

1921

C.S.

| |
|----------------------------|
| Military (Registration) |
| No. 197/21 |

DEF/FID/2#2

C.S.O

SUBJECT.

1921

15th Feb 21

Previous Paper.

Defence Force Ordinance
No 7 of 1920.

Particulars of persons in Colony furnished
for registration

MINUTES.

24/2/21

Letter from Major Brod to home 15 Feb 1921
Encl 1

Letter from Mr J.D. Creamer 14th Feb 1921
Encl 1

H.E. the Governor,

Submitted. I understand that these have been held up by Mr. Martin, - (Colonial Secretary) - pending further communications.

2. Under the provisions of section 18 (1) Every male person resident in the Colony, between the ages of eighteen and forty-one years, shall within four months of his becoming liable under the Ordinance, furnish his full name, the date of his birth and nationality to the Officer Commanding, who shall enter the same in an alphabetical Register to be kept by him.

3. A copy of Ordinance No.7 of 1920, is filed within.

I await Your Excellency's instructions.

B. Thompson

A. C. S. 31/3/21.

Subsequent Paper.

H.P.S.

When time permits it will be necessary
for O.C. Defence Force to proceed with
Compilation of the Reports which
is required to be kept under Section 18
of Defence Force Ordinance. ^{only} The two names
in the paper, so far as I know, have been
furnished. Major Brookman has already
left the Colony.

2. Work in connection with the reorganization
of the Defence Force should take precedence of
Compilation of Reports under Sec 18 of
the Ordinance

BR

17 May 1923

O.C. Defence Force

For note and return please

17/2/23

H.C.S.

Section 18 of the Defence Force Ordinance
will be proceeded with as soon as time permits.

D. R. Watson
G. E. F. D. F.

CS.

Mr. Martin told me
to hold this over
pending receipt of
similar correspondence.

W.H.B.

197/21

(2)

Stanley,

11th February, 1921.

The Officer Commanding,
The Falkland Islands Defence Force.

Sir,

In accordance with Ordinance No.7 of 1920, 13th December, 1920, section 18 (1), regarding furnishing of particulars by persons liable under the said Ordinance, the following is entered for your information:-

Name. John Denis Creamer.

Date of birth. 9th October, 1897.

Nationality. British.

Yours faithfully,

J. D. Creamer

197/21

(1)

Stanley

15 February 1921

From Major H. Brookhouse
Stanley

To The Honourable The Colonial Secretary
Stanley

Sir,

As I understand there is at present no Officer Commanding the Defence Force, I have the honour to submit to you, for communication to the authority appointed by H.E. the Commander-in-chief for the purposes of the Defence Force Ordinance 1920, Section 18(1), the following particulars.

| Name. | Date of Birth. | Nationality. |
|---------------------|----------------|--------------|
| Herbert Brookhouse. | 18 July 1884. | English. |

I have the honour to be,

Sir,

your obedient servant,

H. Brookhouse
Majr.

No. 7.



1920.

[L.S.]

I ASSENT,

W. P. MARTIN,

Administrator.

13th December, 1920.

FALKLAND ISLANDS.

(13th December, 1920.)

An Ordinance to provide for the establishment of a Defence Force.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

Preliminary.

1. This Ordinance may be cited as the Defence Force Ordinance, 1920. Short Title

2. In this Ordinance and in any Regulations or Rules made thereunder unless the context otherwise requires:—

“Appointments” includes accoutrements and equipments of every kind other than clothing. Interpretation.

“Commanding Officer” or “Commandant” means the Officer in command of the Defence Force.

“Company” means company forming part of the Force.

“Defence Force” or the “Force” means the Defence Force established by this Ordinance.

“Efficiency” or “efficient” means the standard of efficiency fixed by the Governor in Council by Regulations under this Ordinance.

“Member” means a member of the Force.

“Officer” means a person holding the Governor’s commission as an Officer in the Force.

"Regulations" and "Standing Orders" and "Rules" mean respectively regulations and standing orders and rules made under the provisions of this Ordinance.

"The Army Act" means the Army Act, 1881 (Act of the Imperial Parliament 44 and 45 Vic. C 58) and includes all Acts amending or substituted for the same and also all Articles of War in force thereunder.

Organization of Defence Force.

- Formation of Force. 3. (1) It shall be lawful for the Governor on behalf of His Majesty to accept the services of any male British subject desiring to join the Defence Force and offering his services to His Majesty.
- (2) Nothing herein contained shall be deemed to render it obligatory upon the Governor to accept the services of any person.
- Composition of Force. 4. The Defence Force shall consist of such Companies of Garrison Artillery, Mounted Infantry and Infantry as the Governor may from time to time determine, and each such Company or Companies shall be designated by such style as the Governor shall direct.
- Disband Company, etc., 5. The Governor may disband or discontinue the services of any Company or part thereof whenever it seems to him expedient to do so.
- Entry on Muster Roll. 6. (1) The name of every person whose services have been accepted by the Governor as a member of the Defence Force shall be entered by the Commanding Officer on the Muster Roll of the Force which shall be kept by him.
- Oath. (2) Every person whose services have been accepted as above shall upon admission to the Defence Force take the oath or make the declaration set forth in Schedule A to this Ordinance, to be administered by a Magistrate or Justice of the Peace or by a Commissioned Officer of the Force.
- Schedule A.
- Officers. 7. (1) The Governor shall appoint the Officers of the Defence Force, with such rank as he may from time to time think necessary; such Officers shall have such rank and authority in the Defence Force as are held by Officers of corresponding rank in His Majesty's Regular Forces, and their duties shall be the same as are from time to time prescribed for Officers of the Army in the "King's Regulations" so far as the same can be made applicable.
- Commandant. (2) The Governor may appoint a Commanding Officer or Commandant of the Force, who shall have such local rank as the Governor may confer on him, and he shall be responsible to the Governor for the instruction, training, discipline and conduct of the Force.
- Rank of Officers. (3) Officers of the Force shall rank with Officers of His Majesty's Regular Forces but as junior of their respective ranks.
- Validity of appointment. (4) No appointment made under this section shall be deemed to be vacated by the death or retirement from office of the Governor who made the same.

8. The Commanding Officer may appoint such non-commissioned Officers of the Defence Force as he may deem expedient.

Non-Commissioned Officers.

9. (1) The members of the Force, other than Commissioned Officers, shall wear such uniforms as the Governor shall direct, and such uniforms shall be supplied to them upon their enrolment, and renewed from time to time, at the public expense, as may be decided by the Commandant.

Uniform.

(2) The Officers of the Force shall provide themselves at their own expense with such uniform as the Governor shall direct.

Officers uniforms.

10. (1) For every member of the Force a rifle and such appointments as the Governor may direct shall be issued to the Commandant on loan for the use of such member, and the Commandant shall be responsible to the Governor for such arms and appointments.

Arms etc.

(2) There may be issued for every member annually two hundred rounds of rifle ammunition and such further supply on such terms as to payment and otherwise as the Governor may direct.

Ammunition supply per member.

(3) Every member shall pay to the Commandant the cost of repairing or replacing any rifle or appointments damaged destroyed or lost by such member, and shall also pay for any ammunition expended by him to the full issue of which he was not entitled.

Cost of repairs etc. and extra ammunition.

(4) All arms, ammunition, musical instruments, clothing, appointments and necessaries issued on loan to any member of the Defence Force shall be and remain the property of the Government and shall be produced, exhibited and delivered to the Officer commanding or to any person authorized by him to inspect or receive the same.

Arms and equipment etc. remain property of Government.

11. Subject as hereinafter mentioned any member may, except when on active service, and except when the sections relating to compulsory service under this Ordinance are in force, quit the Force on complying with the following conditions:—

Right of member to quit Force.

- i. giving the Commanding Officer three months notice in writing of his intention to quit the Force;
- ii. delivering up in good order (fair wear and tear only excepted) all arms clothing and appointments being public property or property of the Force issued to him; and
- iii. paying all money due or becoming due by him under the rules of the Force either before or at the time or by reason of his quitting the Force,

and thereupon he shall be struck out of the muster roll of the Force by the Commanding Officer.

The Governor shall have full power at all times to permit any member of the Defence Force to quit the Force upon such member complying with the conditions laid down in Sub Section (ii) and (iii) hereof.

The Reserve.

12. (1) There shall be a Reserve Section to the Force and any Member who has served in the Force, or in any of His Majesty's Regular or Auxiliary Forces, with efficiency for at least two years, may on application to the Commanding Officer be transferred to the Reserve.

Reserve.

Liable to be called out.

(2) Every member so transferred to the Reserve shall be deemed to be on the strength of the Force and shall be liable to be called upon to serve with the Force at such times as the Force may be called out for active service under section 15 of this Ordinance, should the Governor deem it expedient by proclamation to require the services of the Reserve or any part thereof.

May attend drills, etc., wear uniform.

(3) Every member in the Reserve may with the permission of the Commanding Officer attend all drills and inspections or parades of the Force, and may wear the uniform of the Force at any military functions and on all occasions on which uniform is worn.

Badge.

(4) Every member in the Reserve shall wear the letter R below the badge of the Force worn on the shoulder straps.

Resignation.

(5) Any member in the Reserve may, except when the Force is on active service, resign from the Force on giving two weeks notice in writing to the Commanding Officer and complying with conditions as in paragraphs ii and iii in the preceding section.

The Retired List.

Retired Members.

13. (1) There shall be a retired list to which any member who has been returned with efficiency for at least five years, who by reason of physical disability, not being the result of his own misconduct, certified to by a medical officer, is debarred from further service with the Force, or who has attained the age of forty-one years, may be posted by the Commanding Officer on his being satisfied thereof, and the Commanding Officer shall strike the name of the member off the Muster Roll accordingly.

Age for posting to from Reserve.

(2) Any member of the Reserve who has attained the age of forty-one years may on application to the Commanding Officer be struck off the Muster Roll and be posted to the Retired List.

Wear uniform.

(3) Every member whose name is placed on the Retired List as herein provided may, at any military function and on all occasions on which uniform is worn, be permitted by the Commanding Officer to wear the uniform last worn by him whilst a member of the Force. He shall wear the letters R. L. below the badge of the Force worn on the shoulder straps.

Enjoy privileges of Club.

(4) He may enjoy the privileges of any Club established by or for the use of the Force in like manner as though he were still an active member of the Force.

Transitional.

Transitional

14. All members of the Volunteer Corps or Force established by the Volunteer Ordinance, 1892, as amended by the Volunteer Active Service Ordinance, 1915, at the time of coming into force of this Ordinance, shall be deemed as from the date of their joining the Volunteer Corps or Force to be members of the Defence Force established under this Ordinance and to have complied with requirements of section 6 of this Ordinance, and all Officers and non-commissioned officers of the said Volunteer Corps or Force established by the Volunteer Ordinance, 1892, shall be deemed to have been appointed to be of corresponding rank, and to have had their appointments confirmed in the Defence Force established by this Ordinance.

Active Service.

15. (1) The Governor may by proclamation call out the Defence Force, or any Company or part thereof, for active service, whenever it appears to him advisable to do so by reason of invasion, or war, or danger, or any of them, or by reason of any internal emergency threatening the security of life or property, to quell which the available civil force is deemed by him inadequate.

Governor may call out Force.

(2) Every member so called out shall attend in obedience to the call and shall assemble at such place and perform such service as may be directed by the Governor.

Attend call.

(3) Every member so called out shall for the purposes of this Ordinance be deemed to be on active service. If any such member, not incapacitated by infirmity for service, refuses or neglects so to assemble, as required by the Governor, he shall be deemed to be a deserter.

Called out, deemed on Active Service.

(4) The period of such service shall continue so long as the Governor shall consider necessary, and shall end only by order of the Governor.

Period of Active Service.

(5) Nothing in this Ordinance shall render any member liable to serve or proceed on duty without his consent beyond the limits of the Colony.

Liable to serve in Colony only.

16. Whenever the Force or any part thereof is on active service, or is undergoing drill exercise or inspection, or is doing any duty together with His Majesty's Regular Forces, the Force shall, subject to any regulation under this Ordinance, be under the command of the Officers of His Majesty's Regular Forces so nevertheless that the Force or any part thereof shall when the circumstances of the service admit be led by its own Officers under such command.

Under command on active service.

17. The Commanding Officer of the Force or of any company, detachment or party thereof may, when the Force or any part thereof is called out for active service, impress horses, carts, riding and driving gear and boats and their accessories, or any article as the service may require.

Impressment of horses, etc.

Compulsory Service.

18. (1) Every male person resident in the Colony between the ages of eighteen and forty-one years, shall within four months of his becoming liable under this Ordinance furnish his full name the date of his birth and nationality to the Officer Commanding who shall enter the same in an alphabetical Register to be kept by him.

Persons liable to serve furnish name and age.

(2) Every person so registered and liable to serve in the Defence Force shall on each occasion of his leaving or returning to the Colony notify the Officer Commanding.

To report movements to or from Colony.

(3) Upon any person ceasing to be liable to serve under this Ordinance the Commanding Officer shall strike his name out of the Register.

19. Every male British subject over the age of eighteen and under the age of forty-one years resident in the Colony, not being exempt under section 22 of this Ordinance, shall be liable to serve in the Defence Force.

Persons liable to serve.

20. In the event of the Defence Force being called out for active service as herein before provided, and the Governor considering it expedient that the numerical strength of the Force

Application of compulsory service.

should be increased, the Governor may by proclamation call upon and require any or all such person or persons as are mentioned in the preceding section, not being members of the Force or exempt under the next succeeding section to join and serve with the Force so called out, and every such person shall be required to assemble at such place and perform such service as may be directed by the Governor and shall be subject to the provisions of this Ordinance and shall serve as a member of the Force accordingly.

Ballot.

21. If the number of persons called up under the preceding sections is greater than the number required by the Governor, the Officer Commanding shall draw by ballot from all the names on the register until the names of a sufficient number of persons have been drawn, and the persons whose names are so drawn shall serve as members of the Force for such time as the Force may continue called out on active service.

Exemption from service
Schedule B.

22. (1) The persons specified in Schedule B to this Ordinance shall be exempt from service in the Defence Force:

Provided that they may so serve, if they desire to do so, and the Governor sanctions their doing so.

Special exemption by
Governor.

(2) Any person liable to serve in the Defence Force may, at the discretion of the Governor, be discharged annually from such liability upon paying into the Colonial Treasury the sum of twenty-five pounds for each and every year or portion of a year that he is liable to serve. All moneys paid under this subsection shall be applied to the purposes of the Force.

Immunities.

Immunities of
Members.

23. (1) No action shall lie against any member of the Defence Force, nor shall he be subject to any penalty or punishment, for any act or thing done by him, while paraded under arms:

Provided that the act or thing was done in pursuance of a lawful command given to him by the Governor or a Magistrate or his Commanding Officer, or in defence of his post or person or otherwise in the lawful performance of his duty.

(2) No action shall be brought against any person for anything done by him under this Ordinance, unless the same shall be commenced within three months after the act complained of was committed, nor unless notice in writing of such action shall have been given at least one month before such action was commenced.

(3) In every action brought against any person for anything done by him under this Ordinance, the plaintiff shall expressly allege in his statement of claim that such act was done either maliciously or without reasonable and probable cause or through gross negligence, and if at the trial of such action he fails to prove such allegation, he shall be nonsuited, or a verdict shall be given for the defendant.

(4) Any person who is sued for anything done by him in pursuance of this Ordinance may plead the general issue and give this Ordinance in evidence for his defence, and in case the plaintiff in such action shall be nonsuited or shall discontinue his suit or shall have judgment given against him, he shall pay to the defendant double costs.

(5) Nothing in this Ordinance contained shall exempt any person from being prosecuted, tried and convicted before the ordinary tribunals of the Colony for any felony, misdemeanour or offence against any law for the time being in force in this Colony.

Provided that no person shall be punished twice for the same offence.

(6) Every member of the Defence Force shall be allowed a reasonable time for going to and returning from any drill, parade or other service, and, if in uniform, he shall not be liable during such time, or when on duty at drill, parade or other service, to have his person, horse, harness or conveyance arrested or taken in execution by any civil process issued out of any Court whatever.

Discipline.

24. (1) Every member of the Defence Force who shall be guilty of any of the offences specified in the first column of Schedule C to this Ordinance shall be liable to pay a fine not exceeding the amount set opposite such offence in the second column of that Schedule.

Offences Schedule C.

(2) Fines in respect of the said offences for which the limit of the fine is one pound and under may be imposed by the Commanding Officer.

Fines of £1 and under

Offences in respect of which the limit of fine exceeds one pound shall only be imposed by the Commanding Officer after an investigation by a Court of Inquiry.

Fines over £1.

(3) All fines inflicted for any of the said offences shall go to the funds of the Force, and, if not paid within ten days, shall be recoverable summarily as a civil debt, under the Summary Jurisdiction Ordinance, 1902, or any Ordinance amending the same, by the Commanding Officer or any Officer of the Force authorized by him.

Fines to go to funds Force.

25. (1) If any member of the Force, while on duty with the Force or any part thereof, or while wearing the uniform or accoutrements of such Force disobeys any lawful order of any Officer under whose command he then is, or is guilty of misconduct, the officer then in command of the Force or any superior officer under whose command the Force or part thereof then is may order the offender, if an Officer, into arrest and, if not an Officer, into the custody of any member of the Force.

Arrest for breach of Discipline.

Provided that the offender shall not be kept in such arrest or custody longer than during the time the Force or such portion thereof as aforesaid then shall remain on duty. For the purposes of this provision any such member, while going or returning to or from any place of exercise, drill or assembly of the Force, or any part thereof, shall be deemed to be on duty so long as he continues to wear the clothing or accoutrements of the Force.

(2) Every such arrest as aforesaid shall be forthwith reported to the Commanding Officer or such other Officer as may be prescribed in that behalf by the regulations.

Arrest to be forthwith reported.

Expulsion from Force.

26. (1) The Commanding Officer may, subject to such appeal to the Governor as is hereinafter-mentioned, discharge from the Force any member thereof and strike him off the strength, either for disobedience of orders by him, while on duty with the Force, or for neglect of duty or misconduct by him as a member of the Force, or for other sufficient cause, the existence and sufficiency of the cause to be judged by the Commanding Officer or, in a case of appeal, by the Governor.

Liability after discharge.

(2) The member so discharged shall nevertheless be liable to deliver up in good order, fair wear and tear only excepted, all arms, ammunition, clothing and appointments, being public property or property of the Force, issued to him and to pay all moneys due or becoming due by him under this Ordinance under the rules or regulations, either before or at the time or by reason of his discharge.

Appeal to Governor.

(3) Any member who feels aggrieved by such discharge may appeal to the Governor at any time within fourteen days after such discharge, and the Governor may cancel or confirm such discharge or give such other directions with reference thereto as to him may seem just and proper, and his determination shall be binding on all persons.

Discipline on Active Service.

27. (1) The provisions of the Army Act shall as far as applicable apply to the discipline of the Force or any part thereof when on active service, or undergoing drill, exercise, training or inspection, together with His Majesty's Regular Forces or any part thereof, subject nevertheless to the following modifications:—

- (a) That no member of the Defence Force shall for any offence against the Army Act be subject to the penalty of death, or to any longer term of imprisonment than five years.
- (b) That no sentence of a Court Martial for the trial of a member of the Force shall be carried into execution unless confirmed by the Governor.

(2) Nothing in this section contained shall be deemed to limit or derogate from the power given by section one hundred and seventy-seven of the Army Act to the General Officer Commanding His Majesty's Forces with which the Force is serving of making such exceptions or modifications as in the same section are referred to.

Financial.

When travelling expenses are payable to Members.

28. Whenever any Member shall be called out under this Ordinance on active service away from his place of residence he shall be entitled to receive if willing to do so his travelling expenses from and to such residence, and it shall be lawful for the Governor to fix the rate and amount of such expenses.

Pay and Allowances on active service.

29. Every member called out under this Ordinance on active service shall receive from the Government such pay and allowances, quartering and billeting, as the Governor shall from time to time direct, and while in receipt of such will not be entitled to claim pay from his employer, except at such times and under such conditions as are hereinafter specified.

30. Every member who when called out under this Ordinance on active service shall leave a wife or a wife and family unable to support herself or themselves shall during the period of absence on such active service be entitled to relief for his wife and family and it shall be lawful for the Governor to fix the amount of such relief, consideration being given to the amount of the pay and allowances granted under the preceding section to the member himself.

Relief to families of Members called out on Active Service.

31. Every member of the Force who shall have received wounds or injuries when called out under this Ordinance on active service and the widows and families of all such members who may have been killed or have died within twelve months after having been wounded or have died within twelve months from illness directly traceable to fatigue or exposure incident to such active service shall be entitled to such pensions or gratuities as shall be fixed by the Governor provided that no pension or gratuity under this section shall exceed the sum of two hundred pounds (£200).

Pensions to members disabled on service and to widows and families of those killed on service.

32. (1) When on the written request of an employer a member is permitted or instructed by the Commanding Officer temporarily to resume his civil employment no payment shall be made by the Government in respect of the period during which such Member shall be released from military duty, and the employer shall pay full wages to the Member in respect of such time as he shall work for his employer during the period of such release.

Payment of members by employer on release from military duties.

(2) Should any employer apply for the temporary services of any Member other than his own employee, he shall be responsible for the full payment, at the current rate of wages, of such members as may by the Commanding Officer with the approval of the Governor be selected to perform such work in respect of such time as they or any of them are thus employed.

33. It shall be lawful for the Colonial Treasurer subject to the Regulations and on the warrant of the Governor to pay annually out of the Revenue of the Colony to the Officer Commanding for the purposes of the Force, capitation grants, not exceeding the following rates:—

Capitation grant.

For every Member of the Force qualifying in any year as efficient:—

- (a) in drilling or musketry the sum of thirty shillings (30/-).
- (b) in both drilling and musketry the sum of two pounds (£2).

34. All moneys subscribed by or to or for the use of the Force or any company or Club of the Force and all effects and other property belonging to the Force or any company or Club of the Force and the exclusive right to sue for and recover current subscriptions, arrears of subscriptions and other moneys due to the Force or to any Company or Club of the Force shall vest in the Commanding Officer for the time being and his successors in office, with power for him and them to bring actions, to make

Force funds and property vested in Commanding Officer.

contracts and conveyances and to do all other lawful things in respect of or relating to the same; and any civil or criminal proceedings taken by virtue of this section by the Officer Commanding shall not be discontinued or abated by his death, resignation or removal from office, but may be carried on by and in the name of his successors.

Recovery.

35. Any money or fine recoverable under this Ordinance may be recovered in a summary way in the Magistrate's Court notwithstanding the amount may be in excess of the ordinary jurisdiction of that Court.

Inspections.

Inspections by Officers' Regular Forces,

36. An inspection of the Force may from time to time be held by an Officer of His Majesty's Regular Forces, nominated by the Governor for the purpose, at such times as the Governor may direct, and such Inspecting Officer shall report in writing to the Governor as to the efficiency or otherwise of the Force.

Regulations.

Governor to make Regulations.

37. (1) The Governor in Council may from time to time make, amend and revoke regulations consistent with the provisions of this Ordinance as he shall deem proper for:—

- (a) regulating muster, instruction and rifle practice;
- (b) fixing standards of efficiency and extra efficiency;
- (c) the storing and issuing of arms and ammunition;
- (d) targets, butts and shooting ranges;
- (e) the composition and proceedings of Courts of Inquiry;
- (f) the general government and good discipline of the Defence Force; and
- (g) giving further and better effect to the provisions of this Ordinance.

(2) Any such regulations may provide for the punishment or penalty of any infraction thereof.

(3) Every regulation made under this section shall be published in the Gazette.

Committee of Force.

Committee of Force.

38. There shall be a Committee of the Force composed of the Officer Commanding and six members to be elected at a General Meeting of the Members of the Force to be held annually. Two of the elected members shall retire in rotation each year, but shall be eligible for re-election. Any casual vacancy on the Committee during the course of a year may be filled by the Committee until the next annual General Meeting.

Committee may make Rules.

39. The Committee may from time to time make amend and revoke Rules for the management and maintenance by annual subscription or otherwise of the Social Club of the Force, to be called "The Defence Force Club", and for the property finances and civil affairs of the Force;

Provided that such rules shall not have effect unless and until the Commanding Officer thinks fit to transmit the same to the Governor for his approval and such approval has been notified by the Governor to the Commanding Officer to be by him forthwith communicated to the Force, whereupon the rules so approved shall be binding on all members and shall be published in the Gazette.

40. The Rules may provide for the payment by Member of fines not exceeding ten shillings for any infringement thereof as may be imposed by the Committee, and for the payment of the amount of any damage done to the property of the Club.

Fines under rules.

Courts of Inquiry.

41. (1) The Governor may at any time convene a Court of Inquiry, composed of officers or other persons, or of both, to inquire into any matter relative to the Force or to any Company or any part thereof or to any Officer or other member of the Force and to record the facts and circumstances ascertained in such inquiry and, if required, to report upon the same for his information.

Governor may convene Court of Inquiry.

(2) The Commanding Officer of the Force may at any time convene a Court of Inquiry composed of Officers to inquire into any matter relative to any Company or to any non-commissioned officer or private thereof and to record the facts and circumstances ascertained on such inquiry and, if required, to report on the same for his information and assistance.

Commanding Officer may convene Court of Inquiry.

(3) Every Court of Inquiry shall have power to bring any member of the Force before it, either by summons or, if necessary, by warrant of apprehension directed to any Police officer or constable.

Power of Court.

(4) If any person summoned or ordered to attend as a witness before a Court of Inquiry, after payment or tender of reasonable expenses of his attendance:—

Non-attendance.

- (a) makes default in attending or in being in attendance; or
- (b) refuses to take an oath or affirmation which the Court of Inquiry requires him to take; or
- (c) refuses to produce any document in his power or control which the Court of Inquiry lawfully requires him to produce; or
- (d) refuses to answer any question which the Court of Inquiry lawfully requires him to answer; or
- (e) is guilty of any contempt of the Court of Inquiry by causing any interruption or disturbance in its proceedings or otherwise;

the President of the Court of Inquiry may certify the default, refusal or contempt under his hand to a Judge or Magistrate having power to deal with or punish persons guilty of like acts or omissions in his Court, and such Judge or Magistrate may thereupon inquire into the same, and if the person is found guilty, deal with or punish him in like manner as if such default, refusal or contempt had been made or committed before him or in relation to his Court.

Presidents powers.

Penalties.

42. If any person assaults or resists, or aids or abets any person in assaulting, or resisting, any member of the Defence Force in the discharge of his duty, he shall be punishable on summary conviction, with a fine not exceeding one hundred pounds, or with imprisonment for any term not exceeding six months.

Assaulting or resisting members.

Obstructing or molesting member.

43. If any person wilfully obstructs or molests any company or any Officer or member of any Company while on duty, he shall on the prosecution of the Officer Commanding be liable, on summary conviction, to a penalty not exceeding five pounds, and may be arrested or given into custody by the Senior Officer present and conveyed and handed over to the custody of the Police.

Wilful injury to guns, butts, etc.

44. If any person wilfully commits any damage to any gun, cannon, butt or target, hut, shed, emplacement, magazine or other property lawfully used by His Majesty's Regular Force or the Defence Force, or without the leave of the Officer Commanding searches for bullets in or otherwise disturbs the soil of or near any such gun, cannon, butt or target, hut, shed, emplacement or magazine, he shall on the prosecution of the Officer Commanding, be liable on summary conviction to a penalty not exceeding twenty pounds for every such offence.

Wrongful detention or disposal of arms etc.

45. (1) If any person designedly makes away with, sells, pawns, wrongfully destroys or damages or negligently loses anything issued to a member of the Force, or refuses or neglects, when lawfully required, to produce, exhibit or deliver, on demand anything which he is liable under this Ordinance or the Rules or Regulations made thereunder to produce exhibit or deliver the value thereof shall be recoverable from him summarily, under the Summary Jurisdiction Ordinance, 1902, by the Commanding Officer or any Officer authorized by him, and he shall also for every such offence, be liable, on summary conviction, to a fine not exceeding five pounds.

(2) Whoever knowingly buys or takes in exchange or in pawn from any member of the Force or person acting on his behalf or solicits or entices any member of the Force to sell or pawn or knowingly assists or acts for any member of the Force in selling or pawning or has in his possession or keeping, without satisfactorily accounting for the same, any arms, ammunition, clothing, appointments, musical instruments or necessaries, being public property or the property of the Force, shall be liable, on summary conviction, to a sum not exceeding five pounds for every such offence.

Failure to furnish name etc.

46. If any person fails to furnish his full name the date of his birth and nationality to the Officer Commanding as required under the provisions of this Ordinance he shall on summary conviction be liable to a penalty not exceeding ten pounds

Prevention of persons from becoming members of Force.

47. If any employer or person, by threats or otherwise, wilfully prevents or endeavours to prevent any one from becoming a member of the Defence Force or at any time serving as a member of the Force, the Commanding Officer may institute proceedings against such employer or person, and such employer or person shall be liable on summary conviction, if the offence be committed in peace time, to a fine not exceeding twenty five pounds, and if committed at any time during which the Force or any part thereof is on active service, to a fine not exceeding one hundred pounds, for each such offence or repeated offence.

Appearance of Commanding Officer.

48. In all proceedings under this Ordinance before a Magistrate the Commanding Officer may appear by any Officer of the Force authorized by him in that behalf by writing under his hand.

Application of penalties

49. Every pecuniary penalty recovered summarily on the prosecution of the Commanding Officer shall be paid to the Commanding Officer and be applied as part of the Funds of the Force.

Repeal.

Repeal Schedule D.

50. The Ordinances set out in Schedule D hereto are hereby repealed.

Provided that all Rules Regulations and Standing Order made under the repealed Ordinances and existing and in force prior to the coming into operation of this Ordinance shall remain in force until altered amended or rescinded by any Rules Regulations or Standing Orders made in pursuance of the powers given by this Ordinance.

Passed by the Legislative Council this 6th day of December, 1920.

G. R. L. BROWN,
Clerk of the Council.

Assented to by the Governor and given under the Public Seal of the Colony this 13th day of December, 1920.

G. R. L. BROWN,
for Colonial Secretary.

SCHEDULES.

Sec: 6 (2)

Schedule A.

I do sincerely
*as the case may be. promise and swear (*or "solemnly, sincerely, and truly declare")
that I will be faithful and bear true allegiance to His Majesty
King George V His Heirs and Successors according to Law, and
that I will faithfully serve His Majesty in the Defence Force of
the Colony of the Falkland Islands for the defence of the same
against His Majesty's enemies and for the security of life or
property, and in accordance with the Law under which I serve -
*omit in case of declar- *So help me God.
ation.

Sec : 22.

Schedule B.

Persons exempt from serving in the Defence Force.

The only son of a widow being her only support.

Members and Clerk of the Executive and Legislative Councils

Judge of the Supreme Court.

Postmaster, and Registrar Supreme Court.

Magistrates.

Duly qualified Medical Practitioners.

Members of the Police Force.

Ministers of Religion.

Teachers in Schools under Government inspection.

Licensed Pilots.

All persons medically certified to the satisfaction of the Governor to be
physically unfit for service, and

Any person exempted by order of the Governor in Council.

Schedule C.

Sec : 24.

| | Limits of Fine. | | |
|---|-----------------|----|----|
| | £ | s. | d. |
| Disobedience of any regulation, standing order or general order where no other punishment is provided | 1 | 0 | 0 |
| Disobedience of the order of, or insubordination to his superior officer, while on duty | 1 | 0 | 0 |
| Violence to any other member of the force while on parade ... | 3 | 0 | 0 |
| Being improperly dressed when in uniform on or off parade | | | |
| For the first offence | 1 | 0 | |
| For every subsequent offence | 2 | 6 | |
| Appearing on duty with uniform, arms or appointments not properly cleaned or cared for, | | | |
| For the first offence | 1 | 0 | |
| For every subsequent offence | 2 | 6 | |
| Appearing on duty not properly clothed, armed or accoutred | | | |
| For the first offence | 1 | 0 | |
| For every subsequent offence | 2 | 6 | |
| Talking in the ranks | | | |
| For the first offence | 1 | 0 | |
| For every subsequent offence | 2 | 6 | |
| Loading a rifle contrary to orders | 1 | 0 | |
| Improperly pointing a rifle, loaded or unloaded at any person ... | 5 | 0 | 0 |
| Discharging a rifle without orders in a public place | 1 | 0 | 0 |
| Infringing or disobeying any of the rules of target practice | 1 | 0 | 0 |
| Failing to appear on parade or rendezvous appointed by the Commanding Officer, or going from thence without leave, or without urgent necessity quits the ranks | 1 | 0 | 0 |
| Absenting himself from any inspection, drill, or class of instruction when ordered to attend | 1 | 0 | 0 |
| Committing any act to the prejudice of good order or military discipline | 1 | 0 | 0 |

Schedule D.

Sec : 50.

ORDINANCES REPEALED.

| | |
|---------------|---|
| No. 5 of 1893 | An Ordinance to provide for the establishment of a Volunteer Force. |
| No. 4 of 1915 | An Ordinance to amend the Volunteer Ordinance, 1893. |

FALKLAND ISLANDS:

Printed at the Government Printing Office by H. A. Finch.