

ORDER IN COUNCIL

VII

1954

ratifying a *Projet de Loi*

ENTITLED

The National Service (Guernsey) Law, 1954.

(Registered on the Records of the Island of Guernsey
on the 13th day of November, 1954.)



1954.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 13th day of November, 1954, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present:— Sir John Leale, Arthur Falla, Walter John Sarre, William Robert Freake Clark, Ernest Francis Lainé, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx, Wilfred John Corbet and Bertram Guy Blampied, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 19th day of October, 1954, ratifying a Projet de Loi entitled "The National Service (Guernsey) Law, 1954",—the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace.

The 19th day of October, 1954.

PRESENT,

The Queen's Most Excellent Majesty

LORD CHANCELLOR
 LORD PRESIDENT
 EARL OF MUNSTER
 MR. SECRETARY LLOYD-GEORGE
 MR. MACMILLAN
 MR. SANDYS
 MR. THOMAS
 SIR DAVID ECCLES
 MR. HEATHCOAT AMORY
 SIR MICHAEL ADEANE

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 23rd day of September, 1954, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February, 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

1. That, in pursuance of their Resolutions of the 20th day of September, 1950, and the 23rd day of July, 1952, the States of Deliberation at a meeting held on the 2nd day of June, 1954, approved a Bill or “Projet de Loi” entitled “The National Service (Guernsey) Law, 1954” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said

Bill or "Projet de Loi" is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The National Service (Guernsey) Law, 1954" and to order that the same shall have the force of Law in the Islands of Guernsey, Herm and Jethou.

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Islands of Guernsey, Herm and Jethou.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. G. AGNEW.

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

The National Service (Guernsey) Law, 1954.

Arrangement of Sections.

Section

PART I

SERVICE IN THE ARMED FORCES

Liability for service in the armed forces.

1. Liability to be called up for service.

Procedure for calling up for service in the armed forces

2. Persons required to register.
3. Registration.
4. Medical examination.
5. Enlistment in the forces.
6. Early registration and call up.
7. Limit of ages for calling-up in case of medical and dental practitioners.

Postponement of liability for service in the armed forces

8. Applications for postponement on grounds of hardship of liability to be called up for service.
9. Appeals from determinations of the tribunal.
10. Revocation of postponement certificate.
11. Suspension of right to postponement of liability to be called up for service.

*Section**Conscientious objectors*

12. Registration in register of conscientious objectors.
13. Changes in register of conscientious objectors.
14. Breach of condition of registration as conscientious objector.
15. Provisions as to certain persons sentenced for failure to attend medical examination.
16. Provisions as to certain persons sentenced by court martial.

Supplemental

17. Liability to complete interrupted service.
18. Information to be furnished by education authorities.
19. False statements and forgery.
20. General provisions as to offences.
21. Service of notices.

PART II

SAFEGUARDING OF EMPLOYMENT

Reinstatement in civil employment after whole-time service.

22. Obligation of employers to reinstate former employees.
23. Mode of making, time for making and duration of applications for reinstatement.
24. Duty of applicant to state date of availability for employment.
25. Obligation of employer to continue to employ reinstated employees.
26. Priority of claims to employment.
27. Special provisions as to re-enlistment.
28. Applications to the tribunal.
29. Appeals from the tribunal.

Section

- 30. Enforcement.
- 31. Waiver, etc.
- 32. Meaning of expression "former employer".
- 33. Evidence.
- 34. Priority in bankruptcy of sums ordered to be paid by employer.

Prohibition of dismissal of employees by reason of liability for whole-time service

- 35. Prohibition of dismissal of employees by reason of liability for whole-time service.

PART III

GENERAL

- 36. Power to make regulations.
- 37. Hearing before the tribunal.
- 38. Expenses.
- 39. Remuneration, allowances, etc.
- 40. Interpretation.
- 41. Repeal.
- 42. Duration and suspension of Law.
- 43. Commencement.

SCHEDULES

FIRST SCHEDULE—PERSONS NOT LIABLE TO BE CALLED UP FOR SERVICE.

SECOND SCHEDULE—LENGTH OF WHOLE-TIME SERVICE.

THIRD SCHEDULE—CONSTITUTION OF THE TRIBUNAL AND OF THE APPELLATE TRIBUNAL.

FOURTH SCHEDULE—PROVISIONS APPLICABLE TO ORDERS OF THE TRIBUNAL UNDER SECTION TWENTY-EIGHT OF THIS LAW.

PROJET DE LOI

ENTITLED

The National Service (Guernsey) Law, 1954.

WHEREAS the ancient privilege of the inhabitants of the Bailiwick of the Island of Guernsey of immunity from military service out of the Islands, unless it be to accompany the Sovereign their Duke in person for the recovery of England or that the person of the Sovereign should be taken prisoner by the enemy, has been recognised by successive Sovereigns and was expressly confirmed by an Order of His Late Majesty in Council dated the 6th day of November, 1916:

THE STATES, notwithstanding the foregoing, in pursuance of their Resolution of the 20th day of September, 1950, and their Resolution of the 23rd day of July, 1952, have approved the following provisions which, subject to the sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

PART I

SERVICE IN THE ARMED FORCES

Liability for service in the armed forces

1. (1) Subject to the provisions of this part of this Law, every male British subject ordinarily resident in Guernsey who has attained the age of eighteen years and has not attained the age of twenty-six years and is not a person mentioned in the First Schedule

Liability
to be called
up for
service.

to this Law shall be liable to be called up to serve in the armed forces of the Crown for two terms of service, that is to say—

- (a) a term of whole-time service in the regular forces of the Crown in this Island or elsewhere; and
- (b) subject to the provisions of subsection (5) of this section, a term of reserve service in accordance with subsection (3) of this section.

(2) Subject to the provisions of this Law, the term of whole-time service for which a person shall be liable to be called up under this Law shall be a period of twenty-four months beginning with the day on which he is required by an enlistment notice served under section three of this Law, to present himself to the authority specified therein and ending when his term of whole-time service is completed in accordance with the provisions of the Second Schedule to this Law:

PROVIDED that the States may by Ordinance appoint a period shorter than twenty-four months as the term of whole-time service for which a person shall be liable to be called up as aforesaid.

(3) On the next day after that on which the term of a person's whole-time service is completed he shall, subject to the provisions of subsection (4) of this section and of subsection (5) of this section, be deemed—

- (a) if his last service during that term was in the Royal Navy or the Royal Marines, to be entered for service in the Royal Naval Special Reserve raised and maintained by the Admiralty for the purposes of Part I of the National Service Act, 1948,
- (b) if that last service was in the Regular Army, to be enlisted for service in the Army Reserve established by the Army Reserve Act, 1950, or

- (c) if that last service was in the Regular Air Force, to be enlisted for service in the Air Force Reserve established by the Air Force Reserve Act, 1950,

for a term of reserve service ending with the expiration of the first six months of the sixth year after the beginning of his term of whole-time service; so, however, that the end of a person's reserve service shall be postponed by any period by which the term of his whole-time service was extended by virtue of proviso (b) to paragraph one of the Second Schedule to this Law.

(4) A person deemed to be entered or enlisted for service by virtue of subsection (3) of this section, shall not be liable to any obligation arising out of such entry or enlistment otherwise than during the period for which he is called out on permanent service in the case of imminent national danger or of great emergency—

- (a) where he is entered for service in the Royal Naval Special Reserve in accordance with the provisions of the Royal Naval Reserve (Volunteer) Act, 1859, pursuant to an Order of Her Majesty under subsection (4) of that Act, calling up the Royal Naval Special Reserve, or
- (b) where he is enlisted for service in the Army Reserve in accordance with the provisions of the Army Reserve Act, 1950, pursuant to an Order of Her Majesty under section five of that Act, calling out the Army Reserve, or
- (c) where he is enlisted for service in the Air Force in accordance with the provisions of the Air Force Reserve Act, 1950, pursuant to an Order of Her Majesty under section five of that Act, calling out the Air Force Reserve.

(5) Notwithstanding anything in subsection (3) of this section contained, if, during his whole-time

service, a person shall have been accepted as a volunteer by the Admiralty, the Army Council or the Air Council, as the case may be, for service in the Royal Naval Reserve, the Royal Naval Volunteer Reserve, the Royal Marine Forces Volunteer Reserve, the Territorial Army, the Army Reserve, the Royal Air Force Volunteer Reserve or the Royal Auxiliary Air Force and has entered into an engagement whereby he will, on the day next after that on which his term of whole-time service is completed, be entered or enlisted in one of those forces as a volunteer for a term not less than the term of reserve service which he would otherwise be required to serve under this Part of this Law, he shall not be deemed to be entered or enlisted in accordance with the provisions of the said subsection.

Procedure for calling up for service in the armed forces

Persons
required to
register.

2. (1) The Committee may from time to time by notice in La Gazette Officielle require male persons who have attained such age as may be specified in the notice (not being less than seventeen years and eight months), being persons who if they had attained the age of eighteen would have become liable under this Law to be called up for service in the armed forces of the Crown, to be registered for such service under this Law.

(2) Subject to the provisions of section six of this Law, references in this Law to persons subject to registration shall be construed as references to all persons, including persons who have been registered, who for the time being are liable under this Law to be called up for service or who, having been required to be registered by virtue of a notice under this section would for the time being be liable to be so called up if they had attained the age of eighteen.

3. (1) The Committee may make regulations requiring any person who becomes subject to registration—

Registration.

- (a) to furnish, at such place and time, in such manner, and to such authority or person, as may be notified in accordance with the regulations, such particulars about himself as may be so notified; and
- (b) except in the case of a person not required by the regulations to make such an application, to make at such place and time, in such manner and to such authority or person, as may be notified in accordance with the regulations, an application to be registered under this Part of this Law.

(2) Regulations made under the last foregoing subsection may make different provision in relation to different classes of persons subject to registration, and may provide for exempting from any requirements of the regulations any class of persons with respect to whom the Committee is satisfied that particulars sufficient for the purposes of this Law can be ascertained otherwise than by virtue of those requirements.

(3) If any person fails to comply with any requirements imposed on him by regulations made under subsection (1) of this section, he shall be guilty of an offence under this Part of this Law.

(4) It shall be the duty of the Committee to secure—

- (a) that upon application being duly made for registration under this Law, the name and address of the applicant (together with particulars of the matters with respect to which information was given by the applicant in accordance with the regulations) are entered in a register kept for the purposes of this Law (in

this Law referred to as "the Guernsey military service register"); and

(b) that upon the applicant being registered, a certificate of registration is issued to him in the prescribed form.

(5) The Committee may cause a certificate of registration to be issued to any person of a class exempted from any of the requirements of regulations made under subsection (1) of this section, as if that person had duly applied to be registered under this Law.

(6) If any person subject to registration notifies the Committee in the prescribed manner that he has a preference for naval or air force service, that fact shall be recorded in the Guernsey military service register, or if he is a person of a class exempted from registration, in such other manner as the Committee thinks fit.

(7) A person to whom a certificate of registration has been issued under this section shall, if at any time while he remains subject to registration he is requested so to do by a policeman in uniform, produce the certificate to the policeman or, if he has not the certificate with him, produce it in person within two clear days at the police station.

If a person fails to comply with this subsection, he shall be guilty of an offence under this Part of this Law.

(8) The Committee may by regulations provide for the issue in specified circumstances of fresh certificates of registration in place of certificates which have been lost, destroyed or defaced.

(9) If at any time while a person registered under this Law remains subject to registration any change occurs in his name or address, he shall forthwith

notify the change to the Committee in the prescribed manner, and at the same time return to the Committee any certificate of registration held by him, and if he fails to do so, he shall be guilty of an offence under this Part of this Law, and the Committee, upon the receipt of such a notification, shall cause the necessary corrections to be made in the register and shall either cause the certificate to be corrected and returned to the person registered or cause a fresh certificate to be issued to him.

4. (1) The Committee may from time to time cause to be served on any person subject to registration a written notice in the prescribed form requiring that person to submit himself to medical examination by a medical board at such place and time as may be specified in the notice; and where such a notice has been served on any person, the Committee may at any time while that person remains subject to registration cancel the notice or cause to be served on him a further notice varying the original notice by altering the place or time at which he is thereby required to submit himself to medical examination.

Medical
Examina-
tion.

(2) The Committee may make regulations for determining the constitution of medical boards for the purposes of this section, and for regulating the procedure of such boards, and such regulations may, in particular, enable a medical board—

- (a) in a case where the board is unable to complete a medical examination on one occasion, to direct the person examined to submit himself to a further medical examination by a medical board at a specified time and place; and
- (b) to direct the person examined to submit himself to examination by a consultant examiner.

(3) The Committee shall by regulations determine the categories in which persons medically examined

under this section are to be placed by reference to their physical condition.

(4) If any person fails to comply with the requirements of a notice served on him under subsection (1) of this section or of any regulations made or directions given by virtue of subsection (2) of this section, he shall be guilty of an offence under this Part of this Law.

(5) The court, by which a person is convicted of an offence made under this Part of this Law by reason of his failure to comply with—

- (a) a notice served on him by the Committee under subsection (1) of this section requiring him to submit himself to medical examination by a medical board; or
- (b) directions given by a medical board by virtue of paragraph (a) of subsection (2) of this section requiring him to submit himself to a further medical examination by a medical board; or
- (c) directions given by a medical board by virtue of paragraph (b) of the said subsection (2) requiring him to submit himself to examination by a consultant examiner;

may, without prejudice to any penalty which may be imposed upon him, order him to submit himself to medical examination, further medical examination, or examination by a consultant examiner, as the case may be, at such time and place as may be fixed by a notice served on him by the Committee and any such order may provide that he shall be detained in custody until that time and taken by a policeman to that place at that time:

PROVIDED that no person shall be detained by virtue of any such order for more than seven days.

(6) A person who, having been ordered by a court under the last foregoing subsection to submit himself to examination and to be detained in custody and taken by a policeman to the place and at the time at which he is to be examined, fails to submit himself for examination in accordance with the order may be arrested by a policeman without warrant.

(7) A person who fails to submit himself for examination in accordance with an order made under subsection (5) of this section shall be guilty of an offence under this Part of this Law and liable—

- (a) on conviction on indictment before the Royal Court, to imprisonment with or without hard labour for a term not exceeding two years or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine; or
- (b) on conviction before the Magistrate to imprisonment with or without hard labour for a term not exceeding six months, or to a fine not exceeding fifty pounds or to both such imprisonment and such fine.

(8) A notice served on a person under this section shall cease to have effect if, before the date on which he is thereby required to submit himself to examination, he ceases to be subject to registration.

5. (1) The Committee may cause to be served on any person for the time being liable under this Law to be called up for service who has been medically examined under the last foregoing section a written notice (in this Law referred to as “an enlistment notice”) stating that he is called up for service in such one of the regular forces as may be specified in the notice, and requiring him to present himself at such place in this Island or elsewhere and at such time, and to such authority, as may be so specified; and,

Enlistment
in the
forces.

subject to the following provisions of this Law, the person upon whom the notice is served shall be deemed, as from the day so specified, to have been duly entered or enlisted for service in the force so specified, and the term or period for which he is so entered or enlisted shall, notwithstanding anything in any Law or regulations, begin with the said day and end when his term of whole-time service is completed in accordance with the provisions of the Second Schedule to this Law:

PROVIDED that an enlistment notice shall not require the person upon whom it is served to present himself on a day earlier than the fifteenth day after the date of the service of the notice or such earlier day as may be determined at his request.

(2) Where an enlistment notice has been duly served on any person, the Committee may, at any time while that person remains liable under this Law to be called up for service, cancel the notice or cause to be served on him a further enlistment notice varying the original notice by altering the place or time at which he is thereby required to present himself, and in particular, without prejudice to the generality of the foregoing provision, the Committee may, if it is in doubt whether an enlistment notice served on any person other than by registered post has been received by him, cause a further enlistment notice to be served on him by registered post and may by that notice direct that the former notice shall be deemed never to have had effect.

(3) Where, at the beginning of the day specified in an enlistment notice as the day on which the person to whom the notice relates is thereby required to present himself, any of the following conditions is fulfilled, that is to say—

(a) that a postponement certificate relating to him is in force;

- (b) that any application or appeal by him under section eight, section nine or section twelve of this Law is pending;
- (c) that any determination made with respect to any such application or appeal is subject to appeal and that the time for bringing such an appeal has not expired,

the enlistment notice served on him shall be of no effect.

(4) An enlistment notice served on any person shall cease to have effect if before the day on which he is thereby required to present himself he ceases to be liable under this Law to be called up for service.

6. (1) The Committee shall by regulations make provision whereby, for sufficient cause, any person who is subject to registration, or might but for his age be made subject to registration, may if he so desires be called up for service at any time after he has attained the age of seventeen years and six months; and any regulations so made may allow any person as aforesaid who has attained the age of seventeen years and two months to be registered in the Guernsey military service register notwithstanding that he has not been required to be so registered by notice under section two of this Law or by regulations under section three of this Law.

Early registration and call up.

(2) Any reference in any provision of this Law, other than this section, to persons subject to registration shall include a reference to persons registered in the Guernsey military service register by virtue of this section.

7. In relation to a registered medical practitioner or a registered dentist, this Law shall have effect with the substitution of thirty years for twenty-six years as the age on the attaining of which a person ceases to be liable under this Law to be called up for service, and references in this Law to twenty-six years shall

Limit of ages for calling-up in case of medical and dental practitioners.

accordingly be construed in relation to registered medical practitioners and registered dentists as references to thirty years.

Postponement of liability for service in the armed forces

Applications for postponement on grounds of hardship of liability to be called up for service.

8. (1) Subject to the provisions of this section, any person for the time being subject to registration who has been medically examined under section four of this Law, or is permitted under this section so to apply without having been medically examined, may apply in the prescribed manner to the Committee for a certificate of postponement of liability under this Law to be called up for service (in this Law referred to as "a postponement certificate"), on the ground that exceptional hardship would ensue if he were called up for service, and may, on that ground, apply in the prescribed manner to the Committee for the renewal of any postponement certificate granted to him.

- (2) Where an application is made—
- (a) for the grant of a postponement certificate—
- (i) not more than two days after the result of the applicant's medical examination has been notified to him, the Committee shall refer the application for decision by the tribunal,
- (ii) more than two days after the result of the applicant's medical examination has been notified to him and before an enlistment notice has been served on him, or after such notice has been served on him at any time before the day specified in the notice as the day on which he is thereby required to present himself, the Committee shall refer the application for decision by the

tribunal unless it is not satisfied, having regard to the grounds on which the application is made, that the making thereof has not been unreasonably withheld;

- (b) for the renewal of a postponement certificate—
- (i) at any time before the expiration of the period for which that certificate was granted or last renewed, the Committee shall refer the application for decision by the tribunal,
 - (ii) at any time after the expiration of the period for which that certificate was granted or last renewed and before an enlistment notice is served on the holder of the certificate, the Committee may in special circumstances, refer the application for decision by the tribunal,

and the tribunal if satisfied upon the application referred to it under this subsection that the grounds upon which the application was made are established, may direct the Committee to issue to the applicant a postponement certificate or a renewal of a postponement certificate as the case may be.

(3) If, with respect to any person subject to registration who has not been medically examined under section four of this Law, the Committee is satisfied that, by reason of special circumstances, it is desirable that he should be able to apply for a postponement certificate without having been medically examined thereunder, the Committee may permit him to apply for such a certificate.

(4) The Committee may make regulations as to the principles to be applied, and the circumstances to which regard is and is not to be had, on the hearing of any application for the grant or renewal of a

postponement certificate, and as to the period for which a postponement certificate may be granted or renewed.

(5) The period during which a postponement certificate is in force shall be added to the period during which the person to whom the certificate was granted is liable under this Law to be called up for service; and accordingly this Law shall, in relation to that person, have effect as if for references therein to the age of twenty-six years there were substituted references to an age being the sum of twenty-six years and the period during which the certificate is in force.

Appeals
from deter-
minations of
the tribunal.

9. An applicant for a postponement certificate who is aggrieved by the determination of the tribunal, and the Committee, if it considers it necessary, may, within the prescribed time and in the prescribed manner, appeal to the Appellate Tribunal, whose decision shall be final:

PROVIDED that, if the determination of the tribunal with respect to any applicant was unanimous, the applicant shall not be entitled to appeal to the Appellate Tribunal except with leave of the tribunal.

Revocation
of postpone-
ment certi-
ficate.

10. (1) If, at any time while a postponement certificate is in force, it appears to the Committee that, by reason of any change in the circumstances of the person to whom the certificate was granted, the certificate ought to be revoked or the period for which it was granted or last renewed ought to be shortened, the Committee may apply to the tribunal, and the tribunal may either refuse the application or cancel the certificate or vary it by shortening the said period.

(2) Where an application is made under the last foregoing subsection, the person to whom the postponement certificate in question was granted shall be

entitled to be heard on the application; and the provisions as to appeals contained in the last foregoing section shall apply in relation to the application as if it were an application for the grant of a postponement certificate made by the person to whom the certificate in question was granted.

11. (1) The Committee, if satisfied at any time that by reason of the gravity of the situation it is necessary so to do, may by order—

Suspension of right to postponement of liability to be called up for service.

- (a) cancel, either generally or in relation to a specified class of persons, all postponement certificates in force at the date of the order; and
- (b) abrogate, either generally or in relation to a specified class of persons, any right to apply for the grant of a postponement certificate and any right of appeal from the refusal to grant such a certificate;

and the Committee may by order vary or revoke any order in force under this section, without prejudice, however, to the previous effect of that order.

(2) Where, on the day on which an order comes into force under this section abrogating any right of appeal from the refusal to grant a postponement certificate, such an appeal is pending on the part of a person to whom the order applies or the time for any such appeal has not expired, the appeal shall be deemed to be dismissed or the time to expire, as the case may be, in the course of that day.

Conscientious objectors

12. (1) If any person subject to registration claims that he conscientiously objects—

Registration in register of conscientious objectors.

- (a) to being registered in the Guernsey military service register, or

(b) to performing military service, or

(c) to performing combatant duties,

he may, on furnishing the prescribed particulars about himself, apply in the prescribed manner to be registered as a conscientious objector in a special register to be kept by the Committee (in this Part of this Law referred to as "the Guernsey register of conscientious objectors"):

PROVIDED that where, in the case of a person who has been medically examined under section four of this Law, such an application is made more than two days after the result of his medical examination has been notified to him, the Committee shall dismiss the application unless it is satisfied, having regard to the grounds on which the application is made, that the making thereof has not been unreasonably delayed.

(2) Where any person applies in accordance with the last foregoing subsection to be registered in the Guernsey register of conscientious objectors, he shall, unless his application is dismissed in accordance with the proviso to that subsection, be provisionally registered in that register.

(3) A person who has been provisionally registered in the Guernsey register of conscientious objectors shall within the prescribed period and in the prescribed manner, make to the tribunal an application stating to which of the matters mentioned in paragraphs (a) to (c) of subsection (1) of this section he conscientiously objects, and if he fails to do so the Committee shall remove his name from the register of conscientious objectors.

(4) An applicant for registration as a conscientious objector who is aggrieved by any order of the tribunal, and the Committee, if it considers it necessary, may, within the prescribed time and in the

prescribed manner, appeal to the Appellate Tribunal and the decision of the Appellate Tribunal shall be final.

(5) Any person authorised by the Committee shall on their behalf, be entitled to be heard on any application or appeal to the tribunal or the Appellate Tribunal under this section.

(6) The tribunal, if satisfied, upon an application duly made to it under this section, or the Appellate Tribunal if satisfied on appeal, that the ground upon which the application was made is established shall by order direct either—

- (a) that the applicant shall without conditions be registered in the Guernsey register of conscientious objectors; or
- (b) that he shall be conditionally registered in that register until the end of a period of twenty-four months and sixty days, the condition being that he must until the end of that period undertake work specified by the tribunal, of a civil character and under civilian control, and
 - (i) submit himself to such medical examination at such place and time as the Committee may direct for the purpose of ascertaining the applicant's fitness for that work;
 - (ii) undergo such training provided or approved by the Committee as the Committee may direct for the purpose of fitting the applicant for that work;
 and that at the end of that period he shall be registered in that register without conditions; or
- (c) that he shall be registered in that register as a person liable or prospectively liable under this Part of this Law to be called up for service

but to be employed only in non-combatant duties;

but, if not so satisfied, shall by order direct that his name shall be removed from the Guernsey register of conscientious objectors:

PROVIDED that in relation to any person who, by reason of his age, has not yet become liable under this Law to be called up for service, any condition imposed under paragraph (b) of this subsection shall be suspended until he attains the age of eighteen.

(7) The Committee may provisionally register in the Guernsey register of conscientious objectors any person subject to registration, notwithstanding that he has refused or failed to make any application in that behalf, if in the Committee's opinion there are reasonable grounds for thinking that he is a conscientious objector, and the Committee may refer the case of that person to the tribunal; and thereupon the provisions of this section shall have effect in relation to that person as if the necessary applications had been made by him, and reference in this section to the "applicant" shall be deemed to include references to him.

(8) Any person unconditionally registered in the Guernsey register of conscientious objectors by virtue of paragraph (a) of subsection (6) of this section or conditionally registered therein by virtue of paragraph (b) of that subsection shall not be liable to be called up for service so long as he is so registered.

(9) The Committee shall make arrangements with a view to securing that, where a person registered in the register of conscientious objectors by virtue of paragraph (c) of subsection (6) of this section as a person liable or prospectively liable under this Part of this Law to be called up for service but to be employed only in non-combatant duties is called up

for service under this Part of this Law, he shall, during the period for which he serves by virtue of being so called up, be employed only in such duties.

(10) If, while a person is conditionally registered in the Guernsey register of conscientious objectors, any change occurs in the particulars about him registered in that register, he shall forthwith notify the change to the Committee in the prescribed manner and if he fails to do so shall be liable to a fine not exceeding five pounds.

13. (1) A registered conscientious objector may at any time apply to the Committee in the prescribed manner either—

Changes in register of conscientious objectors.

- (a) for the removal of his name from the Guernsey register of conscientious objectors and for his registration in the Guernsey military service register as a person liable or prospectively liable under this Law to be called up for service; or
- (b) for his registration in the Guernsey register of conscientious objectors as a person liable or prospectively liable as aforesaid, but to be employed only in non-combatant duties.

(2) A person registered in the Guernsey register of conscientious objectors as a person liable or prospectively liable under this Law to be called up for service but to be employed only in non-combatant duties, may, at any time before the day specified in an enlistment notice served upon him as the day on which he is thereby required to present himself, apply to the Committee in the prescribed manner for the removal of his name from that register and for his registration in the Guernsey military service register as a person liable or prospectively liable under this Law to be called up for service.

(3) The Committee shall make arrangements with a view to enabling a person registered in the

Guernsey register of conscientious objectors as a person liable to be called up for service under this Part of this Law, but to be employed only in non-combatant duties, to apply to the Committee, at any time on or after the day mentioned in the last foregoing subsection, for the removal of his name from that register and for his registration in the Guernsey military service register as a person liable to be called up for service under this Part of this Law; and where such an application is granted, the applicant may be employed in combatant duties.

(4) Where an application made under this section is granted, the Committee shall cause the register or registers to be amended accordingly.

Breach of
condition of
registration
as consci-
entious
objector.

14. (1) Where it appears to the Committee that a conditionally registered conscientious objector has failed to comply with any condition on which he is registered, but had reasonable excuse for the failure, the Committee may refer his case to the tribunal.

(2) Where it appears to the Committee that a conditionally registered conscientious objector has, at any time after the expiration of one month after the condition relating to his undertaking work has been imposed on him, failed to undertake the work specified by the tribunal or ceased to undertake it, the Committee may direct him to undertake any work so specified until the end of the period during which he is so registered or the direction is withdrawn.

(3) On any reference of the case of any person to the tribunal under subsection (1) of this section, the tribunal, if it is satisfied that he has failed to comply with the condition but had reasonable excuse for the failure, shall report to the Committee accordingly and either—

(a) make no order in the matter; or

- (b) order that the person whose case has been referred shall be registered without conditions in the Guernsey register of conscientious objectors; or
- (c) order that the condition on which he was registered shall be varied, or that another condition shall be substituted therefor,

and any order made under paragraph (b) or (c) of this subsection shall have effect notwithstanding any previous order made by the tribunal or by the Appellate Tribunal.

(4) Where the case of any person has been referred to the tribunal under subsection (1) of this section—

- (a) that person, if he is aggrieved by the order of the tribunal or by its failure to make an order or report to the Committee; or
- (b) the Committee, if it considers it necessary; may within the prescribed time and in the prescribed manner appeal to the Appellate Tribunal, and the decision of the said Tribunal shall be final.

(5) If a person conditionally registered as a conscientious objector fails to comply with any condition on which he is registered or any direction given to him by the Committee under subsection (2) of this section he shall, unless he satisfies the court that he had reasonable excuse for the failure, be guilty of an offence under this Part of this Law and liable—

- (a) on conviction on indictment before the Royal Court, to imprisonment with or without hard labour for a term not exceeding two years, or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine; or
- (b) on conviction before the Magistrate, to imprisonment with or without hard labour for

a term not exceeding six months, or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine.

(6) Where the case of any person has been referred to the tribunal under subsection (1) of this section, a prosecution shall not be instituted against him,

- (a) unless the tribunal has determined the matter and made no report that he had reasonable excuse for the failure and the time for appealing from that determination has expired; or
- (b) where an appeal has been brought from the determination of the tribunal, unless the Appellate Tribunal has determined the matter and made no such report as aforesaid.

(7) On the prosecution of any person for such an offence, a certificate purporting to be signed on behalf of the Committee and stating—

- (a) that the Committee has not referred the case of that person to the tribunal under subsection (1) of this section; or
- (b) that the Committee has so referred the case and either—
 - (i) that the tribunal has determined the matter and made no such report as aforesaid and that the time for appealing from the determination has expired; or
 - (ii) that an appeal has been brought from the determination of the tribunal and that the Appellate Tribunal has determined the matter and made no such report; or
- (c) that the Committee has directed a person to undertake any work and has not withdrawn that direction,

shall be conclusive evidence of the facts so stated.

15. (1) If any person, being a person who has applied for registration or who has at any time been provisionally registered as a conscientious objector, has undergone or is undergoing a sentence of imprisonment for a term of three months or more imposed upon him for failing to comply with an order made under subsection (5) of section four of this Law, then, if he claims that the offence was committed by reason of his conscientiously objecting to performing military service or combatant duties, he may apply in the prescribed manner to have his case considered by the Appellate Tribunal.

Provisions as to certain persons sentenced for failure to attend medical examination.

(2) On any such application the Appellate Tribunal shall, if it finds that the offence for which the applicant was sentenced was committed by reason of such a conscientious objection as aforesaid, have power to make any order with respect to his registration as a conscientious objector which they would have had power to make on an appeal under subsection (6) of section twelve of this Law and any such order shall have effect immediately or upon his discharge from prison as the case may be.

16. (1) If any person, being a person who has applied for registration as a conscientious objector but has nevertheless been called up for service, is undergoing a sentence of imprisonment or detention for a term of three months or more imposed on him by a court-martial in respect of an offence committed by him while in the United Kingdom, the Isle of Man or the Channel Islands, then if he claims that the offence was committed by reason of his conscientiously objecting to performing military service or to obeying any order in respect of which the offence was committed, he may apply in the prescribed manner to have his case considered by the Appellate Tribunal.

Provisions as to certain persons sentenced by court-martial.

(2) On any such application the Appellate Tribunal shall, if it finds that the offence for which

the applicant was sentenced was committed by reason of such a conscientious objection as aforesaid, have power to recommend to the Service Authority that he be discharged from service in the armed forces of the Crown as soon as may be after serving the sentence imposed upon him.

(3) Where the Appellate Tribunal recommend under this section that a person be discharged from whole-time service, the said Tribunal shall have power to make any order with respect to his registration as a conscientious objector which it would have had power to make on an appeal under section twelve of this Law, and any such order shall have effect immediately upon his discharge.

(4) Where under the last foregoing subsection the Appellate Tribunal has ordered that a person be conditionally registered in the Guernsey register of conscientious objectors, the Committee may by order of which it shall serve a copy on that person provide that the period for which that person is so registered shall be reduced by any period of which in the opinion of the Committee account might be taken in reckoning the end of the term of that person's whole-time service.

Supplemental

Liability
to complete
interrupted
service.

17. (1) If any person serving in the armed forces of the Crown ceases to serve therein before he has completed his whole-time service or term of service equivalent thereto he shall, unless he has attained the age of thirty-six years, or has ceased to be liable under this Part of this Law to be called up for service otherwise than by reason of his having attained the age of twenty-six years, be liable to be called upon to serve for such term of whole-time service as will, with the service completed by him, be equivalent to

the term of service for which persons are liable under section one of this Law.

(2) The Committee shall by regulations make provision for defining what term of service shall be treated as equivalent to a term of whole-time service for the purposes of this section and for prescribing a term of whole-time service which will, with any service completed by any person, be equivalent to a term of service for which persons are liable under section one of this Law.

18. It shall be the duty of the States Education Council and of the governing body or other persons having the management of any school or other educational institution, to give to the Committee, on its request, such information in their possession, or reasonably available to them about male persons receiving, or who have received, education for which that Council are responsible, or, as the case may be, education at the school or other institution, as the Committee may from time to time require for the purpose of assisting its consideration of questions connected with their being called up for service under this Law.

Information to be furnished by education authorities.

19. Any person who—

(a) in giving any information for the purpose of this Part of this Law knowingly or recklessly makes a statement which is false in a material particular, or

False statements and forgery.

(b) with intent to deceive—

(i) forges or uses, or lends to or allows to be used by any other person, any certificate issued under this Part of this Law, or

(ii) makes, or has in his possession, any document so closely resembling any certificate so issued as to be calculated to deceive,

shall be guilty of an offence and liable to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine.

General provisions as to offences.

20. (1) A person guilty of an offence under this Part of this Law, not being an offence for which a penalty is thereby expressly provided, by reason of non-compliance with any of the provisions of this Part of this Law shall be liable to a fine not exceeding five pounds:

PROVIDED that in any proceedings for an offence punishable under this section it shall be a defence for the defendant to prove that he was prevented from complying with the relevant provisions of this Part of this Law by circumstances beyond his control.

(2) Notwithstanding any limitation imposed by law as respects the time within which proceedings may be begun, proceedings against a person for an offence under this Law alleged to have been committed by him while outside Guernsey may be begun at any time after the date on which he is alleged to have committed that offence, and proceedings for any other offence under this Law may be begun at any time within the period of six months from the date on which evidence sufficient in the opinion of the Committee to justify a prosecution for the offence comes to its knowledge, or within the period of twelve months after the commission of the offence, whichever period last expires.

(3) For the purposes of the last foregoing subsection, a certificate purporting to be signed on behalf of the Committee stating the date on which such evidence as aforesaid came to its knowledge shall be conclusive evidence thereof.

(4) Where for the purpose of the prosecution of any person for an offence by reason of his failure to comply—

- (a) with the requirements of regulations made under subsection (1) of section three of this Law or with the requirements of subsection (9) of that section; or
- (b) with the requirements of a notice served on him or direction given to him under section four of this Law;

it is necessary to show that he is, or was at any particular time, a British subject or within particular limits of age, he shall be presumed to be, or to have been at that time, a British subject or within those limits of age, unless the contrary is proved:

PROVIDED that, if it appears to the court that there are any special circumstances giving rise to doubt as to either of the matters aforesaid, the court may require the matter to be proved by the prosecution.

(5) On the prosecution of any person (hereafter in this subsection referred to as the "defendant") for any offence under this Law—

- (a) a certificate purporting to be signed on behalf of the Committee, and stating that a person bearing the name in which the defendant is charged is or was at any particular time a conditionally registered conscientious objector and so registered on a condition specified in the certificate shall be evidence that the defendant is or was at that time such a conscientious objector and registered on the condition so specified;
- (b) a certificate purporting to be signed by the chairman of a medical board, and stating that a person bearing the name in which the defendant

is charged was examined by that board on a date specified in the certificate, shall be evidence that the defendant was so examined on that date:

PROVIDED that, if it appears to the court that there are special circumstances giving rise to doubt as to any matter stated in any such certificate, or as to the relation of any such certificate to the defendant, the court may require the prosecution to prove that matter, or that the certificate relates to the defendant, as the case may be.

Service of notices.

21. Any notice to be served on any person for the purposes of any of the provisions of this Law may be sent by post addressed to that person at his last known address:

PROVIDED that, notwithstanding anything in section eleven of the Interpretation (Guernsey) Law, 1948, where an enlistment notice has been served on any person by post, service on him shall not be deemed to have been duly effected unless it is proved either that he received the notice or that it was sent by registered post addressed to him at his last known address.

PART II

SAFEGUARDING OF EMPLOYMENT

Reinstatement in civil employment after whole-time service.

Obligation of employers to reinstate former employees.

22. (1) Where a person who has been called up under this Law for whole-time service makes an application to his former employer to be taken into his employment, the former employer shall, so long as the application remains in force, be under an obligation to take the applicant into his employment—

- (a) in the occupation in which the applicant was last employed by the former employer before the beginning of his whole-time service and on terms and conditions not less favourable to him than those which would have been applicable to him in that occupation had he not been called up for whole-time service; or
- (b) if it is not reasonable and practicable that the applicant should be taken into employment in that occupation and on those terms and conditions, in the most favourable occupation and on the most favourable terms and conditions which are reasonable and practicable in his case.

(2) The said obligation shall be an obligation to take the applicant into employment as aforesaid at the first opportunity (if any) at which it is reasonable and practicable for the former employer so to do on or after such date as may be notified to him in accordance with section twenty-four of this Law as the date on which the applicant will be available for employment; and accordingly if the former employer, after giving reasonable notice thereof to the applicant, makes such employment as aforesaid available to him at the said first opportunity, his obligation shall be discharged:

PROVIDED that—

- (a) an opportunity for taking the applicant into his former employer's employment shall not be deemed for the purposes of this subsection to have arisen if—
 - (i) the former employer makes employment available to the applicant, but the applicant has, or reasonably believes that he has, reasonable cause for not taking it; and
 - (ii) the facts on which the applicant relies as constituting the reasonable cause are

notified in writing to the former employer by him or by some person acting with his authority as soon as may be after he has been notified by the former employer that the employment is being made available to him; and

- (b) in no case shall the former employer be under any obligation under this section to take the applicant into his employment after six months have elapsed from the end of the applicant's whole-time service.

(3) Any notice to be given under the last foregoing subsection by the former employer to the applicant shall, without prejudice to any other mode for the giving thereof, be deemed to have been duly given if it is sent to the applicant addressed to him at such address as may be provided by him for the purpose or, if no such address is so provided, at his last known place of abode.

Mode of making, time for making and duration of applications for reinstatement.

23. (1) An application under the last foregoing section—

- (a) shall be of no effect unless it is made in writing;
 (b) may be made either by the applicant or by some person acting with his authority.

(2) An application under the said section shall be of no effect unless it is made during the period beginning with the end of the applicant's whole-time service and ending with the second Monday after the end thereof:

PROVIDED that an application made after the end of the said period shall not be invalid by virtue of this subsection if the applicant was prevented from making it within that period by his sickness or other reasonable cause, and the application was made as soon as reasonably may be after the expiration of the said period.

(3) An application under the said section shall cease to have effect on the expiration of thirteen weeks from the date of the making thereof:

PROVIDED THAT—

- (a) while the application is still in force it may from time to time be renewed in writing by the applicant or by some person acting with his authority, and if it is so renewed, shall not cease to have effect by virtue of this subsection until thirteen weeks from the date of the renewal; and
 - (b) if, at the time when the application would otherwise cease to have effect, proceedings for the determination of any question affecting the application are pending under the subsequent provisions of this Law, the application shall not cease to have effect by virtue of this subsection until fourteen days after those proceedings have ceased to be pending; and, for the purpose of this proviso, proceedings shall not be treated as having ceased to be pending until the time for appealing has expired or, where an appeal is brought, until the appeal is decided or withdrawn.
- (4) An application under the said section or any renewal of any such application may be made either directly to the former employer or, in the prescribed manner, to the Labour Officer, and where any application or renewal is so made or given to the said Officer, it shall be the duty of that Officer to take such steps as may be practicable to forward it to the former employer.

24. (1) Where an application is made under section twenty-two of this Law, the applicant or some person acting with his authority shall at or after the time of making the application, but not later than fourteen

Duty of applicant to state date of availability for employment.

days from the latest date allowed by the last foregoing section for the making thereof, notify to the former employer in writing a date, not later than the expiration of the said fourteen days, on which the applicant will be available for employment:

PROVIDED that if, owing to his sickness or other reasonable cause, the applicant is not available for employment until after the expiration of the said fourteen days, the date to be so notified may be a date as soon as reasonably may be after the expiration of the said fourteen days, and accordingly the notification shall not be invalid by reason only that it is given after the expiration of the said fourteen days..

(2) The provisions of subsection (4) of the last foregoing section shall apply to any notification under this section as they apply to applications under section twenty-three of this Law.

Obligation
of employer
to continue
to employ
reinstated
employees.

25. (1) Where an applicant has been taken into the employment of his former employer in pursuance of section twenty-two of this Law, the former employer shall be under an obligation to employ the applicant for the following twenty-six weeks or so much thereof as is reasonable and practicable—

- (a) in an occupation not less favourable to him than that in which, and on terms and conditions not less favourable to him than those on which, the applicant is so taken into employment; or
- (b) if, at any time during the period for which he has under this section to be employed, it ceases to be reasonable and practicable for the applicant to be employed in that occupation and on those terms and conditions, in the most favourable occupation and on the most favourable terms and conditions which are thereafter

for the time being reasonable and practicable in his case:

PROVIDED that—

- (i) if, when the applicant last ceased to be employed by his former employer before the beginning of his whole-time service, he had been in the continuous employment of that former employer for a consecutive period of not less than fifty-two weeks, the foregoing provisions of this section shall have effect as if for the reference to twenty-six weeks there was substituted a reference to fifty-two weeks; and
- (ii) if, when the applicant last ceased to be employed by his former employer as aforesaid, he had been in the continuous employment of that former employer for a consecutive period of less than thirteen weeks, the foregoing provisions of this section shall have effect as if for the first reference therein to twenty-six weeks there were substituted a reference to thirteen weeks.

(2) In computing the period of continuous employment for the purposes of the proviso to the last foregoing subsection—

- (a) where the employment is in an undertaking, and any change has taken place in the person carrying on that undertaking or any other undertaking has become comprised in that undertaking, periods in the employment of the person for the time being carrying on the undertaking or the other undertaking, as the case may be, shall be treated as periods of employment by the former employer;
- (b) a person shall not be treated as otherwise than continuously employed by reason of any temporary absence from work.

Priority of
claims to
employ-
ment.

26. (1) It shall not be treated for the purposes of the foregoing provisions of this Law as reasonable and practicable for the former employer to take the applicant into his employment, or to employ him, either at all or in any particular occupation or on particular terms and conditions, if it can only be done by discharging some other person who—

- (a) was employed by the former employer before the relevant date; and
- (b) had been so employed before the relevant date for a longer period than the applicant; and
- (c) was so employed in employment of a kind that was not less permanent in character than the applicant's employment;

or by refusing to take into employment, in accordance with section twenty-two of this Law, some such other person as aforesaid who is a person who has been called up under this Law for whole-time service and who has duly made an application under the said section which is still in force.

In this subsection the expression "the relevant date" means the beginning of the applicant's whole-time service, or where the other person as well as the applicant is a person who has been called up under this Law for whole-time service, the beginning of the applicant's whole-time service or the beginning of the other person's whole-time service, whichever is the earlier.

(2) It shall not be treated for the purposes of the foregoing provisions of this Law as otherwise than reasonable and practicable for the former employer to take the applicant into his employment, or to employ him, either at all or in any particular occupation or on particular terms and conditions, by reason only that it can only be done by discharging some other person who is not such a person as is mentioned

in paragraphs (a), (b) and (c) of the last foregoing subsection; and this subsection shall apply whether or not the other person is a person who has been called up under this Law for whole-time service, and whether or not that other person has been taken into the employment of the former employer in accordance with section twenty-two of this Law.

27. (1) Subject to the provisions of this section, where a person who has been called up under this Law for whole-time service ceases to serve in the armed forces of the Crown before he has completed his whole-time service and is called up under section seventeen of this Law to complete that service, his previous period of whole-time service shall be treated for the purposes of the foregoing provisions of this Part of this Law as continuing without intermission until the end of his subsequent period of whole-time service.

Special provisions as to re-enlistment.

(2) The provisions of the last foregoing subsection shall not apply in relation to any person where the interval between the two periods of whole-time service exceeds twenty-six weeks or where during the said interval either—

- (a) the period specified in subsection (2) of section twenty-three of this Law for making an application under section twenty-two of this Law has expired since the end of the first of the two periods of whole-time service without his having applied to his former employer for employment; or
- (b) his former employer has made available to him such employment as is specified in subsection (1) of section twenty-two of this Law and he has failed without reasonable excuse to take that employment or has left it otherwise than to undertake a period of whole-time service.

Applica-
tions to the
tribunal.

28. (1) A person who has or claims to have been called up under this Law for whole-time service and claims that he has rights under the foregoing provisions of this Part of this Law which are being or have been denied him, may, within the prescribed time, apply to the tribunal for the determination of any question relating to his rights, if any, under the said foregoing provisions, and the tribunal shall determine that question.

(2) Where the tribunal is satisfied that default has been made by the former employer of the applicant in the discharge of his obligations under the foregoing provisions of this Part of this Law, the tribunal may make either or both of the following orders according as is in its opinion appropriate, having regard to all the circumstances of the case and the nature and extent of the default, that is to say—

(a) an order requiring employment to be made available to the applicant by his former employer on such date, in such occupation, on such terms and conditions and at such place as may be specified in the order, being employment which, in the opinion of the tribunal is such as is required by the foregoing provisions of this Part of this Law to be made available to the applicant;

(b) an order requiring that there shall be paid to the applicant by way of compensation for any loss suffered or likely to be suffered by him by reason of the default a sum specified in the order, not exceeding in any event the amount of the remuneration which, in the opinion of the tribunal, the applicant would if the obligations imposed by the said foregoing provisions in relation to him had been duly discharged, have been entitled to receive from his former employer in respect of the period during which

under the said provisions he has to be employed by his former employer.

(3) The provisions of the Fourth Schedule to this Law shall have effect in relation to orders made under the last foregoing subsection.

29. (1) An appeal may, within the prescribed time, be brought from any determination or order of the tribunal under the last foregoing section or from the refusal of the tribunal to make an order, to the Appellate Tribunal as follows:—

Appeals
from the
tribunal.

- (a) at the instance of an organisation of employers of which the employer concerned was a member on the date on which the application was made to the tribunal;
- (b) at the instance of an association of employed persons of which the applicant was a member on that date;
- (c) at the instance either of the employer concerned or of the applicant—
 - (i) without leave in any case in which the decision of the tribunal is not unanimous; and
 - (ii) with the leave of the tribunal, or, if the tribunal refuse leave and an application for leave is made within the prescribed time to the Appellate Tribunal, with the leave of the Appellate Tribunal.

In this section, the expression “the employer” includes in a case where different persons have at different periods been the former employer of the applicant, any person against whom an order was made by the tribunal.

(2) On any such appeal, the Appellate Tribunal may make any determination or order which a tribunal might make under the last foregoing section

or may dismiss the appeal, and its decision shall be final; and in considering how to exercise its powers under this subsection, the Appellate Tribunal shall, where there has been any change in the relevant facts since the date of the hearing before the tribunal, have regard to the facts existing on the date of the hearing before the Appellate Tribunal.

Enforce-
ment.

30. (1) Where an order has been made by the tribunal or by the Appellate Tribunal on appeal that employment shall be made available to a person on a specified day and if employment is not made available to him on that day in accordance with the order, the person against whom the order was made shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds, and the court by whom he is found guilty may order him to pay to the person to whom the employment should have been made available, by way of compensation for any loss suffered or likely to be suffered by him by reason of the offence, a sum specified in the order, not exceeding in any event the amount of the remuneration which, in the opinion of the court, that person would have been entitled to receive from his former employer if the order, and the obligation as to subsequent employment resulting from the order, had been complied with:

PROVIDED that—

- (a) proceedings shall not be brought against any person for failure to comply with an order of the tribunal until the time allowed for appealing has expired or, where an appeal is brought, until the appeal is decided or withdrawn;
- (b) where the person against whom the order was made is no longer the former employer of the applicant at the date of the failure to comply with the order, it shall be a defence to him to

prove that he took all reasonable steps to secure compliance with the order.

(2) Where an order has been made by the tribunal or by the Appellate Tribunal on appeal for the payment to a person of any sum, that sum may, without prejudice to any other mode for the recovery thereof, be recovered from the person against whom the order is made as a civil debt; but proceedings shall not be brought for the recovery of any such sum until the time allowed for appealing against the order has expired or, where an appeal is brought, until the appeal is decided or withdrawn.

(3) Save as provided in this section, no proceedings, whether civil or criminal, shall be brought against any person in respect of a failure to discharge an obligation imposed on him by or under the foregoing provisions of this Part of this Law.

(4) Any person authorised in that behalf by special or general directions of the Labour Officer may institute on behalf of and in the name of any person who has been called up under this Law for whole-time service civil proceedings for the recovery of any such sum as is mentioned in subsection (2) of this section and in any such proceedings the court may make an order for the payment of costs by that person as if he were a party to the proceedings:

PROVIDED that the powers conferred by this subsection for the recovery of sums due to a person who has been called up under this Law for whole-time service shall not be in derogation of any right of that person himself to recover such sums by civil proceedings.

31. (1) The foregoing provisions of this Law Waiver, etc. requiring a person who has been called up under this Law for whole-time service, as a condition of obtain-

ing his rights thereunder, to make and renew an application to his former employer to be taken into employment and to notify a date on which he will be available for employment are for the protection of the former employer and accordingly can be waived or dispensed with by the former employer, either in whole or in part and either expressly or by conduct.

(2) Where—

- (a) a person who has been called up under this Law for whole-time service has made an application under section twenty-two of this Law to be taken into the employment of his former employer and is so taken into employment before that application has expired; or
- (b) a person who has been called up for service as aforesaid is taken into the employment of his former employer under such circumstances that such an application has been waived or dispensed with,

and in either case the employment is not such as is specified in subsection (1) of section twenty-two of this Law, the rights of the said person against his former employer shall not be less than they would have been if the employment into which he is taken were such employment.

Meaning of
expression
"former
employer".

32. (1) Subject to the provisions of this section, the expression "former employer" in this Law means, in relation to a person who has been called up under this Law for whole-time service, the employer by whom he was last employed within the period of four weeks immediately preceding the beginning of his whole-time service.

(2) Where a person who has been called up under Part I of this Law as aforesaid was last employed within the said period of four weeks in any undertaking,

and (whether before or after the commencement of this Law) any change takes place in the person carrying on that undertaking or that undertaking becomes comprised in any other undertaking references in this Law to the former employer of that person shall be construed as references to the person for the time being carrying on that undertaking or that other undertaking as the case may be:

PROVIDED that where the person in question was last employed as aforesaid in a branch or part of an undertaking which (whether before or after the commencement of this Law) becomes, or becomes part of, some other undertaking, and either—

- (a) he has as a consequence become employed in that other undertaking; or
- (b) it is reasonable to suppose that he would as a consequence have become employed in that other undertaking if his employment had not been interrupted by his whole-time service,

this subsection shall have effect as if that branch or part were itself an undertaking.

33. (1) A certificate of the competent naval, military or air force authority as to the duration of a person's whole-time service shall be conclusive for the purposes of any proceedings before, or on appeal from, the tribunal. Evidence.

(2) Every document purporting to be such a certificate as aforesaid or any other certificate authorised by this Part of this Law and to be signed by or on behalf of the Labour Officer or the competent naval, military or air force authority shall be received in evidence, and shall, until the contrary is proved, be deemed to be such a certificate of the Labour Officer or authority, as the case may be; and in any proceedings before, or on appeal from, the tribunal, the production of a document purporting to be certified by or on behalf of the Labour Officer

or authority, as the case may be, to be a true copy of any such certificate as is mentioned in this subsection shall, unless the contrary is proved, be sufficient evidence of the certificate.

(3) The production, in any proceedings (whether civil or criminal) of a document purporting to be certified by the chairman or vice-chairman of the tribunal or by the President of the Appellate Tribunal, to be a true record of a determination or order of the tribunal or of the Appellate Tribunal, as the case may be, shall, unless the contrary is proved, be sufficient evidence of the determination or order.

(4) Where in any proceedings, whether civil or criminal, brought under the foregoing provisions of this Part of this Law against a person for failure to comply with an order of the tribunal or of the Appellate Tribunal, proof is given of such an order against a person bearing the name in which the person against whom the proceedings are brought is charged or appears in the proceedings, that order shall, unless the contrary is proved, be deemed to be an order against the person against whom the proceedings are brought.

Priority in
bankruptcy
of sums
ordered to
be paid by
employer.

34. (1) The first two hundred pounds of any sum ordered to be paid by way of compensation under the provisions of this Part of this Law shall, in the distribution of the personalty of any person, rank in priority over all other claims to such personalty not being claims which by law are entitled to priority.

(2) Any sum to which the last foregoing subsection refers and claims which by law are entitled to priority shall, in any distribution referred to in the last foregoing subsection, rank equally between themselves and shall be paid in full unless the personalty of the person whose property is being distributed is insufficient to meet them, in which case they shall abate in equal proportions amongst themselves.

Prohibition of dismissal of employees by reason of liability for whole-time service.

35. (1) If the employer of any person liable to be called up under this Law for whole-time service terminates his employment without his consent before the date on which he is required to present himself in accordance with an enlistment notice, and does so solely or mainly by reason of any duties or liabilities which that person is, or may become, liable to perform or discharge by reason of his being, or being liable to be, called up as aforesaid, the employer shall be guilty of an offence and liable to a fine not exceeding fifty pounds; and the court by which he is convicted may order him to pay to the person whose employment has been terminated, as compensation for any loss suffered or likely to be suffered by him by reason of the termination, a sum not exceeding an amount equal to five weeks' remuneration at the rate at which his remuneration was last payable to him by the employer.

Prohibition of dismissal of employees by reason of liability for whole-time service.

(2) If in any proceedings under this section the court is of opinion that there is reasonable cause to believe that the duties or liabilities aforesaid caused or contributed to the termination of the employment, the employment shall be deemed to have been terminated by reason of those duties or liabilities unless the employer proves that the termination was for a reason unconnected therewith.

PART III.

General

36. (1) The Committee may make regulations—
- (a) regulating any matter of procedure under this Law;
 - (b) prescribing any other thing which by this

Power to make regulations.

Law is required or authorised to be prescribed.

(2) Every regulation made under this Law shall be laid before a meeting of the States as soon as may be after the making thereof and if, at that meeting or at the next subsequent meeting, the States resolve that the regulation be annulled, the regulation shall cease to have effect but without prejudice to anything done thereunder or the making of any new regulation.

Hearing
before the
tribunal.

37. (1) The regulations made under this Law regulating the procedure of the tribunal and of the Appellate Tribunal shall—

- (a) empower the tribunal and the Appellate Tribunal to take evidence on oath or by affirmation;
- (b) make provision as to the representation of parties to proceedings before the tribunal or the Appellate Tribunal which shall include the right to appear either in person or by an Advocate or *écrivain* of the Royal Court or by a representative of any trade union to which they belong or by any person who satisfies the tribunal or the Appellate Tribunal, as the case may be, that he is a relative or personal friend of the party he proposes to represent.

(2) No determination of the tribunal or of the Appellate Tribunal made for the purposes of this Law shall be called in question in any court of law.

(3) The Committee through a member thereof or any person specially authorised for the purpose by the Committee shall be entitled to be heard on any application or appeal under section eight, section nine, section ten or section twelve of this Law.

38. Any expenses incurred in the administration of this Law shall be defrayed out of moneys provided by the States. Expenses.

39. The Committee may pay, in accordance with such a scale and in such circumstances as may be prescribed— Remuneration, allowances, etc.

- (a) to members of medical boards constituted for the purposes of this Law, and to consultant examiners employed for those purposes, remuneration and allowances; and
- (b) to persons conducting any medical examination under paragraph (b) of subsection (6) of section twelve of this Law, remuneration and allowances; and
- (c) to persons undergoing medical examination under this Law, travelling and other allowances, including compensation for loss of remunerative time; and
- (d) to persons required to present themselves in accordance with enlistment notices served upon them, travelling and other allowances; and
- (e) to persons whose applications or appeals are heard by the tribunal or by the Appellate Tribunal, as the case may be, and to any witnesses whose attendance is certified by or on behalf of the tribunal or the Appellate Tribunal, as the case may be, to have been necessary, travelling and subsistence allowances; and
- (f) to persons undergoing training in accordance with directions given by the Committee under paragraph (b) of subsection (6) of section twelve of this Law, training allowances.

40. (1) In this Law, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say— Interpretation.

- “Appellate Tribunal” means the tribunal constituted under Part II of the Third Schedule to this Law;
- “the Committee” means a committee which shall be constituted by the States for the purposes of this Law in such manner, and bearing such title, as the States may by Resolution from time to time decide;
- “the competent naval, military or air force authority” means the Admiralty, the Army Council or the Air Council, or an officer designated by any of them;
- “employment Exchange” means any organisation constituted by the States for the purpose of direction of or to, or of training for, labour;
- “Guernsey” includes the Islands of Herm and Jethou;
- “Labour Officer” means the person responsible to the States for the control of an employment exchange;
- “Magistrate” means the Police Court Magistrate;
- “mandated territory” means a territory in respect of which a mandate on behalf of the League of Nations has been accepted by Her Majesty and is being exercised by the Government of any part of Her Majesty’s dominions;
- “policeman” means a member of the Island Police Force and shall include a member of Division ‘B’ of the Special Constabulary when in uniform and on duty;
- “postponement certificate” has the meaning assigned to it by section eight of this Law;
- “prescribed” means prescribed by regulations made under section thirty-six of this Law;
- “registered conscientious objector” means a person who is for the time being registered in the

Guernsey register of conscientious objectors, and the expression “conditionally registered”, in relation to a conscientious objector, means a person who is for the time being conditionally so registered by virtue of an order made or having effect as if it had been made under paragraph (b) of subsection (6) of section twelve of this Law, or made under paragraph (c) of subsection (3) of section fourteen of this Law, subsection (2) of section fifteen of this Law or subsection (3) of section sixteen of this Law;

“registered dentist” means a person who is duly registered as qualified to practise as a dentist in the United Kingdom;

“registered medical practitioner” means a person who is duly registered as qualified to practise as a medical practitioner in the United Kingdom;

“regular forces” means the Royal Navy, the Royal Marines, the regular Army and the regular Air Force;

“Service Authority” means the Admiralty, the Army Council or the Air Council;

“the tribunal” means the tribunal constituted under Part I of the Third Schedule to this Law;

“trust territory” means a territory placed under international trusteeship and administered by the Government of any part of Her Majesty’s dominions;

“undertaking” includes any business, whether carried on by way of trade or not, and the activities of any body of persons, whether corporate or unincorporated;

“year” means, in relation to the service of any person, the period of twelve months beginning with the commencement of that service or any anniversary thereof.

(2) So long as a period shorter than twenty-four months is appointed by Resolution of the States under subsection (3) of section one of this Law as the term of whole-time service, references in Part I of this Law and in the Second Schedule to this Law to a period of twenty-four months shall be construed as references to that shorter period.

(3) For the purposes of this Law, the time at which a person attains a relevant age shall be deemed to be the commencement of the relevant anniversary of the date of his birth.

(4) For the purposes of this Law, a person who is resident in Guernsey shall be deemed to be ordinarily resident there unless—

- (a) he is residing there only for the purpose of attending a course of education; or
- (b) the circumstances of his residence in Guernsey are otherwise such as to show that he is residing there for a temporary purpose only; or
- (c) being a person who is under the provisions of any enactment in force in any part of Her Majesty's dominions outside Great Britain, the Channel Islands and the Isle of Man, a national or citizen of that part within the meaning of that enactment, or a person who was born or is domiciled in any such part of Her Majesty's dominions or in a British protectorate, a mandated territory, a trust territory or any other country or territory being a country or territory under Her Majesty's protection or suzerainty, he has been resident in Guernsey for less than two years.

(5) For the purposes of this Law, service in the home guard or service as an officer holding a commission in the Royal Naval Volunteer Reserve (Sea

Cadet Corps), or as an officer of the Territorial Army Reserve of officers commissioned for service with the Army Cadet Force, or as a commissioned officer of the training branch of the Royal Air Force Volunteer Reserve, shall not be deemed to be service in the armed forces of the Crown.

(6) A period of whole-time service shall not be treated for the purposes of Part II of this Law as having ceased by reason—

- (a) of any absence on sick leave, or
- (b) of any absence on leave, unless it is leave on or pending release or demobilisation, or leave pending discharge.

(7) Any reference in Part II of this Law to the performing of services shall be construed as a reference to the undergoing of training.

(8) For the purposes of Part II of this Law, a person who attends for the purpose of entering any of the armed forces of the Crown but who has been duly notified that he will not be immediately required to take up duty therewith shall not be treated as having been called up under Part I of this Law for whole-time service until he reports for duty, and any period before he is required for duty during which he is required to attend for purposes connected with his entry into the armed forces of the Crown shall be disregarded.

(9) For the purposes of Part II of this Law, a person who is required to report for the purpose of being released, demobilised or discharged shall not, on reporting for that purpose, be treated as having been called up under this Law.

41. The "National Service (Armed Forces) (Bailiwick of Guernsey) Law, 1940", registered on the records of this Island on the 23rd day of June, 1945, is hereby repealed. Repeal.

Duration and suspension of Law.

42. The States may, by Ordinance, from time to time suspend the operation of this Law and may prescribe the period during which such suspension shall have effect:

PROVIDED that notwithstanding the passing of such Ordinance the provisions of this Law dealing with whole-time service and matters ancillary thereto shall continue to have effect as respects all persons upon whom enlistment notices were served under section five of this Law prior to the date on which such Ordinance became effective.

Commencement.

43. This Law shall come into force on such day as the States may by Ordinance appoint.

LAW NOT YET IN FORCE

SCHEDULES

FIRST SCHEDULE

PERSONS NOT LIABLE TO BE CALLED UP FOR
SERVICE

1. A person employed in the service of the Government of a part of Her Majesty's dominions outside Guernsey, or in the service of the Government of a British protectorate, a mandated territory, a trust territory, or some other country or territory which is under Her Majesty's protection or suzerainty, being a person whose presence in Guernsey is occasioned solely by his employment in that service.
2. A man in holy orders or a regular minister of any religious denomination.
3. A person who is a certified patient, a voluntary patient or a temporary patient for the purposes of the Mental Treatment Law (Guernsey), 1939, or is being detained as a criminal of unsound mind, or is the subject of an Order made under Article II of the Law of 1926 entitled "Loi ayant rapport aux Faibles d'Esprit".
4. A person who is certified to be a blind person by the States Medical Officer of Health.
5. A person who has attained the age of nineteen years of age on the date of the coming into force of this Law.

SECOND SCHEDULE Section 1, 5.

LENGTH OF WHOLE-TIME SERVICE

1. The term of a person's whole-time service shall, for the purposes of Part I of this Law, be completed on, or as soon as is practicable after, the expiration of a period of twenty-four months beginning with his entry or enlistment for service under this Law:

PROVIDED that—

- (a) if at any time when that term would otherwise be completed he has become liable to be proceeded against for an offence against the Naval Discipline Act, military law or the Air Force Act, that term shall not be completed until he has been tried or otherwise dealt with for that offence and has undergone any punishment awarded therefor; or, if at any time punishment for such an offence as aforesaid has already been awarded, until he has undergone that punishment; and
- (b) in determining the end of the said period of twenty-four months no account shall be taken—
 - (i) of any day before the day on which he presented himself in pursuance of the enlistment notice;
 - (ii) of any continuous period exceeding fourteen days during which he was absent as a deserter or absent without leave;
 - (iii) of any continuous period exceeding fourteen days during which he was serving, or would if he had not been unlawfully at large have been serving, a term of imprisonment, detention, preventive detention or detention in a Borstal institution

in pursuance of a sentence of a court or an award by his commanding officer or in default of payment of any sum of money or for doing or failing to do or abstain from doing anything required to be done or left undone; and

- (c) if leave of absence is granted to any person for a period comprising or immediately following the date on which his term of whole-time service would otherwise be completed under this Schedule, the Service Authority may postpone the completion of that term until a date not later than the expiry of his leave.

2. The Service Authority may direct that a person's whole-time service shall be treated as completed at any time earlier than it would otherwise be completed under this Schedule.

THIRD SCHEDULE Section 4c.

CONSTITUTION OF THE TRIBUNAL AND OF
THE APPELLATE TRIBUNAL

PART I

The Tribunal

1. The States shall by resolution appoint a panel of nine persons to serve as members of the tribunal; in the event of a vacancy on such panel the States shall as soon as may be appoint a person to fill that vacancy; the States may from time to time by resolution remove a person from the panel.
2. The States shall by resolution appoint the Chairman and Deputy Chairman of the tribunal from among the persons forming the panel and a person so appointed shall, if he continues to be a member of the panel for so long, hold such office for a period of three years.
3. (1) At the end of each year the two members of the panel who have been longest in office since their last election shall retire.
(2) Where, for the purposes of the last preceding subsection it is necessary to make a selection between two or more members by reason of the fact of those members having been elected on the same date, the order of their retirement shall be determined by agreement amongst themselves or, failing such agreement, by lot.
4. The tribunal shall consist of the Chairman and four other members or the Deputy Chairman and four other members, the members to be selected by the President or in his absence the Vice-President of

the Committee from the panel to attend any particular session of the tribunal.

5. The Chairman or in his absence the Deputy Chairman, shall not have an original vote but shall in the event of an equality of votes have a casting vote.

PART II

The Appellate Tribunal

1. The Appellate Tribunal shall consist of the Bailiff, or a Lieutenant Bailiff as President and the Jurats of the Royal Court.

2. Of the Jurats of the Royal Court four only, selected by the Bailiff, or a Lieutenant Bailiff, shall be summoned to attend any particular session of the Appellate Tribunal together with the President.

FOURTH SCHEDULE Section 28.

PROVISIONS APPLICABLE TO ORDERS OF
THE TRIBUNAL UNDER SECTION TWENTY-
EIGHT OF THIS LAW*Orders requiring employment to be made available*

1. An Order requiring that employment shall be made available to the applicant by his former employer may be made notwithstanding that more than six months have elapsed since the end of the applicant's whole-time service, and notwithstanding that the date on which employment is to be made available to the applicant is more than six months after the end of the applicant's whole-time service.
2. Any such order shall be made against the person who is the former employer of the applicant at the time of the making of the order, and accordingly it shall be his duty to secure compliance therewith.
3. Where the applicant is taken into the employment of his former employer in pursuance of any such order, the provisions of Part II of this Law shall have effect in relation to the applicant as if he had been taken into employment in pursuance of the obligation imposed on his former employer by section twenty-five of this Law :

PROVIDED that where the applicant has already been in the employment of his former employer for any period since the end of his whole-time service, the period of twenty-six, fifty-two or thirteen weeks for which, under section twenty-five of this Law as

applied by this paragraph, the applicant has to be employed shall be correspondingly reduced.

4. Where, in pursuance of any such order, the former employer of the applicant makes employment available to the applicant on the date specified in the order but the applicant is prevented from taking it by sickness or other reasonable cause, the former employer shall be under the like obligation as he would have been under if the employment had been made available in pursuance of the obligation imposed by section twenty-two of this Law :

PROVIDED that, where the date specified in the order as the date on which employment is to be made available is more than six months from the end of the applicant's whole-time service, so much of that section as provides that in no case shall the former employer be under an obligation to take the applicant into his employment after six months after the end of the applicant's whole-time service shall have effect as if for the reference to the end of the applicant's whole-time service there were substituted a reference to the date so specified.

Orders for compensation

5. An order for the payment of money by way of compensation shall, in so far as the compensation is in respect of a period subsequent to the order, be made against the person who is the former employer of the applicant at the date of the order, and in so far as the compensation is in respect of a period before the order, be made against the person who was the former employer during the period of default by reason of which the order was made; and where different persons have been at different times the former employer of the applicant, the sum payable

under the order shall be apportioned by the order between those persons and references in this Law to the person against whom such an order is made shall be construed accordingly.

JAMES E. LE PAGE,

Her Majesty's Greffier.

LAW NOT YET IN FORCE