

COMPULSORY TRAINING GOVERNMENT BILL IN FULL

CALLING-UP AND EXEMPTIONS

We print below the text of the Military Training Bill, which was issued last night. The Bill, which is presented by the Prime Minister, is accompanied by the following financial and explanatory memorandum:—

1. The Bill applies with specified exceptions to every male British subject not ordinarily resident in a British Dominion who is between the ages of 20 and 21, whether he has reached the age of 20 when the Bill becomes law or thereafter becomes 20 years of age. It makes such British subjects liable to be registered for military training and to be called up for such training at any time within 12 months after he has been registered.

2. The Minister of Labour may for good cause permit the anticipation or the postponement of the liability to be called up. Application for such permission on grounds of hardship if not granted by the Minister will be referred to a Military Training (Hardship) Committee for decision (Clause 1). The Courts of Referees appointed under the Unemployment Insurance Act, 1920, shall be the basis of these Committees (Schedule, Part I). The expenses in connexion with the Committees will consist of (a) Fees of Chairman and Expenses (including compensation for loss of remunerative time) of members of the Tribunals, and (b) Travelling Expenses and Subsistence Allowance of the registrants.

3. Failure to apply for registration renders a man liable on summary conviction to a fine not exceeding £5, and on conviction he will be registered even though he may have attained the age of 21 (Clause 1 (4)).

4. Certain classes of men are exempted; these include British subjects ordinarily resident in the Colonies, members of the Regular Forces and men who were before the 27th April, 1939, members of the reserve and auxiliary forces (Clause 2).

5. Persons with conscientious objections to military service may apply for provisional registration in a special register of conscientious objectors. This provisional registration may be confirmed by a local tribunal constituted for the purpose, absolutely or subject to the performance of work of national importance. In other cases the tribunal may direct enlistment for non-combatant duties only, or may reject the application entirely. There is a right of appeal to a central tribunal where the local tribunal is not unanimous, or where it gives leave to appeal. The Minister may appeal in any case. The local Exemption Tribunals consist of a County Court Judge (in Scotland a Sheriff or Sheriff-Substitute, as Chairman and four members. The Central Tribunal consists of a High Court Judge or an ex-High Court Judge (for Scottish cases, a Judge of the Court of Session) as Chairman and two members (Clause 3 and Schedule). Subsection (10) of Clause 3 provides for the payment of (a) remuneration and allowances to members of Local and Appellate Tribunals and (b) travelling and subsistence allowances to appellants.

6. After registration the man who is liable to be called up will be required to attend for

TEXT OF THE BILL

"TEMPORARY PROVISION"

The following is the text of the Bill, which is described as "a Bill to make temporary provision for rendering persons between the ages of 20 and 21 years liable to undergo training in the armed forces of the Crown; and for purposes connected with the matter aforesaid":—

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:—

CLASSES LIABLE

1.—(1) Subject to the provisions of this Act, every male British subject (not being a person ordinarily resident in a part of His Majesty's dominions outside the United Kingdom, in a British protectorate, in a mandated territory, or in some other country or territory being a country or territory under His Majesty's protection or suzerainty) shall, while he is between the ages of 20 years and 21 years, be registered for military training in the United Kingdom under this Act, in a register kept by the Minister (hereinafter referred to as "the military training register"), and shall, at such time and place as may be notified by the Minister in accordance with regulations made under this Act, make in the prescribed manner application to be so registered and furnish the prescribed particulars about himself.

(2) Every person registered in the military training register shall, during the period of one year from the date on which he is so registered, be liable to be called up for military training under this Act.

(3) The Minister, if satisfied that there is good cause for so doing, may permit any person to be registered in the military training register before he attains the age of twenty years, or may permit any person so registered to postpone his liability to be called up for military training, and in the latter case the period of one year for which he is liable to be so called up shall begin with the date to which his liability is postponed instead of the date on which he was so registered; and where application for such permission is made to the Minister on grounds of hardship, the Minister shall, unless he grants the permission, refer the application to a Military Training (Hardship) Committee constituted under Part I of the Schedule to this Act, whose decision shall be final.

(4) If any person, on making application to be registered in the military training register, or at any time thereafter while he is liable to be called up for military training under this Act, 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 said register.

(5) If, while a person is liable to be called up for military training under this Act, any change occurs in the particulars which he is required by subsection (1) of this section to furnish, he shall forthwith notify the change to the Minister in the prescribed manner.

(6) Subject to the following provisions of this Act, any person who fails to comply with any of the requirements of this section shall be liable on summary conviction to a fine not exceeding £5.

(7) A person who has failed to apply for registration in the military training register at the time when he was required to make such application may nevertheless on application being subsequently made by him, be registered in that register, notwithstanding that he may have attained the age of 21 years; and, subject to the following provisions of this Act, any person found guilty of an offence under this section by reason of his failure to apply for registration shall forthwith be registered in that register, notwithstanding that he may have attained that age.

(8) The Minister may pay—
(a) To members of Military Training (Hardship) Committees such remuneration, and allowances as he may, with the approval of the Treasury, determine, and

if he has failed to comply with those provisions, then if, at any time before proceedings for the failure are taken against him, he makes, in the prescribed manner, an application to be registered in the register of conscientious objectors, no proceedings shall lie against him in respect of that failure, and any person found guilty of that failure, and any person liable to comply with the said provisions may, within the prescribed period, make in the prescribed manner an application to be registered in the register of conscientious objectors.

(2) A person may apply to be registered in the register of conscientious objectors on the ground that he conscientiously objects—
(a) to being registered in the military training register, or

(b) to undergoing military training, or
(c) to performing combatant duties.

(3) Where any person duly makes application to be registered in the register of conscientious objectors, he shall be provisionally registered in that register and not in the military training register.

(4) 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 Part II of the Schedule to this Act an application stating to which of the matters mentioned in paragraphs (a) to (c) of subsection (2) of this section he conscientiously objects, and, if he fails to do so, the Minister shall transfer his name to the military training register.

(5) A local tribunal, if satisfied, upon an application duly made to them under this section, that the ground upon which the application was made is established, shall by order direct, either—

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

(b) that he shall be conditionally registered in that register, the condition being that he must engage in, and perform, some work designated in the order as being, in the opinion of the tribunal, of national importance; or

(c) that he shall be registered in the military training register as a person liable to be employed only in non-combatant duties; but, if not so satisfied, shall by order direct that he shall be registered, without qualification, in the military training register.

(6) Any such direction as aforesaid that a person shall be registered in the military training register, either without qualification or as a person liable to be employed only in non-combatant duties, shall be complied with notwithstanding that that person may have attained the age of 21 years; and if, on the information of any person, a local tribunal is satisfied that any person who is conditionally registered in the register of conscientious objectors by virtue of a direction given under paragraph (b) of the last foregoing subsection has failed to observe that condition, the local tribunal shall report that fact to the Minister, who shall forthwith transfer that person's name to the military training register, notwithstanding that he may have attained the said age.

(7) A person shall not be liable to be called up for military training under this Act, so long as he is registered in the register of conscientious objectors, and the Army Council shall make arrangements for securing that, where a person registered in the military training register as a person liable to be employed only in non-combatant duties is called up for military training under this Act, he shall, during the period for which he serves by virtue of being so called up, be employed only on such duties.

(8) Any applicant for registration as a conscientious objector who is aggrieved by the determination 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 Part II of the Schedule to this Act; and the Minister or any person authorized by him shall be entitled to be heard on any application or appeal to a tribunal under this section.

Provided that if the decision of the local tribunal is unanimous, the applicant shall not be entitled to appeal to the appellate tribunal, except with the leave of the local or the appellate tribunal.

that person a reasonable opportunity of entering such service before he is called up for military training under this Act.

(2) Subject to the following provisions of this section, every person upon whom a military training notice is served shall be deemed—
(a) to have been, on the day on which he is required by the notice to present himself, duly enlisted as a militiaman under section thirty of the Territorial and Reserve Forces Act, 1907, for a period of four years, and

(b) to have been, immediately after being so enlisted, called out under subsection (2) of the said section thirty for a continuous period of six months, for a special course of training, at such places as the Army Council may determine:

Provided that no person shall, by virtue of this subsection, be liable to be ordered to go out of, or liable to be carried out of, the United Kingdom.

(3) Where any person who is deemed to have been enlisted by virtue of the last foregoing subsection has previously served in any of His Majesty's forces or the senior division of the officers' training corps, the period for which, by virtue of that subsection, he is liable to serve after completing the special course of training mentioned in paragraph (b) of that subsection, shall be reduced by the length of the period of his said previous service, and, if that period is three-and-a-half years or more, the period for which he is so deemed to have been enlisted shall be six months.

(4) The Admiralty, Army Council and Air Council shall make arrangements whereby any person who is deemed to have been enlisted by virtue of subsection (2) of this section—

(a) May, at any time during the period for which he is so deemed to have been enlisted, enter or enlist, with the approval of the Army Council, for service in any of His Majesty's regular forces, and

(b) may at any time during that period, and after completing the special course of training which he is liable to undergo by virtue of the said subsection, enter or enlist, with the approval of the Army Council, for service in any of His Majesty's reserve and auxiliary forces for a period which (together with any period for which he may have served in any of His Majesty's forces or the senior division of the officers' training corps before the day on which he is so deemed to have been enlisted) is not less than three-and-a-half years;

and where any person enters or enlists in any force by virtue of such arrangements as aforesaid, subsection (2) of this section shall thereupon cease to apply to him, except as respects those previously done or omitted to be done.

(5) Sections one and ninety-six of the Air Force Act, 1917, shall apply in relation to any person who enters or enlists in any of His Majesty's regular forces in pursuance of arrangements under the last foregoing subsection, unless the period for which he has served by virtue of that entry or enlistment (together with the period for which he has served by virtue of subsection (2) of this section) and any period for which he may have previously served in any of His Majesty's forces or the senior division of the officers' training corps) is not less than four years; and so much of any regulations under section one of the Naval Forces Act, 1903, and of section nine of the Territorial and Reserve Forces Act, 1907, as enables members of the Royal Naval Volunteer Reserve, the Territorial Army or the Auxiliary Air Force to discharge on certain conditions, shall not apply in relation to any person who enters or enlists in any of His Majesty's reserve and auxiliary forces in pursuance of such arrangements as aforesaid, unless the period for which he has served by virtue of that entry or enlistment (together with any period for which he may have served in any of His Majesty's forces or the senior division of the officers' training corps before the day on which he is deemed to have been enlisted by virtue of subsection (2) of this section) is not less than three-and-a-half years.

(6) Where, immediately before the time when a person is deemed to have been enlisted by virtue of subsection (2) of this section, he is a member of any of His Majesty's reserve and auxiliary forces, his period of service in those forces shall be deemed to be included in the period for which he is deemed to have been enlisted by virtue of that subsection.

possession of this Act, the Admiralty or the Secretary of State, as the case may be, may, at the same time as, or at any time after, the service of that notice, give to the owner and to the occupier of that land, in the manner prescribed by section forty-five of the Defence Act, 1860, in relation to notices required to be given by the Admiralty or Secretary of State, notice of intention to enter on and take possession of the land or any specified part thereof at the expiration of the period of fourteen days beginning with the date of the service of the last-mentioned notice; and at any time after the expiration of the said period the Admiralty or the Secretary of State, as the case may be, may, if then entitled under the Defence Acts, 1842 to 1935, to take the land, enter on and take possession of the land or that part thereof, without consent or compliance with the said section nineteen, but subject to the payment of the like compensation as would have been payable if that section had been complied with.

(2) Where, in pursuance of this section, possession of any land is taken either for a time certain or for such period as the exigence of the public service may require, then unless agreement is reached as to the amount of compensation to be paid or as to the method by which that amount is to be determined, the Admiralty or the Secretary of State, as the case may be, may, and if so required by the owner of the land shall, notify the sheriff of the county, riding, city or place wherein the land is situate, and upon receipt of the notification the sheriff shall proceed as if a warrant had been issued to him under section nineteen of the Defence Act, 1842, in respect of that land.

R.N. SPECIAL RESERVE

8.—(1) For the purpose of enabling persons to be entered for service in accordance with subsection (3) of section two of this Act, the Admiralty may raise and maintain a naval reserve force, which shall be called the Royal Naval Special Reserve, and persons entered therein shall be called royal naval special reservists.

(2) The provisions of the Royal Naval Reserve (Volunteer) Act, 1859, as amended by any subsequent enactment, shall apply in relation to royal naval special reservists as they apply in relation to volunteers under that Act, subject to the following modifications:—

(a) section two of the said Act (which provides that volunteers under that Act shall be entered for the term of five years) shall have effect as if for the reference in that section to five years there were substituted a reference to four years;

(b) a royal naval special reservist shall be liable to undergo, during the first year of his service, a course of continuous training for a period of six months, and accordingly the proviso to section three of the said Act shall not apply in relation to the first year of service of a royal naval special reservist; and

(c) a royal naval special reservist entered for marine service, shall, when called into actual service, and when being trained or exercised, be subject to the law for the time being in force for the government of the Royal Marine Forces.

SCHOOL INFORMATION

9.—(1) 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 furnish to the Minister, when requested by him, such information in their possession, or reasonably available to them, with respect to male persons receiving, or who have received, education for which the local education authority is 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 purposes of this Act to obtain.

(2) This section shall, in its application to Scotland, have effect as if references to a local education authority were references to an education authority.

10.—(1) Subject to the provisions of this section, 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 passing of this Act, and may by any such Order modify any enactment relating to such matters.

Act is in force, His Majesty by Order in Council declares that the necessity for this Act has ceased to exist, this Act shall expire at the end of the day on which the Order is made.

(3) The expiry of this Act shall not affect anything previously done or omitted to be done thereunder, or the operation thereof in relation to persons upon whom military training notices have been served, or who are serving in the Royal Naval Special Reserve.

17. This Act may be cited as the Military Training Act, 1939.

SCHEDULE

PART I

MILITARY TRAINING (HARDSHIP) COMMITTEES
Military Training (Hardship) Committees shall be appointed for such districts as the Minister may determine, and shall consist of a chairman appointed by the Minister and of two other persons selected by the Minister from a panel constituted by him for the purposes of this Act, which shall, so far as practicable, include all male persons being members of one or other of the panels constituted under section 41 of the Unemployment Insurance Act, 1935.

The chairman shall be a person holding the office of chairman of a court of referees under the said section 41, or having such other qualifications as the Minister considers suitable.

PART II

LOCAL AND APPELLATE TRIBUNALS

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

The chairman shall be a County Court Judge or, in the case of a local tribunal for a district in Scotland, a Sheriff or Sheriff-Substitute.

The appellate tribunal shall consist of a chairman and two other members appointed by the Minister.

The chairman shall be a barrister or solicitor of not less than 10 years' standing nominated in England by the Lord Chancellor and in Scotland by the President of the Court of Session.

NEW NAVAL RESERVE

MEN ACCEPTED FOR FOUR YEARS' SERVICE

The Bill will empower the Admiralty to raise a new Naval Reserve, to be called the Royal Naval Special Reserve, in which men may be accepted for at least four years' service, including at least six months' continuous training. Men enrolled in the Royal Naval Special Reserve will not be liable to be registered for military training, and men registered for military training who enrol in the Royal Naval Special Reserve will not be liable to be called up for military training.

Men in the Royal Naval Special Reserve will be required to undergo their first year of service in the Reserve. For the remainder of their period of enrolment they will have to attend for annual training in a ship or naval establishment. Alternatively, men who have completed their six months' continuous training in the Royal Naval Special Reserve may be allowed, if they are otherwise qualified and there are vacancies, to transfer to the Royal Naval Reserve or the Royal Naval Volunteer Reserve.

TRANSFERS AFTER SIX MONTHS

Men who have completed six months' continuous military training may similarly be permitted to transfer to the Royal Naval Reserve or Royal Naval Volunteer Reserve for the remainder of the four-year period. Men in the Royal Naval Special Reserve may be permitted to join the Royal Navy or Royal Marines at any time, and men who have been called up for military training may similarly be permitted at any time to join the Royal Navy or Royal Marines. Men serving in the Royal Naval Special Reserve may be permitted to join the Royal Naval Reserve or Royal Naval Volunteer Reserve at any time.

106872