

National Service Act, 1948

II & 12 GEO. 6. CH. 64.

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Section.

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CHAPTER 64.

An Act to consolidate the National Service Acts, 1939 to 1947, and the Reinstatement in Civil Employment Act, 1944, so far as that Act applies to persons called up for national service after the thirty-first day of December, nineteen hundred and forty-eight.

[30th July 1948.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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 Act, every male British subject ordinarily resident in Great Britain 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 to this Act shall be liable to be called upon 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; and
- (b) a term of part-time service in an auxiliary force in accordance with this section.

(2) Subject to the provisions of this Part of this Act, the term of whole-time service for which a person shall be liable to be called up under this Part of this Act shall be a period of twelve months beginning with the day on which he is required

PART I.
—cont.

by an enlistment notice served under section nine of this Act 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 Act:

Provided that His Majesty may by Order in Council appoint a period shorter than twelve months as the term of whole-time service for which a person shall be liable to be called up as aforesaid.

(3) On the day next after that on which the term of a person's whole-time service is completed he shall, subject to the provisions of the next following 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 a royal naval special reserve which the Admiralty shall raise and maintain for the purposes of this Part of this Act; or
- (b) if that last service was in the regular army, to be enlisted for service in the territorial army or the army reserve, as the Army Council may direct; or
- (c) if that last service was in the regular air force, to be enlisted for service in the air force reserve;

for a term of part-time service ending with the expiration of the seventh year after the beginning of his term of whole-time service; so, however, that the end of a person's part-time 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 1 of the Second Schedule to this Act.

Volunteer
service in lieu
of part-time
service.

2.—(1) If, during his whole-time service, any person is accepted by a Service Authority as a volunteer 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 enters 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 auxiliary forces as a volunteer for a term not less than the term of part-time service which he would otherwise be required to serve under this Part of this Act, he shall be entered or enlisted in accordance with that engagement and shall not be deemed to be entered or enlisted in accordance with the provisions of subsection (3) of the foregoing section.

(2) A person who is entered or enlisted for service as a volunteer in one of the forces aforesaid in accordance with the provisions of this section shall perform the service required of members of that force in lieu of the part-time service required by this Part of this Act.

3. The Service Authorities shall by regulations make provision for enabling or requiring a person serving in any auxiliary force during his part-time service, or during service performed in lieu thereof, to be transferred to any other auxiliary force; so, however, that such regulations shall not provide for the transfer of any person to the royal naval reserve, the royal naval volunteer reserve, the royal marine forces volunteer reserve, the royal air force volunteer reserve or the royal auxiliary air force except at his own request.

PART I.
—cont.
Transfer.

Training during part-time service.

4.—(1) During his term of part-time service a person may be required to undergo training for any periods not exceeding in the aggregate—

Length of
training
during part-
time service.

(a) sixty days during the whole of his term of part-time service;

(b) twenty-one days in any year of that service.

(2) The Service Authorities shall by regulations make provision for defining what constitutes a day's training for the purposes of this Part of this Act; and any such regulations may in particular allow, with such limitations as may be prescribed, hourly periods of instruction to be aggregated so that four such periods may be reckoned as a day's training.

5.—(1) The Service Authority may cause to be served on any person during his term of part-time service a training notice which shall state that he is summoned for training and the period for which he is summoned and shall require him to present himself at such place and time on such day (not earlier than the thirtieth day after the date of the service of the notice), and to such authority, as may be specified in the notice.

Summoning
for training
during part-
time service.

(2) Where a training notice has been served on any person, the Service Authority may at any time before the day on which he is thereby required to present himself cause to be served on him a supplementary notice varying the training notice by altering the place or time at which, but not the date on which, he is thereby required to present himself.

(3) Every training notice served otherwise than by registered post shall require the person upon whom it is served to acknowledge receipt thereof within such time as may be specified in the requirement; and if acknowledgment is not received, the Service Authority may cause a further training 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.

PART I.
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(4) A person who fails to comply with a training notice shall be liable to be apprehended and unless he has some reasonable excuse punished in the same manner as a person belonging to an auxiliary force failing to appear when called into actual or permanent service or on embodiment so, however, that the maximum punishment that may be awarded in respect of any such offence shall be, in the case of a person convicted by a court of summary jurisdiction, a fine of twenty-five pounds, and in any other case detention or imprisonment for a term not exceeding two years.

(5) If at any time during a person's term of part-time service any change occurs in his name or address, he shall forthwith notify the change to such person and in such manner as may be notified to him under regulations of the Service Authority; and if he fails to do so, he shall be guilty of an offence under this Part of this Act.

(6) A person shall not during his term of part-time service be required to perform any duty under this Part of this Act so long as he is not ordinarily resident in Great Britain or is a person specified in the First Schedule to this Act; and where by virtue of this subsection any person upon whom a training notice is served under this section is not, on the day on which he is thereby required to present himself, liable to perform any duty under this Part of this Act, he shall, for the purposes of that notice, be deemed not to have been liable to perform any such duty at the date of the service of the notice.

Procedure for calling up for service in armed forces.

Persons
required to
register.

6.—(1) The Minister may from time to time by public notice 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 Part of this Act to be called up for service in the armed forces of the Crown, to be registered for such service under this Part of this Act.

(2) Subject to the provisions of section ten of this Act, references in this Part of this Act 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 Part of this Act 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.

7.—(1) The Minister may make regulations requiring persons who become subject to registration—

PART I.
—cont.
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 Act.

(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 Minister is satisfied that particulars sufficient for the purposes of this Part of this Act can be ascertained by him 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 Act.

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

- (a) that upon application being duly made for registration under this Part of this Act, 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 Part of this Act (in this Part of this Act referred to as “ the 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 Minister 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 Part of this Act.

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

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—cont.

(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 constable in uniform, produce the certificate to the constable or, if he 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.

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

(8) The Minister 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 Part of this Act remains subject to registration any change occurs in his name or address, he shall forthwith notify the change to the Minister in the prescribed manner, and at the same time return to the Minister 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 Act; and the Minister, 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.

Medical
examination.

8.—(1) The Minister 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 Minister 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.

(2) The Minister 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 Minister 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 Act.

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

- (a) a notice served on him by the Minister 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 Minister and any such order may provide that he shall be detained in custody until that time and taken by a constable 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 constable 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 constable 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 Act and liable—

- (a) on conviction on indictment, to imprisonment 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

PART I.
—cont.

(b) on summary conviction, to imprisonment for a term not exceeding twelve 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.

(9) The Minister may pay—

(a) to members of medical boards constituted for the purposes of this section, and to consultant examiners employed for those purposes, such remuneration and allowances as he may, with the approval of the Treasury, determine, and

(b) to persons undergoing examination under this section such travelling and other allowances, including compensation for loss of remunerative time, in accordance with such scale as he may, with the consent of the Treasury, approve.

Enlistment in
the forces.

9.—(1) The Minister may cause to be served on any person for the time being liable under this Part of this Act to be called up for service who has been medically examined under the last foregoing section a written notice (in this Part of this Act 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 and time, and to such authority, as may be so specified; and, subject to the following provisions of this Part of this Act, 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 Act 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 Act:

Provided that an enlistment notice shall not require the person upon whom it is served to present himself on a day earlier than the fourteenth 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 Minister may, at any time while that person remains liable under this Part of this Act 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 Minister may, if he 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 twelve, section thirteen or section seventeen of this Act is pending,
- (c) that any determination made with respect to any such application or appeal is subject to appeal or further appeal and that the time for bringing such an appeal or further appeal has not expired,

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

(4) Where, immediately before the time at which a person is deemed under this section to be entered or enlisted for service, he is a member of an auxiliary force, his service in that force shall be deemed to have been duly terminated at that time.

(5) 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 Part of this Act to be called up for service.

(6) The Minister may pay to persons required to present themselves in accordance with enlistment notices served upon them such travelling and other allowances as he may, with the approval of the Treasury, determine.

10.—(1) The Minister 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

Early
registration
and call up.

PART I.
—cont.

years and two months to be registered in the military service register notwithstanding that he has not been required to be so registered by notice under section six of this Act or by regulations under section seven of this Act.

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

Late call up
for medical
and dental
practitioners.

11. If the Minister is satisfied that any registered medical practitioner or person registered in the dentists' register under the Dentists Acts, 1878 to 1923, is undergoing or about to undergo training for the purpose of acquiring further qualifications or special experience, the Minister may at the request of that person direct that he may be called up at any time before he attains the age of thirty years; and, in relation to any person with respect to whom such a direction is given, references in this Part of this Act to twenty-six years shall accordingly be construed as references to thirty years.

• *Postponement of liability for service in armed forces.*

Applications
for postpone-
ment on
grounds of
hardship of
liability to be
called up for
service.

12.—(1) Subject to the provisions of this section, any person for the time being subject to registration who has been medically examined under section eight of this Act, or is permitted under this section so to apply without having been medically examined, may apply in the prescribed manner to the Minister for a certificate of postponement of liability under this Act to be called up for service (in this Part of this Act 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 Minister for the renewal of any postponement certificate granted to him.

(2) Where application for a postponement certificate or for the renewal of a postponement certificate is made, the Minister shall, unless he grants the certificate or renewal, refer the application for decision by a Military Service (Hardship) Committee constituted under the Third Schedule to this Act.

(3) If, with respect to any person subject to registration who has not been medically examined under section eight of this Act, the Minister 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 Minister may permit him to apply for such a certificate.

(4) 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 applicant, or, if such a notice has been served on him, be made 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 may be made within the prescribed time before the expiration of the period for which that certificate was granted or last renewed:

PART I.
—cont.

Provided that—

- (a) where, in the case of a person who has been medically examined under section eight of this Act, an application for the grant of a postponement certificate is made more than two days after the completion of his medical examination, the Minister shall dismiss it unless he is satisfied, having regard to the grounds on which the application is made, that the making thereof has not been unreasonably delayed; and
- (b) the Minister may, in special circumstances, allow an application for the renewal of a postponement certificate to be made at any time before an enlistment notice is served on the holder of the certificate.

(5) The Minister 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.

(6) 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 Part of this Act to be called up for service; and accordingly this Part of this Act 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.

13. An applicant for a postponement certificate who is aggrieved by the determination of a Military Service (Hardship) Committee, and the Minister, if he considers it necessary, may, within the prescribed time and in the prescribed manner, appeal to the umpire or any deputy umpire appointed or deemed to have been appointed under section forty-one of this Act, whose decision shall be final; and the umpire or any deputy umpire shall, when considering any such appeal, sit with two assessors appointed by the Minister:

Appeals from
determina-
tions of
Military
Service
(Hardship)
Committees.

PART I.
—cont.

Provided that—

- (a) if the determination of the Committee with respect to any applicant was unanimous, the applicant shall not be entitled to appeal to the umpire or any deputy umpire except with the leave of the Committee;
- (b) if one or both of the assessors appointed to sit with the umpire or deputy umpire is or are absent, then, with the consent in writing of the person to whose application the appeal relates, the umpire or deputy umpire may proceed to consider and determine the appeal with the other assessor or without either assessor, as the case may be.

Revocation
of postponement
certificates.

14.—(1) If, at any time while a postponement certificate is in force, it appears to the Minister 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 Minister may apply to a Military Service (Hardship) Committee, and that Committee 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.

Provisions as
to Military
Service
(Hardship)
Committees
and umpires,
etc.

15.—(1) The Minister or any person authorised by him shall be entitled to be heard on any reference to a Military Service (Hardship) Committee or appeal to the umpire or a deputy umpire under the last three foregoing sections.

(2) No determination of the Minister, of a Military Service (Hardship) Committee, of the umpire or of any deputy umpire made for the purposes of the last three foregoing sections shall be called in question in any court of law.

(3) The Minister may pay—

- (a) to members of Military Service (Hardship) Committees, and to persons appointed to sit as assessors with the umpire or any deputy umpire under section thirteen of this Act such remuneration and allowances as the Minister may, with the approval of the Treasury, determine; and

- (b) to persons whose applications are referred to such Committees or who appeal from the decisions of such Committees, and to any witnesses whose attendance is certified by any such Committee or by the umpire or any deputy umpire, as the case may be, to have been necessary, travelling and subsistence allowances in accordance with such scale as the Minister may, with the approval of the Treasury, determine.

PART I.
—cont.

16.—(1) The Minister, 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 to appeal from the refusal to grant such a certificate;

and the Minister 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 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.

Conscientious objectors.

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

Registration in register of conscientious objectors.

- (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 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 Minister (in this Part of this Act referred to as “ the register of conscientious objectors ”):

Provided that where, in the case of a person who has been medically examined under section eight of this Act, such an

PART I.
—cont.

application is made more than two days after the completion of his medical examination, the Minister 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 applies in accordance with the last foregoing subsection to be registered in the 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 register of conscientious objectors shall within the prescribed period and in the prescribed manner, make to a local tribunal constituted under the Fourth Schedule to this Act 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 Minister 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 a local tribunal and the Minister, if he considers it necessary, may, within the prescribed time and in the prescribed manner, appeal to the appellate tribunal constituted under the Fourth Schedule to this Act, and the decision of the appellate tribunal shall be final.

(5) The Minister or any person authorised by him shall be entitled to be heard on any application or appeal to a tribunal under this section.

(6) A 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 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 a period of twelve 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 Minister may direct for the purpose of ascertaining the applicant's fitness for that work;

- (ii) undergo such training provided or approved by the Minister as the Minister 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 Act 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 register of conscientious objectors:

Provided that in relation to any person who, by reason of his age, has not yet become liable under this Part of this Act 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 Minister may provisionally register in the 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 Minister's opinion there are reasonable grounds for thinking that he is a conscientious objector, and the Minister may refer the case of that person to a local 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 references in this section to the "applicant" shall be deemed to include references to him.

(8) Any person unconditionally registered in the 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 Service Authorities shall make arrangements for 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 Act 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 Act, 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 register of conscientious objectors, any change occurs in the particulars about him registered in that register, he shall

PART I.
—cont.

forthwith notify the change to the Minister in the prescribed manner, and if he fails to do so shall be liable on summary conviction to a fine not exceeding five pounds.

Changes in
register of
conscientious
objectors.

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

- (a) for the removal of his name from the register of conscientious objectors and for his registration in the military service register as a person liable or prospectively liable under this Part of this Act to be called up for service; or
- (b) for his registration in the 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 register of conscientious objectors as a person liable or prospectively liable under this Part of this Act 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 Minister in the prescribed manner for the removal of his name from that register and for his registration in the military service register as a person liable or prospectively liable under this Part of this Act to be called up for service.

(3) The Service Authorities shall make arrangements for enabling a person registered in the register of conscientious objectors as a person liable to be called up for service under this Part of this Act, but to be employed only in non-combatant duties, to apply to the Minister, 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 military service register as a person liable to be called up for service under this Part of this Act; 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 Minister shall cause the register or registers to be amended accordingly.

Breach of
condition of
registration as
conscientious
objector.

19.—(1) Where it appears to the Minister 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 Minister may refer his case to a local tribunal.

(2) Where it appears to the Minister 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 Minister 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 a local 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 Minister 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 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 a local or appellate tribunal.

(4) Where the case of any person has been referred to a local 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 Minister; or
- (b) the Minister, 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) 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 Minister 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 Act and liable—

- (a) on conviction on indictment, to imprisonment 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 summary conviction, to imprisonment for a term not exceeding twelve months, or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine.

PART I.
—cont.

(6) A prosecution against any person under the last foregoing subsection for failing to comply with a condition or direction shall not be instituted except by or with the consent of the Minister; and where the case of any person has been referred to a local tribunal under subsection (1) of this section, the Minister shall not institute or consent to the institution of such a prosecution against him—

(a) unless that 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 local 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 Minister and stating—

(a) that he has not referred the case of that person to a local tribunal under subsection (1) of this section; or

(b) that he has so referred the case and either—

(i) that the local 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 local tribunal and that the appellate tribunal has determined the matter and made no such report; or

(c) that he has directed a person to undertake any work and has not withdrawn that direction,

shall be conclusive evidence of the facts so stated.

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

20.—(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 eight of this Act, 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.

(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 section seventeen of this Act, and any such order shall have effect immediately or upon his discharge from prison as the case may be.

21.—(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 penal servitude, 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 Great Britain, 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) Upon receiving from the appellate tribunal a recommendation made under this section that a person be discharged from the armed forces of the Crown, it shall be the duty of the Service Authority to arrange for his discharge accordingly.

(4) Where the appellate tribunal recommend under this section that a person be discharged from whole-time service, the tribunal shall 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 section seventeen of this Act, and any such order shall have effect immediately upon his discharge.

(5) Where under the last foregoing subsection the tribunal have ordered that a person be conditionally registered in the register of conscientious objectors, the Minister may by order of which he 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 Minister account might be taken in reckoning the end of the term of that person's whole-time service.

PART I.
—cont.
Provisions
as to local
and appellate
tribunals.

22.—(1) The regulations made under this Part of this Act regulating the procedure of tribunals constituted under the Fourth Schedule to this Act shall—

- (a) make provision for the appellate tribunal to sit in two or more divisions of which at least one shall sit for Scotland;
 - (b) empower the tribunals to take evidence on oath;
 - (c) 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 a solicitor or by a representative of any trade union to which they belong or by any person who satisfies such a tribunal that he is a relative or personal friend of the party he proposes to represent.
- (2) No determination of a local tribunal or the appellate tribunal made for the purposes of this Part of this Act shall be called in question in any court of law.
- (3) The Minister may pay—
- (a) to members of tribunals constituted under the Fourth Schedule to this Act such remuneration and allowances as he may, with the approval of the Treasury, determine;
 - (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 the Minister may, with the consent of the Treasury, approve;
 - (c) to persons undergoing training in accordance with directions given by the Minister under paragraph (b) of subsection (6) of section seventeen of this Act training allowances in accordance with such scale as he may, with the consent of the Treasury, approve;
 - (d) to persons conducting any medical examination under the said paragraph (b) such remuneration and allowances as he may, with the approval of the Treasury, determine; and
 - (e) to persons submitting themselves to such medical examination as aforesaid such travelling and other allowances, which may include compensation for loss of remunerative time, in accordance with such scale, as he may, with the consent of the Treasury, approve.

Supplemental.

PART I
—cont.

23.—(1) If any person serving in the armed forces of the Crown ceases to serve therein before he has completed his whole-time and part-time service, or terms 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 Act 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 terms of whole-time or part-time service as will, with the service completed by him, be equivalent to the terms of service for which persons are liable under section one of this Act.

Liability to
complete
interrupted
service.

(2) The Service Authorities shall by regulations make provision for defining what terms of service shall be treated as equivalent to terms of whole-time and part-time service for the purposes of this section and for prescribing the terms of whole-time or part-time service which will, with any service completed by any person, be equivalent to the terms of service for which persons are liable under section one of this Act; so, however, that with respect to service as a volunteer in lieu of part-time service in pursuance of subsection (1) of section two of this Act, such regulations shall not permit more than fifteen days' training in any year to be reckoned towards the total of sixty days' training which a person is required to undergo during the whole of his term of part-time service.

(3) The Minister may cause to be served on any person liable under this section to be called upon to undertake part-time service a written notice specifying the term of part-time service which he is liable to perform, and, subject as hereinafter provided, that person shall after the expiration of a period of fourteen days after the service of the notice be deemed to be entered or enlisted for service in such force as may be specified in the notice;

Provided that if within the said period of fourteen days that person applies in the prescribed manner to the Minister for the cancellation or variation of the notice on the ground that he is not liable to be called upon to undertake part-time service under this section or is liable to undertake a term of part-time service shorter than that specified in the notice, the Minister shall, unless he grants the application, refer it to a referee selected by the Minister from a panel of persons nominated by the Lord Chancellor; and the notice shall not become operative to enter or enlist the applicant for service except as from such date and for such a term as may be determined by the Minister or the referee as aforesaid.

PART I.
—*cont.*
Provisions
as to persons
called up
under
National
Service (Armed
Forces) Act,
1939, etc.
2 & 3 Geo. 6.
c. 81.

24.—(1) Where, between the thirty-first day of December, nineteen hundred and forty-six, and the commencement of this Act, a person—

(a) has presented himself in pursuance of an enlistment notice served under section four of the National Service (Armed Forces) Act, 1939, or has entered or enlisted for service in the regular forces; or

(b) has received a commission whereby he became an officer of a regular force, or of a reserve force on actual or permanent service,

then, if he has ceased to serve in the armed forces of the Crown or has been transferred to a reserve (whether before or after the commencement of this Act) before he has completed a term of twelve months' service, he shall, unless he has attained the age of thirty-six years or has ceased to be liable under this Part of this Act to be called up for service otherwise than by reason of his having attained the age of twenty-six years, be liable to be so called up to complete that term; and the proviso to paragraph 1 of the Second Schedule to this Act shall apply for the purpose of reckoning the said term of twelve months as it applies for the purpose of reckoning the term of whole-time service for which a person is liable in pursuance of an enlistment notice served under this Part of this Act.

(2) A person who has been entered or enlisted under section four of the National Service (Armed Forces) Act, 1939, for a term or period ending with the present emergency and is serving in pursuance of that engagement or enlistment at the commencement of this Act shall, subject to the provisions of the last foregoing subsection, continue to serve in pursuance thereof for that term or period.

(3) Subject to the foregoing provisions of this section, a person who has served in the armed forces of the Crown before the commencement of this Act shall not be liable under section one of this Act to be called upon to serve in those forces:

Provided that for the purposes of this subsection service in an auxiliary force since the seventh day of November, nineteen-hundred and forty-six, other than embodied service in the territorial army or the royal auxiliary air force and permanent service in the royal air force volunteer reserve, shall not be deemed to be, or to have been, service in the armed forces of the Crown.

Calling out
of reservists
during part-
time service.

25. The provisions of this Part of this Act and of any regulations made thereunder relating to terms and conditions of service of a person serving in any auxiliary force during

his part-time service shall be subject to the provisions of any enactment whereby reservists may be called into actual service or called out on permanent service or to aid the civil power, or the territorial army or the auxiliary air force may be embodied, or whereby men of the air force reserve or the royal auxiliary air force may be called out to serve in defence of the British Islands.

PART I.
—cont.

26.—(1) His Majesty may by Order in Council direct that any enactment relating to the length or conditions of service of persons serving in the armed forces of the Crown shall, in its application to persons serving or who have served in those forces in pursuance of the requirements of this Part of this Act (including persons performing service as volunteers in lieu of part-time service), have effect subject to such adaptations and modifications as may appear to him to be necessary or expedient having regard to the provisions of this Part of this Act; and, without prejudice to the generality of the foregoing provision, any such Order in Council may in particular alter the term of service for which a person may be entered or enlisted for service.

Modifications
of enactments
relating to
persons
called up for
service.

(2) A royal naval special reservist shall, during any period of training for which he has been summoned, and when called into actual service, be subject—

(a) if he is entered for marine service, to the law for the time being in force for the government of the royal marine forces;

(b) if he is not so entered, to the Naval Discipline Act; and, subject to the foregoing provisions of this subsection, the Royal Naval Reserve (Volunteer) Act, 1859, shall apply to royal naval special reservists subject to such adaptations and modifications as may be directed under the last foregoing subsection.

22 & 23 Vict.
c. 40.

(3) For the removal of doubt it is hereby declared that any person who fails without reasonable excuse to comply with an enlistment notice or a training notice may, for the purposes of section nineteen of the Naval Discipline Act, be deemed to be a deserter notwithstanding that he has not been previously in the ship or at the place where his duty requires him to be.

(4) Section ninety-six of the Army Act and section ninety-six of the Air Force Act (which enable masters of apprentices who have been attested as soldiers of the regular forces or as airmen of the regular air force to claim them while they are under the age of twenty-one years) shall not apply in relation to apprentices who are deemed, by virtue of this Part of this Act, to have been duly enlisted in any of His Majesty's forces.

PART I.
—cont.

(5) A man of the territorial army who is deemed under section one of this Act to have been enlisted therein shall not, during his term of part-time service, be exempt from serving on a jury under subsection (4) of section twenty-three of the Territorial and Reserve Forces Act, 1907.

7 Edw. 7. c. 9.

Candidates
for
commissions.

27. Where persons are during their terms of whole-time or part-time service selected as candidates for commissions in His Majesty's forces, it shall not be made a condition of their acceptance as such candidates that they shall perform additional whole-time service after the completion of their terms of whole-time service except in accordance with regulations made by the Service Authorities under this Part of this Act.

Further
education
during
whole-time
service.7 & 8 Geo. 6.
c. 21.

28.—(1) The duty of local education authorities under section forty-one of the Education Act, 1944, to secure the provision for their area of adequate facilities for further education shall not extend to any person during his term of whole-time service; and a person shall, during his term of whole-time service, be exempt from compulsory attendance for further education under that Act.

(2) It shall be the duty of the Service Authorities to provide, so far as may be practicable, further education within the meaning of the said section forty-one for persons during their terms of whole-time service; and, notwithstanding the provisions of the last foregoing subsection, every local education authority shall have power to provide, or secure the provision of, such facilities for further education for such persons as aforesaid as may be agreed between them and any Service Authority, upon such terms, if any, as may be so agreed.

(3) In making arrangements for such further education as aforesaid the Service Authorities shall have regard to any representations made to them by or on behalf of bodies of persons concerned with education.

Information
to be furnished
by education
authorities.

29. It shall be the duty of every local education authority, and of the governing body or other persons having the management of any university, school or other educational institution, to give to the Minister, on his request, such information in their possession, or reasonably available to them, about male persons receiving, or who have received, education for which the local education authority are responsible, or, as the case may be, education at the university, school or other institution, as the Minister may from time to time require for the purpose of assisting his consideration of questions connected with their being called up for service under this Part of this Act.

30. Any person who—

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

PART I.
—cont.
False
statements
and forgery.

shall be guilty of an offence and liable, on summary conviction, 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.

31.—(1) A person guilty of an offence under this Part of this Act, 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 Act shall be liable on summary conviction to a fine not exceeding five pounds:

General
provisions
as to offences.

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 Act by circumstances beyond his control.

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

(3) Notwithstanding any limitation imposed by law as respects the time within which proceedings under the Summary Jurisdiction Acts may be begun, proceedings against a person for an offence under this Part of this Act alleged to have been committed by him while outside Great Britain 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 Part of this Act may be begun at any time within the period of six months from the date on which evidence sufficient in the opinion of the Minister 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 Minister stating the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.

PART I.
—cont.

(5) 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 seven of this Act 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 eight of this Act;

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.

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

- (a) a certificate purporting to be signed on behalf of the Minister, 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.

Orders and
regulations.

32.—(1) His Majesty may by Order in Council make provision for such consequential matters as it appears to him expedient to provide for by reason of the coming into force of this Part of this Act, and may by any such Order modify any enactment relating to such matters.

(2) The Minister may make regulations regulating any matter of procedure under this Part of this Act, and such

regulations may, in particular, make provision as to the quorum necessary to constitute a meeting of any tribunal or committee appointed for the purposes of this Part of this Act.

(3) A draft of any Order in Council under this Part of this Act shall be laid before Parliament; and the draft shall not be submitted to His Majesty except in pursuance of an address presented by each House of Parliament praying that the Order be made.

(4) Any power to make regulations conferred by this Part of this Act on the Minister or a Service Authority shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Any Order in Council made under this Part of this Act may be varied or revoked by a subsequent Order made in the same manner and subject to the same conditions as the original Order.

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

Provided that, notwithstanding anything in section twenty-six of the Interpretation Act, 1889, where an enlistment notice or a training 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.

34.—(1) In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“appellate tribunal” means an appellate tribunal constituted under the Fourth Schedule to this Act;

“auxiliary force” means the royal naval special reserve, the royal naval reserve, the royal naval volunteer reserve, the royal marine forces volunteer reserve, the territorial army, the army reserve, the air force reserve, the royal air force volunteer reserve or the royal auxiliary air force;

“local tribunal” means a local tribunal constituted under the Fourth Schedule to this Act;

“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;

PART I.
—cont.

- “ the Minister ” means the Minister of Labour and National Service;
- “ postponement certificate ” has the meaning assigned to it by section twelve of this Act;
- “ prescribed ” means prescribed by regulations made by the Minister under this Part of this Act;
- “ regular forces ” means the royal navy, the royal marines, the regular army and the regular air force;
- “ registered conscientious objector ” means a person who is for the time being registered in the 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 seventeen of this Act, or made under paragraph (c) of subsection (3) of section nineteen of this Act, subsection (2) of section twenty of this Act or subsection (4) of section twenty-one of this Act;
- “ royal naval special reserve ” means the force raised and maintained in accordance with the provisions of paragraph (a) of subsection (3) of section one of this Act;
- “ Service Authorities ” means the Admiralty, the Army Council and the Air Council; and the expression “ Service Authority ” means such one of those authorities as the context may require;
- “ training notice ” means a notice served or to be served on a person during his term of part-time service whereby he is called up for training for a period of not less than six days;
- “ trust territory ” means a territory placed under international trusteeship and administered by the Government of any part of His Majesty’s dominions;
- “ 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 twelve months is appointed by Order in Council under subsection (2) of section one of this Act as the term of whole-time service, references in this Part of this Act and in the Second Schedule to this Act to a period of twelve months shall be construed as references to that shorter period.

(3) For the purposes of this Part of this Act, the time at which a person attains a relevant age shall be deemed to be, according to the law in force elsewhere than Scotland as well as according to the law in force in Scotland, the commencement of the relevant anniversary of the date of his birth.

(4) For the purposes of this Part of this Act, a person who is resident in Great Britain shall be deemed to be ordinarily resident there unless—

- (a) he is residing there only for the purposes of attending a course of education; or
- (b) the circumstances of his residence in Great Britain 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 Act in force in any part of His Majesty's dominions outside Great Britain, a national or citizen of that part within the meaning of that Act, or a person who was born or is domiciled in any such part of His 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 His Majesty's protection or suzerainty, he has been resident in Great Britain for less than two years.

(5) For the purposes of this Part of this Act, 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.

PART II.

SAFEGUARDING OF EMPLOYMENT.

Reinstatement in civil employment after whole-time service.

35.—(1) Where a person who has been called up under Part I of this Act 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—

Obligation of employers to reinstate former employees.

- (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

PART II.
—*cont.*

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 thirty-seven of this Act 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.

36.—(1) An application under the last foregoing section— PART II.
—cont.
 (a) shall be of no effect unless it is made in writing; Mode of
making, time
for making
and duration
of applications
for
reinstatement.
 (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 Part of this Act, 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 purposes 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, at an employment exchange or any such other local office of the Minister or of the Ministry of Labour and National Insurance for Northern Ireland as may be appointed by the Minister or Ministry, as the case may be, and where any application or

PART II.
—cont.

renewal is so made or given at such an exchange or local office, it shall be the duty of the Minister to take such steps as may be practicable to forward it to the former employer.

Duty of applicant to state date of availability for employment.

37.—(1) Where an application is made under section thirty-five of this Act, the applicant or some person acting with his authority shall, at or after the time of making the application, but not later than fourteen 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 thirty-five of this Act.

Obligation of employers to continue to employ reinstated employees.

38.—(1) Where an applicant has been taken into the employment of his former employer in pursuance of section thirty-five of this Act, 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 were 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.

39.—(1) It shall not be treated for the purposes of the foregoing provisions of this Part of this Act 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 thirty-five of this Act or section one of the Act of 1944, some such other person as aforesaid who is either a person who has been called up under Part I of this Act for whole-time service or a person to whom the Act of 1944 applies and

PART II.
—cont.

who has duly made an application under the said section thirty-five or section one of the Act of 1944 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 either a person who has been called up under Part I of this Act for whole-time service or a person to whom the Act of 1944 applies, the beginning of the applicant’s whole-time service or the beginning of the other person’s war service or whole-time service, whichever is the earlier.

(2) It shall not be treated for the purposes of the foregoing provisions of this Part of this Act 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 either a person who has been called up under Part I of this Act for whole-time service or a person to whom the Act of 1944 applies, and whether or not that other person has been taken into the employment of the former employer in accordance with section thirty-five of this Act or section one of the Act of 1944.

Special
provisions as
to re-
enlistment.

40.—(1) Subject to the provisions of this section, where—

- (a) a person who has been called up under Part I of this Act 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 twenty-three of this Act to complete that service; or
- (b) a person to whom the Act of 1944 applies whose war service has ended before he has completed a term of twelve months’ service is called up under section twenty-four of this Act to complete that term,

his previous period of whole-time service or war service, as the case may be, shall be treated for the purposes of the foregoing provisions of this Part of this Act as continuing without intermission until the end of his subsequent period of whole-time service.

(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 or, as the case may be,

between the period of war service and the period of whole-time service, exceeds twenty-six weeks or where during the said interval either—

PART II.
—cont.

- (a) the period specified in subsection (2) of section thirty-six of this Act for making an application under section thirty-five of this Act or, as the case may be, the period specified in subsection (2) of section two of the Act of 1944 for making an application under section one of that Act, has expired since the end of the first of the two periods of whole-time service or the period of war 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 thirty-five of this Act or in subsection (1) of section one of the Act of 1944 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.

41.—(1) For the purposes of determining the questions and making the orders specified in the next following section such number of Committees (in this Part of this Act referred to as “ Reinstatement Committees ”) shall be appointed as the Minister may determine. Reinstatement
Committees,
umpire and
deputy
umpires.

(2) Every Reinstatement Committee shall consist of—

- (a) a chairman selected by the Minister from a panel constituted by him for the purposes of this section of persons to act as chairmen of Reinstatement Committees; and
- (b) one person selected by the Minister from a panel constituted as aforesaid of persons chosen to represent employers; and
- (c) one person selected by the Minister from a panel constituted as aforesaid of persons chosen to represent employed persons.

(3) The Minister may appoint such number of persons as he thinks fit as assessors to be available to Reinstatement Committees being persons who, in the opinion of the Minister, have expert knowledge of any matters which are likely to fall to be considered by those Committees in exercising their jurisdiction under this Part of this Act.

An assessor shall not vote or otherwise be a party to any determination or order of a Reinstatement Committee.

(4) For the purpose of hearing appeals from Reinstatement Committees under section forty-three of this Act, His Majesty may appoint an umpire and one or more deputy umpires.

PART II.
—cont.

(5) Any Reinstatement Committee, assessor, umpire or deputy umpire appointed, or panel constituted, under section eight of the Act of 1944 shall be deemed to have been appointed or constituted under this section.

Applications
to
Reinstatement
Committees.

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

(2) Where the Committee are 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 Act, the Committee may make either or both of the following orders according as is in their 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 Committee is such as is required by the foregoing provisions of this Part of this Act 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 Committee, 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 Fifth Schedule to this Act shall have effect in relation to orders made under the last foregoing subsection.

Appeals from
Reinstatement
Committees.

43.—(1) An appeal may, within the prescribed time, be brought from any determination or order of a Reinstatement Committee under the last foregoing section, or from the refusal

of such a Committee to make an order, to the umpire or a deputy umpire, as follows:—

PART II.
—cont.

- (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 Reinstatement Committee;
- (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 Committee is not unanimous; and
 - (ii) with the leave of the Committee, or, if the Committee refuse leave and an application for leave is made within the prescribed time to the umpire or a deputy umpire, with the leave of the umpire or a deputy umpire.

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 Reinstatement Committee.

(2) On any such appeal, the umpire or deputy umpire may make any determination or order which a Reinstatement Committee might make under the last foregoing section or may dismiss the appeal, and his decision shall be final; and in considering how to exercise his powers under this subsection, the umpire or deputy umpire shall, where there has been any change in the relevant facts since the date of the hearing before the Reinstatement Committee, have regard to the facts existing on the date of the hearing before him.

(3) The umpire or deputy umpire shall, when considering an appeal under this section, sit with two assessors appointed by the Minister:

Provided that where, on any such appeal, one or both of the assessors appointed to sit is or are absent, then, with the consent in writing of the parties, the umpire or deputy umpire may proceed to consider and determine the appeal without the other assessor or without either assessor, as the case may be.

(4) Any assessor appointed under section ten of the Act of 1944 shall be deemed to have been appointed under the last foregoing subsection.

44.—(1) Where an order has been made by a Reinstatement Committee or by the umpire or a deputy umpire on appeal that employment shall be made available to a person on a specified day and employment is not made available to him on that day in accordance with the order, the person

Enforcement.

PART II.
—cont.

against whom the order was made shall be 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 a Reinstatement Committee 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 a Reinstatement Committee or by the umpire or a deputy umpire 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 summarily as a civil debt; but proceedings shall not be brought, whether summarily or otherwise, 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 Act.

(4) Any officer authorised in that behalf by special or general directions of the Minister may institute on behalf of and in the name of any person who has been called up under Part I of this Act 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 the officer 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 Part I of this Act for whole-time service shall not be in derogation of any right of that person himself to recover such sums by civil proceedings.

45.—(1) The foregoing provisions of this Part of this Act requiring a person who has been called up under Part I of this Act for whole-time service, as a condition of obtaining 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:

PART II.
—cont.
Waiver, etc.

Provided that, except where the applicant has in fact been taken into the employment of his former employer since the end of his whole-time service, any requirement that anything should be done in writing shall not be deemed to be capable of being waived or dispensed with by the former employer otherwise than in writing.

(2) Where—

(a) a person who has been called up under Part I of this Act for whole-time service has made an application under section thirty-five of this Act 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 thirty-five of this Act, 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.

46.—(1) Subject to the provisions of this section, the expression “former employer” in the foregoing provisions of this Part of this Act means, in relation to a person who has been called up under Part I of this Act 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.

Meaning of
expression
“former
employer”.

(2) Where a person who has been called up under Part I of this Act as aforesaid was last employed within the said period of four weeks in any undertaking, and (whether before or after the commencement of this Act) any change takes place in the person carrying on that undertaking or that undertaking becomes comprised in any other undertaking, references in the foregoing provisions of this Part of this Act 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:

PART II.
—cont.

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 Act) 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.

(3) Where—

- (a) by virtue of any provision made by or under any Act, employers of any class are required, in taking persons of any class into their employment (whether in all cases or not and whether absolutely or subject to exceptions), to restrict themselves to, or to give preference to, persons for the time being included in a specified pool or register; and
- (b) under the said provision, all persons included in that pool or register are in the employment of a specified body when not otherwise employed; and
- (c) the occupation in which a person who has been called up under Part I of this Act for whole-time service was last employed before the beginning of that service is such that the taking of him into employment by the person who, but for the provisions of this subsection, would be his former employer is affected by the said provision,

the said body shall, for the purposes of the foregoing provisions of this Part of this Act, be deemed to be the former employer of that person.

Evidence.

47.—(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, a Reinstatement Committee.

(2) Every document purporting to be such a certificate as aforesaid or any other certificate authorised by this Part of this Act and to be signed by or on behalf of the Minister, the Ministry of Labour and National Insurance for Northern Ireland 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 Minister,

Ministry or authority, as the case may be; and in any proceedings before, or on appeal from, a Reinstatement Committee, the production of a document purporting to be certified by or on behalf of the Minister, Ministry 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.

PART II.
—cont.

(3) The production, in any proceedings (whether civil or criminal), of a document purporting to be certified by the chairman of a Reinstatement Committee or by the umpire or a deputy umpire to be a true record of a determination or order of the Committee or of the umpire or deputy umpire on appeal, 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 Act against a person for failure to comply with an order of a Reinstatement Committee or of the umpire or a deputy umpire on appeal, 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.

48. There shall be included among the debts which, under section thirty-three of the Bankruptcy Act, 1914, are to be paid in priority to all other debts in the distribution of the property of a bankrupt or person dying insolvent, any sum ordered under the foregoing provisions of this Part of this Act to be paid by way of compensation where the default by reason of which the order for compensation was made occurred before the receiving order or death, whether or not the order for compensation was made before the receiving order or death:

Priority in
bankruptcy
of sums
ordered to be
paid by
employer.
4 & 5 Geo. 5.
c. 59.

Provided that the sum to which priority is to be given under this subsection shall not in the case of any one claimant exceed fifty pounds.

49. The Minister may pay—

(a) to members of Reinstatement Committees, to the umpire and the deputy umpires, to persons appointed to sit as assessors and to any officers and servants of the Minister employed for the purposes of the foregoing provisions of this Part of this Act, such remuneration and allowances as the Minister may, with the approval of the Treasury, determine;

Expenses of
Reinstatement
Committees, etc.

PART II.
—cont.

- (b) to persons attending as parties or witnesses before Reinstatement Committees or the umpire or any deputy umpire, allowances in accordance with such scales as the Minister may, with the approval of the Treasury, determine.

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

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

50.—(1) If the employer of any person liable to be called up under Part I of this Act 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 on summary conviction thereof 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.

(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.

Provisions as to persons performing part-time service.

Prohibition of dismissal of employees by reason of liability for annual training.

51.—(1) If the employment of any person is terminated by his employer solely or mainly by reason of any duties or liabilities which he is, or may become, liable to perform or discharge in pursuance of Part I of this Act during his term of part-time service, that person shall be entitled to recover from his employer as compensation for any loss suffered or likely to be suffered by him by reason of the termination of his employment 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.

(2) If any dispute arises as to the compensation payable under the last foregoing subsection, the person whose employment has been terminated may, within such time as may

be prescribed, apply to a Reinstatement Committee for the determination of his right to recover compensation, and if that right is established to the satisfaction of the Committee they shall make an order for the payment by the employer to the applicant of such sum as they consider him to be entitled to recover.

PART II.
—cont.

(3) If in any proceedings under this section the Committee are 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.

(4) The following provisions of this Part of this Act shall, with the necessary modifications, apply for the purposes of this section as they apply for the purposes of the foregoing provisions of this Part of this Act, that is to say:—

section forty-one;

section forty-three, except so much thereof as defines the expression “ the employer ”;

subsections (2) and (4) of section forty-four;

subsections (3) and (4) of section forty-seven;

section forty-eight;

section forty-nine.

52.—(1) Where by virtue of any contract of service or apprenticeship or of any order made or direction given under any enactment an employer is required to allow annual holidays to any person liable to be summoned for training in pursuance of a training notice served under Part I of this Act, the annual holidays shall not, except at his request, be allowed at times comprised within the period of training.

Adjustment
of contracts
of service and
apprenticeship
affected by
annual
training.

In this subsection the expression “ annual holidays ” does not include any bank holidays or other customary holidays on dates not fixed by the employers.

(2) For the purpose of securing the fair adjustment of contracts of service or apprenticeship in force between employers and employees when the employees are summoned for training in pursuance of a training notice as aforesaid, the Minister may make regulations relieving the parties to such contracts of all or any of their obligations thereunder in respect of the period of training required by the notice, and may also make regulations modifying such contracts by extending the periods of service or apprenticeship thereunder

PART II.
—cont.

by a period not exceeding the period of the said training, and adapting the terms of the contract in relation to any such extension.

Supplemental.

Regulations.

53.—(1) The Minister may make regulations—

- (a) regulating the procedure to be followed in connection with applications to Reinstatement Committees and appeals to the umpire or a deputy umpire, fixing the quorum of such Committees, and regulating the circumstances and the manner in which assessors are to be or may be summoned to assist such Committees;
- (b) prescribing any other thing which by this Part of this Act is required or authorised to be prescribed.

(2) Any power to make regulations conferred by this Part of this Act on the Minister shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation
of Part II.**54.—(1)** In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—7 & 8 Geo. 6.
c. 15.

- “ the Act of 1944 ” means the Reinstatement in Civil Employment Act, 1944;
- “ 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;
- “ the Minister ” means the Minister of Labour and National Service;
- “ prescribed ” means prescribed by regulations made under section fifty-three of this Act;
- “ 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;
- “ whole-time service ” means whole-time service within the meaning of Part I of this Act.

(2) References in this Part of this Act to periods of war service or the beginning or the end of war service, of a person to whom the Act of 1944 applies, shall be construed as references to periods of whole-time service mentioned in subsection (1) of section fifty-nine of this Act and to the beginning and the end thereof.

(3) Any reference in this Part of this Act to the performing of services shall be construed as including a reference to the undergoing of training.

PART II.
—cont.

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

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

(5) For the purposes of this Part of this Act, a person who attends for the purpose of entering any of the armed forces of the Crown but who has been 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 Act 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.

(6) For the purposes of this Part of this Act, 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 Part I of this Act.

(7) Any reference in this Part of this Act to the Act of 1944 shall be construed as a reference to that Act as amended by any subsequent enactment, including this Act.

PART III.

GENERAL.

55. Any expenses incurred by the Minister, a Secretary of State or the Admiralty or by any other Minister of the Crown under this Act, or under any Order in Council made under subsection (1) of section thirty-two of this Act, shall be defrayed out of moneys provided by Parliament.

56. In the application of this Act to Scotland—

- (a) in section nineteen for subsection (6) there shall be substituted the following subsection:—

Application
to Scotland.

“ (6) Where the case of any person has been referred to a local tribunal under subsection (1)

PART III.
—cont.

of this section, no prosecution under the last foregoing subsection for failing to comply with a condition shall be instituted against him—

(a) unless that tribunal has determined the matter and made no report that he had reasonable excuse for the failure and the time for appealing against that determination has expired, or

(b) where an appeal has been brought from the determination of the local tribunal, unless the appellate tribunal has determined the matter and made no such report as aforesaid.”

(b) for section forty-eight there shall be substituted the following section:—

“ Priority
in
bankruptcy
of sums
ordered to
be paid by
employer.
3 & 4 Geo. 5.
c. 20.

48. There shall be included among the debts which under section one hundred and eighteen of the Bankruptcy (Scotland) Act, 1913, are to be paid in priority to all other debts in the division of a bankrupt's estate, any sum ordered under the foregoing provisions of this Part of this Act to be paid by way of compensation where the default by reason of which the order for compensation was made occurred before the date mentioned in subsection (4) of that section, whether or not the order for compensation was made before that date:

Provided that the sum to which priority is to be given under this subsection shall not in the case of any one claimant exceed fifty pounds.”

(c) in the First Schedule for paragraph 3 there shall be substituted the following paragraph:—

29 & 30
Vict. c. 51.

“ 3. A person who is the subject of an order or warrant for his detention or custody under the Lunacy (Scotland) Acts, 1857 to 1919, or is being entertained and kept in an asylum in pursuance of section fifteen of the Lunacy (Scotland) Act, 1866, or is a person for whose safe custody during His Majesty's pleasure His Majesty is authorised to give order or is a prisoner whom the Secretary of State or the Prisons Department for Scotland has, in pursuance of any Act, directed to be removed

to a criminal lunatic asylum or to the criminal lunatic department of Perth prison or to an asylum, or is a person placed in an institution or a certified house or under guardianship under section four of the Mental Deficiency and Lunacy (Scotland) Act, 1913, or is the subject of an order under section seven, nine, or ten of that Act.”

PART III.
—cont.

3 & 4 Geo. 5
c. 38.

- (d) for any reference to a local education authority there shall be substituted a reference to an education authority and for any reference to section forty-one of the Education Act, 1944, there shall be substituted a reference to section one of the Education (Scotland) Act, 1946, and
- (e) for any reference to the Lord Chancellor there shall except where the context otherwise requires be substituted a reference to the Lord President of the Court of Session.

9 & 10 Geo.
c. 72.

57.—(1) In the application of this Act to Northern Ireland, for section forty-eight there shall be substituted the following section:—

Application
to Northern
Ireland.

“ Priority in bankruptcy, winding up, etc. of sums ordered to be paid by employer.

48.—(1) There shall be included among the debts which, under section one of the Preferential Payments in Bankruptcy Act (Northern Ireland), 1933, are to be paid in priority to all other debts in the distribution of the property of a bankrupt, arranging debtor or person dying insolvent, any sum ordered under the foregoing provisions of this Part of this Act to be paid by way of compensation where the default by reason of which the order was made occurred before the following date:—

- (a) in the case of a bankrupt, the date of the order of adjudication;
- (b) in the case of an arranging debtor, the date of the filing of the petition for arrangement;
- (c) in the case of a person dying insolvent, the date of his death;

and the said sum shall be so included whether or not the order for compensation was made before the order of adjudication, filing of the petition or date of the death, as the case may be.

PART III.
—cont.

(2) There shall be included among the debts which, under section two hundred and thirty-four of the Companies Act (Northern Ireland), 1932, are to be paid in priority to all other debts in the winding up of a company, any sum ordered under the foregoing provisions of this Part of this Act to be paid by way of compensation where the default by reason of which the order for compensation was made occurred before the relevant date within the meaning of that section, whether or not the order for compensation was made before that date.

(3) Where a receiver is appointed on behalf of the holders of any debentures of a company secured by a floating charge, or possession is taken by or on behalf of those debenture holders of any property comprised in or subject to the charge, there shall be included among the debts which, under section seventy-six of the Companies Act (Northern Ireland), 1932, are to be paid in priority to any claim for principal or interest in respect of the debentures, any sum ordered under the foregoing provisions of this Part of this Act to be paid by way of compensation where the default by reason of which the order for compensation was made occurred before the date of the appointment of the receiver or of possession being taken as aforesaid, whether or not the order for compensation was made before that date.

(4) Notwithstanding anything in the three foregoing subsections, the sum to which priority is to be given under those subsections respectively shall not in the case of any one claimant exceed fifty pounds."

(2) The provisions of Part II of this Act with respect to the Minister shall be without prejudice to the making of arrangements under section sixty-three of the Government of Ireland Act, 1920, for the exercise and performance of any powers and duties of the Minister by officers of the Ministry of Labour and National Insurance for Northern Ireland on his behalf.

Power to
extend to
Isle of Man.

58.—(1) His Majesty may by Order in Council direct that this Act shall extend to the Isle of Man, subject to such adaptations and modifications as may be specified in the Order; and may by Order in Council vary or revoke any

previous Order in Council made under any enactment relating to the extension to the Isle of Man of the National Service Acts, 1939 to 1947. PART III.
—cont.

(2) Any Order in Council made under this section may be varied or revoked by a subsequent Order in Council.

59.—(1) The persons to whom the Reinstatement in Civil Employment Act, 1944, applies shall be— Limitation of
application of
Reinstatement
in Civil
Employment
Act, 1944.

(a) persons to whom that Act applied by reason of their having before the eighteenth day of July, nineteen hundred and forty-seven, entered upon such a period of whole-time service as is specified in section six of that Act; and

(b) persons who between the seventeenth day of July, nineteen hundred and forty-seven, and the first day of January, nineteen hundred and forty-nine, have entered on a period of whole-time service in the armed forces of the Crown by presenting themselves in pursuance of an enlistment notice served under section four of the National Service (Armed Forces) Act, 1939;

and no others.

(2) In relation to any person entered or enlisted for service in pursuance of such an enlistment notice on or after the first day of January, nineteen hundred and forty-seven, being a person to whom the said Act of 1944 applies, that Act shall have effect subject to the following modifications, that is to say—

(a) section two shall have effect as if, in subsection (2) thereof, for the word “ fifth ” there were substituted the word “ second ”; and

(b) section three shall have effect as if, in subsection (1) thereof, for the words “ four weeks ” wherever they occur there were substituted the words “ fourteen days ”:

Provided that nothing in this subsection shall affect any person whose war service within the meaning of the said Act had ended before the eighteenth day of July, nineteen hundred and forty-seven.

(3) After the commencement of this Act, no Reinstatement Committee, assessor, umpire or deputy umpire shall be appointed, or panel constituted, under section eight or section ten of the said Act of 1944, and—

(a) any reference in the said Act to a Reinstatement Committee, umpire or deputy umpire shall be construed

PART III.
—cont.

as a reference to a Committee, umpire or deputy umpire appointed or deemed to have been appointed under section forty-one of this Act; and

- (b) any reference in section eight of the said Act of 1944 to an assessor shall be construed as a reference to an assessor appointed or deemed to have been appointed under section forty-one of this Act and any reference in section ten of the said Act to an assessor shall be construed as a reference to an assessor appointed or deemed to have been appointed under section forty-three of this Act.

Repeal and
savings.

60.—(1) Subject to the provisions of this section, the Acts specified in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) The repeal of the National Service (Armed Forces) Act, 1939, shall not affect the operation of subsection (2) of section twenty-one of that Act as respects persons who have been entered or enlisted under section four of that Act for a term or period ending with the present emergency and are serving in pursuance of that engagement or enlistment at the commencement of this Act.

(3) Nothing in this Act shall affect any regulations made for the purposes of the Reinstatement in Civil Employment Act, 1944, under section sixteen of that Act, but any such regulations shall continue to have effect for those purposes and shall also have effect for the purposes of Part II of this Act as if they had been made under section fifty-three of this Act.

(4) Nothing in this Act shall affect any regulations, order, arrangements, application, or appointment made, notice served, direction given, certificate issued, registration effected or other thing done under any enactment repealed by this Act, but any such regulations, order, arrangements, application, appointment, notice, direction, certificate, registration or other thing shall, if in force at the commencement of this Act, continue in force, and so far as they or it could have been made, served, given, issued, effected or done under this Act have effect as if made, served, issued, effected or done under this Act.

(5) Nothing in the foregoing provisions of this section shall be taken as prejudicing the operation of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

Duration
of Act

61. No person who attains the age of eighteen years on or after the first day of January, nineteen hundred and fifty-four shall be liable under this Act to be called upon to serve

in the armed forces of the Crown; and accordingly this Act shall continue in operation only with respect to persons who have attained that age or who have been called up for service under this Act before that date:

PART III.
—*cont.*

Provided that His Majesty may by Order in Council substitute for the said day such later day as may seem to His Majesty expedient.

62.—(1) This Act may be cited as the National Service Act, 1948.

Short title
and com-
mencement.

(2) This Act shall come into force on the first day of January, nineteen hundred and forty-nine.

SCHEDULES.

FIRST SCHEDULE.

Sections 1, 5.

PERSONS NOT LIABLE TO BE CALLED UP FOR SERVICE.

1. A person employed in the service of the Government of a part of His Majesty's dominions outside Great Britain, 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 His Majesty's protection or suzerainty, being a person whose presence in Great Britain is occasioned solely by his employment in that service.

2. A man in holy orders or a regular minister of any religious denomination.

47 & 48 Vict.
c. 64.
20 & 21 Geo. 5.
c. 23.
3 & 4 Geo. 5.
c. 28.

3. A person who is the subject of an order or inquisition under the Lunacy and Mental Treatment Acts, 1890 to 1930, or is being detained as a criminal lunatic or in pursuance of an order made under the Criminal Lunatics Act, 1884, or is undergoing treatment as a temporary patient under section five of the Mental Treatment Act, 1930, or has been placed in an institution or a certified house, or under guardianship, under section three of the Mental Deficiency Act, 1913, or is the subject of an order under section six, eight, or nine of that Act, or is under supervision provided under paragraph (b) of section thirty of that Act, or is an inmate of a home approved under section fifty of that Act or is the subject of a notification under subsection (2) of section fifty-one of that Act.

11 & 12 Geo. 6.
c. 29.

4. A person certified by a local authority, as defined for the purposes of Part III of the National Assistance Act, 1948, to be registered as a blind person under arrangements made by the authority under section twenty-nine of that Act.

SECOND SCHEDULE.

Sections 1, 9, 24.

LENGTH OF WHOLE-TIME SERVICE.

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

Provided that—

- (a) if at the 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 that time punishment for such an offence as aforesaid has already been awarded, until he has undergone that punishment ; and

2ND SCH.
—cont.

(b) in determining the end of the said period of twelve 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 penal servitude, 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 12.

MILITARY SERVICE (HARDSHIP) COMMITTEES.

Military Service (Hardship) Committees shall be appointed for such districts as the Minister may determine, and shall consist of a chairman appointed by the Minister and two other persons selected by the Minister from a panel constituted by him for the purposes of Part I of this Act, which, so far as practicable, shall include all persons being members of any panel constituted under section forty-three of the National Insurance Act, 1946, in connection with the establishment of the local tribunals referred to in subsection (3) of that section.

9 & 10 Geo. 6.
c. 67.

The chairman shall be a person holding the office of chairman of any such local tribunal as aforesaid or having such other qualifications as the Minister considers suitable.

FOURTH SCHEDULE

CONSCIENTIOUS OBJECTORS TRIBUNALS.

Local Tribunals.

1. Local tribunals shall be appointed for such districts as the Minister may determine, and shall consist of a chairman and six other members appointed by the Minister.

2. In appointing members of local tribunals the Minister shall have regard to the necessity of selecting impartial persons; and of the six members other than the chairman not less than two shall be appointed by the Minister after consultation with organisations representative of workers.

3. The chairman shall, in the case of a local tribunal for a district in England and Wales, be a county court judge or a barrister of at least seven years' standing, and, in the case of a local tribunal for a district in Scotland, a sheriff or sheriff substitute or an advocate of at least five years' standing.

4. Of the six other members four only, to be selected by the Minister, shall be summoned to attend any particular session of the tribunal.

The Appellate Tribunal.

5. Every division of the appellate tribunal shall consist of a chairman and four other members appointed by the Minister.

6. In appointing members of the appellate tribunal the Minister shall have regard to the necessity of selecting impartial persons; and, of the four members other than the chairman, not less than two shall be appointed by the Minister after consultation with organisations representative of workers.

7. The chairman shall be a person nominated, in the case of any division for England and Wales, by the Lord Chancellor, and, in the case of any division for Scotland, by the Lord President of the Court of Session.

8. Of the four other members two only, to be selected by the Minister, shall be summoned to attend any particular session of the tribunal.

General.

9. The Minister may appoint another person having the like qualifications, or, as the case may be, nominated in the same manner, as the chairman to act as deputy chairman if the chairman of a tribunal is unable to act.

FIFTH SCHEDULE.

Section 42.

PROVISIONS APPLICABLE TO ORDERS OF REINSTATEMENT
COMMITTEES.*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 Act 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 thirty-five of this Act :

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 thirty-eight of this Act 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 thirty-five of this Act :

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

5TH SCH.
—*cont.*

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 Part II of this Act to the person against whom such an order is made shall be construed accordingly.

Section 60.

SIXTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
2 & 3 Geo. 6. c. 81.	The National Service (Armed Forces) Act, 1939.	The whole Act.
4 & 5 Geo. 6. c. 15.	The National Service Act, 1941.	The whole Act.
5 & 6 Geo. 6. c. 4.	The National Service (No. 2) Act, 1941.	The whole Act.
6 & 7 Geo. 6. c. 3.	The National Service Act, 1942.	The whole Act.
10 & 11 Geo. 6. c. 31.	The National Service Act, 1947.	The whole Act.
11 & 12 Geo. 6. c. 25.	The Royal Marines Act, 1948.	Subsection (3) of section one.

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