

No. 2—1942.

*Compulsory Training and Service (Emergency)*.

AN ORDINANCE to make provision for the compulsory training and service of British subjects in relation to purposes arising out of the present emergency, and for other purposes arising out of the said emergency.

[12th February, 1942.]

Commencement.

1. This Ordinance may be cited as the *Compulsory Training and Service (Emergency) Ordinance, 1942.* Short title.

2. (1) In this Ordinance the following expressions have the meanings hereby respectively assigned to them, that is to say— Interpretation.

“appellate tribunal” means the appellate tribunal constituted under section 9 ;

“Dominion” means a Dominion within the meaning of the Statute of Westminster, 1931 ;

“local forces” means the forces constituted under the Local Forces Ordinance and the Naval Volunteer Ordinance ; Ch. 10, No. 1.  
Ch. 10, No. 3.

“local tribunal”, in relation to a person liable to be called up for service under this Ordinance, means the local tribunal constituted under section 9 for the area in which such person resides ;

“mandated territory” means a territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by the Government of any part of His Majesty’s dominions ;

“military authority” means the Officer Commanding the Troops ;

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“naval authority” means the Naval Officer in Charge in the Colony ;

“passive defence force” means a force constituted by regulations made under section 4 ;

“proper authority”, in relation to any of the purposes of this Ordinance, means the person whom the Governor may by notification in the *Royal Gazette* appoint (whether throughout the Colony or in the particular area) to be the proper authority for that purpose.

(2) For the purposes of this Ordinance, the present emergency shall be deemed to end or to have ended as the case may be on such date as the Governor may by notification published in the *Royal Gazette* appoint.

(3) For the purposes of this Ordinance and of any proclamation, order, regulation or rule 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 or her birth.

Restriction on powers of proper authority.

3. The proper authority shall exercise the powers conferred by this Ordinance subject to the general or special directions of the Governor in Council.

Constitution of passive defence forces.

4. (1) The Governor in Council may make regulations for the creation, organisation, discipline, training, service and general government of such forces (to be engaged in non-combatant duties only) as he may deem expedient or necessary to meet circumstances arising, or which may arise, out of the present emergency, and may empower the Governor to make rules to implement such regulations, and may provide for the imposing of penalties not exceeding a fine of two hundred and forty dollars and imprisonment for six months for breach of any such regulations or rules.

(2) Regulations made under this section shall not have any force or effect until approved by resolution of the Legislative Council.

(3) Every member of any force created by regulations under this section, including persons deemed to be enrolled, entered or enlisted therein by virtue of this Ordinance, shall be subject to such regulations and to any rules thereunder.

5. (1) The Governor in Council may from time to time by proclamation direct that, save as otherwise provided by this Ordinance, every person, or every male person, or every female person, as may be specified in the proclamation, who—

Proclamations  
subjecting  
persons to  
Ordinance.

- (a) at the date of the proclamation 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 proclamation, but has not, at that date, attained such greater age (not being more than fifty-five years) as may be so specified ; and
- (c) is at that date within the Colony, or not having been in the Colony at that date subsequently enters it ;

shall on the date of the proclamation or on the date on which he or she first enters the Colony after the date of the proclamation, as the case may be, become liable to be called up for service in accordance with this Ordinance, and any such proclamation may provide either that the persons to whom it relates shall be liable for service in any capacity contemplated by this Ordinance or that they shall be liable for service only in a capacity or capacities specified in the proclamation: Provided that a person shall not by virtue of any proclamation become liable under this Ordinance to be called up after he or she has attained the age of fifty-five years.

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

(3) Words hereinafter used in reference to males shall be deemed, unless the context otherwise requires, to refer also to females.

Registration.

6. (1) The Governor in Council may make rules requiring persons who become liable under this Ordinance to be called up for service—

- (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 rules, such particulars about himself as may be so notified ; and
- (b) except in the case of a person not required by the rules 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 rules, an application to be registered under this Ordinance.

(2) Such rules may be made in respect of persons generally who are liable to be called up for service, or in respect of persons of a specified class or description (including persons of specified ages or sex and persons possessing specified qualifications, training, education or experience), and may be made in respect of all such persons or classes or descriptions of persons throughout the Colony or in respect of all such persons or classes or descriptions of persons resident in a specified area, and may make different provision in relation to different classes or descriptions of persons or to persons or classes or descriptions of persons resident in different areas, and may provide for exempting from any requirements of the rules any class of persons with respect to whom the Governor in Council is satisfied that particulars sufficient for the purposes of this Ordinance can be ascertained otherwise than by virtue of those requirements.

(3) If any person fails to comply with any of the requirements of rules made under subsection (1) of this section, he shall, save as hereinafter provided, be guilty of an offence under this Ordinance.

(4) It shall be the duty of the proper authority to secure that upon an application being duly made for registration under this Ordinance, 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 rules), are entered in a register kept for the purposes of this Ordinance (hereinafter referred to as "the compulsory service register").

(5) Rules made under this section may provide for the issue of certificates of registration to applicants for registration who have been duly registered and also for the issue of certificates of exemption from registration to persons of any class exempted by the rules from the obligation to register; and may provide for the issue, in specified circumstances, of fresh certificates of registration in place of certificates which have been lost, destroyed or defaced.

(6) A person to whom a certificate of registration has been issued shall, if at any time while he is liable to be called up for service he is requested so to do by a constable in uniform, produce the certificate to the constable or, if the person to whom the request is made has not the certificate with him, produce it in person within two clear days at such police station as he may notify to the constable making the request, and if any person fails to comply with this subsection shall be guilty of an offence under this Ordinance.

(7) If, at any time while a person registered under this Ordinance is liable under this Ordinance to be called up for service, any change occurs in his name or address, he shall forthwith notify the change to the proper authority in the prescribed manner, and at the same time return to the proper authority 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 Ordinance; and the proper authority, upon the receipt of the notification, shall cause the necessary corrections to be made in the register and shall either cause the certificate to be corrected and returned to him or cause a fresh certificate to be issued to him.

7. (1) The proper authority may from time to time cause to be served on any person for the time being liable under this Ordinance to be called up for any service a written notice in the prescribed form requiring that person to submit himself to medical examination by a medical board.

Medical  
examination.

at such place and time as may be specified in the notice ; and where such a notice has been served on any person the proper authority 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 or time (or both the place and the time) at which he is thereby required to submit himself to medical examination.

(2) The Governor in Council may make rules for determining the constitution of medical boards for the purposes of this section, and for regulating the procedure of such boards, and such rules 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 Governor in Council may by rules 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 this section or of any rules made or directions given by virtue thereof, he shall, save as hereinafter provided, be guilty of an offence under this Ordinance.

(5) The Court by which any person is convicted of an offence under this Ordinance by reason of his failure to comply with the requirements of rules made under the last preceding section, with the requirements of subsection (7) of that section or with the requirements of a notice served on him or directions given to him under this section, may, without prejudice to any penalty which may be imposed 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 section 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 Ordinance to be called up for service.

(7) The proper authority may pay—

(a) to members of medical boards constituted for the purposes of this section, such remuneration and allowances as may be approved by the Governor in Council ; and

(b) to persons undergoing medical examination under this section such travelling and other allowances, including compensation for loss of remunerative time, in accordance with such scale as may be approved by the Governor in Council.

8. (1) The proper authority may cause to be served on any person for the time being liable under this Ordinance to be called up for service who has been medically examined under the last preceding section a written notice (hereinafter referred to as a "service notice") stating that he is called upon for service in such one of the local forces or passive defence forces, or in such unit of any of the said forces, as may be specified in the notice, and requiring him to present himself at such place and time (not earlier than the third day after the date of service of the notice), and to such authority or person as may be so specified: Provided that no person shall be called up for any service for which he is not liable by virtue of a proclamation under section 5.

Calling up  
for service.

(2) Subject to the following provisions of this Ordinance, a person called upon to serve in one of the local forces or passive defence forces or in any unit of any of the said forces shall be deemed, as from the day on which he is required to present himself as aforesaid, to have been duly enrolled, entered or enlisted for service in such force or unit, and the term or period for which he is enrolled, entered or enlisted shall, notwithstanding anything in any Ordinance, regulations or rules, be deemed to be from the beginning of the said day until the end of the present emergency: Provided that no such person who is deemed

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- Ch. 10. No. 1. to be enrolled, entered or enlisted in a force or unit constituted under the Local Forces Ordinance or in a passive defence force shall be liable to serve outside the Colony unless he has consented in writing to accept such service ; and provided further that no person who is deemed to be enrolled, entered or enlisted in the force constituted under
- Ch. 10. No. 3. the Naval Volunteer Ordinance, shall be liable to general service in the Royal Navy unless he has expressly consented in writing to accept such service.

(3) Where a service notice has been duly served on any person, the proper authority may, at any time while that person remains liable under this Ordinance to be called up for service, cancel the notice or cause to be served on him a further service notice varying the original notice by altering the place or time (or both the place and the time) at which he is thereby required to present himself.

(4) A service 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 Ordinance to be called up for service.

(5) The proper authority may pay to persons required to present themselves in accordance with service notices served upon them such travelling and other allowances as he may, with the approval of the Governor in Council, determine.

Local and  
appellate  
tribunals.

9. (1) Local tribunals for the purposes of this Ordinance shall be appointed for such districts as the Governor in Council may determine and shall consist of a Chairman having legal qualifications and two other members appointed by the Governor in Council. In appointing the Chairman and members of such tribunals the Governor in Council shall have regard to the necessity of selecting impartial persons.

(2) There shall be an appellate tribunal for the purposes of this Ordinance consisting of a Chairman who shall be a person nominated by the Chief Justice of the Colony and two other members appointed by the Governor in Council. In appointing members of the appellate tribunal the Governor in Council shall have regard to the necessity of selecting impartial persons.

(3) The Chairmen and members of the local and appellate tribunals appointed by the Governor in Council shall hold office during the pleasure of the Governor in Council. The Chairman of the appellate tribunal shall hold office during the pleasure of the Chief Justice of the Colony.

(4) The proper authority may pay—

(a) to the Chairmen and members of tribunals constituted under this section such remuneration and allowances as may be approved by the Governor in Council; and

(b) to applicants appearing before such tribunals, and to any witnesses whose attendance is certified by any such tribunal to have been necessary, travelling and subsistence allowances in accordance with such scale as may be approved by the Governor in Council.

10. (1) If any person liable under this Ordinance to be called up for service with the local forces claims that he conscientiously objects—

(a) to performing military service, or

(b) 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 proper authority (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 Ordinance, such an application as aforesaid is made more than two days after the completion of his medical examination, the proper authority shall dismiss the application unless he 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 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 subsection, be provisionally registered in that register.

(3) A person who has been provisionally registered in the register of conscientious objectors shall, within the prescribed time and in the prescribed manner, make to the local tribunal an application stating to which of the matters mentioned in paragraphs (a) or (b) of subsection (1) of this section he conscientiously objects, and, if he fails to do so, the proper authority 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 local tribunal, and the proper authority, if he 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) The proper authority or any person authorised by him shall be entitled to be heard on any application or appeal to a tribunal under this section.

(6) The local 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—

(a) that the applicant shall, without conditions, be registered in the register of conscientious objectors ; or

(b) that his name shall be removed from the register of conscientious objectors and that he shall be registered as a person liable under this Ordinance 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, 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 proper authority in the prescribed manner, and if he fails to do so shall be liable on summary conviction to a fine of forty-eight dollars;

and the proper authority may remove his name from the register of conscientious objectors and register him as a person liable under this Ordinance to be called up for service with the local forces but to be employed only in non-combatant duties.

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

11. (1) Subject to the provisions of this section, any person upon whom a service notice has been served in accordance with section 8, or the employer of such person, may apply in the prescribed manner to the proper authority for a certificate of postponement of liability to serve in the capacity mentioned in the service notice (hereinafter referred to as 'a postponement certificate') on the ground either—

(a) that it is necessary or expedient in the interests of defence or the efficient prosecution of any war in which His Majesty may be engaged that such person should not be called up for service in that capacity ; or

(b) that exceptional hardship would ensue if he were called up for service in that capacity ;

and may, on that ground, apply in the prescribed manner to the proper authority for the renewal of any postponement certificate granted to such person.

(2) Where application for a postponement certificate or for the renewal of a postponement certificate is made, the proper authority shall, unless he grants the certificate or renewal, refer the application to the local tribunal,

(3) An applicant for such a certificate as aforesaid who is aggrieved by the determination of the local tribunal, and the proper authority, if he 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 local tribunal with respect to any application was unanimous, the applicant shall not be entitled to appeal to the appellate tribunal except with the leave of the local tribunal.

(4) A naval or military authority or the officer in charge of any passive defence force who is aggrieved by the grant or renewal of a certificate by the proper authority may require the proper authority to refer the application to the local tribunal which may cancel or confirm such grant or renewal and the naval or military authority or such officer, as the case may be, may if dissatisfied with the determination of the local tribunal appeal within the prescribed time and in the prescribed manner to the appellate tribunal whose decision shall be final.

(5) The proper authority or any person authorised by him shall be entitled to be heard on any reference or appeal under this section.

(6) An application for the grant of a postponement certificate may be made at any time before the day specified in the notice as the day on which the person on whom it is served is thereby required to present himself; and an application for the renewal of a postponement certificate may be made within the prescribed time before the expiration of the period for which that certificate was granted or last renewed.

(7) The Governor in Council may make rules 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) In any case where an applicant has represented to a tribunal the existence of any circumstance or condition as a reason for the grant or renewal of a postponement certificate and a certificate has been granted or renewed wholly or partly in consequence of such representation,

and where at any time while such certificate is in force any change occurs in any such circumstance or condition the person to whom the certificate was granted or his employer, if the employer was the applicant, shall forthwith notify the change in the prescribed manner to the proper authority. Any person who, being required to notify a change in accordance with this subsection, fails to do so shall be guilty of an offence under this Ordinance.

(9) If at any time it appears to the proper authority that, by reason of any such change as is referred to in the last preceding subsection or for any other sufficient reason, the certificate ought to be cancelled or the period for which it was granted or last renewed ought to be shortened, the proper authority may apply to the local tribunal and that tribunal may either refuse the application or cancel the certificate or vary it by shortening the said period: Provided that in any such case where the proper authority has himself granted the certificate the proper authority may cancel the certificate or vary it by shortening the period for which it was granted, but the proper authority shall, at the request of any person affected by his decision, refer the matter to the local tribunal. The person to whom the certificate in question on any such application was granted or his employer shall be entitled to be heard on the application; and the provisions as to appeals contained in subsection (3) of this 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 or by his employer.

(10) No determination of the proper authority or of the local tribunal or of the appellate tribunal made for the purposes of this section shall be called in question in any court of law.

(11) Where a postponement certificate as regards service in any capacity has been refused to any person and the time for bringing any appeal against such refusal has expired, then, if a fresh service notice is thereafter served on that person calling him up for service in the same capacity, the proper officer may refuse to entertain any application for a postponement certificate based on such

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fresh service notice or to refer any such application to the local tribunal unless it is established to his satisfaction that some new and material circumstance has arisen which would justify a reconsideration of the matter.

Suspension  
of service.

**12.** Where, at the beginning of the day specified in any service 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 service by him in the capacity mentioned in the notice is in force ;

(b) that (where the notice calls him up for service in the local forces) an application or appeal by him under section 10 is pending ;

(c) that any application or appeal by him or his employer under section 11 is pending ; and

(d) if any such application as is mentioned in paragraphs (b) and (c) of this section has been determined, that the time for bringing any appeal by him or his employer has not expired ;

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

Suspension  
of right to  
postponement  
of liability  
to serve.

**13.** (1) The Governor in Council, if satisfied at any time that by reason of the gravity of the situation it is necessary so to do, may by order—

(a) cancel or suspend the effect of all or any postponement certificates in force at the date of the order, either generally or in relation to a specified class of persons or in relation to any individual ; 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 to appeal from the refusal of a tribunal to grant such a certificate ;

and the Governor in Council 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 to appeal from the refusal of a tribunal 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 bringing such an appeal by such a person 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.

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

Classes of persons not liable to service.

- (a) is a person not ordinarily resident in the Colony who is, under the provisions of any Act in force in a Dominion, a national or citizen of that Dominion within the meaning of that Act, or who is a person born or domiciled in a Dominion ; or
- (b) is a British protected person as being the subject of any of the States of India ; or
- (c) is a person employed in the service of the Government of a part of His Majesty's dominions outside the Colony, or in the service of the Government of a British protectorate or protected State, a mandated territory or some other country or territory which is under His Majesty's protection or suzerainty, being a person whose presence in the Colony is occasioned solely by his employment in that service ; or
- (d) is a member of any of the armed forces of the Crown ; or
- (e) is a member of the local forces or is a pupil in, or is employed under, the Air Training Scheme or is a member of the Police Force or Police Reserve constituted by virtue of the Police Ordinance, or is a member of any supplementary Police Force established under the Supplemental Police Ordinance ; or
- (f) has been adjudicated a person of unsound mind so long as such mental disorder persists ; or

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- (g) is certified by two registered medical practitioners to be a leper or to be blind so long as such disease or infirmity persists ; or
- (h) is a member of any fire brigade maintained by Government ; or
- (i) holds or is acting in the office of Chief Justice or Puisne Judge of the Colony, or is a member of the Executive Council or of the Legislative Council of the Colony ; or
- (j) belongs to a class or description of persons exempted by the Governor in Council from service under this Ordinance by notification published in the *Royal Gazette*.

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

(3) No person shall be liable under this Ordinance to be called up for service in the local forces who—

- (a) is a female ; or
- (b) is a man in holy orders or a regular minister of any religious denomination ; or
- (c) is a person who has left or been discharged from the Naval, Military or Air Forces of the Crown in consequence of disablement or ill-health, so long as such disablement or ill-health persists ; or
- (d) belongs to a class or description of persons exempted from liability to service in the local forces by the Governor in Council by notification in the *Royal Gazette*.

(4) No person shall be liable under this Ordinance to be called up for service in the passive defence forces who—

- (a) is enrolled as a member of a British Red Cross Society detachment and is registered as such at the Central Office of the Trinidad and Tobago branch of the said Society ; or

- (b) is already a member of a passive defence force; or  
 (c) belongs to a class or description of persons exempted from service in the passive defence forces by the Governor in Council by notification in the *Royal Gazette*.

(5) In any case where there is a doubt or dispute as to whether any person is entitled to exemption from service by reason of subsections (1), (3) or (4) of this section, the onus of proving that he is so entitled shall be upon the person claiming such exemption.

15. (1) If any person, being a person who has made application for registration as a conscientious objector but who has nevertheless been called up under this Ordinance for service in the local forces, is undergoing a sentence of imprisonment 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 Colony, 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, and that tribunal shall, if it finds that the offence for which he was sentenced was committed by reason of such conscientious objection as aforesaid, have power to recommend to the proper naval or military authority that he be discharged from service in the local forces as soon as may be after serving the sentence imposed upon him.

Provisions as to certain persons sentenced by court martial.

(2) Upon receiving from the appellate tribunal a recommendation made under this section that a person be discharged from the local forces it shall be the duty of the proper naval or military authority, as the case may be, to arrange for his discharge accordingly.

(3) Where the appellate tribunal recommends under this section that a person be discharged from the local forces the tribunal shall have power to make any order with respect to his registration as a conscientious objector or as a person liable to be employed on non-combatant duties only which they would have had power to make on an appeal under section 10, and any such order shall have effect immediately upon his discharge.

Reinstatement  
in civil  
employment.

16. (1) It shall be the duty of any employer—

- (a) by whom a person, called up under this Ordinance for service involving discontinuance in whole or in part of his employment, was employed when he was called up for service ;
- (b) by whom a person who is a member of the local forces at the commencement of this Ordinance was employed when he became liable to actual full-time service connected with the present emergency in accordance with regulations made under section 10 of the Naval Volunteer Ordinance, or with the Local Forces Ordinance ;
- (c) by whom a member of the local forces not in full-time service who is called up for training in connection with the present emergency which involves a discontinuance in whole or in part of his employment, was employed when he was so called up ;
- (d) by whom a member of His Majesty's reserve and auxiliary forces called out for service connected with the present emergency under the Reserve and Auxiliary Forces Act, 1939, or under the permanent enactments relating to those forces, whether before or after the commencement of this Ordinance, was employed when he was so called out,

to reinstate him in his employment at the termination of that service or training, as the case may be, 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 as aforesaid, and if he fails to do so, the employer shall, subject as hereinafter provided, be liable on summary conviction to a fine of four hundred and eighty dollars ; and the Court by which any employer is found guilty of an offence under this subsection may order him to pay to the person whom he has failed to reinstate a sum not exceeding an amount equal to three months remuneration at the rate at which his remuneration was last payable to him by the employer :

Provided that in any proceedings under this subsection 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 or training 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 for service or training 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 securing the fair adjustment of contracts of service in force between employers and employees when the employees are or were called for service or training in connection with the present emergency, the Governor in Council may make rules relieving the parties to such contracts of all or any of their obligations thereunder in respect of the period of that service or training, and may also make rules modifying such contracts by extending the period of service thereunder by a period not exceeding the period of the said service or training, and adapting the terms of the contracts in relation to any such extension.

(3) In relation to any person called for service or training connected with the present emergency, references in this section 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 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 as aforesaid.

(4) If the Governor in Council is 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 having been called for service or training connected with the present emergency, or to make provision for the prevention of evasion of the provisions of this section, he may make rules for those purposes, and such rules may make provision for the punishment of breaches of the rules, and may in particular apply with respect to persons found guilty of such breaches any of the provisions of this section relating to persons found guilty of offences under this section, with or without modifications.

(5) In this section the expression "His Majesty's reserve and auxiliary forces" has the same meaning as in the Reserve and Auxiliary Forces Act, 1939, and the expression "permanent enactments relating to His Majesty's reserve and auxiliary forces" means the enactments (including any proclamation, Order in Council, regulations, warrant, or other instrument) mentioned in subsection (3) of section 1 of that Act; and for the purposes of paragraph (d) of subsection (1) of this section the expression "called out for service . . . . under the . . . permanent enactments" means called into actual service, ordered to join the royal navy, ordered to join the royal marine forces, called out on permanent service, embodied or called out for service, under the permanent enactments relating to His Majesty's reserve or auxiliary forces.

Period of  
service of  
volunteers.

17. Notwithstanding anything to the contrary in the Local Forces Ordinance, every person who, at the commencement of this Ordinance, is a member of a force constituted under that Ordinance, shall be deemed to be enlisted in that force until the expiration of the actual period of his enlistment or until the end of the present emergency whichever is the later.

Power to  
provide for  
consequential  
matters.

18. (1) Subject to the provisions of this section, the Governor in Council may by order make provision for such consequential matters as it appears to him expedient to provide for by reason of the passing of this Ordinance.

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

(3) An order made under this section shall not come into force until it has been approved, with or without amendment, by a resolution of the Legislative Council:

Provided that, if at any time it is shown to the satisfaction of the Governor in Council that the making of an order under this section is urgently necessary, the Governor in Council may declare that an order shall come into force upon publication in the *Royal Gazette* and every such order shall have effect accordingly, but the order shall, except as respects things previously done or omitted to be done, cease to have effect at the expiration of the next following meeting of the Legislative Council unless it has been laid before Council and approved whether with or without amendment by a resolution of the Council at such meeting.

19. Any person who—

- (a) in giving any information for the purposes of this Ordinance knowingly or recklessly makes any 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 under this Ordinance, or
  - (ii) makes, or has in his possession, any document so closely resembling any certificate under this Ordinance as to be calculated to deceive,

shall be guilty of an offence and liable, on summary conviction, to imprisonment for three months or to a fine of two hundred and forty dollars or to both such imprisonment and such fine.

No. 2. *Compulsory Training and Service (Emergency)*. 1942.

General provisions as to offences.

**20.** (1) Any person guilty of an offence under this Ordinance, not being an offence for which a penalty is thereby expressly provided, by reason of non-compliance with any of the provisions of this Ordinance shall be liable on summary conviction to a fine of two hundred and forty dollars :

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 Ordinance by circumstances beyond his control.

(2) Proceedings for an offence under this Ordinance may be taken against any person at any place at which he is for the time being.

(3) Proceedings for any offence under this Ordinance may be commenced at any time within the period of six months from the date on which evidence sufficient in the opinion of the Attorney General 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.

(4) For the purposes of the last foregoing subsection a certificate purporting to be signed by the Attorney General as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.

Service of documents.

**21.** Any order, summons, subpoena, notice or other document issued for the purpose of carrying out the provisions of this Ordinance may be served either by being delivered personally to the person to whom it is addressed or by leaving it with some adult at such person's last known residence or place of business or by sending it by post to such person at his last known residence or place of business.

Expenses.

**22.** Any expenses incurred by the proper authority under this Ordinance shall be defrayed out of the public moneys of the Colony.

23. (1) The Governor in Council may make rules for <sup>Rules.</sup> prescribing anything required to be prescribed under this Ordinance and for regulating any matter of procedure under this Ordinance, and such rules may, in particular, make provision as to the quorum necessary to constitute a meeting of any tribunal appointed for the purposes of this Ordinance.

(2) The rules made under this Ordinance regulating the procedure of such tribunals as aforesaid shall empower the tribunals to take evidence on oath, and shall make provision as to the representation of parties to proceedings before the tribunals which shall include the right to appear either in person or by counsel or by any person who satisfies such a tribunal that he is a relative or personal friend of the party he proposes to represent. Such rules may confer upon tribunals such of the powers of the Supreme Court as the Governor in Council deems necessary for the proper exercise of their duties.