The National Service (Part-time Service) Regulations, 1950

1950 No. 308

Made - - - -	*6th March*, 1950
Laid before Parliament	*8th March*, 1950
Coming into Operation	*27th March*, 1950

The Minister of Labour and National Service (hereinafter in these Regulations referred to as "the Minister") by virtue of the powers conferred on him by sections 23, 32, 51, 52 and 53 of the National Service Act, 1948(a) (hereinafter in these Regulations referred to as "the Act") and of all other powers in that behalf hereby makes the following Regulations:—

Short title, commencement and interpretation

1.—(1) These Regulations may be cited as the National Service (Part-time Service) Regulations, 1950, and shall come into operation on the 27th day of March, 1950.

(2) The Interpretation Act, 1889(b), applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) Except where the context otherwise requires, the expressions used in these Regulations have the same meanings as in the National Service Acts, 1948(c), and the following expressions have the meanings hereby assigned to them, that is to say:—

"local office" means an employment exchange or such other local office of the Ministry of Labour and National Service or of the Ministry of Labour and National Insurance for Northern Ireland as may be appointed for the purposes of Part II of the Act or of the Reinstatement in Civil Employment Act, 1944(d), by the Minister or by the Ministry of Labour and National Insurance for Northern Ireland, as the case may be;

"the Reinstatement Regulations" means the Reinstatement in Civil Employment (Procedure) Regulations, 1944(e).

(4) Any reference in these Regulations to a form set out in the Schedule hereto shall include a reference to a form approved by the Minister substantially to the like effect.

Application for cancellation or variation of part-time service notice

2. An application to the Minister by a person on whom a notice has been served under section 23 of the Act specifying the term of part-time service which he is liable to perform, for the cancellation or variation of the notice, shall be made in writing in the form set out in Part I of the Schedule to these Regulations and shall be sent or delivered to the Ministry of Labour and National Service at the address set out in the notice.

(a) 11 & 12 Geo. 6. c. 64.
(b) 52 & 53 Vict. c. 63.
(c) 11 & 12 Geo. 6. c. 64 and 12, 13 & 14 Geo. 6. c. 6.
(d) 7 & 8 Geo. 5. c. 15.
(e) S.R. & O. 1944 (No. 880) I, p. 889.

Application to reinstatement committee by employee dismissed by reason of liability for annual training

3.—(1) An application to a reinstatement committee under section 51 of the Act by a person whose employment has been terminated for the determination of his right to recover compensation under that section, shall be made in writing in the form set out in Part II of the Schedule to these Regulations and shall be sent to or delivered at a local office not later than forty-two days after the termination of the employment or within such further period as the chairman of the reinstatement committee may in a particular case for good cause allow, and shall be decided by such reinstatement committee as the Minister may determine.

(2) An application to a reinstatement committee under this Regulation may be withdrawn by the person who made the application at any time on his giving notice in writing at a local office that he wishes to withdraw his application.

Procedure of reinstatement committee in connection with an application under Regulation 3, and appeals to the Umpire

4. The procedure to be followed by a reinstatement committee in relation to an application under section 51 of the Act for the determination of the applicant's right to recover compensation shall be that set out in Regulation 4 of the Reinstatement Regulations in relation to an application to a reinstatement committee under section 42 of the Act for the determination of the applicant's reinstatement rights under Part II of the Act, with the substitution for references in that Regulation to the applicant's former employer or alleged former employer of references to the employer who terminated or who is alleged to have terminated the applicant's employment; and the provisions of Regulation 5 of those Regulations (which deals with appeals to the Umpire or Deputy Umpire) shall apply in relation to appeals from an order of a reinstatement committee under section 51 aforesaid or from the refusal of a reinstatement committee to make such an order, with the substitution for references to an applicant for reinstatement of references to an applicant for compensation in the forms referred to in that Regulation and set out in the Schedule to the Reinstatement Regulations.

Adjustment of contracts of service and apprenticeship

5.—(1) Where a contract of service or apprenticeship is in force between an employer and an employee when the employee is summoned for training in pursuance of a training notice served on him under Part I of the Act, then—

(*a*) if an arrangement has been or is entered into between the parties to the contract, or if the contract makes provision, for any of the following purposes, that is to say:—

(i) for dealing with all or any of the obligations of the parties thereunder in respect of the period of training; or

(ii) for the reckoning of the period of service or apprenticeship in relation to the period of training; or

(iii) for the adaptation of the terms of the contract in relation to any extension of the period of service or apprenticeship;

the provisions contained in sub-paragraph (*b*) of this paragraph shall apply only in so far as they are not inconsistent with the arrangement or provision so made as aforesaid;

(*b*) if no such arrangement has been or is entered into or no provision made by the contract or to the extent that any such arrangement or provision does not deal with the obligations hereinafter in this sub-paragraph specified or with the reckoning or the adaptation referred to in sub-paragraphs (ii) and (iii) of sub-paragraph (*a*) of this paragraph, then—

(i) the parties to the contract shall in respect of the period of training required by the training notice be relieved of all their obligations under the contract which relate to the following matters, that is to say, the payment of remuneration, the performance of work, or the provision of work, maintenance (including medical or surgical treatment) or instruction;

(ii) where the contract is for a period specified or ascertainable from it, the period of service or apprenticeship thereunder shall be extended by a period equal to the period of training or by a period equal to the period of the contract unexpired at the date on which the employee is required to present himself for training, if that period be less than the period of training;

(iii) a period of extension shall be treated as commencing immediately upon the conclusion of any period of service or apprenticeship remaining to be served under the contract (apart from the period of extension) at the end of the period of training, or, if no such period under the contract then remains to be served, immediately upon the termination of the period of training; and any period of extension shall be treated as the concluding period of the contract, and the terms of the contract shall apply to the period of extension accordingly.

(2) Nothing in this Regulation shall confer upon any employer authority to make any contract or arrangement with reference to the period of training which he is not authorised to make under any power already possessed by him.

Dated this 6th day of March, 1950.

G. A. Isaacs,
Minister of Labour and National Service.

SCHEDULE

PART I

YOU SHOULD READ CAREFULLY THE NOTES OVERLEAF

NATIONAL SERVICE ACTS, 1948

Application for cancellation or variation of Notice specifying term of part-time service to be undertaken under section 23 of the National Service Act, 1948

When completed this application must be sent or delivered to the Ministry of Labour and National Service at the address set out at the top of the notice you have received specifying the term of part-time service to be undertaken. The application must be made *within* 14 *days* after the date of the service of the notice.

Applicant's Name in full .....
(Surname first in block capitals)
Home Address in full .....
N.S. Registration No. .....
Service No. .....

Delete whichever is inapplicable (see note 1 overleaf).

In accordance with section 23 (3) of the National Service Act, 1948, I hereby apply to the Minister of Labour and National Service for $\frac{\text{cancellation}}{\text{variation}}$ of the Notice dated ....., stating that I am liable to undertake part-time service for a term of years, days in the

The grounds for my application are

Signature of Applicant ..... Date .....

P.T.O.

FOR OFFICIAL USE

Date of receipt of completed form .....
N.S.90.

NOTES

1. You should apply for the "Notice of Liability" to be *cancelled* if you consider that you are not liable to undertake *any* part-time service. You should apply for it to be *varied*, if you consider that you are liable to undertake a shorter term of part-time service than that specified in the Notice.

2. The Minister may grant an application for the cancellation or variation of a "Notice of Liability". If he does not do so, it must be referred to a referee appointed for the purpose under the National Service Acts, 1948, who will determine whether the applicant is liable to undertake part-time service and, if so, from what date and for what term.

PART II

NATIONAL SERVICE ACTS, 1948

Application to a Reinstatement Committee under Section 51 of the National Service Act, 1948

Surname of applicant (in BLOCK LETTERS) .....
Christian Name(s) in full .....
Address for reply (in full) .....
Name of employer concerned in the application.....
Address of employer .....

I claim that my employment has been terminated by my employer solely or mainly by reason of duties or liabilities which I was or might become liable to perform or discharge in pursuance of Part I of the National Service Act, 1948, as amended by the National Service (Amendment) Act, 1948, during my term of part-time service and that a dispute has arisen as to compensation payable under section 51 (2) of the National Service Act, 1948. In support of this claim I submit the information furnished below. I understand this information may be communicated to the employer to whom I refer.

1. Particulars of employment which was terminated and reason given for termination.

(*a*) Name of employer .....

(*b*) Place of employment .....

(*c*) Nature of employment .....

(*d*) Identifying particulars (Branch, Department, Check No. (if known) etc.) .....

(*e*) Date of termination of employment .....

(*f*) Whether employment terminated by written notice .....

(*g*) Reason given for termination .....

.....

(*h*) Rate of remuneration last paid to applicant .....

2. Particulars of whole-time service.

(*a*) Date whole-time service began .....

(*b*) Service entered .....

(*c*) Date whole-time service ended .....

3. Particulars of part-time service.

(*a*) Service .....

(*b*) Whether a training notice was served on applicant .....

If so—Date of last Notice .....

Period of training for which applicant summoned

From ..... to .....

Statement by Applicant.

State here the grounds of your complaint and the facts on which you rely in support of your application, including dates and particulars of any communications made to the employer and relevant statements made by him.

I certify that the above particulars are correct to the best of my knowledge and belief.

Date ..... Signature .....

FOR OFFICIAL USE

*Received by post / *Delivered by hand } at.....L.O. on ..... (Date) (Inits.)

* Delete whichever is not applicable.

R.E.19

EXPLANATORY NOTE

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

These Regulations prescribe—

(1) the manner in which an application to the Minister of Labour and National Service must be made by a man whose service in the armed forces has been interrupted and who is liable to be called upon to undertake part-time service, for the variation or cancellation of a notice served on him under section 23 of the National Service Act, 1948, specifying the term of part-time service which he is liable to perform; and

(2) the procedure to be followed in connection with an application to a reinstatement committee under section 51 of the Act for the determination of his right to recover compensation by a man in whose case a dispute has arisen as to the compensation payable to him by reason of the termination of his employment by his employer, solely or mainly by reason of his liability to perform duties under the Act during his term of part-time service.

The Regulations also relieve employees in respect of their periods of training during their terms of part-time service under the Act and the employers of such persons of certain obligations under any contract of service or apprenticeship that may be in force when the employee is summoned for training. They provide that during the period of training the parties to any such contract shall be relieved of all their obligations under the contract which relate to :—

(*a*) the payment of remuneration;

(*b*) the performance of work;

(*c*) the provision of work;

(*d*) maintenance (including medical or surgical treatment); or

(*e*) instruction;

except where the arrangement between the parties concerned itself provides for dealing with all or any of the above matters. If and to the extent that the parties have made their own arrangements, those arrangements will remain in force and are not affected by these Regulations.

Similarly the Regulations provide that, where a trainee is at the commencement of his training employed under a contract of service or apprenticeship for a definite period, that period shall be extended to cover the time lost because of the training, unless the arrangement between the parties itself makes a specific provision about this matter.