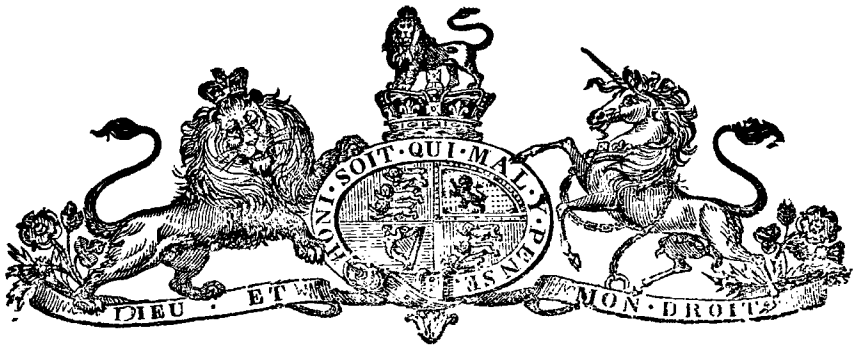


ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. CX.

An Act to consolidate and amend the Acts for rendering effective the Service of *Chelsea* and Naval Out-Pensioners and Pensioners of the *East India* Company, and for establishing a Reserve Force of Men who have been in Her Majesty's Service. [20th *August* 1867.]

WHEREAS by Acts passed in the Sessions holden in the Sixth and Seventh and in the Ninth and Tenth Years of Her Majesty Provision was made for the Enrolment as a local Force, for the Preservation of the Peace, of such Out-Pensioners as therein respectively mentioned, the whole Number to be enrolled not to exceed Twenty thousand: 6 & 7 Vict. c. 95. 9 & 10 Vict. c. 9.

And whereas by an Act passed in the Session holden in the Tenth and Eleventh Years of Her Majesty the said Acts were amended, and Provision was made for the Enrolment as aforesaid of such Out-Pensioners in Her Majesty's Colonies: 10 & 11 Vict. c. 54.

And whereas by an Act passed in the Session holden in the Eleventh and Twelfth Years of Her Majesty the Two Acts firstly herein mentioned were made applicable to such Pensioners from 11 & 12 Vict. c. 84.

the Land Forces of the *East India* Company resident in the United Kingdom who might volunteer to serve Her Majesty as enrolled Pensioners according to the said Acts, the whole Number of Pensioners of the said Hospitals and from the said Land Forces so to be enrolled in the United Kingdom not to exceed Thirty thousand:

22 & 23 Vict. c. 42.

And whereas by an Act passed in the Session holden in the Twenty-second and Twenty-third Years of Her Majesty Provision was made for the Enrolment as a Reserve Force in the United Kingdom, not exceeding Twenty thousand Men, of Persons having previously served in Her Majesty's other Forces or in the Forces of the *East India* Company who might volunteer for Service under that Act:

And whereas it is expedient that the said Acts should be consolidated and amended as herein-after mentioned:

Be it therefore 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:

Short Title.

1. This Act may be cited as "The Reserve Force Act, 1867."

Interpretation of Terms.

2. In this Act—

The following Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction:

"The Secretary of State" means One of Her Majesty's Principal Secretaries of State:

"The Lord Lieutenant" means the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being:

"Governor," as applied to a Colony or Possession, includes the Person for the Time being lawfully administering the Government thereof:

"The Reserve Force" means the Reserve Force established by this Act:

"Out-Pensioners of *Chelsea Hospital*" includes all Persons whose Claims for prospective or deferred Pension have been registered in virtue of any Warrant of Her Majesty.

Establishment of Reserve Force for the United

3. It shall be lawful for Her Majesty to cause to be enrolled and kept up as a Reserve Force in the United Kingdom any Number of Men, not exceeding in the whole Fifty thousand Men; such Men to be divided into Two Classes, not exceeding the respective Numbers,

Numbers, and to consist of the Descriptions of Persons, and to be liable to the different Services, herein-after respectively mentioned; (that is to say,) Kingdom, not exceeding 50,000 Men.

CLASS I.

not to exceed Twenty thousand Men;

to be liable when on permanent Service to serve in the United Kingdom or elsewhere;

and to consist of Men who are serving or have served in any of Her Majesty's Regular Forces, and whose past Service has not exceeded the First Term of Enlistment.

CLASS II.

not to exceed Thirty thousand Men;

to be liable when on permanent Service to serve only in the United Kingdom;

and to consist of—

Persons already enrolled in the United Kingdom by virtue of the said Acts or any of them;

Out-Pensioners of *Chelsea Hospital;*

Out-Pensioners of *Greenwich Hospital* having served in the Royal Marines;

Persons who are serving or have served in any of Her Majesty's Regular Forces, and who have so served for not less than the full Period of the First Term of Enlistment.

4. Subject to the express Provisions of this Act as to the Extent and Nature of their Service, the Reserve Force may be formed into such Corps and may be attached to such Regiments of any of Her Majesty's other Forces as Her Majesty may from Time to Time direct. Formation of Corps, &c.

5. The Men to be enrolled as aforesaid shall be engaged to serve for such Term or respective Terms of Years as may be directed by the Regulations made under this Act: Term of Service to be prescribed by Regulations, &c.

And every Man engaging to serve shall make and sign a Declaration in such Form as with reference to the Terms of his Engagement may be prescribed by such Regulations.

6. It shall be lawful for Her Majesty to appoint to the Reserve Force such Officers and Non-commissioned Officers of any of Her Majesty's other Forces, whether from Full or Half Pay or from the Pension Appointment of Officers.

Pension List, as Her Majesty may deem expedient, and to put the whole or any Part of the Reserve Force under the Command of such General or other Superior Officers of any of such other Forces as Her Majesty may from Time to Time be pleased to appoint.

Force to be called out for Training and Exercise for 12 Days in each Year.

7. The Reserve Force shall be called out for Training and Exercise, together or otherwise, at such Place or Places within the United Kingdom, and for such Time or Times not exceeding Twelve Days in any Year, as Her Majesty through the Secretary of State, or in *Ireland* through the Lord Lieutenant, may direct.

Power to attach Men of Class I. to the Militia.

8. Provided always, That if Her Majesty at any Time, or from Time to Time, so think fit, and through the Secretary of State or (in *Ireland*) the Lord Lieutenant so direct, all or any of the Men in Class I. of the Reserve Force may be attached for the Purpose of Training and Exercise to any Regiment or Regiments of Militia for any Time not exceeding the Time for which such Regiment or Regiments may be assembled for Training and Exercise; and in such Case all the Provisions applicable to the Militiamen of any such Regiment shall, while any such Men as aforesaid are so attached, be applicable to them, and to all other Persons in respect of them, as if they were Militiamen of such Regiment.

Reserve Force may be called out in aid of the Civil Power.

9. It shall be lawful for the Secretary of State, or in *Ireland* for the Lord Lieutenant, at any Time when Occasion may appear to them respectively to require, to call out the whole or so many of the Reserve Force as such Secretary of State or Lord Lieutenant may think necessary, to aid the Civil Power in the Preservation of the public Peace in *Great Britain* and *Ireland* respectively:

And it shall be lawful for any Officer commanding Her Majesty's Forces in any Town or District, on the Requisition in Writing of any Justice of the Peace, to call out for the Purpose aforesaid the Men enrolled in the Reserve Force who may be resident in such Town or District, or such of them as he may think necessary.

In case of Invasion or War, Reserve Force may be called out for permanent Service.

10. In case of actual Invasion or imminent Danger thereof, or in case a State of War exists between Her Majesty and any Foreign Power, it shall be lawful for Her Majesty, by Proclamation, to direct that the Reserve Force, or such Part thereof as Her Majesty may think fit, be called out on permanent Service:

Upon the issuing of any such Proclamation, the Men in Class I. of the Reserve Force, or those of them to whom such Proclamation applies, shall become subject to general Service with Her Majesty's Army,

Army, and the Men in Class II. of the Reserve Force, or those of them to whom the Proclamation applies, shall become liable to serve in aid of the Defence of the Realm, in any Part of the United Kingdom where their Services may be required:

And the said Force, or such Part thereof as may be so called out, shall serve in pursuance of such Proclamation until it be signified to them by Her Majesty's Command that their Services are no longer required, but so nevertheless that the Services of Men so called out shall not be required under such Proclamation beyond Six Months after Peace has been next proclaimed.

Reserve Force may volunteer for Duty.

11. It shall be lawful for Her Majesty through the Secretary of State, or in *Ireland* through the Lord Lieutenant, to direct that such and so many of the Reserve Force as volunteer their Services may be kept on Duty and Pay for any Period not exceeding Six Months in the same Way as the Regular Forces of Her Majesty's Army, and any Person who volunteers for such Service shall be liable to serve accordingly.

Reserve Force, when on Service, to be subject to the Mutiny Act.

12. Whenever the Reserve Force or any Part thereof is called out for Training and Exercise,

or when any of such Force having volunteered their Services for that Purpose are kept on Duty as aforesaid,

or when such Force or any Part thereof is called out in aid of the Civil Power as aforesaid, or is called out on permanent Service under Her Majesty's Proclamation,

all the Provisions of any Act then in force for punishing Mutiny and Desertion and for the better Payment of the Army and their Quarters, and the Articles of War in force under the Authority of such Act, shall apply to and in respect of the said Force or such Part thereof as may be or ought to be on Duty on any of the Occasions aforesaid, and the Officers and Non-commissioned Officers appointed to command them, as fully as such Act and Articles may be applicable to and in respect of Her Majesty's Regular Forces; and Offences committed by such Officers and Non-commissioned Officers and the Men of such Force as may be or ought to be on Duty on any of the Occasions aforesaid may be inquired of and tried by Court-martial assembled under the Provisions of any such Act according to the usual Discipline of Her Majesty's Army;

and Courts-martial for the Trial of any such Offences may be holden, and the Punishment awarded by any such Court-martial may be inflicted, either during the Time for which such Officers,

Non-commissioned Officers, and Men are or ought to be so on Duty as aforesaid, or at any Time within Twelve Months after the Offence has been committed or the Offender has been apprehended.

Punishment for Absence or Desertion.

13. Every Man enrolled in the Reserve Force who, without Leave lawfully granted, or Sickness certified according to any Regulations made under this Act, does not appear at the Time and Place appointed for his Training and Exercise, or for permanent or voluntary Service, or for his Service in aid of the Civil Power, or who having appeared or joined the Force at the Place appointed deserts or absents himself before the Expiration of the Time of Training and Exercise, or before being duly discharged from such permanent or voluntary or other Service as aforesaid, shall be deemed a Deserter, and be liable to be tried and punished by Court-martial under the foregoing Provision, and be also liable to such Forfeiture of Pay, Pension, or Allowance as may be directed by the Regulations made under this Act.

Penalty for damaging or selling or purchasing Accoutrements, &c.

14. Every Man enrolled in the Reserve Force who carelessly loses, destroys, or damages any Arms, Accoutrements, Ammunition, or Clothing provided for him or entrusted to his Charge, shall be liable to make good the same out of his Pay, Pension, or Allowance as may be directed by any Regulations made under this Act, together with such Penalty, not exceeding double the Amount of such Loss or Damage, as the Secretary of State may direct;

and every such Man who wilfully damages or destroys, or who sells, pawns, or otherwise unlawfully disposes of any such Arms, Accoutrements, Ammunition, or Clothing, shall be liable to such Forfeiture of Pay, Pension, or Allowance as may be directed by such Regulations:

And any Person knowingly purchasing or receiving the same shall, on summary Conviction before any Justice of the Peace, forfeit any Sum not exceeding Five Pounds;

and One Moiety of such Penalty shall go to the Person who informs for the same, and the other Moiety, or where the Offence is proved by the Informer, then the whole of the Penalty, shall be paid and applied in such Manner as the Secretary of State may direct, anything in any Act to the contrary notwithstanding:

And every Justice who adjudges any such Penalty shall within Four Days report the same and his Adjudication thereof to Her Majesty's Principal Secretary of State for the War Department; and in this Enactment the Terms "Justice of the Peace" and "Justice"

"Justice" shall respectively include, as regards *Scotland*, Sheriff, Sheriff Substitute, and Magistrate.

Regulations to be made by Secretary of State.

15. Subject to the Provisions of this Act, it shall be lawful for the Secretary of State to make Regulations in relation to the Execution of this Act, as follows:

as to the Ages and other Qualifications of Men to be enrolled thereunder;

as to the Term or Terms of Service of Men to be so enrolled;

as to the Declarations to be made on or in relation to being so enrolled;

for the Pay of the Officers and Non-commissioned Officers appointed, and Men so enrolled;

for Pensions of Men in respect as well of their Services under this Act as of their previous Services;

as to the Arms, Clothing, Equipment, and Allowances of such Officers, Non-commissioned Officers, and Men;

for the Government of the said Force;

for Fines and Penalties or Forfeitures for Absence from, or Misconduct during, Training and Exercise, or during permanent, voluntary, or other Service, or for the Breach of any of the said Regulations, and the Deduction of such Fines and Penalties from any Pay, Allowance, or Pension which may become due to the Offender;

and as to any Matters by this Act made subject to Regulations made thereunder.

Provisions of Turnpike and Railway Acts as to Soldiers to apply to the Force under this Act.

16. For the Purposes of all Enactments relating to Turnpike Roads and to Tolls, the Men enrolled and Officers and Non-commissioned Officers appointed under this Act while on Duty, or going to or returning from any Place of Training and Exercise, or of permanent, voluntary, or other Service, shall be deemed Soldiers and Officers of Her Majesty on Duty, and all such Enactments having reference to Officers and Soldiers on Duty shall be construed accordingly; and the Enactments for the Time being in force concerning the Conveyance by Railway of Her Majesty's Forces of the Line, and their Baggage, Stores, Arms, Ammunition, and other Necessaries and Things, shall apply to the Conveyance of the Reserve Force, their Baggage, Stores, Arms, Ammunition, Necessaries, and Things, and as well with respect to the Officers and Non-commissioned Officers appointed under this Act as with respect to the Men enrolled in such Force.

Men to be exempted from serving

17. Men enrolled and Officers and Non-commissioned Officers appointed under this Act shall not be liable to serve on any Jury, nor

Parish Offices, &c.

nor to serve the Office of Constable, or any other Parochial, Township, or Borough Office.

Provisions of this Act to apply for enrolling Out-Pensioners as a local Force in any Colony, and with respect to such Force.

18. The Provisions of this Act shall apply to all Out-Pensioners of *Chelsea Hospital* and to all Out-Pensioners of *Greenwich Hospital* who have served in the Royal Marines residing in any of Her Majesty's Colonies and Possessions abroad in which any Officers have been or may be appointed, pursuant to any Act for the Time being in force for the Payment and Superintendence of the said Out-Pensioners:

And it shall be lawful for Her Majesty, from Time to Time, by Warrant under the Royal Sign Manual, to fix the Number of Men to be enrolled in every such Colony and Possession as a local Force, and to cause them to be armed and equipped as the Governor may direct:

And all the Provisions of this Act for calling out the Reserve Force, or any Part thereof, for Training and Exercise, for calling out such Force, or any Part thereof, on any of the Occasions herein-before in this Behalf mentioned, and for keeping on Duty and Pay such of the Reserve Force as volunteer their Services, and otherwise in relation to Class II. of such Force and to other Persons in respect of such Force, and authorizing Regulations to be made concerning the Service of the Men, and otherwise, shall apply to and in respect of such local Force as aforesaid in any such Colony or Possession, and to or in respect of any like Force established under any of the Acts hereby repealed, the same Colony or Possession being substituted for the United Kingdom, and the Governor of such Colony or Possession being substituted for the Secretary of State.

Warrants and Regulations to be laid before Parliament.

19. All Warrants and Regulations to be issued or made under this Act shall be laid before both Houses of Parliament within Fourteen Days next after the issuing or making thereof, if Parliament be then sitting, or if Parliament be not sitting, then within Fourteen Days after the next meeting of Parliament.

Acts in Schedule to this Act repealed.

20. The Acts mentioned in the Schedule to this Act are hereby repealed;

but such Repeal shall not, save as herein otherwise provided, affect any past Act, or any existing Right, or any Remedy in respect thereof, or the Proof of any past Act;

and all existing Regulations made under the Authority of any Act hereby repealed shall be of the same Force and Effect as if made under this Act;

and every existing Commission and Appointment by or under the Acts hereby repealed or any of them shall be of the same Force and Effect

Effect for the Execution and for all the Purposes of this Act, and shall be revocable in like Manner, as if the same were granted hereunder; and any such Commission or Appointment having reference to any of the Descriptions of Persons composing Class II. of the Reserve Force shall have Effect with reference to all Descriptions of Persons composing such Class;

and any Offence against any of the said Acts committed before the passing of this Act shall be punished as if this Act had not been passed.

SCHEDULE.

ACTS REPEALED.

6 & 7 Vict. c. 95.	An Act for rendering more effective the Services of such Out-Pensioners of Chelsea Hospital as shall be called out to assist in preserving the public Peace.
9 & 10 Vict. c. 9.	An Act for amending the Act for rendering effective the Services of the Chelsea Out-Pensioners, and extending it to the Out-Pensioners of Greenwich Hospital.
10 & 11 Vict. c. 54.	An Act to amend the Acts for rendering effective the Service of the Chelsea and Greenwich Out-Pensioners.
11 & 12 Vict. c. 84.	An Act to amend the Acts for rendering effective the Service of the Chelsea and Greenwich Out-Pensioners, and to extend them to the Pensioners of the East India Company.
22 & 23 Vict. c. 42.	An Act to provide for the Establishment of a Reserve Force of Men who have been in Her Majesty's Service.

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