

C.S.

NAVAL AND MILITARY
(Defence Force)
(Legal)

DEF/FID/2#14

1923.

No. 155/23

H. E. The Governor

SUBJECT.

1923

17th February

Previous Paper.

DEFENCE FORCE ORDINANCE, 1920.

Regarding the Interpretation of
Section 12 (1) of:

MINUTES.

Minutes from H. E. the Governor of 17th Feb 1923 — Encl ①
Letter to O.C. Defence Force of 19th Feb 1923 — Encl ②
Letter from O.C. Defence Force of 20th Feb 1923 — Encl ③

O.C. Defence Force

1. The position as I understand it is that certain members of the Force intimated that they proposed to apply for transfer to the Reserve under the provisions of sec. 12 (1) of the Ordinance, with the belief that they would thereby be entitled to all the privileges and few or none of the obligations of members in the strength of the Force. Will you please say whether that is so.

2. The interpretation of clause 12 (1) is open to doubt. — may an application to the Commanding Officer to be transferred to the Reserve does not in my opinion necessarily mean that such application must be approved. If that was intended the wording would I think have

Subsequent Paper.

been different e.g. instead of "may" ^{be} "shall have
enbilled." However I may be wrong.

In any case under 12 (3) it is clearly for
the Commanding Officer to refuse permission
to a transferred member to wear the
uniform, attend parades or make any use of
the premises of the Force.

ttttt 22/2/23

Col Sec.

The interpretation of Sec 12 (1)
by certain members of the Force is
as stated by 1. of your remarks.

2. By C. C. taking full advantage
of Sec. 12 (3) in my opinion now
will stop any further applications
from the men to be dealt with
under 12 (1).

Sr. Watson
C. C. F. I. S. F.
24/2/23.

Y. S.

Submitted.

In this connection I may say that
the first step taken by the D. C. in taking
over the M. organization was to inform
the members that they could if they so wished
resign then and that if they did not
resign it would be taken as an expression of
intention on their part to do all they could for
the Force as active members

ttttt 20/2/23

H.C.S.

Originally when a Reserve was contemplated it was to consist of

- (a) Men under 45 resident in the Camp, who have completed three year training have passed for efficiency & who apply for transfer to the Reserve.
- (b) Trained men over 45, still physically fit, who volunteer for the Reserve.
- (c) Residents in Stanley who have completed seven year service & apply for transfer to the Reserve.
- (d) Men resident in the Camp who are over 30 & under 42 at the date of the passing of the ordinance whom it has not been deemed necessary to call up for training although they are still liable for any such call.

Original scheme
action free.

60 G.A.M. or Artillery

60 Infantry
Reserve

Partly men who have served
in action free

Partly men who have not
so some may be called up.

2. O.D.C. suggested that in first instance a somewhat less ambitious scheme might be adopted and more efforts should be employed towards the organizing and maintaining an Infantry free of a strength of 100 to 120 men armed with machine guns & rifle & well trained in their use.

3. In addition it was suggested that it might be practicable to organize a Reserve composed of men who although unwilling or unable to view of their private business to follow with Active Men & to undergo the training necessary might undertake in return for the use of Government a free issue of ammunition to carry out an annual musketry course & a limited number of drills.

4. It was further proposed that Section 12(1) of draft ordinance appeared to limit the men eligible to serve in the Reserve to those who had served in the Defence force or in any of H.M. Regular or Auxiliary Forces "with efficiency for at least eight years." It was pointed out that the inclusion of this section in ^{draft} form might limit considerably the number of men in the Colony eligible to serve in the Reserve & result in losing the services of such men as were unwilling to serve in the Active Force for so long a period as eight years but at the same time were not disinclined to serve in the Reserve.

5. Men Bill was under consideration. My amendment made to Section 12(1) was substitution of "two years" for "8 years".

- It is suggested that G.O. 348/20 may contain further information with regard to the Section: it may be necessary to
- to amend the Section with a view to ~~the~~ formation of Resum as in para 3 above. Mention O.C. has made provision clear by his statement to the members of the Com. when he took over.
 - The immediate object in view is to organize a small ~~staff~~ special action force and this by O.C. is endeavouring to do.

27 January 1923

Letter to O.C. Defence Force 28th Feb 1923 (4)

G.O.
 Alt. 378/20
 attached
 27/1/23
 Copy of this minute
 to O.C. for information
 tttttt

P.P.
27/1/23



H.P.S.

Towards close of an interview last evening
O.C. Dyfina Ince raised a question with
reference to the interpretation of Section 12¹¹ of
the Defence Act 1920 New Terms did
not permit of full discussion.

2 I, as you please request O.C. to put the
question in writing & explain how it has
arisen.

[Signature]

14 February 1953

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155/23.

19th February, 23.

Sir,

With reference to your conversation with the Governor on the evening of the 16th instant, regarding the interpretation of Section 12 (1) of the Defence Force Ordinance, 1920, I am directed by His Excellency to request you to state the question in writing and to explain how it has arisen.

I am,

Sir,

Your obedient servant,

H. Henniker-Heaton,

Colonial Secretary.

Lieut. D. R. Watson,
Falkland Islands Defence Force,
Stanley.



Head Quarters.

Falkland Island Defence Force.

20th. February 1923.

Watt

Sir,

In reply to your letter No. 155/23 dated 19th. February,
I have the honour to state the following :-

The question regarding the interpretation
of Section 12(1) of the Falkland Island Defence Force
Ordinance 1920, was brought to my notice by the request
of certain members of the Force to be dealt with under
this Section. It at once appeared to me, that if this
Section is to remain in Force, the Falkland Island
Defence Force will, in a couple of years be only
a reserve Force.

I am,

Sir,

your obedient servant.

Duncan R. Watson.

Lt. Commanding F.I.D.F.

The Hon.
The Colonial Secretary.

Stanley.

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155/25.

28th February, 23.

Sir,

I am directed by the Governor to acknowledge the receipt of your letter of the 20th of February regarding the interpretation of Section 12 (1) of the Falkland Islands Defence Force Ordinance, 1920, and to enclose herewith, for your information, a copy of a minute by His Excellency on the subject.

I am,

Sir,

Your obedient servant,

H. Henniker-Heaton,

Colonial Secretary.

Lieut. D. R. Watson,
Officer Commanding,
Falkland Islands Defence Force,
Stanley.