

ORDRE EN CONSEIL

intitulé

“Loi dite ‘National Service (Armed Forces) Bailiwick of Guernsey), Law, 1940’ ”.

(Enregistré sur les Records de l'Ile de Guernesey le
23 juin 1945.)



IMPRIMÉ ET PUBLIÉ PAR LA
GUERNSEY “STAR” AND “GAZETTE” CO., LTD.
IMPRIMEURS OFFICIELS AUX ETATS,

BUREAU DE LA GAZETTE OFFICIELLE,
RUE DU BORDAGE.

1945.

III
1945

ORDRE EN CONSEIL.



A LA COUR ROYALE DE L'ÎLE DE GUERNESEY.

Le vingt-trois juin mil neuf cent quarante-cinq, par devant Victor Gosselin Carey, écuyer, Baillif, présents : Jean Allès Simon, John Roussel, Osmond Priaulx Gallienne, Arthur Dorey, Ernest de Garis, John Leale, écuyers, Messire Abraham James Lainé, K.C.I.E., Quartier Le Pelley et Waller John Sarre, écuyers, Jurés.

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 26 juin 1940 ratifiant un Projet de Loi intitulé "Loi dite 'National Service (Armed Forces) (Bailiwick of Guernsey), Law, 1940'". La Cour, après avoir eu lecture du dit Ordre en Conseil, ouïes les conclusions du Procureur Délégué du Roi, a ordonné que le dit Ordre sera enregistré sur les Records de cette Ile et qu'un extrait des registres contenant ce présent acte avec un exemplaire du dit Ordre seront expédiés par le Greffier du Roi à Monsieur le Sénéchal Délégué de l'Ile de Serk pour être enregistrés sur les Records de la dite Ile, duquel Ordre la teneur suit :—

At the Court at Buckingham Palace

The 26th day of June, 1940.

Present,

The King's Most Excellent Majesty

LORD PRESIDENT.

LORD RUSHCLIFFE.

LORD THANKERTON.

MR. SECRETARY BROWN.

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

LE 23 JUIN 1945.

and Jersey, dated the 24th day of June, 1940, in the words following, viz.:—

“**Your Majesty** having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘ 1. That for the reasons set forth in the preamble thereto, the Royal Court on the 16th day of May, 1940, adopted a Bill or “*Projet de Loi*” intituled “*Loi dite ‘National Service (Armed Forces) (Bailiwick of Guernsey), Law, 1940’*,” and requested the Bailiff to submit the same to the States of Deliberation for approval: 2. That on the 20th day of May, 1940, the said Bill or “*Projet de Loi*” was duly considered by the States, when a resolution was passed approving the same and authorizing the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 3. That on the 3rd day of June, 1940, the States of the Island of Alderney passed a resolution concurring in the terms of the said Bill or “*Projet de Loi*”: 4. 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 may be graciously pleased to grant Your Royal Sanction to the Bill or “*Projet de Loi*” intituled “*Loi dite ‘National Service (Armed Forces) (Bailiwick of Guernsey) Law, 1940’*,” and to order and direct that the same shall have the force of Law within the Bailiwick of the Island of Guernsey.’

“**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.”

His Majesty having taken the said Report into consideration is pleased, by and with the advice of His 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 Bailiwick of Guernsey.

And His 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 or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His 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.

Rupert B. Howorth.

**“Projet de Loi” referred to in the foregoing
Order in Council.**

PROJET DE LOI

INTITULÉ

“LOI DITE ‘NATIONAL SERVICE
(ARMED FORCES) (BAILLIWICK OF
GUERNSEY, LAW, 1940’”.

VU les Délibérations des États de l'Île de Guernesey en date du 27 septembre 1939 et du 20 décembre 1939, les Délibérations des États de l'Île d'Auregny en date du 26 septembre 1939 et du 8 janvier 1940 respectivement et les Délibérations des Chefs Plaids de l'Île de Sercq en date du 25 septembre 1939.

LES ETATS de l'Île de Guernesey ont adopté les dispositions suivantes afin que, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, telles dispositions aient force de Loi dans le Bailliage de l'Île de Guernesey.

ARTICLE 1.

ORDINANCES SUBJECTING PERSONS TO THIS LAW.

(1) The Royal Court may from time to time, after consultation with the Lieutenant-Governor, by Ordinance direct that, save as otherwise provided by this Law, every male person who—

- (a) at the date of the Ordinance is a British subject; and
- (b) has at that date attained such age not being less than eighteen years of age as may be specified in the Ordinance, but has not, at that date, attained such greater age not being more than forty-one years as may be so specified; and
- (c) is at that date within the Bailiwick of Guernsey, or not having been in the Bailiwick of Guernsey at that date subsequently enters it,

shall on the date of the Ordinance or on the date on which he first enters the Bailiwick of Guernsey after the date of the Ordinance, as the case may be, become liable under this Law to be called up for service under Article 4 of this Law:

Provided that a person shall not by virtue of any Ordinance become liable under this Law to be called up after he has attained the age of forty-one years.

(2) A person who by virtue of any Ordinance under this Article becomes liable to be called up for service shall, save as otherwise provided by this Law, remain so liable until he has attained the age of forty-one years and no longer.

ARTICLE 2.

REGISTRATION.

(1) The Royal Court may by Ordinance make regulations requiring persons who become liable under

this Law to be called up for service 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 Law, and to furnish such particulars about himself as may be so notified.

(2) Such regulations as aforesaid may make different provision in relation to different classes of persons liable under this Law to be called up for service.

(3) If any person fails to comply with any of the requirements of regulations made under paragraph (1) of this Article, he shall, save as hereinafter provided, be guilty of an offence under this Law.

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

(a) that upon an 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 (hereinafter referred to as “the military service register”); and

(b) that upon the applicant being registered a certificate of registration is issued to him in such form as the Royal Court may by regulation prescribe.

(5) If any person liable under this Law to be called up for service notifies the Committee that he has a preference for naval or air force service, that fact shall be recorded in the military service register.

(6) A person to whom a certificate of registration has been issued under this Article shall, if at any time while he is liable under this Law to be called up for service he is requested so to do by an officer of police, produce the certificate or, if he has not the certificate

with him, produce it in person within two clear days at such place as may be notified to him.

If any person fails to comply with this paragraph he shall, save as hereinafter provided, be guilty of an offence under this Law.

(7) The Committee may issue fresh certificates of registration in place of certificates which have been lost, destroyed or defaced.

(8) If, at any time while a person registered under this Law is liable under this Law to be called up for service, any change occurs in his name or address, he shall forthwith notify the change to the Committee, 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, save as hereinafter provided, be guilty of an offence under this Law; and the Committee, upon the receipt of the notification, shall cause the necessary corrections to be made in the military service register and shall either cause the certificate to be corrected and returned to him or cause a fresh certificate to be issued to him.

ARTICLE 3.

MEDICAL EXAMINATION.

(1) The Committee may from time to time cause to be served on every person for the time being liable under this Law to be called up for service a written notice 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 liable to be called up for service cancel the notice or cause to be served on him a further notice varying the original notice by altering the place and time at which he is thereby required to submit himself to medical examination.

(2) The Royal Court may make regulations for

determining the constitution of medical boards for the purposes of this Article, and for regulating the procedure of such boards, and such regulations may, in particular, provide for enabling 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 Royal Court shall by regulation determine the categories in which persons medically examined under this Article are to be placed, by reference to their physical condition, by a medical board.

(4) If any person fails to comply with the requirements of a notice served on him under this Article or of any regulations made or directions given by virtue thereof, he shall, save as hereinafter provided, be guilty of an offence under this Law.

(5) Where any person is convicted of an offence under this Law by reason of his failure to comply with the requirements of regulations made under paragraph (1) of the last preceding Article, with the requirements of paragraph (8) of that Article or with the requirements of a notice served on him or directions given to him under this Article, the court by which such person is convicted may, without prejudice to any penalty which it may impose on him, make such orders (including orders for his arrest and detention) as may be necessary to secure compliance with the requirements or otherwise to secure his attendance before a medical board or consultant examiner, as the case may be.

(6) A notice served on any person under this Article shall cease to have effect if, before the date on which

he is thereby required to submit himself to medical examination, he ceases to be liable under this Law to be called up for service.

(7) The Committee shall pay—

- (a) to members of medical boards constituted for the purposes of this paragraph, and to consultant examiners employed for those purposes, such remuneration and allowances as the Committee may determine; and
- (b) to persons undergoing medical examination under this Article, such travelling and other allowances, including compensation for loss of remunerative time, as shall be in accordance with a scale determined by the Committee.

ARTICLE 4.

ENLISTMENT IN FORCES.

(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 preceding Article a written notice (hereinafter referred to as "an enlistment notice") stating that he is called upon for service—

- (a) in such one of His Majesty's armed forces as may be specified in the notice, or
- (b) in the Royal Guernsey Militia,

and requiring him to present himself at such place and time (not earlier than the third day after the date of the service of the notice), and to such authority, as may be specified in the notice; and, subject to the following provisions of this Law, the person on whom the notice is served shall, as from the day so specified, be required to enter or enlist in such one of His Majesty's armed forces as may be specified in the notice, or be deemed to have been duly entered or

enlisted for service in the Royal Guernsey Militia, as the case may be, and the term or period for which he is so required to enter or enlist or is so entered or enlisted shall, notwithstanding anything in any Law, regulation or order, be or be deemed to be from the beginning of the said day until the end of the present emergency.

(2) Notwithstanding the fact that, in pursuance of an enlistment notice served upon him under the last preceding paragraph, a person has been entered or enlisted in the Royal Guernsey Militia, the Committee, after consultation with the Lieutenant Governor, may, at any time while that person remains liable under this Law to be called up for service, cause to be served on that person a further enlistment notice, in accordance with the provisions of the said paragraph, stating that he is called upon for service in one of His Majesty's armed forces and such notice shall be in such form and contain the same particulars and have the same effect as if it were a notice served under the said paragraph.

(3) Without prejudice to the provisions of the last preceding paragraph, 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.

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

ARTICLE 5.

CONSCIENTIOUS OBJECTORS.

(1) If any person liable under this Law to be called up for service claims that he conscientiously objects—

- (a) to being registered in the military service register ; or
- (b) to performing military service ; or
- (c) to performing combatant duties,

he may, on furnishing such particulars about himself as the Royal Court may by regulation prescribe, apply to be registered as a conscientious objector in a special register to be kept by the Committee (hereinafter referred to as "the register of conscientious objectors").

Provided that where, in the case of a person who has been medically examined under this Law, such an application as aforesaid is made more than two days after the completion of his medical examination, the Committee shall dismiss the application unless the Committee 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 duly makes an application to be registered in the register of conscientious objectors, he shall, unless his application is dismissed in accordance with the proviso to the last foregoing paragraph, be provisionally registered in that register.

(3) A person who has been provisionally registered in the register of conscientious objectors shall, within the prescribed period and in the prescribed manner, make to the military service tribunal an application stating to which of the matters mentioned in subparagraphs (a) to (c) of paragraph (1) of this Article 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 military service tribunal, and the Committee, if it considers it necessary in respect of any order of the military service tribunal, 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 be entitled to be heard, on behalf of the Committee, on any application or appeal to a tribunal under this Article.

(6) The military service tribunal, if satisfied, upon an application duly made to it under this Article, 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 register of conscientious objectors ; or
- (b) that he shall be conditionally registered in that register until the end of the present emergency, the condition being that he must until that event undertake work specified by the tribunal, of a civil character and under civilian control within the Bailiwick of Guernsey ; or
- (c) that his name shall be removed from the register of conscientious objectors and that he shall be registered as a person liable under 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, without qualification, be removed from the register of conscientious objectors.

(7) If on the information of any person, the Committee is satisfied that any person who is conditionally registered in the register of conscientious objectors by virtue of a direction given under sub-paragraph (b) of paragraph (6) of this Article has failed to observe that condition, the Committee shall require him to make a fresh application to the military service tribunal, and

upon any such application that tribunal may deal with him in like manner as after being satisfied that the ground of his application was established, they had power to deal with him on his original application, but if he fails to make such a fresh application when required by the Committee, the Committee shall forthwith remove his name from the register of conscientious objectors and register him as a person liable under this Law to be called up for service but to be employed only in non-combatant duties.

(8) If, while a person is conditionally registered in the register of conscientious objectors, any change occurs in the particulars about him entered in that register, he shall forthwith notify the change to the Committee, and if he fails to do so he shall be liable to a fine not exceeding two pounds sterling and the Committee may remove his name from the register of conscientious objectors and register him as a person liable under this Law to be called up for service but to be employed only in non-combatant duties.

(9) A person shall not be liable under this Law to be called up for service so long as he is registered in the register of conscientious objectors ; and the Committee shall make arrangements for securing that, where a person registered as a person liable under this Law to be called up for service, but to be employed only in non-combatant duties, is called up under this Law for service, he shall, during the period for which he serves by virtue of being so called up, be employed only in such duties.

ARTICLE 6.

POSTPONEMENT OF LIABILITY TO SERVE IN THE FORCES.

(1) Subject to the provisions of this Article, any person for the time being liable under this Law to be called up for service who has been medically examined thereunder may apply in the prescribed manner to the

Committee for a certificate of postponement of liability to be so called up (hereinafter 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 to the Committee for the renewal of any postponement certificate granted to him.

(2) Subject to the provisions of this Article, the employer of any person for the time being liable under this Law to be called up for service and who has been medically examined thereunder may apply in the prescribed manner to the Committee for a postponement certificate in respect of such person, on the ground that exceptional hardship would ensue to the employer if such person were called up for service, and may, on that ground, apply to the Committee for the renewal of any postponement certificate granted in respect of such person.

(3) Where application for a postponement certificate or for the renewal of a postponement certificate is made, the Committee shall refer the application to the military service tribunal.

(4) An applicant for such a certificate as aforesaid who is aggrieved by the determination of the military service tribunal, and the Committee, if it considers it necessary in respect of any determination of the military service tribunal, 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 in that behalf by the Committee shall be entitled to be heard, on behalf of the Committee, on any application or appeal to a tribunal under this Article.

(6) An application for the grant of a postponement certificate may be made at any time when an enlistment notice has not yet been served on the person

concerned, or, if such a 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; and an application for the renewal of a postponement certificate shall be made not later than fourteen days before the expiration of the period for which that certificate was granted or last renewed.

Provided that where, in the case of a person who has been medically examined under this Law, an application for the grant of a postponement certificate is made more than two days after the completion of his medical examination, the military service tribunal shall dismiss it unless the tribunal is satisfied, having regard to the grounds on which the application is made, that the making thereof has not been unreasonably delayed.

(7) The Royal Court 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.

(8) 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 in relation to which 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 military service tribunal and that tribunal may either refuse the application or cancel the certificate or vary it by shortening the said period.

The person to or in respect of whom the certificate in question was granted, or his employer, as the case may be, shall be entitled to be heard on the application; and the provisions as to appeals contained in paragraph (4) of this Article shall apply to the applica-

tion as if it were an application for the grant of a postponement certificate.

(9) Before granting or renewing a postponement certificate upon an application made under the provisions of paragraph (2) of this Article, the military service tribunal shall hear the person in respect of whom the postponement certificate or the renewal of the postponement certificate is applied for and that person shall attend before the tribunal upon being required so to do in the prescribed manner, and if he fails so to do, he shall, save as hereinafter provided, be guilty of an offence under this Law.

(10) For the purposes of this Article, the President or other designated member of the Committee of the States of Guernsey or the States of Alderney or the Chief Pleas of Sark responsible for payment of the salary or wages of any person employed by any of the public bodies aforementioned shall be deemed to be the employer of that person, and the Constables of a parish shall be deemed to be the employers of any person employed by that parish.

ARTICLE 7.

SUSPENSION OF ENLISTMENT PENDING APPEALS, &c.

Where, at the beginning of the day specified in any 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 Article 5 of this Law, or by or in respect of him under Article 6 of this Law, is pending ; and

- (c) if any such application has been determined, that the time for bringing an appeal from that determination has not expired,

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

SUSPENSION OF RIGHT TO POSTPONEMENT OF LIABILITY
TO SERVE IN THE FORCES.

(1) The Royal Court, if satisfied at any time on the advice of the Lieutenant Governor that by reason of the gravity of the situation it is necessary so to do, may by Ordinance—

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

and the Royal Court, on the advice of the Lieutenant Governor, may by Ordinance vary or revoke any Ordinance in force under this Article, without prejudice, however, to the previous effect of that Ordinance.

(2) Where, on the day on which an Ordinance comes into force under this Article abrogating any right to appeal from the refusal of the military service tribunal to grant a postponement certificate, such an appeal is pending on the part or in respect of a person to whom the Ordinance applies or the time for bringing such an 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.

ARTICLE 9.

ARRANGEMENTS AS TO CIVIL SERVANTS OF THE
CROWN.

The provisions of this Law shall not apply to any person employed in the Civil Service of the Crown save with the consent of the Lieutenant Governor.

ARTICLE 10.

CLASSES OF PERSONS NOT SUBJECT TO THIS LAW.

(1) No person shall be liable under this Law to be called up for service who—

- (a) is a person not ordinarily resident in the Bailiwick of Guernsey who is, under the provisions of any Act in force in any part of His Majesty's dominions outside Great Britain and the Bailiwick of Guernsey, a national or a citizen of that part within the meaning of that Act, or is a person not ordinarily resident in the Bailiwick of Guernsey who is a person born or domiciled in any such part of His Majesty's dominions or in a British protectorate, a mandated territory, or any other country or territory being a country or territory under His Majesty's protection or suzerainty ; or
- (b) is a member of any of the armed forces of the Crown ; or
- (c) is undergoing training as a cadet at the Royal Military Academy, the Royal Military College or the Royal Air Force College, or in such other manner as the Lieutenant Governor may approve ; or
- (d) is a man in holy orders or a regular minister of any religious denomination ; or
- (e) is being detained as a certified patient in

pursuance of the Mental Treatment Law (Guernsey), 1939, or is undergoing treatment as a temporary patient under Article 34 of that Law, 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 styled "Loi ayant rapport aux Faibles d'Esprit"; or

- (f) is certified to be a blind person by a medical practitioner authorised to practise his profession in the Bailiwick.

(2) For the purposes of paragraph (a) of the last foregoing subsection, a person who is at any time resident in the Bailiwick of Guernsey shall be deemed to be ordinarily resident there unless he has been resident in the Bailiwick of Guernsey for less than two years or the circumstances of his residence in the Bailiwick of Guernsey are such as to show that he is residing there for a temporary purpose only.

(3) Where any person upon whom there is duly served a notice under this Law requiring him to do something on a future date is, at that date, not subject to this Law, he shall, for the purposes of that notice, be deemed not to have been subject to this Law at the date of the service of the notice.

ARTICLE 11.

REINSTATEMENT IN CIVIL EMPLOYMENT.

(1) It shall be the duty of any employer by whom a person called up under this Law for service or by whom a member of His Majesty's reserve and auxiliary forces duly called out for service whether before or after the commencement of this Law or by whom a person enlisting in His Majesty's forces on or after the 24th day of August, 1939, was employed when he was called from his civil employment or when he so enlisted for service connected with the present emergency, to reinstate him in his employment at

the termination of that service in an occupation and under conditions not less favourable to him than those which would have been applicable to him had he not been so called or had he not so enlisted as aforesaid, and, if he fails to so, the employer shall, subject as hereinafter provided, be liable to a fine not exceeding ten pounds sterling; and the court by which any employer is found guilty of an offence under this paragraph may order him to pay to the person whom he has failed to reinstate a sum not exceeding an amount equal to four weeks' remuneration at the current rate of remuneration applicable to such occupation under such conditions as aforesaid at the time when such offence was committed:

Provided that this paragraph shall not apply in relation to any person who, at the time at which he was so called or enlisted as aforesaid, had not been employed as a full-time employee during the six months then last past by the employer by whom he was then employed:

Provided also that in any proceedings under this paragraph it shall be a defence for the employer to prove that the person formerly employed by him did not, before the expiration of one month after the termination of such service as aforesaid, apply to the employer for reinstatement, or that, having been offered reinstatement by him, he failed, without reasonable excuse, to present himself for employment at the time and place notified to him by the employer, or that by reason of a change of circumstances (other than the engagement of some other person to replace him)—

- (a) it was not reasonably practicable to reinstate him; or
- (b) his reinstatement in an occupation and under conditions not less favourable to him

than those which would have been applicable to him had he not been called from his civil employment or had he not enlisted for service connected with the present emergency was impracticable, and that the employer has offered to reinstate him in the most favourable occupation and under the most favourable conditions reasonably practicable.

(2) For the purpose of paragraph (1) of this Article, a person called out for service in the Royal Guernsey Militia on the outbreak of the present hostilities and who subsequently enlists in His Majesty's Forces or is called up under this Law for service shall, unless a period of a least six calendar months intervenes between the termination of his service in the Militia and the date on which he subsequently enlisted or was called up as aforesaid, be deemed to have been called up under this Law for service on the date on which he was so called out for service in the Militia.

(3) For the purpose of securing the fair adjustment of contracts of service or apprenticeship in force between employers and employees when the employees are or were—

- (a) by reason of being members of His Majesty's Reserve and Auxiliary Forces or the Royal Guernsey Militia, called from their civil employment after the 31st day of December, 1938, for service with His Majesty's Forces or the Royal Guernsey Militia ; or
- (b) voluntarily enlisted on or after the 24th day of August, 1939, in His Majesty's Forces or the Royal Guernsey Militia, for service during the present emergency ; or
- (c) called up for service under this Law ;

the Royal Court may make regulations relieving the parties to such contracts of all or any of their obligations thereunder in respect of the period of the said

service, and may also make regulations modifying such contracts by extending the period of service or apprenticeship thereunder by a period not exceeding the period of the said service, and adapting the terms of the contracts in relation to any such extension.

(4) In relation to any person called from his civil employment or enlisting as aforesaid for service connected with the present emergency, references in this Article to an employer shall be construed as including references to any person for the time being carrying on the undertaking or service in which he was employed when so called or when he so enlisted as aforesaid, or carrying on any undertaking or service with which that undertaking or service has been amalgamated or in which it was comprised on the date on which he was so called or he so enlisted as aforesaid.

(5) If the Royal Court are satisfied that it is necessary to restrain employers from terminating the employment of their employees by reason of any duties or liabilities which they are or may become liable to perform or discharge by reason of their being called from their civil employment or enlisting in His Majesty's forces on or after the 24th day of August, 1939, for service connected with the present emergency, or to make provision for the prevention of evasion of the provisions of this Article, they may make regulations for those purposes, and such regulations may make provision for the punishment of breaches of the regulations, and may in particular apply with respect to persons found guilty of such breaches any of the provisions of this Article relating to persons found guilty of offences under this Article, with or without modifications.

ARTICLE 12.

FALSE STATEMENTS AND FORGERY.

Any person who—

(a) in giving any information for the purposes

of this Law knowingly or recklessly makes any statement which is false in a material particular ; or

- (b) with intent to deceive—
- (i) forges or uses, or lends to or allows to be used by any other person, any certificate under this Law, or
 - (ii) makes, or has in his possession, any document so closely resembling any certificate under this Law as to be calculated to deceive,

shall be guilty of an offence and liable to imprisonment with or without hard labour for a term not exceeding three months or to a fine not exceeding fifty pounds sterling or to both such imprisonment and such fine.

ARTICLE 13.

GENERAL PROVISIONS AS TO OFFENCES.

(1) Any person guilty of an offence under 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 Law, shall be liable to a fine not exceeding five pounds sterling :

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

(2) Prosecutions for offences under Article 12 of this Law shall be heard and determined by the Royal Court sitting as a Full Court ; prosecutions for other offences under this Law shall, any enactment or rule of law to the contrary notwithstanding, be instituted, heard and determined in and by the Court ordinarily

exercising jurisdiction “en police correctionnelle” in the Island of the Bailiwick in which the offence is alleged to have been committed or, if the offence is alleged to have been committed by a person while outside the Bailiwick of Guernsey, in any Island of the Bailiwick in which that person is subsequently found.

(3) Proceedings against any person for an offence under this Law alleged to have been committed by him while outside the Bailiwick of Guernsey, may be commenced 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 commenced at any time within the period of six months from the date on which evidence, sufficient in the opinion of a Law Officer of the Crown in the Island of Guernsey to justify a prosecution for the offence, comes to his knowledge, or within the period of twelve months after the commission of the offence, whichever period last expires.

ARTICLE 14.

SERVICE OF NOTICES.

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.

ARTICLE 15.

POWER TO REGULATE PROCEDURE.

(1) The Royal Court may make regulations regulating any matter of procedure under this Law, and such regulations shall empower the military service tribunal to sit in Alderney or Sark if it appears to the tribunal that circumstances warrant the tribunal in so doing and shall empower the military service tribunal to take evidence on oath, and shall make provision as to the representation of parties to proceedings

before the military service tribunal and the appellate tribunal which shall include the right to appear either in person or by counsel or by an "écrivain" or by any person who satisfies such a tribunal that he is a relative or a personal friend of the party whom he proposes to represent.

(2) Such regulations shall empower the military service tribunal and the appellate tribunal to award travelling expenses and subsistence allowances if, in their discretion, they deem it proper so to do, to persons travelling between the Island of Guernsey and any other Island of the Bailiwick for the purpose of attendance, whether as applicants or necessary witnesses, at the hearing of an application or appeal before such tribunals respectively.

(3) Awards of travelling expenses and subsistence allowances made under this Article shall be in accordance with such scale as the Royal Court may by regulation determine and such awards and any necessary travelling or other expenses as may be incurred by the military service tribunal shall be payable by the Committee.

ARTICLE 16.

POWER TO PROVIDE FOR CONSEQUENTIAL MATTERS.

(1) The Royal Court may make regulations to provide for such consequential matters as it appears to them expedient to provide for by reason of the passing of this Law.

(2) Any regulations made under this Article may provide for the continuance of any provisions contained therein after the expiry of this Law; and any such regulations and any regulations made under the last preceding Article may, while this Law is in force, be varied or revoked by any subsequent regulations made in like manner as the original regulations.

ARTICLE 17.

ORDINANCES AND REGULATIONS.

Ordinances and regulations made by the Royal Court under this Law shall remain in force until amended or revoked.

ARTICLE 18.

EXPENSES.

Any expenses incurred by the Committee in consequence of the passing of this Law or the making of any Regulations thereunder, shall be defrayed out of moneys provided by the States of Guernsey.

ARTICLE 19.

INTERPETATION.

(1) In this Law the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the appellate tribunal” means the Royal Court sitting as a Full Court ;

“the Committee” means the States Military Service (Executive) Committee to be appointed by the States of Guernsey ;

“His Majesty’s Armed Forces” and “the armed forces of the Crown” do not include the Royal Guernsey Militia ;

“mandated territory” has the meaning assigned to that expression under the National Service (Armed Forces) Act, 1939, of the United Kingdom ;

“military service tribunal” means the military service tribunal constituted in accordance with the Schedule to this Law ;

“officer of police” means, in the Islands of Guernsey, Herm and Jethou, any member of

the States' Police Force of the Island of Guernsey, in the Island of Alderney, a Constable or Assistant Constable and, in the Islands of Sark and Brecqhou, the Constable or the Vingtenier ;
 "overseas" means any place outside the Bailiwick of Guernsey ;

"prescribed" means prescribed by regulations made by the Royal Court under this Law ;

"the Royal Court" shall have the meaning assigned to that expression in the Defence Regulations (Guernsey), 1939.

(2) For the purposes of this Law, the present emergency shall be deemed to end or to have ended as the case may be on such date as His Majesty may by Order in Council appoint.

(3) For the purposes of this Law and of any Ordinance or regulation made thereunder, 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.

ARTICLE' 20.

COMMENCEMENT.

This Law shall come into operation on the day following the date on which the Order of His Majesty in Council sanctioning this Law is registered on the Records of the Island of Guernsey.

SCHEDULE.

CONSTITUTION OF THE MILITARY SERVICE TRIBUNAL.

The Military Service Tribunal shall consist of the Chairman and three other members or of the Deputy Chairman and three other members.

The Chairman and Deputy Chairman shall be appointed by the States of Guernsey Appointments

Board and shall, if possible, be persons with judicial experience or legal training.

The States of Guernsey, the States of Alderney and the Chief Pleas of Sark shall each elect a panel of six persons, to serve as members of the Tribunal.

In the event of a vacancy on any such panel, the legislature by which the panel was elected shall forthwith fill the vacancy.

In the appointment of the Chairman and Deputy Chairman of the Tribunal and the election of panels of persons to serve on the Tribunal, regard shall be had to the necessity of selecting impartial persons.

The Chairman and Deputy Chairman and each of the persons forming the panel elected by the States of Guernsey shall, before the Royal Court of Guernsey sitting as an Ordinary Court; each of the persons forming the panel elected by the States of Alderney shall, before the Court of Alderney; and each of the persons forming the panel elected by the Chief Pleas of Sark shall, before the Court of Sark; take an Oath well and faithfully and without fear, favour or affection to discharge the office of Chairman, Deputy Chairman or Member (as the case may be) of the Military Service Tribunal.

The Chairman or Deputy Chairman shall, subject to the following provisions, arrange for the attendance at each sitting of the Tribunal of three of such eighteen persons.

When the Tribunal is convened to hear an application by a person resident in the Islands of Guernsey, Herm or Jethou the three members other than the Chairman or Deputy Chairman shall be members elected by the States of Guernsey.

When the Tribunal is convened to hear an application by a person resident in the Island of Alderney, one member shall be a member elected by the States of Guernsey and two members shall be persons selected by the Judge (or failing him, the Lieutenant Judge or Acting Judge) of Alderney from among the members elected by the States of Alderney.

When the Tribunal is convened to hear an application by a person resident in the Islands of Sark or Brechou, one member shall be a member elected by the States of Guernsey and two members shall be persons selected by the Seneschal (or failing him, the Deputy Seneschal or Acting Seneschal) of Sark from among the members elected by the Chief Pleas of Sark.

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.

The Clerk to the Military Service Tribunal shall be a person appointed by the Committee and the salary (if any) payable to such person shall be the salary prescribed by the Committee and shall be paid by the Committee.

A. J. ROUSSEL,
Greffier du Roi.

ARRANGEMENT OF ARTICLES.

Article.

1. Ordinances subjecting Persons to this Law.
2. Registration.
3. Medical Examination.
4. Enlistment in Forces.
5. Conscientious Objectors.
6. Postponement of Liability to serve in the Forces.
7. Suspension of Enlistment pending Appeals, &c.
8. Suspension of Right to Postponement of Liability to serve in the Forces.
9. Arrangements as to Civil Servants of the Crown.
10. Classes of Persons not subject to this Law.
11. Reinstatement in Civil Employment.
12. False statements and Forgery.
13. General provisions as to Offences.
14. Service of Notices.
15. Power to regulate Procedure.
16. Power to provide for consequential matters.
17. Ordinances and Regulations.
18. Expenses.
19. Interpretation.
20. Commencement.

Schedule.

Constitution of the Military Service Tribunal.