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.

SCHEDULE

1. Any reference to the National Service Act, 1948, shall be construed as a reference to the Act as extended to the Isle of Man by this Order.

2. Any reference to Great Britain shall be construed as including the Isle of Man.

3. Any reference to the National Service (Armed Forces) Act, 1939(a), shall be construed as a reference to that Act as extended to the Isle of Man by the National Service (Armed Forces) (Isle of Man) Order, 1939(b).

4. Any reference to the Reinstatement in Civil Employment Act, 1944(c), shall be construed as a reference to that Act as extended to the Isle of Man by the Reinstatement in Civil Employment (Isle of Man) Order, 1944(d).

5. Any reference to the Minister shall be construed as a reference to the Governor.

6. Any reference to an indictment shall be construed as including an information.

7. For any reference to the military service register there shall be substituted a reference to the Isle of Man military service register; and for any reference to the register of conscientious objectors there shall be substituted a reference to the Isle of Man register of conscientious objectors.

8. Any reference to the approval or the consent of the Treasury shall be omitted.

9. Any reference in Part I of the Act to a Military Service (Hardship) Committee shall be construed as a reference to the local tribunal for the Isle of Man constituted under the Fourth Schedule to the Act as extended to the Isle of Man by this Order.

10. Any reference in Part I of the Act to an appeal to the umpire or any deputy umpire appointed or deemed to be appointed under section forty-one of the Act shall be construed as a reference to the appellate tribunal constituted under the Fourth Schedule to the Act as extended to the Isle of Man by this Order; and any reference in the said Part I to persons appointed to sit as assessors with the umpire or deputy umpire shall be omitted.

11. In section three, there shall be added at the end the following words:—

"and so, however, that in the case of a person whose name is entered in the Isle of Man military service register such regulations shall not provide for his transfer from the royal naval special reserve, the territorial army, the army reserve or the air force reserve to any other of those four auxiliary forces unless the transfer is with his consent or a unit of that other auxiliary force is established in the Isle of Man."

12. In section thirteen, the words "and the umpire or any deputy umpire shall, when considering any such appeal, sit with two assessors appointed by the Minister", and proviso (*b*), shall be omitted.

13. In section fifteen, in paragraph (*a*) of subsection (3), the words "and to persons appointed to sit as assessors with the umpire or any deputy umpire under section thirteen of this Act" shall be omitted.

14. In section seventeen, in subsection (1), after the words "person subject to registration" there shall be inserted the words "(being a person resident in the Isle of Man)".

15. In section twenty-one, in subsection (1), after the words "who has applied for registration" there shall be inserted the words "in the Isle of Man register of conscientious objectors".

(a) 2 & 3 Geo. 6. c. 81.
(b) S.R. & O. 1939 (No. 1546) II, p. 2348.
(c) 7 & 8 Geo. 6. c. 15.
(d) S.R. & O. 1944 (No. 1129) I, p. 896.

16. In section twenty-two, in subsection (1), paragraph (*a*) shall be omitted; and in paragraph (*c*) for the words "counsel or a solicitor" there shall be substituted the words "an advocate".

17. In section twenty-three, in the proviso to subsection (3), for the words "a referee selected by the Minister from a panel of persons nominated by the Lord Chancellor" there shall be substituted the words "the local tribunal for the Isle of Man constituted under the Fourth Schedule to this Act as extended to the Isle of Man by the National Service (Isle of Man) Order, 1949"; and for the words "the referee as aforesaid" there shall be substituted the words "the said tribunal".

18.—(1) In section twenty-eight, in subsection (1), for the words "local education authorities under section forty-one of the Education Act, 1944" there shall be substituted the words "the Isle of Man Education Authority"; and for the words "that Act" there shall be substituted the words "the Education Acts of the Isle of Man for the time being in force".

(2) In section twenty-eight, in subsection (2), for the words "the said section forty-one" there shall be substituted the words "section forty-one of the Education Act, 1944"; and for the words "every local education authority" there shall be substituted the words "the Isle of Man Education Authority".

(3) In section twenty-nine, for the words "every local education authority" and "the local education authority" there shall be substituted in each case the words "the Isle of Man Education Authority".

19. In section thirty-one, in subsection (3), for the words "Summary Jurisdiction Acts" there shall be substituted the words "Petty Sessions and Summary Jurisdiction Acts, 1927 and 1946 (being Acts of Tynwald)".

20. In section thirty-two, in subsection (4), the words "the Minister or" shall be omitted; and after subsection (4) there shall be inserted the following subsection:—

"(4A) Any regulations made by the Governor under this Part of this Act shall be laid by the Governor before Tynwald as soon as may be after they are made and shall not take effect until approved by resolution of Tynwald."

21. In section thirty-four, in subsection (1), the definition of the expression "the Minister" shall be omitted and after the definition of the expression "auxiliary force" there shall be inserted the following definition:—

"'the Governor' means the Lieutenant-Governor of the Isle of Man and includes a deputy or acting Governor or Lieutenant-Governor;".

22. In section thirty-six, in subsection (4), for the words "any such other local office of the Minister or of the Ministry of Labour and National Insurance for Northern Ireland as may be appointed by the Minister or Ministry, as the case may be" there shall be substituted the words "such other office as the Governor may appoint" and for the words "local office", where they next occur, there shall be substituted the word "office".

23. In section forty-one, in subsection (4), for the words "His Majesty" there shall be substituted the words "the Governor".

24. For section forty-eight there shall be substituted the following section:—

"48. Sections three, four and five of the Preferential Payments Act, 1908 (an Act of Tynwald), shall be read and construed as if the following provision had been added at the end of paragraph (*d*) of section three of that Act:—

'also any sum ordered under Part II of the National Service Act, 1948, as extended to the Isle of Man by the National Service (Isle of Man) Order, 1949, to be paid by way of compensation where the default by reason of which the order for compensation was made occurred before the following date—

(*a*) in the case of a bankrupt, the date of the order of adjudication;

(*b*) in the case of a deed of arrangement, the date of such deed;

(*c*) in the case of a person dying insolvent, the date of his death;

(*d*) in the case of the winding-up of a company, the date of the commencement of such winding-up;

(*e*) in the case of the appointment of a receiver of any debentures or debenture stock of any company secured by a floating charge, or possession is taken by or on behalf of those debenture holders or debenture stockholders of any property comprised in or subject to the charge, the date of the appointment of the receiver or of possession being taken as aforesaid;

and the said sum shall be so included whether or not the order for compensation was made before such date; but the sum to which priority is to be given in respect of any sum so ordered shall not in the case of any one claimant exceed two hundred pounds'."

25. In section fifty-three, for subsection (2) there shall be substituted the following subsection:—

"(2) Any regulations made by the Governor under this Part of this Act shall be laid by the Governor before Tynwald as soon as may be after they are made and shall not take effect until approved by resolution of Tynwald."

26. In section fifty-four, in subsection (1), the definition of the expression "the Minister" shall be omitted and after the definition of the expression "the competent naval, military or air force authority" there shall be inserted the following definition:—

"'the Governor' means the Lieutenant-Governor of the Isle of Man and includes a deputy or acting Governor or Lieutenant-Governor;".

27. In section fifty-five, the words "the Minister" shall be omitted and at the end of the said section there shall be added the words "and any expenses incurred by the Governor under this Act shall be defrayed out of moneys provided by Tynwald".

28. Sections fifty-six and fifty-seven shall not apply.

29.—(1) In section sixty, in subsection (1), for the words "the Acts" there shall be substituted the words "the Orders in Council" and for the word "repealed" there shall be substituted the word "revoked".

(2) For subsection (2) of the said section sixty there shall be substituted the following subsection:—

"(2) The revocation of the National Service (Armed Forces) (Isle of Man) Order, 1939, shall not affect the operation of subsection (2) of section twenty-one of the National Service (Armed Forces) Act, 1939, as respects persons who have been entered or enlisted under section four of that Act for a term or period ending with the present emergency and are serving in pursuance of that engagement or enlistment at the date on which this Act is first extended to the Isle of Man."

(3) In subsection (4) of the said section sixty for the words "repealed by this Act" there shall be substituted the words "which ceases to extend to the Isle of Man by virtue of the operation of subsection (1) of this section" and for the words "the commencement of this Act" there shall be substituted the words "the date on which this Act is first extended to the Isle of Man".

30. In the First Schedule, for paragraphs 3 and 4 there shall be substituted the following paragraphs:—

"3. A person who is the subject of an order or inquisition under the Mental Diseases Acts, 1924 to 1946 (being Acts of Tynwald), or is being detained as a criminal lunatic in pursuance of an order made under the Criminal Code, 1872 (an Act of Tynwald), or is undergoing treatment as a temporary patient under section nine of the Mental Diseases Amendment Act, 1932 (an Act of Tynwald), or is a person placed in an institution or a certified house, or under guardianship, under section fifty-five of the Mental Diseases Act, 1924 (an Act of Tynwald), or is the subject of an order under section fifty-eight or section sixty of that Act.

4. A person who is a blind person as defined by the Blind Persons Act, 1942 (an Act of Tynwald)."

31. The Third Schedule shall be omitted.

32. For the Fourth Schedule there shall be substituted the following Schedule:—

"FOURTH SCHEDULE

Local Tribunal

1. A local tribunal shall be appointed for the Isle of Man and shall consist of a chairman and four other members appointed by the Governor.

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

3. The chairman shall be a High Bailiff or an advocate of not less than fifteen years' standing or a person of judicial experience.

Appellate Tribunal

4. The appellate tribunal shall consist of a chairman and two other members appointed by the Governor.

5. In appointing members of the appellate tribunal the Governor shall have regard to the necessity of selecting impartial persons; and of the two members other than the chairman one shall be appointed by the Governor after consultation with organisations representative of workers.

6. The chairman shall be a Deemster, or, if a Deemster is unable to act, an advocate of not less than twenty years' standing or other person of legal training or judicial experience.

General

7. The Governor may appoint another person having the like qualifications as the chairman to act as deputy chairman if the chairman of a tribunal is unable to act.

8. The Governor may appoint another person, selected in the same manner as the member, to Act as a deputy member if a member of a tribunal is unable to act.

9. Every appointment shall take effect from the date of the appointment, but in the case of a member of a tribunal other than the chairman the appointment shall be reported to Tynwald at its next sitting and Tynwald may at such sitting resolve that the appoinment shall cease to have effect, whereupon the appointment shall terminate forthwith, without prejudice, however, to the validity of anything previously done thereunder or to the making of a new appointment."

33. For the Sixth Schedule there shall be substituted the following Schedule:—

"SIXTH SCHEDULE

S.R. & O. Reference	Title	Extent of Revocation
1939 (No. 1546) II, p. 2348	The National Service (Armed Forces) (Isle of Man) Order, 1939.	The whole Order.
1940 (No. 1411) I, p. 657...	The National Service (Armed Forces) (Isle of Man) Order, 1940.	The whole Order.
1941 (No. 1898) I, p. 693...	The National Service (Isle of Man) Order, 1941.	The whole Order.
1944 (No. 535) I, p. 533 ...	The National Service (Isle of Man) Order, 1944.	The whole Order."