(2) MILITARY FORCES

The National Service (Military Forces) Regulations, 1949

1949 No. 1446

Made - - - -	*28th July*, 1949
Laid before Parliament	*29th July*, 1949
Coming into Operation	*1st September*, 1949

The Army Council, in exercise of the powers conferred upon them by subsection (2) of Section 4, subsection (5) of Section 5, and subsection (2) of Section 23 of the National Service Act, 1948(**a**), as amended by the National Service (Amendment) Act, 1948(**b**), and of all other powers enabling them in that behalf, hereby make the following regulations:—

General

1. These Regulations may be cited as The National Service (Military Forces) Regulations, 1949, and shall come into operation on 1st September, 1949.

2. In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

(i) 'The Act' means the National Service Act, 1948, as amended by the National Service (Amendment) Act, 1948;

(ii) 'appropriate authority', in any regulation authorising any matter to be notified by the appropriate authority, means the person authorised by the Army Council to notify that matter;

(iii) 'auxiliary force' means the royal naval special reserve, the royal naval reserve, the royal naval volunteer reserve, the royal marine forces volunteer reserve, the territorial army, the army reserve, the air force reserve, the royal air force volunteer reserve or the royal auxiliary air force;

(iv) 'national service man' means a man serving a term of part-time service;

(v) 'regular forces' means the royal navy, the royal marines, the regular army and the regular air force;

(vi) 'training notice' means a notice 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;

(vii) 'whole-time service' and 'part-time service' mean respectively whole-time service and part-time service within the meaning of Part I of the Act.

3. The Interpretation Act, 1889(**c**), applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Regulations under Section 4 (2)

4.—(1) Where a national service man is during his part-time service required to undergo training for which he is called up by a training notice—

(*a*) each day on which, or on part of which, he is required to attend for that training, (hereafter in this Regulation called a 'day of attendance') shall, subject to paragraph (2) of this Regulation, constitute one day's training, and

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

(*b*) the time spent by him on his journey to the place at which he is required to present himself for that training, or on his journey on leaving the place where he is when his attendance for that training is no longer required, shall, if the Officer Commanding his unit, after taking into account the nature of the journey, the time taken thereby and any other circumstances which appear to him to be relevant, so directs, constitute a day's training or such number of days of training as the Officer Commanding the man's unit may specify.

(2) No day of attendance shall constitute a day's training under this Regulation unless the national service man called up for that training is throughout that day, or throughout such part thereof as he is required to attend for, present and available to carry out training and all other duties incidental to attendance for training:

Provided that if the Officer Commanding his unit is satisfied that—

(*a*) there was sufficient reason why that man was not throughout that day, or throughout such part thereof as he was required to attend for, present and available as aforesaid ; and

(*b*) that day ought to be treated as constituting a day's training notwithstanding that that man was not present and available as aforesaid,

he may direct that that day shall constitute a day's training under this Regulation.

5.—(1) Where a national service man is during his part-time service required to undergo training for which he is not called up by a training notice and the period for which he is required to undergo training is six hours or more, then, subject to paragraph (2) of this Regulation, each complete twenty-four hours of his period of training shall constitute one day's training and any remaining part of that period shall, if it is not less than six hours, also constitute one day's training and, if the whole of the period of training is not more than twenty-four hours, that period as a whole shall constitute one day's training.

(2) In reckoning a period of training of a national service man under paragraph (1) of this Regulation,—

(*a*) the time spent by him on his journey to the place at which he is required to attend for the training, or on his journey on leaving the place where he is when his attendance for that training is no longer required, shall be included in the period of training if the Officer Commanding his unit, after taking into account the nature of the journey, the time taken thereby and any other circumstances which appear to him to be relevant, so directs, and shall be so included to such extent as the Officer Commanding the man's unit may specify, and

(*b*) there shall be excluded from it any time during which he is required to be in attendance for training but is not present and available to carry out training and all other duties incidental to attendance for training:

Provided that if the Officer Commanding his unit is satisfied that

(i) there was sufficient reason why he was not during that time present and available as aforesaid ; and

(ii) that time ought to be included in his period of training notwithstanding that he was not present and available as aforesaid,

he may direct that that time shall be included in reckoning his period of training under paragraph (1) of this Regulation.

6. Where a national service man is, during his part-time service, required as part of his training to undergo hourly periods of instruction, those periods may be aggregated so that four such periods shall constitute one day's training:

Provided that—

(*a*) not more than four such periods occurring in any one day shall be so aggregated ; and

(*b*) such periods of instruction shall not be aggregated unless the national service man required to undergo instruction has completed the total number of days of training (other than training for which he is called up by a training notice) which he is required to undergo in any year of his part-time service.

Regulation under Section 5 (5)

7. Where, during a national service man's part-time service, a change occurs in his name or address, his notification of that change in accordance with Section 5 (5) of the Act shall be effected either

(*a*) by his sending by registered post particulars in writing of the change

(i) to the Officer Commanding his unit at the headquarters of his unit or sub-unit, or

(ii) to such other officer at such other place as may from time to time be notified to him by the appropriate authority as being the officer to whom and the place at which particulars of any change occurring in his name or address during his part-time service are to be notified ; or

(*b*) by his leaving particulars in writing of the change at the headquarters of his unit or sub-unit (addressed to the Officer Commanding his unit), or at such other place, and addressed to such other officer, as may from time to time be notified to him as aforesaid.

Regulations under Section 23 (2)

8.—(1) A term of service in the regular forces served by any person after the age of seventeen years and six months excluding—

(*a*) any continuous period exceeding fourteen days during which that person was absent as a deserter or absent without leave, and

(*b*) 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,

shall be treated for the purposes of Section 23 of the Act as equivalent to a term of whole-time service of a length equal to the length of that term of service in the regular forces after excluding therefrom any such continuous period as is mentioned in sub-paragraphs (*a*) and (*b*) of this paragraph.

(2) Where the length of any such term of service in the regular forces as is mentioned in paragraph (1) of this Regulation after excluding therefrom any such continuous period as is mentioned in sub-paragraphs (*a*) and (*b*) of that paragraph exceeds eighteen months, the period by which that service exceeds eighteen months shall be treated as equivalent to a term of part-time service of the same length as that period.

(3) Without prejudice to the application of paragraph (2) of this Regulation, where the length of any such term of service in the regular forces as is mentioned in paragraph (1) of this Regulation after excluding therefrom any such continuous period as is mentioned in sub-paragraphs (*a*) and (*b*) of that paragraph is not less than fifteen months and was immediately followed by a continuous term of service served either in an auxiliary force or in one or more of the following reserves:

(*a*) The Royal Fleet Reserve

(*b*) The Retired and Emergency List of Officers

(*c*) The Regular Army Reserve of Officers

(*d*) The Reserve of Air Force Officers

or served partly in an auxiliary force and partly in one or more of the said reserves, the said continuous term of service shall be treated for the purposes of Section 23 of the Act as equivalent to a term of part-time service of the same length.

9. Without prejudice to Regulation 10, if a 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 which under Regulation 8 are equivalent thereto, the terms of whole-time and part-time service which will, with the service completed by him (hereafter in this Regulation referred to as 'his former service'), be equivalent to the terms of service for which persons are liable under Section 1 of the Act shall, for the purpose of Section 23 of the Act, be determined in accordance with the following provisions of this Regulation, that is to say—

(*a*) Where his former service was service in the regular forces and was for a term the length of which, computed after excluding any such continuous period as is mentioned in sub-paragraphs (*a*) and (*b*) of paragraph (1) of Regulation 8, exceeds eighteen months—

(i) if his former service was not immediately followed by a continuous term of service such as is mentioned in paragraph (3) of Regulation 8, a term of part-time service of four years less the period by which his former service exceeded eighteen months shall, with his former service, be equivalent to the terms of service for which he is liable under Section 1 of the Act;

(ii) if his former service was immediately followed by a continuous term of service such as is mentioned in paragraph (3) of Regulation 8, a term of part-time service of four years less the period by which his former service exceeded eighteen months and less the period of the continuous term of service immediately following his former service shall, with the period of his former service and the said continuous term of service, be equivalent to the terms of service for which he is liable under Section 1 of the Act:

(*b*) Where his former service was service in the regular forces and was for a term the length of which, computed after excluding any such continuous period as aforesaid, does not exceed eighteen months and is not less than fifteen months—

(i) if his former service was not immediately followed by a continuous term of service such as is mentioned in paragraph (3) of Regulation 8, a term of part-time service of four years plus the period by which his former service fell short of eighteen months shall, with his former service, be equivalent to the terms of service for which he is liable under Section 1 of the Act;

(ii) if his former service was immediately followed by a continuous term of service such as is mentioned in paragraph (3) of Regulation 8, a term of part-time service of four years plus the period by which his former service fell short of eighteen months and less the period of the continuous term of service immediately following his former service shall, with the period of his former service and the said continuous term of service, be equivalent to the terms of service for which he is liable under Section 1 of the Act:

(*c*) Where his former service was service in the regular forces and was for a term the length of which, computed after excluding any such continuous period as aforesaid, is less than fifteen months, a term of whole-time service of such period as will, when added to the term of his former service equal eighteen months and a term of part-time service of four years shall, with his former service, be equivalent to the terms of service for which he is liable under Section 1 of the Act.

10. Where a person is called upon under Section 23 of the Act to serve for a term of part-time service, there shall be reckoned towards the maximum period of sixty days' training which he may be required to undergo during the whole of his term of part-time service—

(*a*) one day for each day of training undergone by that person during any former part-time service (being training which he was required to undergo);

(*b*) one day for each day of training undergone by that person during any former service of his as a volunteer in an auxiliary force in accordance with Section 2 of the Act (whether in the auxiliary force in which he was first entered or enlisted as a volunteer or in an auxiliary force to which he was transferred at his request in accordance with Regulations made under Section 3 of the Act):

Provided that not more than fifteen days' training undergone by that person in any year of his former service as such a volunteer as aforesaid shall be reckoned under this sub-paragraph;

(*c*) two days for each complete month of any former service of that person (reckoning from the commencement thereof) which is under paragraph (2) of Regulation 8 to be treated as equivalent to a term of part-time service of one month; and

(*d*) five days for each complete period of four months of any former service of that person (reckoning from the commencement thereof but excluding any period of service performed under Section 1 or Section 2 of the Act) which is under paragraph (3) of Regulation 8 to be treated as equivalent to a term of part-time service of four months.

Dated this 28th day of July, 1949.

E. Shinwell.

J. S. Steele.

G. W. Turner.

EXPLANATORY NOTE

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

These Regulations are made by the Army Council under Sections 4 (2), 5 (5) and 23 (2) of the National Service Act, 1948, as amended by the National Service (Amendment) Act, 1948.

Regulations 4 to 6 make provision for defining what constitutes a day's training for the purposes of Part I of the Act. Regulation 4 relates to training for which a national service man is called up by a training notice (i.e. training for a period of not less than six days) and Regulation 5 relates to training for periods which exceed six hours but for which national service men are not called up by a training notice. Regulation 6 provides for the aggregation of hourly periods of instruction so that four such periods shall constitute one day's training subject to certain conditions.

Regulation 7 specifies the person to whom and the manner in which persons are to notify any change occurring in their name or address during their term of part-time service under the Act.

Regulation 8 defines the amount of whole-time and part-time service to be regarded as the equivalent of any term of service which may have been performed in the regular forces by a person after attaining the age of seventeen years and six months.

Regulation 9 provides for the extent to which a person who has ceased to serve in the armed forces of the Crown before completing his whole-time and part-time service, or terms of service which, under Regulation 8, are equivalent thereto, is still liable to perform whole-time or part-time service under Section 1 of the Act.

Regulation 10 defines, in the case of persons called up under Section 23 of the Act to serve a term of part-time service, the amount of training which may be allowed to count, in respect of former training or former service carried out by that person, towards the maximum period of sixty days' training which persons may be required to undergo during the whole of their part-time service under the Act.

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(3) NAVAL AND MARINE FORCES

The National Service (Naval and Marine Forces) Regulations, 1949

1949 No. 1423

Made - - - -	*28th July*, 1949
Laid before Parliament	*29th July*, 1949
Coming into Operation	*1st September*, 1949

The Admiralty, in exercise of the powers conferred upon them by subsection (2) of Section 4, subsection (5) of Section 5, and subsection (2) of Section 23 of the National Service Act, 1948(a), as amended by the National

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