CHAPTER 57.

An Act to amend the Law respecting the Regulation of Her Majesty's Forces, and to amend the Army Discipline and Regulation Act, 1879. [27th August 1881.]

BE it enacted by the Queen'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:

Preliminary.

Short title.

1. This Act may be cited as the Regulation of the Forces Act, 1881.

Definitions. 42 & 43 Vict. c. 33.

2. The Army Discipline and Regulation Act, 1879, is in this Act referred to and may be cited as the Army Act, 1879.

The expression "militia" means the general militia.

The expression "militiaman" includes a non-commissioned officer.

Expressions in this Act shall, except so far as otherwise provided by this Act or the context otherwise requires, have the same meaning as in the Army Act, 1879, as amended by this Act.

PART I.

AUXILIARY FORCES AND RESERVES.

Regular and Auxiliary Forces.

Removal of doubts as to military command.

3. For the purpose of removing doubts as to the powers of command vested or to be vested in officers and others belonging to Her Majesty's forces, it is hereby declared that Her Majesty may, in such manner as to Her Majesty may from time to time seem meet, make regulations as to the persons to be invested as officers, or otherwise, with command over Her Majesty's forces, or any part thereof, or any person belonging thereto, and as to the mode in which such command is to be exercised; provided that command shall not be given to any person over a person superior in rank to himself.

Nothing in this section shall be deemed to be in derogation of any power otherwise vested in Her Majesty.

Regulations respecting government and organisation of militia. 38 & 39 Vict. c. 69. s. 86.

4. (1.) The orders and regulations which Her Majesty is authorised by the Militia Voluntary Enlistment Act, 1875, to make with respect to the government of the Militia may, subject to the provisions of this Act and of the Acts for the time being in force in relation to the Militia, provide for the formation of militiamen into regiments, battalions, or military bodies, and for the formation of such regiments, battalions, or military bodies into corps, either alone or jointly with any other part of Her Majesty's forces, and for appointing, transferring, or attaching militiamen to corps, and for posting, attaching, or otherwise dealing with militiamen within the corps, and may regulate the appointment, rank, duties, and numbers of the militia officers and non-commissioned officers.

(2.) The said orders and regulations shall not—

(*a.*) affect or extend the term for which or the area within which a militiaman is liable under the Acts relating to the Militia to serve; or

(*b.*) authorise a militiaman when belonging to one corps to be transferred without his consent to another corps; or

(*c.*) where the corps of a militiaman includes any battalion or other body of the regular forces, authorise him to be posted without his consent to that battalion or body.

Punishment of militiamen for desertion and absence without leave. 38 & 39 Vict. c. 69. ss. 59, 60, 79. M.A. s. 37.

5. (1.) Any militiaman who commits any of the following offences, that is to say,—

without leave lawfully granted, or such sickness or other reasonable cause as may be allowed in accordance with the regulations under the Militia Voluntary Enlistment Act, 1875, fails to appear at the time and place appointed, either for preliminary training, or for training and exercise, or for assembling when embodied, shall—

(*a.*) in the case of embodiment be guilty according to the circumstances of deserting within the meaning of section twelve or of absenting himself without leave within the meaning of section fifteen of the Army Act, 1879; and

(*b.*) in any other case be guilty of absenting himself without leave within the meaning of section fifteen of the Army Act, 1879.

(2.) A militiaman who commits an offence under this section or under section twelve or section fifteen of the Army Act, 1879, shall, whether otherwise subject to military law or not, be liable to be taken into military custody, and shall be liable as follows; that is to say,

(*a.*) be liable to be tried by court-martial and convicted and punished accordingly, or

(*b.*) be liable to be convicted by a court of summary jurisdiction, and to be sentenced to a fine of not less than forty shillings and not more than twenty-five pounds, and in default of payment to imprisonment, with or without hard labour for any term not less than seven days and not more than the maximum term allowed by law for nonpayment of the fine.

Punishment of fraudulent enlistment of militiaman.

6. (1.) If any person commits any of the following offences, that is to say—

(*a.*) when belonging to the Militia, without having fulfilled the conditions enabling him to enlist, enrol, or enter, enlists or enrols in any of the auxiliary or reserve forces, or enters the Royal Navy; or

(*b.*) when belonging to the reserve forces, or to any of the auxiliary forces other than the Militia, or to the Royal Navy, without having fulfilled the conditions enabling him to enlist or enrol, enlists or enrols in the Militia;

such person, if on service as part of the regular forces at the time when he commits the offence, shall be guilty of fraudulent enlistment within the meaning of section thirteen of the Army Act, 1879, and in any other case shall be punishable for making a false answer within the meaning of section thirty-three of the Army Act, 1879; and for the purpose of this section a person shall be deemed to be on service as part of the regular forces if being a militiaman he is embodied, or if belonging to the reserve forces he is called out on permanent service or on army service, or if belonging to the yeomanry or volunteers he is on actual military service.

(2.) A person who commits an offence under this section, shall, whether otherwise subject to military law or not, be liable to be

taken into military custody, and shall be liable as follows; that is to say,

(*a.*) be liable to be tried by court-martial and convicted and punished accordingly; or

(*b.*) be liable to be convicted by a court of summary jurisdiction, and to be sentenced to imprisonment with or without hard labour for a term of not less than one month and not more than three months, or to a fine of not less than five pounds and not more than twenty-five pounds, and in default of payment to imprisonment with or without hard labour for any term not less than one month and not more than the maximum term allowed by law for nonpayment of the fine, and in the case of a second or any subsequent conviction to be sentenced to imprisonment with or without hard labour for not less than two and not more than six months.

(3.) A person who attempts to commit an offence under this section shall, whether otherwise subject to military law or not, be liable to be taken into military custody, tried, convicted, and punished in like manner in all respects as if he had committed an offence under this section with this qualification, that if he is convicted by court-martial, he shall not be liable to any punishment exceeding imprisonment, and if convicted by a court of summary jurisdiction, this section shall apply as if the terms of imprisonment or amounts of fine were reduced by one half.

Application to Militia of 42 & 43 Vict. c. 33. ss. 32 and 34, as to enlistment of men discharged with disgrace.

7. (1.) If a person commits any of the following offences, that is to say,

(*a.*) having been discharged with disgrace from any part of Her Majesty's forces, or having been dismissed with disgrace from the Navy, has afterwards enlisted in the Militia without declaring the circumstances of his discharge or dismissal; or

(*b.*) is concerned when subject to military law in the enlistment for service in the Militia of any man when he knows or has reasonable cause to believe such man to be so circumstanced that by enlisting he commits an offence against this Act,

such person shall be guilty of an offence.

(2.) A person guilty of an offence under this section shall, whether otherwise subject to military law or not be liable to be taken into military custody and shall be liable as follows:—

(*a.*) be liable to be tried by court-martial, and on conviction to suffer such punishment as is imposed for the like offence by section thirty-two or thirty-four of the Army Act, 1879, as the case may be; or

(*b.*) be liable to be convicted by a court of summary jurisdiction, and to be sentenced to imprisonment with or without hard labour for any term not less than two and not more than six months.

(3.) For the purpose of this section the expression "discharged with disgrace" means discharged with ignominy, discharged as incorrigible and worthless, or discharged on account of a conviction for felony or a sentence of penal servitude.

Supplemental provisions as to offences by militiaman.

8. (1.) In the case of a person charged with the offence of desertion, absence without leave, fraudulent enlistment, false answer, or any offence in connexion with enlistment under this Act—

(*a.*) The alleged offender shall not be liable to be tried both by court-martial and by a court of summary jurisdiction, but may be tried by either of such courts, according as any general or special regulations of the Secretary of State may direct.

(*b.*) Proceedings against the alleged offender when a militiaman, whether before a court-martial or a court of summary jurisdiction, may be instituted, whether the term of his militia service has or has not expired, at any time within two months after the offence becomes known to the commanding officer of the militiaman, if the militiaman is then apprehended, or, if not, within two months after he is apprehended:

(*c.*) Where an offender has on several occasions been guilty of any such offence as above-mentioned, he may, for the purposes of any proceedings against him, be deemed to belong to any one or more of the corps to which he has been appointed or transferred, as well as to the corps to which he properly belongs; and it shall be lawful to charge the offender with any number of the above-mentioned offences at the same time, and to give evidence of such offences against him, and if he be convicted of more than one offence to punish him accordingly, as if he had been previously convicted of any such offence.

(2.) Section one hundred and forty-seven of the Army Act, 1879, shall apply to a Militiaman who is a deserter or absentee without leave, within the meaning of this Act or of the Army Act, 1879, in like manner as it applies to a deserter in that section mentioned.

(3.) Any person who falsely represents himself to any military, naval, or civil authority to be a deserter or absentee without leave from the Militia shall, on conviction by a court of summary jurisdiction, be liable to imprisonment with or without hard labour for a term not exceeding three months.

(4.) Nothing in this Act shall affect the application of sections sixty-one, sixty-two, and sixty-three of the Militia Voluntary Enlistment Act, 1875, to any militiaman.

Volunteers.

Removal of doubts as to consolidation of corps under 26 & 27 Vict. c. 65.

9. Whereas under the Volunteer Act, 1863, provision is made for the government and organisation of volunteer corps whose services are accepted by Her Majesty, and for all lands, money, effects, and other property belonging to the corps, (in this Act referred to as the corps property,) being vested in the commanding officer of the corps for the time being, and being managed in accordance with rules of the corps made under that Act:

And whereas provision is also made by the said Act for separate volunteer corps being formed under the authority of the Secretary of State into a united body for military and administrative purposes:

And whereas under the authority of the Secretary of State separate volunteer corps (in this Act referred to as constituent corps) have been consolidated into one corps, and form corresponding companies in such consolidated corps, and doubts have arisen with

respect to such consolidation, and it is expedient to remove those doubts: Be it therefore enacted as follows:

(1.) Every volunteer corps formed under the authority of the Secretary of State, whether before or after the passing of this Act, by the consolidation of two or more volunteer corps, shall as from the date of consolidation be deemed to have been a volunteer corps duly formed under the Volunteer Act, 1863, whose services have been accepted by Her Majesty, and the officers and volunteers belonging to the constituent corps shall be deemed to have been duly appointed and enrolled as officers and volunteers of the consolidated corps, and the commanding officer of the consolidated corps shall for the purposes of the Volunteer Act, 1863, be deemed to be the commanding officer thereof, and of every part thereof, and the corps property vested in and the liabilities attached to the commanding officer of the constituent corps on behalf of the corps shall be deemed on consolidation to have become vested in and attached to the commanding officer of the consolidated corps, and all agreements with, grants to, and deeds and documents in favour of any of the constituent corps shall enure for the benefit of and be deemed to refer to the companies in the consolidated corps which correspond to the said constituent corps.

(2.) The said property shall be managed in such manner and for such purposes as, subject to the proviso in this section contained, is directed by the rules of the consolidated corps;

Provided that if and so long as any companies in the consolidated corps which correspond to the said constituent corps continue to exist, and if no other arrangement has been made either before or after the passing of this Act, then, if byelaws are from time to time made for the purpose with the approval of the commanding officer of the consolidated corps, such byelaws, so far as they extend, shall, to the exclusion of the said rules, determine the manner and purposes in and for which such property shall be managed.

(3.) The officers and volunteers of the companies in the consolidated corps which correspond to the said constituent corps shall indemnify the commanding officer of the consolidated corps against all debts and liabilities for which the constituent corps was liable before the consolidation, or which may subsequently arise in respect of the property held by him, which is managed in accordance with the byelaws in this section mentioned.

(4.) No officer or volunteer who belonged to a constituent corps at the time of its consolidation shall, without his consent, be removed to any of the companies not corresponding to that corps.

(5.) Any question which arises under this section as to whether any companies do or do not correspond to a constituent corps, or continue to exist, and any difference between the companies and the consolidated corps, or the commanding officer thereof, in relation to the byelaws, property, debts, or liabilities referred to in this section, shall be referred for the decision of the Secretary of State, whose decision shall be final.

(6.) The provisions of this section with respect to companies shall apply to troops and batteries respectively, and the provisions of this section with respect to companies corresponding to constituent

corps, shall apply to the case of a single troop, battery, or company corresponding to a constituent corps.

Reserves.

Provision for Supplemental Reserve.

10. (1.) For the purpose of establishing a Supplemental Reserve it shall be lawful for Her Majesty to authorise men to be enrolled in the first class of the army reserve force under the condition that they are not to be called out for permanent service until the whole of the remainder of the said first class have been called out for permanent service, and regulations may from time to time be made under the Reserve Force Act, 1867, for carrying into effect this section. 30 & 31 Vict. c. 110.

Re-engagement of men in militia reserve.

11. Where a militiaman who is enlisted in the militia reserve force re-engages as a militiaman, he may also re-engage in the militia reserve force for the same term for which he re-engages in the militia, and may so re-engage in the manner and subject to the conditions provided by the regulations under the Militia Reserve Act, 1867, and regulations may from time to time be made under that Act for the purpose. 30 & 31 Vict. c. 111.

Amendment as to service of reserve forces.

12. Whereas under the Acts of 1867 relating to the army and militia reserve forces, the men who entered those forces under those Acts are liable when called out to serve for an indefinite period, and it is desirable to limit that period to the period for which men transferred to the reserve force under the Army Act, 1879, are liable to serve when called out, and otherwise to amend the enactments relating to the said reserve forces: Be it therefore enacted that—

(1.) Men in the army and militia reserve forces when called upon by proclamation of Her Majesty in pursuance of the enactments relating to those forces respectively to enter on permanent service or on army service, as the case may be, shall be liable to serve until Her Majesty no longer requires their services, so, however, that a man shall not be required to serve for a period exceeding in the whole the remainder unexpired of his term of service in the reserve force to which he belongs, and the further period of twelve months during which the service of a soldier of the regular forces may be prolonged under section eighty-three of the Army Act, 1879.

(2.) When a man is called out by such a proclamation as aforesaid, he shall during his service form part of the regular forces and be subject to the Army Act, 1879, accordingly, and the competent military authority within the meaning of Part II. of that Act may, if it seems proper, appoint him to any corps as a soldier of the regular forces, and within three months afterwards transfer him to any other corps, so, however, that he shall be appointed or transferred only to a corps in the arm or branch in which he previously served.

(3.) Any such proclamation of Her Majesty as above in this section mentioned may extend to all or any of the men in the army and militia reserve forces or either of them.

(4.) Men in the army and militia reserve forces shall be liable to be called out annually for training and exercise for such times as the Secretary of State may from time to time direct, not exceeding

in the case of a man in the army reserve force twelve days or twenty drills, and in the case of a man in the militia reserve force fifty-six days. Every such man during his annual training and exercise may be attached to and trained with a body of the regular or auxiliary forces.

The annual training and exercise under this section of a man in the militia reserve force shall be in substitution for the annual training and exercise to which he is liable as a militiaman, and the provisions of the Militia Voluntary Enlistment Act, 1875, and this Act, as to attendance at such last-mentioned annual training, and to the punishment for non-attendance, shall apply to the training and exercise under this section.

Removal of doubts as to pensions of army reserve men. 30 & 31 Vict. c. 110.

13. Whereas by the Reserve Force Act, 1867, the Secretary of State has power to make regulations respecting the pensions of men belonging to the army reserve force:

And whereas doubts have arisen as to whether the pensions payable to men in pursuance of those regulations can in all cases be awarded and paid by the Commissioners of Chelsea Hospital, and it is expedient to remove such doubts; be it therefore enacted as follows:—

Where, either before or after the passing of this Act, a man in the army reserve force has been called out for permanent service, and, at the termination of such service has been returned to the army reserve force, and has become entitled to pension under any regulation by the Secretary of State, made either before or after the passing of this Act, or before or after such calling out or return, then the Commissioners of Chelsea Hospital shall have the same power to award and pay the said pension, and otherwise in relation to the said pension, as they would have if such man had been discharged from the army on reduction.

PART II.

AMENDMENTS OF THE ARMY DISCIPLINE AND REGULATION ACT, 1879.

Preliminary.

Construction and duration of part of Act. 44 & 45 Vict. c. 9.

14. This part of this Act shall be construed as one with the Army Act, 1879, and shall continue in force only for the same time and subject to the same provisions as that Act, and together with that Act and sections four, five, and seven of the Army Discipline and Regulation (Annual) Act, 1881, may be cited as the Army Acts, 1879 and 1881.

AMENDMENTS OF PART I. (DISCIPLINE).

CRIMES and PUNISHMENTS.

Desertion, Fraudulent Enlistment, and Absence without Leave.

Amendment of ss. 12 and 13 as to desertion and fraudulent enlistment.

15. For the purposes of the liability of an offender convicted under section twelve or section thirteen of the Army Act, 1879, of the offence of desertion, or of fraudulent enlistment, or any other offence in those sections mentioned, to the higher punishment imposed by those sections for a second offence, a previous offence under one section may be reckoned as a previous offence under the

other section, with this exception, that the absence of the offender next before any fraudulent enlistment, shall not upon his conviction for that fraudulent enlistment be reckoned as a previous offence of desertion.

Offences in relation to Prisoner.

Amendment of s. 20 as to allowing prisoner to escape.

16. In substitution for sub-section two of section twenty of the Army Act, 1879, there shall be enacted the following provision:

Every person subject to military law who commits any of the following offences; that is to say,

Wilfully, or without reasonable excuse, allows to escape any prisoner who is committed to his charge, or whom it is his duty to keep or guard,

shall be liable, if he acted wilfully, to suffer penal servitude or such less punishment as in the said Act mentioned, and in any case shall be liable to suffer imprisonment or such less punishment as is in the Army Act, 1879, mentioned.

Offences in relation to Property.

Corrupt dealings in respect of supplies to forces.

17. In substitution for section twenty-three of the Army Act, 1879, there shall be enacted the following section:

Every person subject to military law who commits any of the following offences; that is to say,

(1.) Connives at the exaction of any exorbitant price for a house or stall let to a sutler; or

(2.) Lays any duty upon, or takes any fee or advantage in respect of, or is in any way interested in, the sale of provisions or merchandise brought into any garrison, camp, station, barrack, or place, in which he has any command or authority, or the sale or purchase of any provisions or stores for the use of any of Her Majesty's forces,

shall on conviction by court-martial be liable to suffer imprisonment, or such less punishment as is in the Army Act, 1879, mentioned.

Amendment s. 24 as to injury to property.

18. Whereas a soldier guilty of the offence of injuring property is punishable only under section forty or section forty-one of the Army Act, 1879, and it is expedient expressly to declare such offence, be it therefore enacted that there shall be added to section twenty-four of the Army Act, 1879, the following enactment:

Every soldier who commits any of the following offences; that is to say,

Wilfully injures anything in section twenty-four of the Army Act, 1879, mentioned, or any property belonging to a comrade, or to an officer, or to any regimental mess or band, or to any regimental institution, or any public property,

shall on conviction by court-martial be liable to suffer imprisonment, or such less punishment as is in the Army Act, 1879, mentioned.

Offences in relation to False Documents.

False alteration of document.

19. There shall be added to section twenty-five of the Army Act, 1879, the following enactment:

Every person subject to military law who commits the following offence; that is to say,

Knowingly and with intent to defraud or injure any person, defaces or alters any document which it is his duty to preserve,

shall on conviction by court-martial be liable to suffer imprisonment or such less punishment as is in the Army Act, 1879, mentioned.

Offences in relation to Courts-martial.

Amendment of s. 28 as to power of court-martial over contempt.

20. (1.) A court-martial shall have the same power in relation to a prisoner who is guilty of contempt of a court-martial by using insulting or threatening language, or by causing any interruption or disturbance in the proceedings of the court, as the court have under section twenty-eight of the Army Act, 1879, in relation to any other person subject to military law.

(2.) Where a person not subject to military law commits any offence as a witness before a court-martial, or is guilty of contempt of a court-martial, in any part of India, the court-martial may take the same proceedings as might be taken by any civil court in that part of India in the case of the like offence in that court, and any court in which such proceedings are taken shall have jurisdiction to punish such person accordingly.

Offences in relation to Enlistment.

Amendment of ss. 32 and 34 as to enlistment of soldiers discharged with disgrace.

21. Sections thirty-two and thirty-four of the Army Act, 1879, shall extend to the case of a person who on account of conviction for felony or of a sentence of penal servitude, has been either discharged from any portion of Her Majesty's forces or dismissed from the navy, in like manner as they apply to the case of a person discharged with ignominy from the regular forces, or dismissed with disgrace from the navy.

Miscellaneous Military Offences.

Amendment of s. 40 as to charging for offence to the prejudice of good order and military discipline.

22. Notwithstanding the proviso in section forty of the Army Act, 1879, to the effect that no person shall be charged under that section in respect of an offence for which special provision is made in another part of the said Act, the conviction of a person so charged shall not be invalid by reason only of the charge being in contravention of the said proviso, unless it appears that injustice has been done to the person charged by reason of such contravention; but the responsibility of any officer for that contravention shall not be removed by the validity of the conviction.

Courts-martial.

Amendment of ss. 47, 48, 51, and 53 as to composition of courts-martial.

23. (1.) A regimental court-martial may be convened by an officer of any rank, not below the rank of captain, when in command of two or more corps or portions of two or more corps.

(2.) A regimental court-martial shall consist of not less than three officers, each of whom must have held a commission during not less than one whole year.

(3.) A general court-martial shall consist in the United Kingdom, India, Malta, and Gibraltar of not less than nine, and elsewhere

of not less than five officers, each of whom must have held a commission during not less than three whole years, and of whom at least five must be of a rank not below that of captain.

(4.) A district court-martial shall consist in the United Kingdom, India, Malta, and Gibraltar, of not less than five, and elsewhere of not less than three officers, each of whom must have held a commission during not less than two whole years.

(5.) Any reference in the Army Act, 1879, to the number of members of a court-martial named in the order convening the court shall be deemed to refer to the minimum mentioned in this section for a general, district, or regimental court-martial as the case may be.

Amendment of s. 54 as to confirmation, revision, and approval of sentences.

24. Section fifty-four of the Army Act, 1879, shall be amended as follows:—

(1.) Where a court-martial is held in a colony, and there is no superior officer in that colony competent to confirm the finding and sentence of the court-martial in the case specified in sub-section four of section fifty-four of the Army Act, 1879, the governor of that colony shall have power to confirm the finding and sentence of the court-martial in like manner in all respects as if he were such superior officer as above mentioned.

(2.) A confirmation may be withheld under sub-section five of the said section, either wholly or partly, and that sub-section shall apply accordingly.

(3.) Nothing in sub-section eight of the said section shall apply to any offence committed on active service.

Amendment of s. 56. as to commutation or remission of sentence.

25. In addition to the other authorities who have power under section fifty-six of the Army Act, 1879, to mitigate, remit, and commute the punishment awarded by a court-martial in the case of persons undergoing sentence in any place whatever, any prescribed officer shall have that power.

Amendment of ss. 62, 64 as to prisoners.

26. Sub-section four of section sixty-four of the Army Act, 1879, shall apply to a military prisoner, where the sentence of imprisonment was passed upon him in the United Kingdom, as well as in a case where it was passed upon him in India or a colony.

Miscellaneous.

Power as to restitution of stolen property.

27. (1.) Where a person has been convicted by court-martial of having stolen, embezzled, received knowing it to be stolen, or otherwise unlawfully obtained, any property, and the property or any part thereof is found in the possession of the offender, the authority confirming the finding and sentence of such court-martial, or the Commander-in-Chief, may order the property so found to be restored to the person appearing to be the lawful owner thereof.

(2.) A like order may be made with respect to any property found in the possession of such offender, which appears to the confirming authority or Commander-in-Chief to have been obtained by the conversion or exchange of any of the property stolen, embezzled, received, or unlawfully obtained.

(3.) Moreover where it appears to the confirming authority or Commander-in-Chief from the evidence given before the court-martial, that any part of the property stolen, embezzled, received,

or unlawfully obtained was sold to or pawned with any person without any guilty knowledge on the part of the person purchasing or taking in pawn the property, the authority or Commander-in-Chief may, on the application of that person, and on the restitution of the said property to the owner thereof, order that out of the money (if any) found in the possession of the offender, a sum not exceeding the amount of the proceeds of the said sale or pawning shall be paid to the said person purchasing or taking in pawn.

(4.) An order under this section shall not bar the right of any person, other than the offender, or any one claiming through him, to recover any property or money delivered or paid in pursuance of an order under this section from the person to whom the same is so delivered or paid.

AMENDMENT OF PART II. (ENLISTMENT).

Re-engagement and Prolongation of Service.

Re-engagement and continuance of service of non-commissioned officers.

28. The regulations from time to time made in pursuance of Part II. of the Army Act, 1879, with respect to the enlistment of men in the regular forces, may, if it seems expedient, provide that a non-commissioned officer of the regular forces who extends his army service for the residue unexpired of his original term of enlistment shall have the right at his option to re-engage, under section eighty-one, and to continue his service, under section eighty-two of the said Act, or to do either of such things, subject, nevertheless, to the veto of the Secretary of State or other authority mentioned in the regulations, and to such other conditions as are specified in the regulations.

Discharge and Transfer to Reserve Force.

Amendment of s. 83 as to continuance in army service of soldier when on service beyond the seas.

29. In the case of a soldier enlisted after the commencement of this Act the competent military authority shall not have power under section eighty-three of the Army Act, 1879, by reason only of such soldier being on service beyond the seas, to detain him in army service for any period after the time at which he would otherwise, by the conditions of his service, be entitled to be transferred to the reserve.

Amendment of s. 86 as to payment of cost of conveyance of soldier discharged or transferred to the reserve.

30. In lieu of sub-section five of section eighty-six of the Army Act, 1879, the following enactment shall have effect:

A soldier of the regular forces who is discharged on the completion of the term of his original enlistment or his re-engagement or is transferred to the reserve shall be entitled to be conveyed free of cost from the place in the United Kingdom where he is discharged or transferred to the place in which he appears from his attestation paper to have been attested, or to any place at which he may at the time of his discharge or transfer decide to take up his residence, and to which he can be conveyed without greater cost.

AMENDMENTS OF PART IV. (GENERAL PROVISIONS.)

Supplemental Provisions as to Courts-martial.

Amendment of s. 120 as to convening and

31. The powers conferred by section one hundred and twenty of the Army Act, 1879, in relation to district courts-martial may be

exercised by any officer or person authorised to convene general courts-martial, whether he is so authorised by warrant of Her Majesty or by warrant from any officer authorised by Her Majesty. confirming of district courts-martial.

32. Whereas it is expedient to make provision respecting the conduct of counsel when appearing on behalf of the prosecution or defence at general courts-martial, as provided or about to be provided by rules of procedure made in pursuance of section sixty-nine of the Army Act, 1879; be it therefore enacted as follows: Position of counsel at courts-martial.

(1.) Any conduct of a counsel which would be liable to censure, or be a contempt of court, if it took place before Her Majesty's High Court of Justice in England, shall likewise be deemed liable to censure or a contempt of court, in the case of a court-martial; and the rules laid down for the practice of courts-martial and the guidance of counsel shall be binding on counsel appearing before such courts-martial, and any wilful disobedience of such rules shall be professional misconduct, and, if persevered in, be deemed a contempt of court.

(2.) Where a counsel is guilty of conduct liable to censure, or of a contempt of court, such offence shall be deemed to be an offence within the meaning of section one hundred and twenty-three of the Army Act, 1879, and the president of the court-martial may certify the same to a court of law accordingly; and the court of law to which the same is certified shall deal with such offence in the same manner as if it had been committed in a proceeding before that court.

(3.) A court-martial may, by order under the hand of the president, cause a counsel to be removed from the court who is guilty of such an offence as, in the opinion of the court-martial, requires his removal from court, but in every such case the president shall certify the offence committed to a court of law in manner provided by the above-mentioned section of the Army Act, 1879.

General Provisions as to Prisons.

33. (1.) Nothing in section one hundred and twenty-seven of the Army Act, 1879, shall require any military convict or military prisoner to be sent to a convict establishment or prison within the United Kingdom, where he belongs to a class with respect to which a Secretary of State has declared that, by reason of the climate or place of his birth or the place of his enlistment, or otherwise, it is not beneficial to the prisoner to transfer him to the United Kingdom; every such declaration shall be laid before both Houses of Parliament. Amendment of s. 127 as to colonial prisons.

(2.) For the purpose of removing doubts it is hereby declared that any order in relation to the execution of the sentence, which can be made under the said section by the court, may be made by the confirming authority in confirming the finding and sentence, and also may be made in the case of any commutation or remission of sentence, by the authority commuting or remitting the sentence.

34. Every governor of a prison or other person who under section one hundred and twenty-eight of the Army Act, 1879, is required to receive persons delivered into his custody by military authorities as therein mentioned, shall receive into his custody, for Amendment of s. 128 as to duty of governors of prisons to receive prisoners.

a period not exceeding seven days, any soldier in military custody, upon delivery to him of a written order purporting to be signed by the commanding officer of such soldier.

Pay.

Amendment of ss. 133 to 135 as to penal stoppages from ordinary pay.

35. (1.) There may be deducted under section one hundred and thirty-four of the Army Act, 1879, from the ordinary pay due to a soldier of the regular forces, in addition to the deductions therein mentioned,—

(*a.*) all ordinary pay for every day of imprisonment under detention on a charge for absence without leave for which he is afterwards awarded imprisonment by his commanding officer; and

(*b.*) where at the time of his enlistment he belonged to any part of the auxiliary forces, the sum required to make good any compensation for which at the time of his enlistment he was under stoppage of pay as a member of the auxiliary forces; and

(*c.*) any sum which he is liable to pay by reason of quitting any part of the auxiliary forces upon his enlistment; and

(*d.*) when he is on board one of Her Majesty's ships all ordinary pay for every day of imprisonment awarded by the commanding officer of that ship, and also such sums as the commanding officer of that ship may award, and that commanding officer shall have power to award the same deductions as a court-martial can award under section one hundred and thirty-four of the Army Act, 1879.

(2.) Any deduction of pay under the Army Act, 1879, or this Act, may be remitted in such manner and by such authority as may be from time to time provided by Royal Warrant, and subject to the provisions of any such warrant may be remitted by the Secretary of State.

(3.) Any regulation or order under section one hundred and thirty-six of the Army Act, 1879, declaring what is to be deemed for the purpose of the provisions of that Act relating to deductions from pay to constitute a day of absence, shall not declare any time to be reckoned as a day unless the absence has lasted for six hours or upwards, whether wholly in one day or partly in one day and partly in another, or unless such absence prevented the man from fulfilling any military duty which was thereby thrown upon some other person.

Legal Penalties in matters respecting Forces.

Punishment of false oath and personation.

36. (1.) Where any regulations made by the Secretary of State or the Commissioners of Her Majesty's Treasury, with respect to the payment of any military reward, pension, or allowance, or any sum payable in respect of military service, or with respect to the payment of money or delivery of property in the possession of the military authorities, provide for proving, whether on oath or by statutory declaration, the identity of the recipient or any other matter in connexion with such payment, such oath may be administered and declaration taken by the person specified in the regulations, and any person who in such oath or declaration wilfully

makes any false statement shall be liable to the punishment of perjury.

(2.) Any person who falsely represents himself to any military, naval, or civil authority to be a man in or to be a particular man in the regular, reserve, or auxiliary forces shall be deemed to be guilty of personation.

(3.) Any person who is guilty of an offence under the False Personation Act, 1874, in relation to any military pay, reward, pension, or allowance, or to any sum payable in respect of military service, or to any money or property in the possession of the military authorities, or is guilty of personation under this section, shall be liable, on summary conviction, to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding twenty-five pounds. 37 & 38 Vict. c. 36.

(4.) Provided that nothing in this section shall prevent any person from being proceeded against and punished under any other enactment or at common law in respect of any offence, so that he be not punished twice for the same offence.

Exemptions of Officers and Soldiers.

37. Every soldier in Her Majesty's regular forces shall be exempt from serving on any jury. Exemption from jury. See s. 140.

Evidence.

38. Section one hundred and fifty-six of the Army Act, 1879, shall be amended as follows:— Amendment of s. 156 as to evidence.

(1.) For the purposes of sub-section (*b*) of the section one hundred and fifty-six of the Army Act, 1879, "a letter" shall be deemed to include a return or other document.

(2.) Sub-section (*d*) of the said section shall extend to a gazette as well as to an army list purporting to be published and printed as therein mentioned.

(3.) In lieu of sub-section (*g*) of the said section the following provision shall have effect:—

Where a record is made in one of the regimental books in pursuance of any Act or of the Queen's Regulations, or otherwise in pursuance of military duty, and purports to be signed by the commanding officer or by the officer whose duty it is to make such record, such record shall be evidence of the facts thereby stated.

(4.) The said section and this section shall apply to all proceedings under any Act relating to any of the auxiliary forces as well as to proceedings under the Army Act, 1879.

Summary and other Legal Proceedings.

39. (1.) Any offence against the Army Act, 1879, or this Act, or any Act for the time being in force amending the same, which is punishable by a court of summary jurisdiction may be prosecuted, and the fine or forfeiture in respect thereof may be recovered, before a court of summary jurisdiction having jurisdiction either in the place where the offence was committed, or in the place where the offender may for the time being be. Amendment of ss. 159 and 161 as to prosecution of offences.

(2.) Where the maximum fine or imprisonment which a court of summary jurisdiction in England when sitting in an occasional court house is authorised by law to impose is less than the minimum fine or imprisonment fixed by the Army Act, 1879, or this Act, or by any Act relating to any of the auxiliary forces, the court may impose the maximum fine or imprisonment which the court is authorised by law to impose, but if required by either party shall adjourn the case to the next practicable petty sessional court.

AMENDMENTS OF PART V. (APPLICATION OF MILITARY LAW. SAVING PROVISIONS AND DEFINITIONS).

Persons subject to Military Law.

Amendment of ss. 168 and 169 as to persons subject to military law as officers and soldiers.

40. Where any force of volunteers, or of militia, or any other force, is raised in India or in a colony, any law of India or the colony may extend to the officers, non-commissioned officers, and men belonging to such force, whether within or without the limits of India or the colony; and where any such force is serving with part of Her Majesty's regular forces, then so far as the law of India or the colony has not provided for the government and discipline of such force, the Army Act, 1879, as amended by this Act and by any other Act for the time being, shall, subject to such exceptions and modifications as may be specified in the general orders of the general officer commanding Her Majesty's forces with which such force is serving, apply to the officers, non-commissioned officers, and men of such force, in like manner as they apply to the officers, non-commissioned officers, and men respectively mentioned in sections one hundred and sixty-eight and one hundred and sixty-nine of the Army Act, 1879.

Amendment of s. 169 as to duty of commanding officer of volunteers.

41. The following provision shall be substituted for the provisions in section one hundred and sixty-nine of the Army Act, 1879, with respect to the duty of the commanding officer of any volunteer corps; that is to say,

It shall be the duty of the commanding officer of any part of the volunteer force not in actual military service, when he knows that any non-commissioned officers or men belonging to that force are about to enter upon any service which will render them subject to military law, to provide for their being informed that they will become so subject, and for their having an opportunity of abstaining from entering on that service.

Extension of s. 170 to pensioners.

42. Section one hundred and seventy of the Army Act, 1879, shall apply to pensioners in like manner in all respects as it applies to non-commissioned officers and men belonging to the auxiliary forces.

Amendment of s. 171 as to application of the Act to Royal Marines.

43. There shall be added to section one hundred and seventy-one of the Army Act, 1879, as regards the Royal Marines, the following sub-sections:

(1.) Without prejudice to any power of confirmation by the Admiralty or any officer authorised by them the findings and sentences of any general or district court-martial on an officer or man of the Royal Marines may be confirmed by an officer authorised under sub-section one of section one hundred and seventy-one of the Army Act, 1879, to convene the same, or

by any officer otherwise authorised under the Army Act, 1879, or the Acts for the time being amending the same, to confirm the findings and sentences of general or district courts-martial, as the case may be, for the trial of any soldier of any other portion of the regular forces.

(2.) Any power vested in Her Majesty by the Army Act, 1879, in relation to the making of rules or to any order with respect to pay or to any complaint in respect of an officer who thinks himself wronged shall, as regards the Royal Marines, be vested in and exercised by the Admiralty, and the provisions of that Act relating to such rules, orders, and complaints respectively shall be construed so far as respects the Royal Marines as if "the Admiralty" were substituted for Her Majesty, as well as for the Secretary of State.

(3.) In the provisions of the said Act and of this Act with respect to evidence, the expression "Queen's Regulations" shall be deemed to include Admiralty Regulations.

(4.) If any officers or men of the Royal Marines while borne on the books of any ship commissioned by Her Majesty (otherwise than for service on shore) are employed on land, the senior naval officer present may, if it seems to him expedient, order that they shall, during such employment, be subject to military law under the Army Act, 1879, and while such order is in force they shall be subject to military law under the Army Act, 1879, accordingly.

(5.) Any provision of the said Act with respect to canteens under the authority of the Secretary of State, shall apply to canteens under the authority of the Admiralty.

Amendment of s. 175 as to non-commissioned officer.

44. There shall be added to section one hundred and seventy-five of the Army Act, 1879, the following enactments:—

(1.) A non-commissioned officer sentenced by court-martial to penal servitude or imprisonment shall be deemed to be reduced to the ranks.

(2.) An army schoolmaster shall not be liable to be reduced to the ranks, but may nevertheless be sentenced by a court-martial to penal servitude or imprisonment, or to a lower grade of pay, or to be dismissed, and if sentenced to penal servitude or imprisonment, shall be deemed to be dismissed.

(3.) A soldier being an acting non-commissioned officer by virtue of his employment either in a superior rank or in an appointment may be ordered by his commanding officer either for an offence or otherwise to revert to his permanent grade as a non-commissioned officer, or if he has no permanent grade above the ranks, to the ranks.

Amendment of s. 177 as to reserve man.

45. (1.) Any man who is enrolled in or has entered the army reserve force and commits any of the following offences, that is to say,—

(*a.*) by any fraudulent means obtains or causes to be obtained any pay or other sum contrary to the regulations of a Secretary of State with respect to the army reserve force; or

(*b.*) being present at any place for the receipt of pay uses threatening or insulting language or behaves in an insub-

ordinate manner to any person who would be his superior officer if he were subject to military law,

shall be liable to be apprehended, tried, and punished in like manner as if such offence were mentioned in section one hundred and seventy-seven of the Army Act, 1879.

(2.) Where any such man commits, in the presence of any officer, any offence under the said section or this section, or under the section of this Act relating to the punishment of personation, that officer may order him to be taken into military custody in like manner as if the man were subject to military law, or, if he thinks fit, may order him to be taken into custody by any constable and brought before a court of summary jurisdiction for the purpose of being dealt with by such court.

Definitions.

Amendment of s. 180 as to Channel Islands and Isle of Man.

46. For the purpose of the provisions of the Army Act, 1879, relating to the execution of sentences and to prisons, any sentence of penal servitude or imprisonment passed in the Channel Islands or the Isle of Man shall be deemed to have been passed in a colony.

Application of Act to persons on board ship.

47. Where a person subject to military law is on board a ship, the Army Act, 1879, and the Acts for the time being amending the same, shall apply until he arrives at the port of disembarkation in like manner as if he and the officers in command of him were on land at the place at which he embarked on board the said ship, subject to this proviso, that, if he is sentenced while so on board ship, any finding and sentence, so far as not confirmed and executed on board ship, may be confirmed and executed in like manner as if such person had been tried at the port of disembarkation.

Amendment of s. 181 as to definition of active service in certain cases.

48. Where the governor of a colony in which any of Her Majesty's forces are serving, or if the forces are serving out of Her Majesty's dominions, the general officer commanding such forces, declares at any time or times that, by reason of the imminence of active service or of the recent existence of active service, it is necessary for the public service that the forces in the colony or under his command, as the case may be, should be temporarily subject to the Army Act, 1879, as if they were on active service, then, on the publication in general orders of any such declaration, the forces to which the declaration applies shall be deemed to be on active service for the period mentioned in the declaration, so that the period mentioned in any one declaration do not exceed three months from the date thereof.

If at any time during the said period the governor or general officer for the time being is of opinion that the necessity continues he may from time to time renew such declaration for another period not exceeding three months, and such renewal shall be published and have effect as the original declaration, and if he is of opinion that the said necessity has ceased, he shall state such opinion, and on the publication in general orders of such statement, the forces to which the declaration applies shall cease to be deemed to be on active service.

Every such declaration, renewal of declaration, and statement by the governor of a colony shall be made by proclamation pub-

lished in the official gazette of the colony, and it shall be the duty of every governor or general officer making a declaration or renewal of a declaration under this section, if he has the means of direct telegraphic communication with a Secretary of State, to obtain the previous consent of the Secretary of State to such declaration or renewal, and in any other case to report the same with the utmost practicable speed to the Secretary of State.

The Secretary of State may, if he thinks fit, annul a declaration or renewal purporting to be made in pursuance of this section, without prejudice to anything done by virtue thereof before the date at which the annulment takes effect, and until that date any such declaration or renewal shall be deemed to have been duly made in accordance with this section, and shall have full effect.

Amendment of s. 181 as to definition of "corps."

49. In lieu of the portions of the definition of the expression "corps" in section one hundred and eighty-one of the Army Act, 1879, which are repealed by this Act, the following definition shall have effect:

(1.) The expression "corps" means—

(*a.*) In the case of Her Majesty's regular forces—

any such military body, whether known as a territorial regiment or by any different name, as may be from time to time declared by royal warrant to be a corps for the purposes of the Army Act, 1879, and is a body formed by Her Majesty, and either consisting of associated battalions of the regular and auxiliary forces, or consisting wholly of a battalion or battalions of the regular forces, and in either case with or without the whole or any part of the permanent staff of any of the auxiliary forces not included in such military body;

and any reference in part two of the Army Act, 1879, to a corps of the regular forces shall be deemed to refer to any such military body as is herein-before defined to form a corps; and

(*b.*) In the case of Her Majesty's auxiliary forces—

any such military body, whether known as a territorial regiment or by any different name, as may be from time to time declared by royal warrant to be a corps for the purposes of the Army Act, 1879, and is a body formed by Her Majesty, and either consisting of associated battalions of the regular and auxiliary forces, or consisting wholly of a battalion or battalions of the auxiliary forces, and either inclusive or exclusive of the whole or any part of the permanent staff of any part of the auxiliary forces;

and any reference in the Army Act, 1879, to a corps of militia shall be construed to refer only to a battalion or battalions of militia.

(2.) In the application of this definition to cavalry, artillery, or engineers the expression "battalion" shall be construed to mean regiment, brigade, or other body into which Her Majesty may have been pleased to divide such cavalry, artillery, or engineers.

PART III.

MISCELLANEOUS.

Explanation of Commencement Act as to Application of Part II. of Army Act to Old Soldiers.

Explanation of 42 & 43 Vict. c. 32. s. 4. as to position of old soldiers.

50. Whereas by section four of the Army Discipline and Regulation (Commencement) Act, 1879, it is enacted as follows:

"The commencement of the Army Discipline Act shall not, nor "shall the expiration of any enactment contained in the Army "Mutiny Act, or the Marine Mutiny Act, affect the position of "any soldier enlisted or re-engaged before the commencement of "the Army Discipline and Regulation Act, 1879, as respects the "reckoning of service, the forfeiture of service, his liability to "serve or to be detained in service, or his liability to transfer "from one corps to another or to the reserve, and the enactments "relating to those matters, including any Article of War, shall "continue to apply to such soldier unless he consents to the "application to him of the provisions of Part Two of the Army "Discipline and Regulation Act, 1879, relating to the same matters:"

And whereas it is expedient to explain more precisely the provisions which apply to soldiers so enlisted or re-engaged as aforesaid: Be it therefore declared as follows:

The following enactments shall apply to soldiers enlisted or re-engaged before the commencement of the Army Act, 1879, who have not consented to the application to them of the provisions of Part Two of that Act; that is to say,

(1.) Part Two of the Army Act, 1879, shall, so far as is consistent with the tenor thereof, apply after the commencement of this Act to every such soldier except as provided by this section.

(2.) The following provisions, namely,—

(*a.*) The whole of section seventy-six (which section relates to reckoning and forfeiture of service);

(*b.*) So much of section eighty-three as allows a soldier to be detained in service otherwise than while a state of war exists or while he is on service beyond the seas;

(*c.*) So much of section eighty-four as relates to any person continuing in or re-entering upon army service for a period during which his service may be prolonged; and

(*d.*) The whole of section eighty-five (which section relates to the power to transfer a soldier to the reserve before the expiration of his term of army service),

shall not apply without his consent to any such soldier.

(3.) Any re-engagement entered into by a soldier at any time since the commencement of the Army Act, 1879, shall be deemed to be a consent by him to the application to him of the above-named provisions; and any soldier who after the commencement of this Act extends his army service for all or any part of the residue of the unexpired term of his original enlistment, or gives notice to his commanding officer of his desire to continue in Her Majesty's service, shall be deemed to have consented to the application to him of the above-named provisions.

(4.) For the purpose of discharge or of transfer to the reserve, the service of any such soldier, to whom section seventy-six of the

Army Act, 1879, does not apply, shall be reckoned in accordance with the enactments in accordance with which it would have been reckoned if the Army Act, 1879, and this Act had not passed;

Provided that such service may with the consent of the soldier and the approval of the competent military authority, as defined by Part Two of the Army Act, 1879, be reckoned from the date of his attestation without any deduction on account of age, imprisonment, desertion, absence without leave, or otherwise, or without deduction on account of any one or more of such matters.

(5.) Any such soldier shall not be liable to be detained in service, or have his service prolonged without his consent, further or otherwise than he would have been liable to if the Army Act, 1879, had not passed.

(6.) Nothing in sub-sections four and five of section eighty of the Army Act, 1879, shall extend without his consent to any soldier who enlisted on or after the twentieth day of June one thousand eight hundred and sixty-seven, and before the ninth day of August one thousand eight hundred and seventy, and who has not re-engaged.

Amendment of Regimental Debts Act.

Amendment of 26 & 27 Vict. c. 57. as to collection and disposal of effects of deceased officers and soldiers.

51. Subject to any regulations made by Her Majesty by warrant for the better execution of the Regimental Debts Act, 1863, as amended by this Act,—

(1.) The committee of adjustment shall have power to postpone and dispense with the sale of all or any of the effects of the deceased, and when out of the United Kingdom to pay all the debts and collect all the assets of the deceased, and to transfer their worth to any official administrator, but at any time, upon the preferential charges being paid or secured by any person, shall cease further to interfere, except so far as they may be requested so to do, by or on behalf of such person; and

(2.) The paymaster, officer, or other person receiving any surplus, when out of the United Kingdom, may pay thereout his expenses in relation to the surplus, and also any debts of the deceased, and may pay over sums to the representative, widow, or relatives of the deceased, although not present at head-quarters; and

(3.) The Secretary of State for War or for India in Council may act under the Regimental Debts Act, 1863, in relation to any amount due to a deceased officer or soldier, although no surplus is remitted to him, and may, after such notice only (if any) as is determined by the regulations, dispose of the residue or any sums in his hands on account of a deceased officer or soldier, and may dispose of the same, if not exceeding one hundred pounds, among the persons appearing to him to be beneficially entitled to the personal property of the deceased or any of them; and

(4.) The Regimental Debts Act, 1863, shall apply, whether within or without Her Majesty's dominions, to all persons subject to military law as officers or soldiers in like manner as if they were respectively included in the terms officer and soldier, with the exception that the Act shall apply to all warrant officers as if they were officers.

Commencement, Savings, and Repeal.

Commencement of part of Act.

52. This Act shall come into operation as follows; that is to say,

(*a.*) In the United Kingdom, the Channel Islands, and the Isle of Man at the expiration of one month after the passing of this Act;

(*b.*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, at the expiration of two months after the passing of this Act; and

(*c.*) Elsewhere, whether within or without Her Majesty's dominions, at the expiration of six months after the passing of this Act.

And the day upon which this Act so comes into force in any place is in this Act in reference to such place referred to as the commencement of this Act;

Provided that this Act shall, if promulgated in any general order in any place out of the United Kingdom, the Channel Islands, and the Isle of Man, come into full force in that place from and after the date named in such general order, anything in this section contained to the contrary notwithstanding, and such date shall be deemed in reference to such place to be the commencement of this Act.

Saving for existing men.

53. Where a man belonging to the regular forces, reserve forces, or the militia was enlisted before the passing of this Act, or before the date of an order or regulation made under this Act, nothing in this Act shall require such man without his consent to serve in, or be appointed, transferred, posted, or attached to any military body in or to which he could not have been required without his consent to serve, or be appointed, transferred, posted, or attached if this Act or the said order or regulation, as the case may be, had not been made, or to serve for any longer period than that for which he was before the passing of this Act, or before the date of such order or regulation, as the case may be, liable to serve.

Repeal of Acts.

54. The Acts specified in the Schedule to this Act shall be repealed as from the commencement of this Act to the extent in the third column of that Schedule specified.

Provided that—

(*a.*) This Act, or any repeal by this Act, shall not affect anything done or suffered, or any rights or liabilities acquired or accrued, before the commencement thereof, and any proceedings for carrying into effect anything commenced before the commencement of this Act may be carried on and completed as if this Act had not passed.

(*b.*) Any liability to service or annual training under any enactment hereby repealed shall, as regards any man to whom the provisions of this Act with respect to such service or training do not apply, continue and be enforced as if the enactment had not been repealed.

(*c.*) Any enactment relating to the reckoning of the service of a soldier for the purpose of discharge shall continue to apply, so far as is necessary for the purposes of this Act, as regards any soldier to whom section seventy-six of the Army Act, 1879, does not apply.

(*d.*) In the case of any offence committed before the commencement of this Act, if any proceeding for the trial or punishment of the offender has been commenced before the commencement of this Act, such proceeding may be carried on and completed, and the offender may be tried and punished, as if this Act had not passed, but save as aforesaid, this Act shall apply to the arrest, trial, conviction, and punishment of a person accused of an offence committed before the commencement of this Act, so however that a person shall not be subject to any greater punishment than he is subject to before the commencement of this Act, nor to any punishment for anything done before the commencement of this Act which at the time of its being done was not an offence punishable by law.

Pensions of soldiers formerly in Indian forces.

55. Whereas under the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter seventy-four, intituled "An Act to render lawful the enlistment of "persons transferred from the Indian to the general forces of Her "Majesty, and to provide in certain respects for the rights of such "persons," it was provided that where a soldier was transferred from Her Majesty's Indian forces to Her Majesty's general forces it should be lawful for the Commissioners of Chelsea Hospital to calculate the pension of such person in accordance with the regulations either of Her Majesty's Indian or of Her Majesty's general forces, according as such soldier might choose:

And whereas doubts have arisen as to whether certain additions to pensions granted by Royal Warrant to the above-mentioned soldiers in respect of service over and above the term of twenty-one years can, having regard to the above-recited Act, be lawfully granted by the said Commissioners to the said soldiers, and it is expedient to remove such doubts: Be it therefore enacted as follows:

Nothing in the Act above in this section recited shall prevent the Commissioners of Chelsea Hospital from granting to a soldier such pension as is for the time being authorised by Royal Warrant.

SCHEDULE.

ENACTMENTS REPEALED.

A description or citation of a portion of an Act in this Schedule is inclusive of the word, section, or other part first and last mentioned or otherwise referred to as forming the beginning, or as forming the end, of the portion described in the description or citation.

Year and Chapter.	Title or Short Title.	Extent of Repeal.
42 Geo. 3. c. 68.	An Act to enable His Majesty to accept and continue the services of certain troops or companies of yeomanry in Ireland.	Section seven.
43 Geo. 3. c. 61.	An Act for the relief of soldiers, sailors, and marines, and the widows of soldiers in the cases therein mentioned so far as relates to England.	The whole Act.

Year and Chapter.	Title or Short Title.	Extent of Repeal.
44 Geo. 3. c. 54.	An Act to consolidate and amend the provisions of the several Acts relating to corps of yeomanry and volunteers in Great Britain, and to make further regulations relating thereto.	Section twenty-one, section twenty-five.
47 Geo. 3. sess. 2. c. 25.	An Act for the more convenient payment of half-pay and pensions, and other allowances to officers and widows of officers, and the persons upon the compassionate list.	The whole Act except section four.
51 Geo. 3. c. 103.	An Act to authorise the allowing officers to retire on half-pay or other allowances under certain restrictions.	So much as is unrepealed.
52 Geo. 3. c. 151.	An Act to extend the provisions of an Act of the last session of Parliament relating to the half-pay and allowance of officers retiring from service, and to authorise the allowing to foreign officers wounded the like pensions and allowances as are given to British officers under the like circumstances.	The whole Act.
50 Geo. 3. c. 87.	An Act to amend two Acts relating to the raising men for the service of the East India Company, and the quartering and billeting such men, and to trials by regimental courts-martial.	So much as is unrepealed.
51 Geo. 3. c. 75.	An Act for making further provision for the payment of salaries and other charges in the office of the Commissioners for the Affairs of India, and for enabling the East India Company to restore to the service of the said Company military officers removed therefrom by sentences of courts-martial, and to authorise the said Company, in cases of unforeseen urgency, to take up ships by private contract.	So much as is unrepealed.
58 Geo. 3. c. 73.	An Act for regulating the payment of regimental debts, and the distribution of the effects of officers and soldiers dying in service, and the receipt of sums due to officers.	So much as is unrepealed.
2 & 3 Will. 4. c. 106.	An Act to enable officers in His Majesty's army and their representatives, and the widows of officers and persons on the compassionate list, and also civil officers on retired or superannuation allowances payable by the Paymaster-General of His Majesty's forces, to draw for and receive their half-pay and allowances.	The whole Act.

Year and Chapter.	Title or Short Title.	Extent of Repeal.
7 Will. 4. & 1 Vict. c. 29.	An Act for enabling Her Majesty to grant the rank of general officers to foreigners now bearing Her Majesty's commission, and to permit the enlistment of foreigners under certain restrictions.	So much as is unrepealed.
7 & 8 Vict. c. 18.	An Act to remove doubts as to the power of appointing, convening, and confirming the sentences of courts-martial in the East Indies.	The whole Act.
10 & 11 Vict. c. 37.	An Act for limiting the time of service in the army.	The whole Act.
10 & 11 Vict. c. 63.	An Act for limiting the time of service in the Royal Marine forces.	Section two; section three, from "to serve" to the end of the section; section four, from "according to "the form" to the end of the section, and the schedules.
20 Vict. c. 1.	An Act to amend the Act for limiting the time of service in the Royal Marine forces.	Section one, from "and the forms of questions" to the end of the section.
26 & 27 Vict. c. 65.	The Volunteer Act, 1863	Section three, from "for the purposes of this Act" down to "usages "of Her Majesty's forces," so far as relates to such portion of the permanent staff as are included in any corps of the regular forces within the meaning of this Act, and from "if any non-commissioned officer "of the volunteer permanent staff" to the end of the section; section five, from "officers of the volunteer force when not on actual" down to "Articles of War;" section nine; section fourteen, from "for the purposes of this Act" down to "any regulations under "this Act" so far as relates to such portion of the permanent staff as are included in any corps of the regular forces within the meaning of this Act; in section eighteen, the words "and to be billeted and quartered" and from "and to have "relief" down to "or to Scotland;" sections twenty-two and twenty-three; section forty-nine, from "the "term Mutiny Act" down to "Act for "the time being in force," and from "if at any time Her Majesty thinks fit" down to "such men respectively," so far as relates to such portion of the permanent staff as are included in any corps of the regular forces within the meaning of this Act; and the forms of warrant (ii) and (iii) in the schedule.
30 & 31 Vict. c. 34.	An Act for limiting the period of enlistment in Her Majesty's army.	The whole Act.

Year and Chapter.	Title or Short Title.	Extent of Repeal.
30 & 31 Vict. c. 110.	The Reserve Force Act, 1867 -	Sections four, six, seven, and eight; section ten from "and the said force" to the end of the section; section twelve; and section thirteen from "or who having" down to "service as aforesaid."
30 & 31 Vict. c. 111.	The Militia Reserve Act, 1867 -	Section two, from "Mutiny Act means" to the end of the section; section six; section nine and section eleven from "may have volunteered" down to "enlisted under this Act;" and from "and offences committed by such men," to the end of the section.
33 & 34 Vict. c. 67.	The Army Enlistment Act, 1870	The whole Act except section fourteen, section fifteen down to "Reserve Act, 1867," section twenty, and section twenty-two.
34 & 35 Vict. c. 86.	The Regulation of the Forces Act, 1871.	Sections nine and fifteen.
38 & 39 Vict. c. 69.	The Militia Voluntary Enlistment Act, 1875.	Section two, from "Mutiny Act means" to "authority of the Mutiny Act;" section twenty; section twenty-two; section twenty-nine; section thirty-seven from "and officers either of the militia" to the end of the section; section forty-two; sections fifty-six to sixty; sections sixty-four to seventy-one; sections seventy-three to seventy-five; and section seventy-seven.
39 & 40 Vict. c. 36.	The Customs Consolidation Act, 1876.	Section nine from "nor shall any soldiers" to the end of the section.
41 & 42 Vict. c. 10.	An Act for punishing mutiny and desertion and for the better payment of the army and their quarters.	The whole Act except sections forty-two, forty-seven, and forty-eight, so far as they relate to the reserve forces and are not inconsistent with the Army Act, 1879, and except section forty-four from "Provided that a recruit" to the end of the section; sections fifty-seven, fifty-eight, eighty, one hundred and five, and one hundred and nine, and the first form of oath and the first form of certificate in the schedule, so far as they relate to any of the auxiliary forces and are not inconsistent with the Army Act, 1879.
41 & 42 Vict. c. 11.	An Act for the Regulation of Her Majesty's Royal Marines while on shore.	The whole Act.
42 & 43 Vict. c. 32.	The Army Discipline and Regulation (Commencement) Act, 1879.	Section four from "the expiration of "the Army Mutiny Act shall not" down to "relating to the same "matters."
42 & 43 Vict. c. 33.	The Army Discipline and Regulation Act, 1879.	Section twenty, from "or allows to "escape" down to "keep or guard" (being sub-section two), section twenty-three, in section twenty-eight, the words "whether present "as a witness or bystander, or in "any capacity other than as a "prisoner"; section forty-seven, from "such court-martial shall con-

Year and Chapter.	Title or Short Title.	Extent of Repeal.
42 & 43 Vict. c.33. —*cont.*	The Army Discipline and Regulation Act, 1879.	sist," down to "not less than three "officers" (being sub-section (2)); section forty-eight, from "a general "court-martial shall consist," down to "consist of three officers" (being sub-sections (3) and (4)); in section fifty-four, part of sub-section five, namely, "and where a court-martial "is held in a colony" down to "above-mentioned" at the end of the sub-section; in sub-section (2) of section eighty-three the words "or while such soldier is on service "beyond the seas" so far as they relate to men enlisted after the commencement of this Act; in section eighty-six, from "a soldier of the "regular forces who is discharged" to the end of the section; in section one hundred and twenty, the words "by warrant of Her Majesty"; section one hundred and thirty-five; section one hundred and fifty-six from "a record made in one of "the regimental books" down to "stated by such record" (being sub-section (g)); section one hundred and sixty-nine, from "Provided that "it shall be the duty of the com- "manding officer," in sub-section (8) down to "in which he shall be "subject to military law," being the end of that sub-section; section one hundred and seventy-one, from "and "if any such officers or men of the "royal marines," in sub-section (8) down to "subject to this Act accordingly," being the end of that sub-section; section one hundred and seventy-three, so far as relates to pensioners; in section one hundred and eighty-one, the definition of "corps" from "as respects cavalry" down to "included in a territorial "brigade and" and from "a regi- "ment of militia" to "volunteers "and," and the last part of the section from "for the purpose of de- "ducting" to the end of the section.