## CHAPTER 4.

An Act to amend the law as to the liability to national service. [18th December 1941.]

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 :—

*General obligation to serve.*

General obligation to serve.

**1.** It is hereby declared that all persons of either sex for the time being in Great Britain are liable to national service, whether under the Crown or not, and whether in the armed forces of the Crown, in civil defence, in industry, or otherwise :

Provided that—

(*a*) the liability of any person to whole-time service in the armed forces of the Crown or in or with a civil defence force within the meaning of the National Service Act, 1941, shall be such as may be imposed upon him under the National Service Acts, 1939 to 1941 ; 4 & 5 Geo. 6. c. 15.

(*b*) the liability of any person to any other form of national service (including part-time service in the armed forces of the Crown or in or with such a civil defence force as aforesaid) shall be such as may be imposed upon him under Defence Regulations ;

(*c*) nothing in this section shall relieve any person from any liability to national service which he would be under apart from this section.

*Amendments of National Service Acts, 1939 to 1941.*

Extension of age to fifty. 2 & 3 Geo. 6. c. 81.

**2.**—(1) In section one of the National Service (Armed Forces) Act, 1939 (hereinafter referred to as the "principal Act"), for the words "forty-one years," wherever those words occur, there shall be substituted the words "fifty-one years".

(2) Where a person who becomes liable to be called up by virtue of this section had, before the passing of this Act, become liable to be called up but had ceased to be so liable on attaining the age of forty-one years—

(*a*) he shall not be treated as prevented from making an application for a postponement certificate by reason that he had previously made an application for such a certificate before the passing of this Act, whatever the result of the previous application;

(*b*) if his medical examination was completed before the passing of this Act, the Minister may, if, in all the circumstances, he thinks that it is appropriate so to do, refrain from dismissing an application by him for a postponement certificate, notwithstanding that the application is made more than two days after the completion of his medical examination and that the delay in making the application is not related to the grounds thereof.

Extension of Acts to women.

**3.**—(1) The National Service Acts, 1939 to 1941, shall, subject to the provisions of this section, apply in relation to women as they apply in relation to men:

Provided that proclamations under section one of the principal Act may apply either to men only or to women only or to both men and women, and may make different provision in relation to men and women.

(2) The forces for service in which a woman shall be liable to be called up under the principal Act shall (without prejudice to her liability to be called up for civil defence under the National Service Act, 1941) be the Women's Royal Naval Service, the Auxiliary Territorial Service and the Women's Auxiliary Air Force, and references in the principal Act and this Act to the armed forces of the Crown shall, in relation to women, be construed accordingly; and in subsection (1) of section four of the principal Act, references to entering or enlistment (except in the phrase "an enlistment notice") shall, in relation to women, be construed as including references to enrolment:

Provided that subsection (1) of section eleven of the principal Act (which provides for exemptions from liability to be called up) shall have effect, in relation to women, as if for the exemption

provided by paragraph (*c*) thereof for members of the armed forces of the Crown there were substituted an exemption for women of any of the classes specified in the Schedule to this Act, not being women whose enrolment or other undertaking to serve was for part time service only or for service without remuneration.

(3) At the end of subsection (1) of the said section eleven, the following words shall be inserted:—

"or

(*h*) is a married woman not living apart from her husband under a decree or order of any court or a woman who has living with her a child of hers under the age of fourteen (including a step-child and an illegitimate child, and, if the adoption took place before the passing of this Act, an adopted child (whether adopted under the Adoption of Children Act, 1926, the Adoption of Children (Scotland) Act, 1930, or otherwise)."

16 & 17 Geo. 5. c. 29. 20 & 21 Geo. 5. c. 37.

(4) No woman who is called up for service under the principal Act shall be required actually to use any lethal weapon or to take part in the actual use of any lethal weapon unless she has signified in writing her willingness to use lethal weapons or, as the case may be, to take part in the use thereof.

Calling up of persons discharged from service of the Crown.

**4.**—(1) Where, whether before or after the passing of this Act, a person who—

(*a*) has at any time since the third day of September, nineteen hundred and thirty-nine, served in the armed forces of the Crown (other than the Home Guard), or

(*b*) has been called up for civil defence under the National Service Act, 1941,

has been discharged, he shall be liable to be called up whether or not any proclamation under section one of the principal Act is applicable to him:

Provided that this subsection shall not affect any exemption existing by virtue of section five or section eleven of the principal Act.

(2) The exemption provided by paragraph (*c*) of subsection (1) of section eleven of the principal Act, the exemption substituted therefor in the case of women by the last preceding section, and the exemption provided by paragraph (*j*) of subsection (1) of section three of the National Service Act, 1941, shall not prevent the service of an enlistment or enrolment notice on a member of the armed forces of the Crown or of a civil defence force within the meaning of the National Service Act, 1941, and a notice served on any such member by virtue of this subsection shall have effect notwithstanding that there is no proclamation under section one

of the principal Act applicable to him and notwithstanding that he has not been medically examined under that Act:

Provided that, if the person on whom a notice is served by virtue of this subsection is not discharged on or before the day on which he is required by the notice to present himself to the authority specified in the notice, the notice shall be void.

(3) A person shall not be liable to be called up by virtue of this section unless, by virtue of the proclamations made under section one of the principal Act before he is called up, persons of his age and sex are liable to be called up.

(4) In this section references to discharge include references to cashiering, dismissal, removal, retirement and resignation.

Provision as to persons sentenced for failure to attend medical examination.

**5.** After subsection (2) of section four of the National Service Act, 1941 (which relates to the enforcement of requirements as to medical examination) there shall be inserted the following subsections:—

"(2A) If any person, being a person who has made application for registration or who has at any time been provisionally registered, as a conscientious objector, has undergone or is undergoing a sentence of imprisonment for a term of three months or more imposed upon him for failing to comply with an order made under this section, then, if he claims that the offence was committed by reason of his conscientiously objecting to performing military service or combatant duties, he may apply in the prescribed manner to have his case considered by the appellate tribunal.

(2B) On any such application the appellate tribunal shall, if it finds that the offence for which the applicant was sentenced was committed by reason of such a conscientious objection as aforesaid, have power to make any order with respect to his registration as a conscientious objector which it would have had power to make on an appeal under section five of the principal Act, and any such order shall have effect immediately or upon his discharge from prison as the case may be."

*Supplemental.*

Amendment of Act by Defence Regulations. 2 & 3 Geo. 6. c. 62. 3 & 4 Geo. 6. c. 20.

**6.** Paragraph (*d*) of subsection (2) and subsection (4) of section one of the Emergency Powers (Defence) Act, 1939, as amended by subsection (2) of section one of the Emergency Powers (Defence) Act, 1940, shall have effect as if this Act had been passed before the commencement of the last mentioned Act.

Expenses.

**7.** Any expenses incurred by the Minister, a Secretary of State, or any other Minister of the Crown in consequence of the passing of this Act shall be paid out of moneys provided by Parliament.

Interpretation.

**8.**—(1) In this Act—

"Defence Regulations" has the same meaning as in the Emergency Powers (Defence) Act, 1939;

"liable to be called up" means liable to be called up for service under the principal Act or for civil defence under the National Service Act, 1941.

(2) References in this Act to any enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.

Short title, citation and construction.

**9.** This Act may be cited as the National Service (No. 2) Act, 1941, and shall be construed as one with the principal Act, and shall be included in the Acts which may be cited as the National Service Acts, 1939 to 1941.

Section 3.

# SCHEDULE.

*Women exempted from liability to be called up.*

1. Members of Queen Alexandra's Royal Naval Nursing Service or any reserve thereof.

2. Members of the Women's Royal Naval Service.

3. Women medical practitioners serving in the Royal Navy or any naval reserve.

4. Members of Queen Alexandra's Imperial Military Nursing Service or any reserve thereof.

5. Members of the Territorial Army Nursing Service or any reserve thereof.

6. Members of the Auxiliary Territorial Service.

7. Women employed with the Royal Army Medical Corps or The Army Dental Corps with relative rank as officers.

8. Members of Princess Mary's Royal Air Force Nursing Service or any reserve thereof.

9. Members of the Women's Auxiliary Air Force.

10. Women employed with the Medical Branch or the Dental Branch of the Royal Air Force with relative rank as officers.

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