time at which a person is deemed under section four of the principal Act to be entered or enlisted for service, he is a member of an auxiliary force, his service in that force shall be deemed to have been duly terminated at that time.

This section shall come into force on the passing of this Act.

Candidates for commissions.

20. Where persons are during their terms of whole-time or part-time service selected as candidates for commissions in His Majesty's forces, it shall not be made a condition of their acceptance as such candidates that they shall perform additional whole-time service after the completion of their terms of whole-time service except in accordance with regulations made by the Service Authorities under this Act.

Termination of power to make up civil remuneration. 2 & 3 Geo. 6. c. 94.

21.—(1) The power conferred by section one of the Local Government Staffs (War Service) Act, 1939, to make payments to or in respect of a person ceasing to serve in his civil capacity in order to undertake war service shall not be exercisable in respect of any person who ceases so to serve after such date as may be specified by order of the Minister of Health.

(2) This section shall come into force on the passing of this Act.

Orders and regulations.

22.—(1) A draft of any Order in Council under this Act other than an Order made under section twenty-six thereof shall be laid before Parliament; and the draft shall not be submitted to His Majesty except in pursuance of an Address presented by each House of Parliament praying that the Order be made.

(2) Any order made under this Act may be varied or revoked by a subsequent order made in the same manner and subject to the same conditions as the original order.

(3) Any regulations made by a Service Authority under this Act shall forthwith be laid before Parliament; and if either House within the period of forty days beginning with the day on which any such regulations are laid before it resolves that the regulations be annulled they shall thereupon become void; but without prejudice 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 such regulations as aforesaid.

Expenses.

23. Any expenses incurred by the Minister, a Secretary of State or the Admiralty in consequence of the passing of this Act shall be defrayed out of moneys provided by Parliament.

Interpretation.

24.—(1) In the National Service Acts, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Auxiliary force" means the royal naval special reserve, the royal naval reserve, the royal naval volunteer

reserve, the territorial army, the army reserve, the air force reserve, the royal air force volunteer reserve or the auxiliary air force;

"Regular forces" means the royal navy, the royal marines, the regular army and the regular air force;

"Royal naval special reserve" means the force raised and maintained in accordance with the provisions of paragraph (*a*) of subsection (2) of section two of this Act;

"Service Authorities" means the Admiralty, the Army Council and the Air Council; and the expression "Service Authority" means such one of those authorities as the context may require;

"Training notice" means a notice served or to be served on a person during his term of part-time service whereby he is called up for training for a period of not less than six days;

"Trust territory" means a territory placed under international trusteeship and administered by the government of any part of His Majesty's dominions;

"Year" means, in relation to the service of any person, the period of twelve months beginning with the commencement of that service or any anniversary thereof.

(2) So long as a period shorter than twelve months is appointed by Order in Council under section one of this Act as the term of whole-time service, references in any other provisions of this Act to a period of twelve months shall be construed as references to that shorter period.

(3) For the purposes of this Act, a person who is resident in Great Britain shall be deemed to be ordinarily resident there unless—

(*a*) he is residing there only for the purposes of attending a course of education; or

(*b*) the circumstances of his residence in Great Britain are otherwise such as to show that he is residing there for a temporary purpose only; or

(*c*) (being a 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 was born or is domiciled in any such part of His Majesty's dominions or in a British protectorate, a mandated territory, a trust territory or any other country or territory being a country or territory under His Majesty's protection or suzerainty) he has been resident in Great Britain for less than two years.

(4) For the purposes of the National Service Acts, service in the home guard or service as an officer holding a commission in the royal naval volunteer reserve (sea cadet corps), or as an officer of the territorial army reserve of officers commissioned for service with the army cadet force, or as a commissioned officer of the training branch of the royal air force volunteer reserve, shall not be deemed to be service in the armed forces of the Crown.

(5) Any reference in this Act to any other enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended by any subsequent enactment, including this Act.

(6) Any reference in the National Service Acts, 1939 to 1946, to those Acts or to any provision thereof shall, unless the context otherwise requires, be construed as including a reference to this Act, or to that provision as amended by this Act, as the case may be.

Application to Scotland.

25.—(1) In the application of this Act to Scotland—

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

(*b*) for any reference to section forty-one of the Education Act, 1944, there shall be substituted a reference to section one of the Education (Scotland) Act, 1946; and

9 & 10 Geo. 6. c. 72.

(*c*) for any reference to the Lord Chancellor there shall, except where the context otherwise requires, be substituted a reference to the Lord President of the Court of Session.

(2) An order made under section twenty-one of this Act which relates to Scotland only shall be made by the Secretary of State; and an order so made which relates to England and Scotland shall be made by the Minister of Health and the Secretary of State jointly.

Application of National Service Acts to Isle of Man.

26. His Majesty may by Order in Council direct that any of the National Service Acts shall extend to the Isle of Man subject to such adaptations and modifications as may be specified in the Order; and may by Order in Council vary or revoke any previous Order in Council made under any enactment relating to the extension of those Acts to the Isle of Man.

Duration of National Service Acts.

27. No person who attains the age of eighteen years on or after the first day of January, nineteen hundred and fifty-four, shall be liable under the National Service Acts to be called upon to serve in the armed forces of the Crown; and accordingly those Acts shall continue in operation only with respect to persons who have attained that age or who have been called up for service under those Acts before that date:

Provided that His Majesty may by Order in Council substitute for the said day such later day as may seem to His Majesty expedient.

Commencement, citation and repeal.

28.—(1) This Act shall, except as otherwise expressly provided therein, come into force on the first day of January, nineteen hundred and forty-nine.

(2) This Act may be cited as the National Service Act, 1947; and the National Service Acts, 1939 to 1946, and this Act may be cited together as the National Service Acts, 1939 to 1947.

(3) The Acts specified in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(4) Regulation 5 of, and the First Schedule to, the Defence (Armed Forces) Regulations, 1939, are hereby revoked as from the passing of this Act.

SCHEDULES.

Sections 2, 8.

FIRST SCHEDULE.

LENGTH OF WHOLE-TIME SERVICE.

1. The term of a person's whole-time service shall, for the purposes of this Act, be completed on, or as soon as is practicable after, the expiration of a period of twelve months beginning with his entry or enlistment for service under this Act:

Provided that—

(*a*) if at the time when that term would otherwise be completed he has become liable to be proceeded against for an offence against the Naval Discipline Act, military law or the Air Force Act, that term shall not be completed until he has been tried or otherwise dealt with for that offence and has undergone any punishment awarded therefor; or, if at that time punishment for such an offence as aforesaid has already been awarded, until he has undergone that punishment; and

(*b*) in determining when the term of a person's whole-time service is completed no account shall be taken—

(i) of any day before the day on which he presented himself in pursuance of the enlistment notice;

(ii) of any continuous period exceeding fourteen days during which he was absent as a deserter or absent without leave;

(iii) of any continuous period exceeding fourteen days during which he was serving, or would if he had not been unlawfully at large have been serving, a term of penal servitude, imprisonment, detention, preventive detention or detention in a Borstal institution in pursuance of a sentence of a court or an award by his commanding officer or in default of payment of any sum of money or for doing or failing to do or abstain from doing anything required to be done or left undone; and

(*c*) if leave of absence is granted to any person for a period comprising or immediately following the date on which his term of whole-time service would otherwise be completed under this Schedule the Service Authority may postpone the completion of that term until a date not later than the expiry of his leave.

2. The Service Authority may direct that a person's whole-time service shall be treated as completed at any time earlier than it would otherwise be completed under this Schedule.

SECOND SCHEDULE.

Section 12.

THE REINSTATEMENT ACT.

PART I.

MODIFICATIONS OF THE ACT IN RELATION TO PERSONS ENTERING WHOLE-TIME SERVICE AFTER THE COMMENCEMENT OF THIS ACT.

The Act shall have effect as if for the words " war service " wherever they occur except in sections five, twelve and thirteen there were substituted the words " whole-time service ".

Section one shall have effect as if in proviso (*b*) to subsection (2), for the words " present emergency " there were substituted the words " applicant's whole-time service ".

Section four shall have effect as if at the end of subsection (1), there were added the words " and if, when the applicant last ceased to be employed by his former employer before the beginning of his whole-time service, he had been in the continuous employment of that former employer for a consecutive period of less than thirteen weeks, the preceding provisions of this section shall have effect as if for the first reference therein to twenty-six weeks there were substituted a reference to thirteen weeks ".

Section five shall have effect as if in subsection (1), for the words " war service " in the first and second places where they occur there were substituted the words " whole-time service " and after the words " war service " in the third place where they occur there were inserted the words " or whole-time service ".

Section seventeen shall have effect as if for subsection (1) there were substituted the following subsection :—

> " (1) A certificate of the competent naval, military or air force authority as to the duration of a person's whole-time service shall be conclusive for the purposes of any proceedings before, or on appeal from, a Reinstatement Committee."

The Second Schedule shall have effect as if in paragraph 1, for the words " the present emergency " in both places where they occur there were substituted the words " applicant's whole-time service " ; in paragraph 3 for the words " or fifty-two " there were substituted the words " fifty-two or thirteen " and in paragraph 4 for the words " a date after the end of the present emergency " there were substituted the words " more than six months from the end of the applicant's whole-time service " and for the words " present emergency " in the second and third places where they occur there were substituted the words " applicant's whole-time service ".

2ND SCH. —*cont.*

PART II.

MODIFICATIONS OF THE ACT IN RELATION TO PERSONS ENTERING WHOLE-TIME SERVICE ON OR AFTER THE FIRST DAY OF JANUARY NINETEEN HUNDRED AND FORTY-SEVEN TAKING EFFECT ON THE PASSING OF THIS ACT.

Section two shall have effect as if in subsection (2), for the word "fifth" there were substituted the word "second".

Section three shall have effect as if in subsection (1) for the words "four weeks" wherever they occur there were substituted the words "fourteen days".

Section 17.

THIRD SCHEDULE.

MINOR AND CONSEQUENTIAL AMENDMENTS OF THE NATIONAL SERVICE ACTS, 1939 TO 1946.

The National Service (Armed Forces) Act, 1939.

In section four, in subsection (1), for the words "His Majesty's armed forces" there shall be substituted the words "the regular forces"; the words "(not earlier than the third day after the date of the service of the notice)" and the words "until the end of the present emergency" shall cease to have effect; and after the said subsection there shall be inserted the following proviso—

"Provided that an enlistment notice shall not require the person upon whom it is served to present himself on a day earlier than the fourteenth day after the date of the service of the notice or such earlier day as may be determined at his request."

and at the end of subsection (2), there shall be added the following words—

"and in particular, without prejudice to the generality of the foregoing provision, the Minister may, if he is in doubt whether an enlistment notice served on any person other than by registered post has been received by him, cause a further enlistment notice to be served on him by registered post and may by that notice direct that the former notice shall be deemed never to have had effect."

In section five, in subsection (1), for the words "examined under this Act" there shall be substituted the words "examined under the foregoing provisions of this Act"; in subsection (6), for paragraph (*b*) there shall be substituted the following paragraph—

"(*b*) that he shall be conditionally registered in that register until the end of a period of twelve months and sixty days, the condition being that he must until the end of that period undertake work specified by the tribunal, of a civil character and under civilian control, and—

(i) submit himself to such medical examination at such place and time as the Minister may direct for the purpose of ascertaining the applicant's fitness for that work;

(ii) undergo such training provided or approved by the Minister as the Minister may direct for the purpose of fitting the applicant for that work;

and that at the end of that period he shall be registered in that register without conditions; or";

3RD SCH. —*cont.*

in subsection (9) the words from " and the Minister " to the end of the subsection shall cease to have effect; and after paragraph (*c*) of subsection (13) there shall be added the following words—

" and

(*d*) to persons conducting any medical examination under paragraph (*b*) of subsection (6) of this section such remuneration and allowances as he may, with the approval of the Treasury, determine; and

(*e*) to persons submitting themselves to such medical examination as aforesaid such travelling and other allowances, which may include compensation for loss of remunerative time, in accordance with such scale, as he may, with the consent of the Treasury, approve."

In section six, in subsection (1), for the words " medically examined under this Act " there shall be substituted the words " medically examined under section three of this Act "; in subsection (5) for the word " thereunder " there shall be substituted the words " under section three of this Act " and for the words " under this Act " there shall be substituted the word " thereunder " and in the proviso to subsection (6) after the word " under " there shall be inserted the words " section three of ".

In section eight, the words " of a tribunal " in both places where they they occur shall cease to have effect.

Section ten shall cease to have effect.

In section eleven, in subsection (1), paragraphs (*a*), (*c*), (*d*) and (*h*) shall cease to have effect; in paragraph (*b*) after the words " mandated territory " there shall be inserted the words " a trust territory " and in paragraph (*f*) the words " in pursuance of section twenty-five of the Lunacy Act, 1890, or " shall cease to have effect and subsection (2) shall cease to have effect.

Section twelve shall cease to have effect.

In section thirteen, in subsection (1) for the words " of of imprisonment " there shall be substituted the words " imprisonment or detention "; in subsection (3) for the words " the armed forces of the Crown " there shall be substituted the words " wholetime service " and after subsection (3) there shall be added the following subsection—

" (4) Where, under the last foregoing subsection, the tribunal have ordered that a person be conditionally registered in the register of conscientious objectors, the Minister may by order of which he shall serve a copy on that person provide that the period for which that person is so registered shall be reduced by any period of which, in the opinion of the Minister, account might be taken in reckoning the end of the term of that person's whole-time service."

In section fifteen, in subsection (2), the words from the beginning to " Act; and " and the words " while this Act is in force " and the proviso to subsection (3) shall cease to have effect.

At the end of section eighteen there shall be inserted the following proviso—

" Provided that, notwithstanding anything in section twenty-six of the Interpretation Act, 1889, where an enlistment notice

3RD SCH. —*cont.*

or a training notice has been served on any person by post, service on him shall not be deemed to have been duly effected unless it is proved either that he received the notice or that it was sent by registered post addressed to him at his last known address."

In subsection (3) of section twenty-one, the words " and of any proclamation made thereunder " shall cease to have effect.

The National Service Act, 1941.

In section five, after subsection (1), there shall be inserted the following subsection :—

" (1A) Where it appears to the Minister that a conditionally registered conscientious objector has, at any time after the expiration of one month after the condition relating to his undertaking work has been imposed on him, failed to undertake the work specified by the tribunal or ceased to undertake it, the Minister may direct him to undertake any work so specified until the end of the period during which he is so registered or the direction is withdrawn."

In subsection (2) for the words " such reference " there shall be substituted the words " reference under subsection (1) of this section " ; in subsection (4) after the word " registered " in the second place where it occurs there shall be inserted the words " or any direction given to him by the Minister under subsection (1A) of this section ; " in subsection (5) after the word " condition " there shall be inserted the words " or direction " and in subsection (6) after paragraph (*b*) there shall be inserted the words " or

(*c*) that he has directed a person to undertake any work and has not withdrawn that direction."

In section eight, in subsection (3), the words " or enrolment notice " shall cease to have effect.

In section eleven, paragraph (*c*) of subsection (1) shall cease to have effect.

In section twelve, in subsection (1), the definition of " civil defence force " and the words " or is deemed to be so registered by virtue of subsection (3) of section twelve of the principal Act " and subsection (2) shall cease to have effect.

9 & 10 Geo. 6. c. 38.

The National Service (Release of Conscientious Objectors) Act, 1946.

In section one, in subsection (4), the words " sex, age and " shall cease to have effect.

FOURTH SCHEDULE.

Section 17.

LOCAL AND APPELLATE TRIBUNALS.

Local Tribunals.

1. Local tribunals shall be appointed for such districts as the Minister may determine and shall consist of a chairman and six other members appointed by the Minister.

2. In appointing members of local tribunals the Minister shall have regard to the necessity of selecting impartial persons; and, of the six members other than the chairman, not less than two shall be appointed by the Minister after consultation with organisations representative of workers.

3. The chairman shall, in the case of a local tribunal for a district in England and Wales, be a county court judge or a barrister of at least seven years' standing, and, in the case of a local tribunal for a district in Scotland, a sheriff or sheriff substitute or an advocate of at least five years' standing.

4. Of the six other members four only, to be selected by the Minister, shall be summoned to attend any particular session of the tribunal.

The Appellate Tribunal.

5. Every division of the appellate tribunal shall consist of a chairman and four other members appointed by the Minister.

6. In appointing members of the appellate tribunal the Minister shall have regard to the necessity of selecting impartial persons; and, of the four members other than the chairman, not less than two shall be appointed by the Minister after consultation with organisations representative of workers.

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

8. Of the four other members two only, to be selected by the Minister, shall be summoned to attend any particular session of the tribunal.

General.

9. The Minister may appoint another person having the like qualifications, or, as the case may be, nominated in the same manner, as the chairman to act as deputy chairman if the chairman of a tribunal is unable to act.

Section 28.

FIFTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
2 & 3 Geo. 6. c. 81.	The National Service (Armed Forces) Act, 1939.	Section one. In subsection (1) of section four the words "(not earlier than the third day after the date of the service of the notice)" and "until the end of the present emergency". In subsection (9) of section five, the words from "and the Minister" to the end. In section eight, the words "of a tribunal" in both places where they occur. Section ten. In section eleven, in subsection (1), paragraphs (*a*), (*c*), (*d*) and (*h*) and in paragraph (*f*) the words "in pursuance of section twenty-five of the Lunacy Act, 1890, or", and subsection (2). Sections twelve and fourteen, in section fifteen, in subsection (2), the words from the beginning to "Act; and" and the words "while this Act is in force" and the proviso to subsection (3). In subsection (3) of section twenty-one the words "and of any proclamation made thereunder." Part I of the Schedule.
3 & 4 Geo. 6. c. 22.	The National Service (Armed Forces) Act, 1940.	The whole Act.
4 & 5 Geo. 6. c. 15.	The National Service Act, 1941.	Sections one to three. In subsection (3) of section eight the words "or enrolment notice". Sections nine and ten. Paragraph (*c*) of subsection (1) of section eleven. In section twelve, in subsection (1) the definition of "civil defence force" and the words "or is to be deemed to be so registered by virtue of subsection (3) of section twelve of the principal Act" and subsection (2). Paragraph (*a*) of section thirteen.

5TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
5 & 6 Geo. 6. c. 4.	The National Service (No. 2) Act, 1941.	Sections one to four and eight and the Schedule.
5 & 6 Geo. 6. c. 30.	The National Service (Foreign Countries) Act, 1942.	The whole Act.
6 & 7 Geo. 6. c. 3.	The National Service Act, 1942.	Sections two and three.
7 & 8 Geo. 6. c. 15.	The Reinstatement in Civil Employment Act, 1944.	Section fourteen and the proviso to subsection (3) of section twenty-four.
9 & 10 Geo. 6. c. 38.	The National Service (Release of Conscientious Objectors) Act, 1946.	Section one, except in its application to any conditionally registered conscientious objector who is so registered at the commencement of this Act, and in subsection (4) of section one, the words " sex, age and ".

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