



# Home Guard Act 1951

## 1951 CHAPTER 8

An Act to establish the Home Guard and for purposes connected therewith. [7th December 1951]

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:—

### **1 Establishment and status of Home Guard.**

- (1) There shall be established a force to be called the Home Guard consisting of such persons as may voluntarily undertake to serve therein without pay and be accepted for such service.
- (2) Members of the Home Guard shall be members of the armed forces of the Crown; and every member of the Home Guard shall when on duty, and during any period during which the platoon or other part of the Home Guard to which he belongs is mustered, be subject to military law—
  - (a) if serving on a commission in the Home Guard, as an officer; and
  - (b) otherwise (and notwithstanding that he holds any rank or commission in any other of His Majesty's forces), as a soldier:

Provided that this subsection shall not render a member of the Home Guard liable to proceedings for an offence under section forty-one of the Army Act (which provides for the punishment under military law of civil offences).

- (3) The following provisions shall have effect as to the enrolment, re-engagement and resignation of members of the Home Guard—
  - (a) a person volunteering and accepted for service in the Home Guard shall be enrolled for a period of two years;
  - (b) a member of the Home Guard may if he so desires and is accepted for re-engagement re-engage from time to time for a period of one year;

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*Status: This is the original version (as it was originally enacted).*

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- (c) a member of the Home Guard may if he so desires cease to be a member thereof upon giving not less than one month's notice in writing to his commanding officer.
- (4) Subject to the provisions of the last foregoing subsection, the conditions for the acceptance of persons as members of the Home Guard and the conditions of service of members thereof (including conditions as to allowances and as to pensions and other grants in respect of death or disablement) shall be such as may be prescribed by orders or regulations; and orders or regulations shall make provision for the organisation of the Home Guard and their administration, government and duties, but shall not require members of the Home Guard—
- (a) to give whole-time service, or
  - (b) to live away from their homes, or
  - (c) to carry out duties in connection with an industrial dispute,
- except during any period during which the platoon or other part of the Home Guard to which they belong is mustered, or during any part of such a period, and shall not require members of the Home Guard to serve outside the United Kingdom.
- (5) A person shall not, by reason of his membership of the Home Guard, be rendered incapable of being elected, or of sitting and voting as, a member of the House of Commons.
- (6) The Army Act shall, for the purpose of its application to the Home Guard, have effect subject to the amendments set out in the Schedule to this Act.
- (7) The expenditure of any Government department incurred in consequence of the coming into operation of this Act shall be defrayed out of moneys provided by Parliament.

## **2 Time for mustering Home Guard.**

An order for the mustering of the Home Guard or any part thereof shall not be given except at a time when a proclamation ordering the army reserve to be called out on permanent service is in force or men of the Territorial Army are called out for actual military service in defence of the United Kingdom against actual or apprehended attack.

## **3 Application to Isle of Man.**

His Majesty may by Order in Council direct that this Act shall extend to the Isle of Man, subject however to such adaptations as may be specified in the Order.

## **4 Short title, interpretation and commencement.**

- (1) This Act may be cited as the Home Guard Act, 1951.
- (2) For the purposes of section one of this Act and of the amendments of the Army Act effected by the Schedule thereto,—
- (a) references to being on duty shall be construed as references to being present for the purpose of performing any duty required in accordance with regulations;

- (b) the period during which a platoon or other part of the Home Guard is mustered shall be deemed to begin as soon as the order has been given for the mustering thereof;
  - (c) the expression "mustered" means mustered for the purpose of resisting an actual or apprehended attack by a foreign power or of taking part in measures for dealing with the effects of such an attack.
- (3) In section one of this Act the references to orders are references to orders of His Majesty signified under the hand of a Secretary of State and in this Act references to regulations are references to regulations made by the Army Council; and any such orders or regulations shall be laid before both Houses of Parliament as soon as may be after they are made.
- (4) Subsection (1) of section three of the Army and Air Force (Women's Service) Act, 1948 (which provides for the application to women of the Army and Air Force Acts and other enactments relating to men) shall apply to this Act as it applies to any such enactment as is mentioned in that subsection.
- (5) Any power conferred by this Act to make an order shall include power to vary or revoke an order.

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## SCHEDULE

Section 1.

### AMENDMENTS OF ARMY ACT

- 1 In section forty-two (which provides for the mode of complaint by an officer) after the words " officer ", where it first occurs, there shall be inserted the words " other than a person serving on a commission in the Home Guard ".
- 2 At the end of section forty-six (which empowers a commanding officer to dispose summarily of charges) there shall be added the following subsection:—
  - “(10) Notwithstanding anything in the foregoing provisions of this section, the power thereby conferred on a commanding officer to deal with a case summarily shall not be exercisable by or by delegation from a commanding officer serving on a commission in the Home Guard except during a period during which the platoon or other part of the Home Guard to which the person to be dealt with belongs is mustered (as defined in the Home Guard Act, 1951).”
- 3 (1) In section one hundred and seventy-five (which specifies the persons subject to military law as officers) after paragraph (7) there shall be inserted the following paragraph:—
  - “(7A) Any person serving on a commission in the Home Guard when on duty (as defined in the Home Guard Act, 1951) or during any period (as so defined) during which the platoon or other part of the Home Guard to which he belongs is mustered (as so defined).”
- (2) In section one hundred and seventy-six (which specifies the persons subject to military law as soldiers) after paragraph (8A) there shall be inserted the following paragraph:—
  - “(8B) All members of the Home Guard, other than any such member who is serving on a commission in that force, but notwithstanding the holding of any rank or commission in any other of His Majesty's forces,—
    - (a) when on duty (as defined in the Home Guard Act, 1951) or
    - (b) during any period (as so defined) during which the platoon or other part of the Home Guard to which they belong is mustered (as so defined).”