(2) NAVAL AND MARINE FORCES

The National Service (Adaptation of Enactments) (Naval and Marine Forces) Order, 1949

1949 No. 1842

Made - - - - 29*th September*, 1949
Coming into Operation 1*st October*, 1949

At the Court at Buckingham Palace, the 29th day of September, 1949

Present,

The King's Most Excellent Majesty in Council

Whereas by subsection (1) of section twenty-six of the National Service Act, 1948(a), His Majesty is empowered by Order-in-Council to 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 Part I of the said 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 Part I of the said Act:

And Whereas by section thirty-two of the said Act, His Majesty is also empowered by Order-in-Council to make provision for such consequential matters as it appears to him to be expedient to provide for by reason of the coming into force of Part I of the said Act and by any such Order to modify any enactment relating to such matters:

And Whereas it appears to His Majesty to be necessary or expedient having regard to the provisions of Part I of the said Act to direct that such of the enactments specified in the Schedule to this Order as relate to the length or conditions of service of persons serving in the armed forces of the Crown shall, in their application to persons serving or who have served in those forces in pursuance of the requirements of Part I of the said Act (including persons performing service as volunteers in lieu of part-time service), have effect subject to the adaptations and modifications hereinafter provided:

And Whereas it appears to His Majesty to be expedient to make such provision as is hereinafter contained for consequential matters by reason of the coming into force of Part I of the said Act and to make such modifications of enactments relating to those matters as is hereinafter provided:

And Whereas a draft of this Order has been laid before Parliament in accordance with the provisions of subsection (3) of section thirty-two of the said Act and an address has been presented to His Majesty by each House of Parliament praying that an Order may be made in the terms of the said draft:

(a) 11 & 12 Geo. 6. c. 64.

Now, therefore, His Majesty in the exercise of the said powers and of all other powers enabling him in that behalf is pleased by and with the advice of his Privy Council to order, and it is hereby ordered, as follows :—

1. This Order may be cited as The National Service (Adaptation of Enactments) (Naval and Marine Forces) Order, 1949, and shall come into operation on the 1st day of October, 1949.

2. The Interpretation Act, 1889(a), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The enactments referred to in the Schedule to this Order shall have effect subject to the adaptations and modifications specified in the said Schedule.

E. C. E. Leadbitter.

SCHEDULE

The Naval Enlistment Act, 1835
(5 and 6 Will. IV c. 24)

At the end of section one, the following words shall be added—

"And provided also that this section shall in its application to a person who is in the naval service of His Majesty in accordance with the provisions of the National Service Act, 1948, have effect as if for any reference therein to a period of five years there were substituted a reference to the period for which that person is required to serve in accordance with the provisions of that Act and as if the words 'upon his application for that purpose', and the words 'or signifying to his captain or commanding officer his wish no longer to continue in the service' were omitted therefrom."

The Royal Marines Act, 1847
(10 and 11 Vict. c. 63)

At the end of section six the following words shall be added—

"This section shall apply in relation to any term of whole-time service served in the Royal Marines in pursuance of the National Service Act, 1948, in like manner as it applies in relation to any such term of limited service as aforesaid so, however, that the time of the discharge of a marine who is serving in pursuance of the National Service Act, 1948, shall be determined in accordance with the provisions of that Act."

After section eight the following section shall be inserted—

"8A. References in this Act to a term of limited service or the first engagement or the enlistment of a marine shall not be construed as references to any term of whole-time service which a person may serve in the Royal Marines in pursuance of the National Service Act, 1948, or to the enlistment of a person in the Royal Marines for a term of whole-time service by virtue of that Act."

The Royal Naval Reserve (Volunteer) Act, 1859
(22 and 23 Vict. c. 40)

At the end of section two the following words shall be added—

"The foregoing provisions of this section shall not apply to a person who is serving in the Royal Naval Special Reserve for a term of part-time service within the meaning of the National Service Act, 1948, save in so far as they provide that a person is to continue liable to the provisions of this Act until he is actually discharged."

(a) 52 & 53 Vict. c. 63.

At the end of section three, as amended by subsection (3) of section one of the Royal Naval Reserve Act, 1927(a), the following words shall be added—

"Provided also that no person serving in the Royal Naval Special Reserve shall be required to undergo training for any periods exceeding in the aggregate those mentioned in subsection (1) of section four of the National Service Act, 1948."

At the end of section thirteen the following words shall be added—

"Provided that persons serving in the Royal Naval Special Reserve who fail to attend for training when served with a training notice in accordance with the National Service Act, 1948, shall be subject in respect of such failure to the penalties provided by section five of that Act."

At the end of section fifteen the following words shall be added—

"Provided that in its application to a person serving in the Royal Naval Special Reserve who is entered for marine service the provisions of this section shall, during any period of training for which such a person has been summoned under the National Service Act, 1948, or when such a person is called into actual service, be subject to the provisions of subsection (2) of section twenty-six of that Act."

At the end of section eighteen the following words shall be added—

"and provided also that in its application to persons serving in the Royal Naval Special Reserve this section shall have effect as if for the words 'and any such volunteer under this Act offering himself to be enlisted in Her Majesty's Regular Forces, or who shall be enlisted or enrolled or offer himself to be enlisted or enrolled as a Militiaman or to serve in the Royal Naval Coast Volunteers' there were substituted the words 'and any person serving in the Royal Naval Special Reserve who without disclosing his membership of that reserve offers himself to be entered or enlisted in any part of the armed forces of the Crown other than that reserve'."

At the end of section twenty the following words shall be added—

"Provided that this section shall not apply to a person serving in the Royal Naval Special Reserve."

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

In exercise of the powers conferred by Sections 26 and 32 of the National Service Act, 1948, provision is made by this Order for the adaptation and modification of the Naval Enlistment Act, 1835, the Royal Marines Act, 1847, and the Royal Naval Reserve (Volunteer) Act, 1859, in connection with the application of these Acts to persons serving in the naval or marine forces in accordance with the National Service Act, 1948, and to persons who, after serving a term of whole-time service either in the Royal Navy or Royal Marines, are entered for service in the Royal Naval Special Reserve for a term of part-time service under the National Service Act, 1948.

(a) 17 & 18 Geo. 5. c. 18.

2. The modification to Section 1 of the Naval Enlistment Act, 1835 (which limits to five years the period for which a man may be detained in the Naval Service) prevents a man in the Royal Naval Special Reserve from claiming his discharge under the provisions of Section 15 of the Royal Naval Reserve (Volunteer) Act, 1859, before completing the full period of his National Service Act liability. It also makes it unnecessary for such a man to apply for his discharge.

3. Section 6 of the Royal Marines Act, 1847 (which lays down that Royal Marines not wishing to re-engage shall, at the expiration of their terms of service, be conveyed home or may claim their discharge in a colony) is made applicable to a person serving a term of whole-time service under the National Service Act, 1948, in the same way as it applies to persons serving for terms of limited or prolonged service under the Royal Marines Act, 1847, except that the time of discharge of National Service men entered for Royal Marine service shall be in accordance with the provisions of the National Service Act, 1948. Subject to this provision, Sections 3, 4, 5, 7 and 8 of the Royal Marines Act, 1847 (which relate to the re-engagement of Royal Marines, the prolongation of their service, their retention in the Royal Marines for the purpose of undergoing trial and punishment, and the reckoning of their service) are modified so as not to apply to persons serving a term of whole-time service in the Royal Marines under the National Service Act, 1948.

4. Section 2 of the Royal Naval Reserve (Volunteer) Act, 1859 (which *inter alia* limits the period of enrolment in the reserve to five years and entitles a reservist to claim his discharge at the expiration of the fifth year) is modified to make these provisions inapplicable to members of the Royal Naval Special Reserve who if prematurely discharged from whole-time service may be required to serve for more than five years in the Royal Naval Special Reserve.

5. Section 3 of the Royal Naval Reserve (Volunteer) Act, 1859, as amended by Section 1 (3) of the Royal Naval Reserve Act, 1927 (which authorises the Admiralty to call upon reservists to undergo training up to a maximum of 92 days a year) is modified to limit the periods of training which a member of the Royal Naval Special Reserve shall be required to undergo to those laid down in Section 4 (1) of the National Service Act, 1948.

6. Section 13 of the Royal Naval Reserve (Volunteer) Act, 1859 (which authorises the imposition of fines or forfeitures of pay for failure to attend for training) is modified to provide that members of the Royal Naval Special Reserve who fail to attend for training shall be subject in respect of such failure to the penalties provided in the National Service Act, 1948.

7. Section 15 of the Royal Naval Reserve (Volunteer) Act, 1859 (which extends the laws relating to the government of the Navy to volunteers during training and when called into actual service) is made subject to the provisions of subsection (2) of Section 26 of the National Service Act, 1948, by which the Royal Naval Special Reservist who is entered for marine service, is during any period of training for which he has been summoned, and when called into actual service, made subject to the law for the time being in force for the government of the royal marine forces.

8. Section 18 of the Royal Naval Reserve (Volunteer) Act, 1859 (which makes it an offence for a reservist to enlist in the regular forces or to enlist or offer to enlist as a militiaman or to serve in the Royal Naval Coast Volunteers) is adapted to the extent of applying its provisions to members of the Royal Naval Special Reserve who apply to join any other section of the armed forces unless they disclose their membership of that Reserve.

9. Section 20 of the Royal Naval Reserve (Volunteer) Act, 1859 (which lays down the penalty on volunteers for non-attendance for training) is made inapplicable to members of the Royal Naval Special Reserve who are subject to the penalties prescribed in Section 5 (4) of the National Service Act, 1948, for failure to comply with a training notice.

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2. EXTENSION TO ISLE OF MAN

The National Service (Isle of Man) Order, 1949

1949 No. 141

Made - - - - 28*th January*, 1949

At the Court at Sandringham, the 28th day of January, 1949

Present,

The King's Most Excellent Majesty in Council

Whereas by subsection (1) of section fifty-eight of the National Service Act, 1948(a), it is provided that His Majesty may by Order in Council direct that the said Act shall extend to the Isle of Man subject to such adaptations and modifications as may be specified in the Order and that His Majesty may by Order in Council vary or revoke any previous Order in Council made under any enactment relating to the extension to the Isle of Man of the National Service Acts, 1939 to 1947:

And Whereas the said Act of 1948 has been amended by the National Service (Amendment) Act, 1948(b), and it is provided by subsection (2) of section six of the said amending Act that the National Service Act, 1948, and the said amending Act shall be construed as one:

Now, therefore, His Majesty, in pursuance of the said section fifty-eight, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. The National Service Act, 1948, as amended by the National Service (Amendment) Act, 1948, (in this Order referred to as "the Act") shall extend to the Isle of Man subject to the adaptations and modifications contained in the Schedule to this Order.

2. The Interpretation Act, 1889(c), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. This Order may be cited as the National Service (Isle of Man) Order, 1949.

Edward Ford.

(a) 11 & 12 Geo. 6. c. 64. (b) 12, 13 & 14 Geo. 6. c. 6.
(c) 52 & 53 Vict. c. 63.