

1921.

C.S.

Legal Ordinances
No. 610/21

DEF/FID/2#3

S of S Des No 27.

SUBJECT.

1921

11th March.

Defence Force Ordinance No 7 of 1920

Previous Paper.

Non disallowance of.

600/19

MINUTES.

(1)

S of S Despatch No 27 of 11 March Encl (2)

Gazette Notice No 49 on page 46 of August Gazette. C.S. 614/21

Copy of Despatch sent to Registrar C.S. 614/21

Laid before Legislative Council 23rd Sept 1921. C.P. 12/17/21 Clerk Legislative Council

(2)

Letter from Mr. R. L. Robson of 10/8/21.

(3)

Minutes from Ag. Adjutant, G.S. D.S. of 10/8/21.

Y.E.

although I informed Robson of the position that there was no reserve he has come back to the charge & referred to the Ord. There is no reserve as yet established in the Colony & if it was there would be quite a considerable number of men eligible to join. Capt. Hunt Dundeshane was anxious not to create a reserve but I do not know his views on this point.

I shall suggest a letter to Robson saying that a Reserve has not yet been established but that can

Subsequent Paper.

will be given to the matter in due course. The matter can then await the decision of his M.H.H.

Feb. 18/8/37

Hon. Col.

Pte R. L. Robson is far too young to be put on the Reserve list. Surely a young man of 32 or thereabouts is not too tired to carry out his obligations as a member of the F. I. Defence Force.

2. If there is a Reserve I think some age should be stated. What about amending the Ord? It is ridiculous that young able bodied men such as R. L. Robson should be in a Reserve. What actually is his age.

3. In any case you have far more "soldiering" experience than I may and I am content to leave to you the reply which should be returned to his letter.

MCH
18.8.37

Y.E. I have seen Pte. Robson and he explained that he wanted to retain his connection with the Defence Force but his yearning to indifferent health of members of his family he found it inconvenient to attend drills. Pte. Robson has also been employed in the Camp. In the circumstances I have excused him drills & parades this year.

2. In view of the above I suggest that the question of the Reserve or amendment of the Ord. be delayed until the return of Mr. Hemmiker, Heaton Head Post. 2403 24/8/37

Inside Minute Paper.

Hon. C.S.

Very well.

MCH
24.8.47

B.M. on
15/12/47
egs

Hon. Col. Sec.,

I have the honour to refer to the Ordinance governing the Falkland Islands Defence Force.

From time to time applications are received from members of the Force desirous of taking advantage of Section 12 (1) which rules that there shall be a Reserve Section to the Force. The establishment of such a Reserve might seriously affect the strength of the Active List and I am of opinion that Section 12 should either be expunged or, if retained, Clause 12 (1) amended to require twelve years efficient service as qualification for the Reserve instead of two years.

Any member of the Force who attains the age of forty-one years, having served with efficiency for five years, may under Section 13 (1) be posted to the Retired List. As members of the Retired List continue to enjoy the privileges of any Club established in connection with the Force, Section 13 (4), I submit that the minimum period of service required from them is too short and that Section 13 (1) should be amended to read "for at least twelve years" instead of "for at least five years". It is undesirable to have members associated with and enjoying privileges of the Force without obligations unless it be evident to members still serving that such status has been fully earned.

in its dealing with members attaining age 41

I should be pleased if Section 38 dealing with the Committee of the Force were amended to include the Adjutant of the Force as a member ex-officio of the Committee.

Members of the Force who qualify in any year in drill and mucketry earn for the Force a capitation grant of Two Pounds. I would ask that provision be made in Schedule C for the collection from any member failing to qualify in either or both subjects through his own neglect or omission, the amount of the capitation grant lost to the Force through such neglect or omission.

S. Marshall
Major,
O.C., F.I.D. Force,
14/3/38.

O.C. Defence Force.

It would be convenient if you could ^{submit} a copy of the Ord. with a draft of the amendments proposed. The Section regarding uniforms to officers also requires amendment.

M.H.
14. 3. 38

Hon. Colonial Secretary

I submit a copy of the Ordinance with suggested amendments attached to Sections 12 (1), 13 (1), 38, and schedule C.

A draft of a suggested amendment to Section 9 (2), Officers uniforms, is contained in M.P. 24/1938

S. Marshall
O.C. F.I.D. Force
14/3/38

4-5.

Draft Bill to amend the Principal Ordinance.

M. In view of reasons put forward in 155/23 and the fact that eight years in the original Ord. was reduced to two years there seems some doubt whether the amendment suggested to Sections 12 and 13 should be carried out. In his minute of 14th March the O.C. puts forward his reasons for the longer term of service.

W.H.
C.S.

21.3.58

The reason given for the reduction from 8 to 2 years as shown in Sir J. Middleton's minute of 27.2.23 in ref. 155/23 was that the longer period might limit considerably the number of men in the Colony eligible to serve in the Reserve and result in losing the services of such men as were unwilling to serve in the Active List for so long a period as eight years. I doubt the possible effect as every man knows that he can retire from the Force when he wishes. At the same

time it is undoubtedly very desirable
to have a Reserve and the period
for qualifying should not be too
long. I am prepared to agree to
seven years as the period, the same
I think as our own full time Army.
If the O.C. does not consider this
too short a time let the 7 be
substituted for 2. The "holder" can
be taken for sec. 13. I would
like to see a constant flow kept
up with 7 years in the Active List
at least 5 in the Reserve and then Retired
List. There will ^{be} always be a number
of "old soldiers" who will have long
service medals

2. Has the O.C. precedents for
fines for failing to qualify?

W.H.H. 22/3/38

M.C. Defence Force.

Accordingly please.

W.H.H.

22.5.38

NOTE.

A thorough investigation of this matter has revealed that the Regulations for the Falkland Islands Volunteer Corps made on the 1st of August, 1904, are still in force.

I have been a member of the Defence Force for the past 16 years and I was not aware of the existence of the Regulations. It is also apparent that the Commanding Officers (4) under whom I have served were also unaware of these Regulations.

The question of recinding certain sections of the Regulations formed the subject of correspondence in M.P. 1333/15 in which file, on the 11th of February, 1916, Sir Douglas Young wrote :

"I think perhaps it will be well to deal with the "Club Rules as apart from the "Regulations of the "Falkland Islands Volunteer Corps dated 1st August, "1904." The whole to be reconsidered and re-cast "after the War."

No action has been taken since that date either to amend or rescind the Regulations. See also the Proviso to Section 50 of the Defence Force Ordinance, 1920.

Section 4 of the Regulations provides for the payment to the funds of the Corps by a member returned as non-efficient, of a sum equal to the Capitation Grant which he failed to earn. To my knowledge no such payments have been made in the last 16 years but it is quite clear from the old accounts of the Corps that they were made prior and up to 1914.

A perusal of the Regulations of 1904 and of the Defence Force Ordinance, 1920, reveals that in their present form one contradicts the other. As examples I refer to Clause 38 and Schedule C of the Ordinance and to Sections 9 and 14 of the Regulations.

A. J. Fleuret
 Capt. A.
 Adjutant,
 Defence Force,
 22.3.38.

Hon. Col. Secretary,

Members of the Active List whose attainment of the age of forty-one years coincides with their completion of seven years efficient service will then be eligible for the Retired List.

Members of the Reserve may be posted to the Retired List on their attaining the age of forty-one years (13. (2)).

I think therefore that no mention of Active Members, except those prevented from continuing through disability, is necessary now in 13. (1), and that "or who has attained the age of forty-one years" might be deleted from this clause.

Capt. Fleuret's search has revealed a precedent for fines for non-qualification, in the Regulations of 1904, which have yet to be amended or rescinded.

S. Marshall
 Major,
 Officer Commanding,
 F. I. D. Force,
 31st March, 1938.

Yr. Submitted. The Regs. of 1904 which do not appear to have been carried out since 1914! Should I think be repealed and fresh regs drafted. The

O.C. should revise same and bring them up-to-date. In any case Schedule C of the Ord. requires amendment and provision for fines in the reg. included.

met
2. 4. 38

O.C. Defer Inv.

~~met~~ 3/4

To note. Fresh regulations should be prepared separating those of 1904. The Ord. should be amended as suggested in your minute.

met
4. 4. 38

Hon. Sec. Secretary

noted. Thank you

S.M.
O.B. F.A.D.F.
27/4/38

Hon. Treasurer ^{28/4/38}
S. W.D. ^{27/4/38}

G. Roberts ^{29/4/38}

A.R. Hoare ^{30/4/38}

Circulated for consideration at next meeting of Executive Council.

C. J. Stewart
Clerk. Ex. Co.
27/4/38

Extract from minutes of meeting of Executive Council held on the 16th of May, 1938.

It was agreed that the Bill should be proceeded with but that Section 2 should be amended to read as follows :

"2. Section 9 of the Principal Ordinance is hereby repealed and replaced by the following :-

"Uniform. 9. The members of the Force 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."

C. Stewart

Clerk of the Executive Council.

Extract from minutes of meeting of the Legislative Council held on the 17th of May, 1938.

The Bill was then read a third time and passed.

C. Stewart

Clerk of the Legislative Council.

6-7 Despatch No. 99 to S.O.S. of 7. 6. 38.
10.8. Minute to Registrar General of 7. 6. 38.

H. Despatch Submitted.

M.H.
7. 6. 38

Vide Lp 35/1938 Minute of 7/6

H. Despatch Resubmitted

M.H.
1. 7. 38

M.H. 1/7

O. Defund Sora.

10 note and for preparation
of Regulations in due course.

Recalled
10.10.38.

C. J. Stewart
for 2/7/38

S. of S. Despatch No. 84 of 7.9.38.

(11)

Govt. Notice No. 57 of 10.10.38

(12)

Laid on the Table at a meeting of the Legislative
Council held on the 5th of November, 1938.

P.A.
11/10/38

C. J. Stewart
Clerk of the Legislative Council.

O. K. Defence Sora.

in P. returned.

C. J. Stewart
for 5/11/38

Note: See in P. 5/42/39 for previous
correspondence regarding amendment
of Ordinance No. 7 of 1920.

P.A.
17/11/39

Draft Bill amending Defund Sora.
Ordinance 1920.

13.

Hon J.S. [unclear] 1-5-40

" S. [unclear] 1 Mar 40

" [unclear] 7. v. 40

Circulated for consideration at
next meeting of Ex Council.

C. J. Stewart
Clerk, Ex. Council
6/5/40

Extract from minutes of meeting of Executive Council
held on the 11th of May, 1940.

It was agreed that the Bill should be proceeded with.

C. J. Stewart
Clerk, Ex. Council.

Extract from minutes of meeting of the Legislative Council held on the 16th of May, 1940.

The Bill was then read a third time and passed.

C. J. Gurney

Clerk of the Legislative Council.

- (14). Telegram No. 56 to ebag. S.G., of 18/5/40.
 - 15. The Defence Force (Amendment) Ordinance No 3 of 1940.
 - 16-17. Secret Despatch to S. of S. of 27. 5. 40.
 - 18. Minute to Registrar-General of 27. 5. 40.
- Y.E.
Despatch + authentic Order for your signature, please
[Signature] 28/5/40

~~Minute~~ 28/5/40

1A
28/5/40

- 19. Secret despatch from S. of S. of 29. 7. 40.
- 20. Government Notice No. 103 of 4. 10. 40.

Laid on the Table at a Meeting of the Legislative Council held on the 26th of November, 1940.

C. J. Gurney

Clerk of the Legislative Council.

PA

- 21. Minute from Col. C. W. Alderidge of 5/9/41.
- Excerpt from Minute from His Excellency the Governor of 8th September, 1941, M.P. No. S/42/39.

.....
(c) Ultra vires. Pl. refer O.C. Troops to the Defence Force Ordinance.
.....

PA

Minute to Registrar-General of 9/12/41

22-23

Telegram No. 149. 18 S. of S. of 11/12/41.

24.

Legal Adviser,

For usual report please.

A. J. G.
17/12/41

N. O. O.

Draft report for copying herewith pl.

13/12/41.

A. B.
L.A.

Report herewith - copy retained

15/12/41.

A. B.
L.A.

Telegram from S. of S. of 16/12/41.

25.

Despatch No. 110 to S. of S. of 18. 12. 41.

26-27.

Despatch No. 4 from S. of S. of 28. 2. 42.

28.

Gazette Notice No. 60 of 3. 6. 42.

29.

S. of S. Saving Telegram No. 22 of 4. 5. 42.

30-31.

Y/O. Referred as directed, pl.

To Leg. Adv. of his comments
9/1/42.
10/11/42

L.A. For your comment, pl.

(34)

A. J. G.
10/1/42.

N. O. O.

(35)

May I have the recent correspondence referred to in Red 31 please.

15-7-42.

A. B.
L.A.

Y/O. C/4/35 attached, pl.

(36)

A. J. G.
16/7/42.

(37)

H. B. S.

If it is decided that we are to have a new Defence ^{Force} Ordinance the C/O Defence Force might be asked to consider the Leyheller Ordinance and put up a first draft of a new Ordinance to his requirements. I will then put the draft into legal shape.

17-7-42.

L.B.
-Z.A.

(38)

M.C. Defence Force

was 30-31 pt.

For your observations on
LWA
14/4/42.

(39)

Announcement Colonial Secretary.

With the exception of the question of the dismissal of Commandants, which I believe is the subject matter of C/4/35 I do not think our present Ordinance has been found badly lacking in any provision. This problem was solved under Defence Regs. The question ^{therefore} arises is a new Ordinance at the present juncture really necessary, especially when one remembers that the whole force will have to be disbanded & re-ordered (if necessary) at the end of the war in order to avoid surplus of Officers & N.C.O.s, which in turn will mean yet another Ord. at that time.

W.S. O.C. F.I.P.F.

27.VII.42.

O.C.
7-1-0-7

(40)

Please speak at your convenience.

KB
27/7.

A.C.S.

(41)

I have spoken O.C. F.I.P.F. she will prepare a draft and have it ready by the end of September. Let him have the file.

KB. 29/7.

Bty
30/7

Minute from O.C., F.I.D.F., of 8. 9. 43.

(42)

(43)

4.F.

I have discussed this with O.C. F.I.D.F. & he now agrees that his suggestion at A. in (42) might be modified to provide for those offences being dealt with under the D.F. Ordinance where the penalties provided are suitable but otherwise under the Army Act.

2. The practical difficulty is that whereas Army Act penalties for minor offences are impracticable with a part-time limit. (e.g. Confinement & Drains, fatigues etc.), the D.F. Ordinance penalties are quite inadequate for more serious cases.

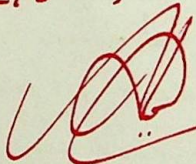
3. ~~It would be~~ work to avoid disciplinary cases being heard in a civil court.

4. If 4.F. approves of these proposals in principle the necessary Bill will be drafted.

(44)

K.B.
17/9.

What happened to (31)? & is your (43) pertinent thereto?

 17/11/43

(45)

4.F.

I discussed the drafting of a new Ord. with 4.F. later in 1942 & we agreed that it would, after all, be unprofitable to undertake it during the war in view of the impossibility of forecasting post-war conditions as they will affect the Force. e.g. will conscription be maintained? We thought it quite possible to carry on with the present Ord. & the help of the Army Act "where applicable".

Minute from O.C., F.I.D.F., of 16. 9. 43.

46.

4.F.
[Handwritten signature]

L.A.

I should appreciate your help about this (from (42) m). ⁽⁴⁷⁾ Is it practicable from a legal point of view to achieve our object if so what process is required?

KB
22/9

H.C.S., (48)

1. Certainly: enact an amending ordinance on the lines of Red 46A at 'A' if you think the Secretary of State will agree. I do not see why the Secretary of State should not agree in view of the final para. of Red. 31. If he wishes provision to be made to terminate all appointments in the Force he should be pleased with fair and adequate measures being taken for reduction in rank. Opportunity of the amending ordinance might be taken to include the provision suggested in the final para. of Red 31 as I see from Black 45 that an entirely new Defence Force Ordinance is not contemplated at present, but this is not urgent as we have Defence Reg. No. 16 for our present needs.
2. I would not repeal Section 8 but would put the new section (Red 46A at 'A') under 'Discipline' together with another section or sub-section embodying the suggestions at 'A' in Black 43.
3. If para. 2 above is followed I do not think it will be necessary to amend Section 27 of the Defence Force Ordinance as it only functions "as far as applicable" but the opinion of the O.C., D.F. might be asked on this point.
4. At first I contemplated Regulations under Sec. 37 (1) (f) or (g) for the purposes you require but now feel that these purposes go beyond "general government and good discipline" and the "giving of further and better effect &c," however I am open to conviction.
5. Another method would be for the Governor to amend the Defence Force Ordinance under Sec. 2 (d) of the Emergency Powers (Defence) Act, 1939 as applied to the Colony, but this would only last as long as the Act lasts of course - even so, if a new Defence Force Ordinance is contemplated early after the war, this method might be considered for present needs.

[Handwritten signature]

L.A.
28.9.43.

Honourable Colonial Secretary. (49)

I have carefully considered helpful notes by L.A. in (48). My own opinion is that we should adopt the procedure outlined by L.A. in para. 5 of (48) & I agree paras. 3 & 4 of (48).

been taken to ^{unprofitably} your directive in 47 ^{has} ~~does~~ not include the all important questions raised in ~~(42)~~ (42a). Could the L.A. be asked ^{his opinion} "on this matter particularly at 'X'".

Can 46(c) be given as a Schedule to the Ordinance or a "directive".

W.S. O.C.F.I.D.F.
18.x.43.

(50).

O.C.
7.1.43.

Pl. see me about this at your convenience.

KB
19.x.43

Recalled 16/11/43

Saving telegram, No. 25 from S. of S. 10/9/43. 51.

(52)

Honourable Colonial Secretary.

Order to amend D.F. Ord. 1920 attached together with draft as amended by L.A. *W.S. O.C.F.I.D.F.*
12.1.44

(54)

Y/E., Your (44). Late in 1942 we discussed the revision of the Ordinance and came to the conclusion that it had better be postponed until after the war when such a degree of reorganisation will in any case be necessary that legislation will be required. There is a reminder from the S. of S. at (51) and I submit a draft reply.

2. The draft Order at (53) is intended to remedy the difficulties mentioned in (43) in the manner advised by the L.A., in para: 5 of (48).

3. These disciplinary difficulties will still exist whatever the effect on the Defence Force of the change in Garrison may be and I think the Order might be made.

W.S.
14/1/44.

55. Saving telegram, no. 4 of 1. 2. 44.

(56).

B.C.
7.1.44

Is (53) essential now that the Garrison is so reduced?

KB
4.2.44

(57)

Honorable Colonial Secretary.

In my opinion the reduction of the Garrison does not in any way minimize the need for these amendments.

C.B. O.C.F. D.P.
5.2.44

(58)

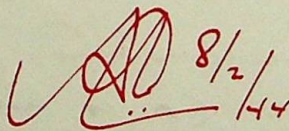
4.E.

Resubmitted accordingly. The Order is based on recommendations by Major Busby at (46a).

KB
7.2.44

(59)

I am most anxious to avoid any further use of my emergency powers especially when they are invoked to amend legislation that has been working more or less satisfactorily for over 4 years of war.

 8/2/44

(60)

B.C.
7.1.44

To note (59) I am afraid this must be dropped.

KB
8.2.44

(61)

Honourable Colonial Secretary -

NDH. Thank you.

W.S. Sec. F.I.D.F.
8. II. 44

Saving telegram no. 7 from S. of S. of 8. 5. 44. 62.

Telegram No. 78 " " " " 9. 5. 46 63.

(64)

OC F.I.D.F.

So see red (63) pt.

Will you kindly prepare a draft amending Ordinance

W.S.
10/5/46

(65)

Honourable Colonial Secretary.

Before preparing a draft amending Ordinance I would like consideration given to the following memoranda & recommendations.

2. I feel the S. of S.'s advisers in raising this point have lost sight of, or are not aware of:-

(a) They are dealing with fourteen picked members of a voluntary body & not men who are doing something under orders.

(b) The whole Continent was paraded by me personally & this question fully explained & discussed

(c) Every man knows perfectly well that he is bound by the D.F. Ordinance while on passage both ways but by the Army Act while in U.K.

(e) That I am therefore personally willing for their exemplary behaviour as I know each man to be thoroughly reliable.

3. Unless the majority is to be asked for, & granted his non-disallowance for the amended Ordinance by telegraph (is this possible?) then the parade will be over before this can be received

4. The unavoidable publicity of a Special High Council meeting for such a purpose would quite probably appear to the public as a lack of faith by the Government in the men who have gone.

5. A similar difficulty arose when members of the Force left the Colony for service overseas. The ~~SAHQMG~~ of Force 122 was quite satisfied that the matter was covered by each man signing a witnessed statement. This was done (Specimen attached).
6. In all circumstances therefore I submit the following action to be taken as a simpler & equally efficient means of meeting the point
- (a) The following telegram or similar to be sent.
- " C.S.M. Shackel S.S. Empen Cromer at Sea.
- Technical point has been raised as to application Defence Force Ordinance to your Contingent on departure Colony. While I realise all fully understand situation grateful if you will arrange each member sign following statement in duplicate and with witnesses and hand one copy Colonial Office on arrival. I N or M being an attested member of the F.I.D.F. having volunteered to proceed to U.K. to take part in the Victory Parade do hereby consent as required by Section 15(5) of the D.F. Ordinance to continue to be bound by the Ordinance while ~~on passage to~~ ~~from~~ ~~the~~ away from the Colony & I realise this means I shall be under the provisions of the Army Act while in U.K. as laid down in Section 27. Acknowledged. O.C. F.I.D.F.
- (b) The above telegram be repeated to the SOF5 for his information with the addition of explanations given in paras 2(c) & (e), 3 & 5.
7. Finally, I should add that C.S.M. Shackel was provided with a copy of the Ordinance on leaving in order to be able to maintain discipline as laid down therein.

AS

O.C. F.I.D.F.

46. (bb) I submit ofc's minute above pt. 10.4.46

W. J. W. / 10/4/46

Defence Force Regulations, 1946 dated 14.5.46

67.

Telegram No. 143 to S. of S. of 14.5.46

68

(69)

Extract from the Minutes of a meeting of the Executive Council held on the 14th of May, 1946.

PROPOSED AMENDMENT OF DEFENCE FORCE ORDINANCE, 1920.

Council was reluctant to introduce such amending legislation as -

(a) the proposed amendments were already covered by Sections 15 (5), 25 (1) and 27 (1) and (2) of the Ordinance;

(b) it would not be possible for the amending legislation to reach the United Kingdom before the Contingent; and

(c) the enactment of ad hoc legislation such as suggested would attract the greatest publicity and would be followed by resentment and suspicion. Furthermore any effort in the absence of the Contingent to strengthen the disciplinary clauses of the Ordinance under which it is serving would tend to cast a slur on the loyalty of this voluntary unit, and would cause its members to imagine that the Administration had lost confidence in them.

His Excellency concurred and directed that a telegram be sent to the Secretary of State in the above sense.

J.H. Aldridge

Clerk of the Executive Council.

Telegram from S. of S. No. 96 of 29/5/46.

70.

Minute to Ag. Registrar General of 18.6.46.

W.
71.

Personal & Conf. Tel. to Col. Sec. from Maj. S. Georgia of 15.7.46.

72.

73

O.C. F.I.D.F.

You may wish to comment on (ref 72).
No urgency.

ABL

17.7.46

(74)

Honourable Colonial Secretary.

I have no comments thank you.

W.S.

O.C. F.I.D.F.
17. VII. 46

Despatch No. ~~73~~³³ to S. of S. of 19.7.46

75.

B.V. when I write S.G.

ABL
23/7

28/2/47
31/1/47
15/3/47
BA
27/7/46
28/7/46

L.S.

77

As there is some doubt as to the legality of certain sections of (67) (i.e. whether a clause of an Ordinance can be altered by a Regulation) would you be good enough to advise.

J.P. Jones
20/9/48

L.S.

78

The opinion is expressed that anything which has been passed by the Legislature should only be amended by the Statute and Regulations should be within the scope of the parent ordinance.

2. Reg. 5 (67) is a complete variation of Sec 13(2) of the 1920 Ord (1A), contravening both the above propositions *in ultra vires*. It is suggested this reg. be formally rescinded.

3. It is also suggested - following service procedure - the last sentence of Reg 5 to be deleted and substituted by:

"All such reports shall be shown to, and initiated by, the officer concerned, who shall be permitted to make a written reply thereto which shall be forwarded with the report."

K.C.
2/9

79

J.E.

77 - 78

I am going to take an Officer meeting to discuss.

Meanwhile, I shall be fortifying for

J.E.'s view. (67) is a surprising document, legally & otherwise. There is no record of what led up

to it

L.S.
29.9

Q.

80

Yours minute as reverse.

2. 67 is as surprising as it is ineffectual — I have received no confidential reports on Officers since my arrival.
3. We should, of course, have taken advantage of the offer at 31; the Ordinance must certainly be revised and I share LS's view in para 1 of 78.
4. I should like consideration to be given to Capt. Stedman's views in regard to amendment of conditions governing length of service with the Force; with things as they are we cannot afford to let the strength of the unit run down.

MC. 27/x

81

Adjutant.

May I hear your considered view
on this early? I had thought to be
an Officer meeting next week if possible.

CA. 82

9.

We are bearing in
mind the need to
amend the Defence Force
Ordinance. This is of
some urgency. MC. 27/x

H.C.S.,

I regret the delay in replying to your minute at (81) which has been occasioned by pressure of other work.

2. As the Regulations at (67) are ultra vires I need not submit any suggested amendments as they will be rescinded in any case.

3. While I am of the opinion that a new Ordinance is required, I fully realize that such will require long and careful consideration in the light of the somewhat unique circumstances prevailing in this Colony. I therefore suggest that Government confines itself to the following immediate amendments which to my mind are essential if the Defence Force is to be placed in a reasonable state of efficiency and strength to meet any calls which may be made upon it :-

1920 Gazette
p. 79

SECTION 12 of the Ordinance states that a man after having served with efficiency for at least seven years may, on application to the Commanding Officer, be transferred to the Reserve.

In practice this means that a man joining at the age of 18 years may, provided he has given efficient service, be transferred to the Reserve on attaining the age of 25 years and remain on it, unless called out for active service, until he reaches the retiring age of 41 years.

I strongly urge that the Reserve be abolished entirely. At the present time there are a number of young men on it, and while some of these may prefer to resign rather than resume active participation, I feel that the majority would remain.

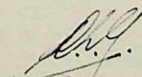
p. 80

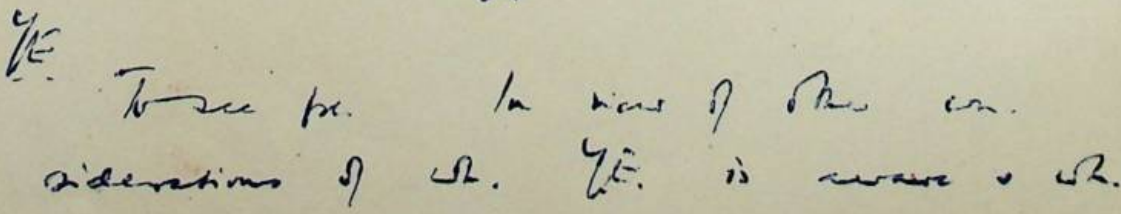
SECTION 13 (2) of the Ordinance states that "any member ~~who has served with efficiency for at least five years who by reason of physical~~ who has attained the age of forty-one years, may be posted by the Commanding Officer (to the Retired List) on his being satisfied' &c., &c.

I suggest that this section be amended more or less on the following lines - "that a man of 41 years of age who has been returned with efficiency for at least 12 years (this being the period required for the award of the Efficiency Medal) who by reason &c., &c."-----

This would mean that should a man join the Force say on or after attaining the age of 29 years, he would be required to be returned with efficiency for at least 12 years before being posted to the Retired List. Likewise the services of young men would be retained on the active strength until they reached the age of 41 years.

4. May I suggest that before further action is taken, the views of all other Active Officers be ascertained at a meeting to be arranged at the convenience of the O/C. F.I.D.F.


Adjutant, F.I.D.F.
12/11/48.


To see the in view of the con- siderations of Lt. G.E. is more or less.

may affect our final legislation I agree
with Captain Aldridge here in the dis.

Please do
so early.

cross the question of an early Officers.

MC Meeting is here and L.S. to draft an
O.I.C. now including (b) and an
amending Bill for Dec. Leg. Co. Then

we can cut along before in 1949 or

any rate.

12/4

85

MC 12/x1


86

H.C.S.,

At a meeting held at Headquarters on the 19th November over which you presided and 5 Officers and 9 N.C.O's., attended, it was unanimously agreed that you should recommend to His Excellency that the F.I.D.F. Ordinance, No. 7 of 1920, should be amended as follows :-

- (i) by the abolition of the Reserve now provided under Section 12;
- (ii) by the amendment of Section 13 (1) (Retired List) so that before a member can be posted to the Retired List he must have attained the age of 41 years and have completed 12 years efficient service.

It was further agreed that a member of the Force who has been returned with efficiency for at least five years, or at the discretion of the Commanding Officer in the case of a member who has suffered a permanent disability while on duty with the Force, 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, may be posted by the Commanding Officer to the Retired List on his being satisfied thereof.


Adjutant, F.I.D.F.
22/11/48.

Y.E.

85, 86 There was delay in holding the meeting (as I informed Y.E. was my helper - unanimous opinion) owing to calls on the Ajitanti line.

2. May L.S. Draft amendments in 86?

3. And an O.L.C. regarding (b) will be prepared. L
23.4

As in para. 2.

the 23/11/47

L.S. Accordingly, pl

M.P.C.S
24/11/48

Ref.

The list submitted. It goes further than 86 and provides for what is envisaged to be the intention.

2. (1) a - (2) (1) a (b) will apply to the ^{described} members to be placed on the retired list. (1) (b) will apply to the Co. in the individual case, with the approval of the Gov^r (and ^{Cin. C.} his office) to place a member on the retired list.

1970 Aug. p. 141 3. The provision as to members on the R.L. (bearing in mind) has been brought into line with service conditions except that authority remains with the Co. (date 13/8)

Ref to those "Kib." is omitted, also that principle,
Kess being inappropriate here in this, provided for
in the Club Rules.

Also Rego amendment by Kib.
26/11

91

Y.E.

89-90 Captain Aldridge I agree.

91 b

Key Price to Ex. Co. for ...
ac. pl. ✓ has published in Dec. Gazette
for next Reg. Co.?

90 A

2. Draft Regs. for Ex. Co. also.

92.

Accy. MC 29/x1

29.

93.

- Non. Shul
- Dr. J. E. Hamilton
- Mr. D. W. Roberts
- Mr. R. S. Winter

90 A, B circulated for your

written opinion, pl.

HEB His former amendment meets with my full approval.

R.H. 30/11/48

R.H. 30/11/48

HEB Yes. I agree. J.H.B. 21-11-48

HEB Concur J.H.B. 5-12-48

HEB

Agree. The amendment as to meaning "Kib."
will not be overlooked in printing?

Kib.
6/12.

MRD

YE

94

The Draft Bill has been returned for printing.

2. O.T.C. may be made?
95. 7.12

Office
Please type
Reg. early
MJP

made.
the 7/12
7

96.

Extract from the minutes of a meeting of the Executive Council held on the 20th of December, 1948.

3. The Defence Force (Amendment) Bill. Council advised that the Bill should be proceeded with.

His Excellency concurred and ordered accordingly.

Further, Council agreed with His Excellency's intention to address the Falkland Islands Defence Force on the international situation generally and its implications shortly after Christmas, with a view to the possible introduction of compulsory military training".

7. The Defence Force Regulations, 1948. Council advised that the Regulations should be made.

His Excellency concurred and ordered accordingly."

[Signature]
Clerk of the Executive Council.

Early
98

Office
97
Please fair 90^a for H.C.'s signature 20/12/48
[Signature]
21/12/48

98

Regulation No. 11. of 1948 of 20/12/48

99.

99^a

Extract from the minutes of a meeting of the Legislative Council held on the 30th of December, 1948.

"The Bill was then read a third time and passed".

[Signature]
Clerk of the Legislative Council.

Despatch No. 15 to S. of S. of 2. 2. 49.

99.

Memo. to Registrar-General of 18/2/49.

100

Despatch No. 19. to S. of S. of 18. 2. 49.

101

BU
16/3/49
11/3

~~19/2/49~~
19/2/49

A.C.S.

102

Now that the number of drills which a member of the Defence Force is required to attend has been changed from 12 to 26 it will be necessary to further amend the Defence Force Reg's. (No. 1 of 1946). (b) herein)

His Excellency has also promised all members who complete the 26 drills a bounty of £3 each. I presume that section 33 of the Defence Force Ordinance (a) herein) will have to be amended to include this pt?

R. J. Jones
11.4.49

6/10 F.O.F.

103.

1. I should be grateful if you would let me have full details of any amendments required for the Defence Force and knowing the present month otherwise it is improbable they will be in time for next Reg. Co. and thus not be included in the Revised Edition of the Laws.

2. Amendments to Regulations should be received by me by the end of September so they may also be included.

R. J. Jones
18/8.

A.C.S.

104.

Amendments attached herewith

R. J. Jones
31/8

YH.

The draft amendment bill now submitted is based on the recommendations of the C.I.F.

2. Clause 10 eliminates the ballot - ~~and~~ and proposes, in brief, a similar form of exemption as obtained in U.K.

3. Clause 11. These offences are deleted as they would only be enforced when the Force is mobilised and it would then be subject to military law.

4. The bill is at 1(a).

5. To Ex Co for no. pl?

Kib.

20/9.

C.S.

To Ex: Co.

20/9/49.

Ex Co of
Kib
21/9

Non Siml.

Non ad.

105 a, b circulated for your written

opinion, pl

HCS to Commis. RM 22/9/49.

H.C.S

In the revision of Sec 17. I think the Force would be limiting its efficiency in the event of Communications Deteriorating by limiting the improvement to the commanding officer. J.P.O. 27/IX/49.

22/9/49

108

Extract from the minutes of a meeting of the Executive Council held on the 13th of October, 1949.

The Defence Force (Amendment) Bill, 1949. Council advised that the Bill should be proceeded with.

The President concurred and directed accordingly.

[Signature]
Clerk of the Executive Council.

B.V. 15/11/49

Extract from the minutes of a meeting of the Legislative Council held on the 16th of December, 1949.

"The Bill was then read a third time and passed".

[Signature]
Clerk of the Legislative Council.

Despatch No. 36 to S of S of 23. 1. 50 109.

B.V. 28/2/50
[Signature]
24/1/50

Saving telegram No. 1 from S. of S of 3. 1. 50 110

A.C.S.

Usual gazette action re non-disallowance & then file to Registrar for opinion on 110 please.

[Signature]

21 MAR 1950

Gazette notice No. 17 of 22/3/50

112

113.

Registrar

For your opinion on (110) pl.

[Signature]
24/3/50

114

Hon. Col. Sec.,

With all due respect I entirely agree with Red 110.

*H.B.
Registrar
27.3.50.*

120. 150
115
A

Y.E.

Page 110, for information. We expect to be revising the Defence Force Ordinance shortly, and the amendments suggested at 110 could be adopted then. In this connection I think Y.E. told me that in a letter from Sir Thomas Lloyd by this last mail we had been promised some material which might assist us in our revision.

B/6
That is what I hoped; it remains to be seen, however.

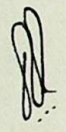


Mc.

30.3.50.

117

A.C.S. Please ask Registrar to look at the Ordinance governing the Territorial Army in U.K. - will you then consider whether this gives us a line on possible amendments to our Ordinance.



31 MAR 1950

118

Registrar

C. accordingly, pl.

R.B. Jones
31/3/50

E.

119

Hon. Col. Sec.

The undermentioned Acts govern the Territorial Army in U.K.

The Army Act 1881.

The Territorial and Reserve Forces Act, 1907

The Territorial Army and Militia Act, 1921.

R.B.

Registrar

1.4.50.

S. J. S. asked in 0838/C (Secret) to furnish model Ordinance

B.W.
20/4/50

120. Despatch No. 67. from S. of S. of 24/10/50.

(2) Gazette Notice No 63 of 12/12/50.

14/12/50
8

[Faint handwritten notes and signatures]

ACS

Let us have a meeting to discuss this matter one afternoon this week. Wednesday or Thursday would suit me. Would you please arrange as is most convenient to the other members.

12 JUN 1951

Dr. Campbell.

I apologise for the delay in these papers. You had better read the whole file, but especially 38-39. The Malayan model is quite good. What is especially wrong with our Force is that the provisions in our Ordinance for enforcing discipline are inadequate. I think the Commanding Officer shd. have power to fine for breaches of discipline - with appeal to the Governor as C-in-C.

2) At present our Force is divided into Active List, Reserve & Retired List. The Reserve is NOT necessary. Too many chiefs just belong to the Reserve in order to have the benefits of the Force - principally the F.I.D.F. Centre. My own view is that a man shd. have to be on the Active List for at least 21 years, after which he can go on the Retired List - but most of the others on the Committee thought 21 years too long. The Force is in danger of becoming a social club & not a military unit.

Received
25/3/52
2570

17/3/52.

RSC

124

Ref: notes opposite - can you please
prepare a first draft - by end of the
week if possible: make 3 or 4 copies.

125

26/5

Hon. Col. Sec.,

Draft Ordinance submitted, please,

J.P.

Registrar

6. VI. 52.

12) Old Secs 24 & 25 Discipline

~~Minister~~
~~Minister~~

Delete and substitute Malayan Secs 24 & 25.

Agree: New Sec 20 (2). Subsecs (d) & (e) unnecessary.

13) New Sec 21. Fines.

This requires redrafting. Co. to fine up to
 ✓ ^{? £10} £25 but not more than £3 unless Comr
 of Inquiry has sat.

14) New Sec 22 Sub sec (2) provides for honourable discharge.

✓

15) New Sec 23 Same as old Sec 27.

There was some dispute during the war as to whether this sec. applied to part time members of the Force. Sir Webb to confirm.

16) Old Sec 30 Omit "unable to support ... themselves."

Agree. Payments should be automatic for all.

17) Old Sec 31 Amended to allow a limitless pension,

but with approval of Gov. in Council - not

Yes. Governor alone.

18) Old Sec 36 Inspections. Deleted as unnecessary.

19) New Sec 31 Is sub sec (2) legal?

20) New Sec 33 This requires redrafting. The intention is that the C'ttee should make rules as they did under old sec 39, but that the Governor, in addition to his powers of approving rules, should have powers to amend and rescind them.

Redraft.

Just have
 suggested
 no sub sec (2)
 with House.

- 21) Old Sec 46 Deleted as Old Sec 18 also deleted.
- 22) New Sec 43 ✓ Powers of delegation now provided
for Drummers.
- 23) Old Schedule C ✓ Abolished as disciplinary
provision now embodied in Ordinance.

Y.F.

Defence Force Ordinance.

The new draft Ordinance is submitted opposite. It is virtually a rehash of the old Ordinance with ~~it~~ bringing it up to date & improving it with extracts from the draft Malayan Ordinance.

2) Though by no means perfectly drafted I consider that the sense is there and that it can now go to Sir Webb.

(175)
(177)

3) The Attached is a list of detailed comments on the amendments & the principal alterations are listed hereunder

a) It is proposed to alter the title from Defence Force to Volunteer Force.

b) It is proposed to abolish the Reserve.

c) It is proposed to retain the existing administration of the various Clubs. Col. Butler suggested instituting a P.R.I. but it must be remembered that the Force is a Volunteer one & the present procedure has stood the test of time.

And necessary to establish (the system) as a separate organization

new powers have however been inserted

for the Governor to make amend or ~~the~~ revoke Club Rules.

This is all that is necessary.

d) It has hoped that adequate disciplinary provisions for both men & Officers have now been included.

I think so.

~~12/2~~
e) Volunteers are now required, if necessary, to
serve in the Dependencies as well as the Colony

✓ f) Provision is now made for honourable discharge

g) Provision is made for applying rules &
standing orders under the Defence Force Ord. to

✓ the new Ordinances until they are
amended.

15/6

130

CP

This seems reasonably straightforward and
subject to such immediate local amending as may
be indicated as the matter may now go to
Sir Webb for tidying up

As to § 9(2) I rather feel that officers should
pay for their own uniforms?

I would be disposed to leave § 21 (2) as is.

§ 21. £25 is a bit steep? ? £10.

Is 23 (a) reasonable? If the Force is embodied and

an order issued it is an order service and if one of its
members deserts in the face of the enemy it seems to me
that he shd. pay the appropriate penalty. Is this covered
by sub § 2?

Must we retain § 29 (a)? Why should we pay any
capital fee to a man who is not qualified in both?
H.M.S. 12/11

Yes - subsec
probably put in
before conscription
because an
established
pre. cl. is Q

A.C.S.

thru C.S. ~~job~~

Defence Force DS.

I would like to hold a final meeting of the Ctee early next week - Monday or Tuesday afternoon to complete the draft.

2) In the meantime papers should be passed to R.S.C. to consider Sir Miles Clifford's comments.

3) R.S.C. should also consider rephrasing of or amendments to Secs 21 & 33 of his draft - I have put tentative suggestions on the top copy.

4) Other points to be considered at the meeting in which R.S.C. should advise

a) Legality of existing rules & 1904 rules

b) Amendments to Defence Force Club Rules

c) Efficiency Decoration & Medal Refs vis-a-vis the new Ordinance.

5) Your Adjutant should study a copy of the new draft for omissions or incongruities.

Copy of draft sent to Adj. accy. 26.6.

25/6

R.S.C.

To you accy.

Meeting at 2 p.m. on Tuesday 10th July

26.6.

Hon. Col. Sec.

1. Sec. 9(2), I understand as it originally stood, was the cause of complaint from some officers to the effect that they were not in a position to provide their own uniforms. As this sub. sec. now stands it is at the discretion of the Governor whether officers provide their own uniforms or whether they are granted an allowance towards the cost.

2. New Sec 13 only applies to members actually serving with the Defence Force when the new Ord becomes operative.

3. Old Sec 18. I still feel some form of compulsory registration is necessary in the event of an emergency.

4. New Sec 19. I apologise, this section is not covered by the C. P. Ord.

5. Sec. 21. I have typed and attached His Honour's redraft of this Sec.

6. Sec 29. I respectfully concur with His Excellency's views.

7. New Sec 33. I have also typed and attached His Honour's proviso to this Section.

8. Old Sec 27. The wording prevented this section from being applied to part-time members. I have redrafted this section for consideration (New Sec. 23).

J.P.B.
Registrar
27.vi.52.

MS

194

H.H. will require this file for meeting at
2 pm, tomorrow, pl.

28/6.

C.S.

Opposite is

a) Covering letter to Sir Henry Webb.

b) Comparative Table.

c) Draft Ordinances - which should be retyped & carefully checked.

7) This should go on Vergon Bay mail. 3/11

CLOSED

See 0838/D

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.

~~“Unit” means unit~~
“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~~ *person* 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.
- (3) *su f. 109 (4)*
- Composition of Force. 4. The Defence Force shall consist of such ~~Companies of Garrison Artillery, Mounted Infantry and Infantry~~ *units* 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~~ *unit* 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.
- (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.
- Oath. 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.
- (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.
- Commandant.
- 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. The members of the Force 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

selves at their own expense with such uniform as the Governor shall direct.

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~~ ^{one} months notice in writing of his intention to quit the Force; *add as - 105(6)*
- 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 (i) and (ii) hereof. Deleted, see 104(6)

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~~ ^{one} years, may on application to the Commanding Officer be transferred to the Reserve. Reserve.

See 996

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.

Deleted

*See 996
and 1096*

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.

motor vehicles

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.

Read after "Defence Force" in Section 19.

Provided that when a state of war or emergency exists, the Governor in Council may increase the age limit to fifty-one years and any person thereupon becoming liable, if resident in Stanley shall forthwith furnish his full name and date of his birth and nationality to the Officer Commanding and if resident in any Camp to the Manager of that Camp. The Manager shall thereupon communicate such particulars to the Officer Commanding.

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.

See new section inserted by 109 (6)

~~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.

Deleted

~~(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.~~

Deleted. see (3) inserted by 109 (6)

~~(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.

Deleted

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.

Deleted
ca 10910

(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 ~~of wounds received~~ during such active service 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, ^{the Adjutant} 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 Forces 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.

N.B. The words "and bear true allegiance" in line
three should be deleted if the person whose services
have been accepted as a member of the Defence Force
is not a British subject.

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	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

*Deleted
109 (6)*

*109
(6)*

Failing to qualify in either drill or musketry through his own neglect or omission	£.	s.	d.
	10.	0.	
Failing to qualify in both drill and musketry through his own neglect or omission	2.	0.	0.

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.

①
COPY.

G
I

FALKLAND ISLANDS.

No. 27.

DOWNING STREET,

11th March, 1921.

Sir,

I have the honour to acknowledge the receipt of your despatch No. 121 of the 14th December, 1920, and to inform you that His Majesty will not be advised to exercise his power of disallowance with respect to Ordinance No. 7 of 1920, of the Legislature of the Falkland Islands, entitled "An Ordinance to provide for the establishment of a Defence Force".

I have the honour to be,

Sir,

Your most obedient,

humble servant,

(for Secretary of State)

(sgd) J. S. Amery.

THE OFFICER ADMINISTERING
THE GOVERNMENT OF
THE FALKLAND ISLANDS.

Stanley,

10 August 1937,

Sir,

Referring to the Falkland Island,
Defence Force Ordinance N^o 7 of 1920,

Could you inform me of what
Gazette and month of same, where Article 12.(1)
of the Ordinance was Repealed.

I am

Sir

Your Obedient Servant

R. L. Robson

To The Hon Colonial Secretary
Stanley

No. 610/21.

MINUTE.

(It is requested that, in any reference to this minute, the above Number and the date may be quoted).

17th August, 1937.

From The Ag. Adjutant,

To THE HONOURABLE

F. Is. Defence Force,

THE COLONIAL SECRETARY,

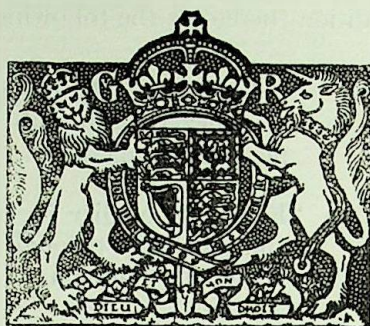
Stanley, Falkland Islands.

STANLEY.

With reference to Red (1) herein, I have the honour to state that Pte. R. L. Robson previously made application to the O/C. Defence Force to be placed on the Reserve. Pte. Robson was subsequently informed that in view of the fact that there was no established Reserve to the Defence Force, it was not possible to grant his request, hence the letter referred to above.

So far as can be ascertained no member of the Defence Force has been placed on the Reserve since the enactment of Ordinance No. 7 of 1920.

R. H. Adams
Ag. Adjutant, F.I.D.F.



FALKLAND ISLANDS.

Ordinance No. 6 of 1938.

I ASSENT,

Governor.

4th June, 1938.

An Ordinance

To amend the Defence Force Ordinance,
1920.

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 :- Enacting Clause.

1. This Ordinance may be cited as the "Falkland Islands Defence Force (Amendment) Ordinance, 1938," and shall be read and construed as one with the Falkland Islands Defence Force Ordinance, 1920, (hereafter referred to as the Principal Ordinance.) Short Title.

2. Section 9 of the Principal Ordinance is hereby repealed and replaced by the following :- Amendment of Section 9.

"Uniform. 9. The members of the Force 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."

3. Paragraph (1) of Section 12 of the Principal Ordinance is hereby amended by the deletion of the words "two years," and the substitution therefor of the words "seven years". Amendment of Section 12.

4. Paragraph (1) of Section 13 of the Principal Ordinance is hereby amended by the deletion of the words "or who has attained the age of forty-one years". Amendment of Section 13.

5. Section 38 of the Principal Ordinance is hereby amended by the insertion of the words "the Adjutant," after the words "Officer Commanding". Amendment of Section 38.

Amendment of
Schedule C.

6. Schedule C to the Principal Ordinance is hereby amended
by the addition thereto of the following offences and fines :-

	£	s.	d.
“Failing to qualify in either drill or musketry through his own neglect or omission		10	: 0.”
“Failing to qualify in both drill and musketry through his own neglect or omission	2	: 0	: 0.”

Passed by the Legislative Council this 17th day of
May, 1938.

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public
Seal of the Colony this 4th day of June, 1938.

Colonial Secretary.

(2)

REPORT ON THE FALKLAND ISLANDS DEFENCE FORCE
(AMENDMENT) ORDINANCE, 1938.

This Ordinance has been introduced primarily to extend the period of efficient service necessary for a member of the Defence Force to be transferred to the Reserve.

From time to time applications are received from members desirous of taking advantage of Section 12 (1) of the Principal Ordinance, No. 7 of 1920, which provides that there shall be a Reserve Section to the Force and any member who has served with efficiency for at least two years may on application be transferred to the Reserve. It has been advised that the establishment of such a Reserve might seriously affect the strength of the Active List. Section 13 (1) of the Principal Ordinance provides that any member of the Force who attains the age of forty-one years, having served with efficiency for five years, may be posted to the Retired List. It is considered that the minimum period of service required for the Retired List is too short.

Sections 12 and 13 of Ordinance, No. 7 of 1920 have therefore been amended. The effect of the amendments will be that a member must serve seven years efficient service before being transferred to the Reserve and he cannot be placed on the Retired List, unless by reason of some physical disability, until he has qualified for the Reserve.

Opportunity has also been taken to amend Section 9 and Schedule C of the Principal Ordinance and to make provision for the Adjutant to be a

member/

member of the Committee of the Force as constituted under Section 38. The amendment to Section 9 is in effect only legalizing past procedure. It appears that but with one or two exceptions it has been the practice to supply Officers with uniforms at the public expense.

The Schedule has been amended by the addition of fines for failing to qualify in drill or musketry or both through neglect or omission. No provision is included in the Principal Ordinance for such penalties: the Officer Commanding the Troops considers that they are necessary and will not be unwelcome to the Force.

Colonial Secretary and
Legal Adviser.

GOVERNMENT HOUSE,
STANLEY,
7th June, 1938.

FALKLAND ISLANDS.

No. 99.

Sir,

I have the honour to transmit two authenticated and ten printed copies of Ordinance, No. 6 of 1938, entitled "An Ordinance to amend the Defence Force Ordinance, 1920."

2. A report on the Ordinance is enclosed.

I have the honour to be,

Sir,

Your most obedient
humble servant

(Sd) H. HENNINGER

THE RIGHT HONOURABLE
MALCOLM MACDONALD, M.P.,
SECRETARY OF STATE FOR THE COLONIES.

No. 610/21.

(It is requested that, in any reference to this minute, the above Number and the date may be quoted.)

MINUTE.

7th June, 19 38.

From The Colonial Secretary,

To The Registrar-General,

STANLEY.

Stanley, Falkland Islands.

I am directed by the Governor to attach herewith, for insertion in your files, an authenticated copy of Ordinance, No. 6 of 1938, "entitled, An Ordinance to amend the Defence Force Ordinance, 1920."

C. P. J.
for Colonial Secretary.

$\frac{G}{3}$

FALKLAND ISLANDS.

No. 84



DOWNING STREET,

.....7th September...1938..

Sir,

2e19

I have the honour to acknowledge the receipt of your despatch No...99.....of the...7th June.....and to inform you that His Majesty will not be advised to exercise his power of disallowance in respect of Ordinance No. 6..... of...1938.....of the Legislature of the Falkland Islands, entitled "Falkland Islands Defence Force (Amendment) Ordinance, 1938."

I have the honour to be,

Sir,

Your most obedient, humble servant,

Malcolm Macdonald.

THE OFFICER ADMINISTERING

THE GOVERNMENT OF THE FALKLAND ISLANDS.

7.
GOVERNMENT NOTICE.

Colonial Secretary's Office,
Stanley, Falkland Islands

10th October, 1938.

His Excellency the Governor directs it to be notified, for general information, that intimation has been received from the Right Honourable the Secretary of State for the Colonies to the effect that His Majesty will not be advised to exercise his power of disallowance in respect of the following Ordinances of the Legislature of the Falkland Islands :-

Ordinance No. 1 of 1936, entitled "An Ordinance to legalize certain payments in the year One thousand Nine hundred and Thirty-seven in excess of the Expenditure sanctioned by Ordinance No. 12 of 1936." M.P. 85/37.

Ordinance No. 4 of 1938, entitled "An Ordinance to make provision for Procedure in Civil Courts." M.P. 23/37.

Ordinance No. 5 of 1938, entitled "An Ordinance to provide for the total or partial cessation of lighting in the Colony by regulation of the Governor in Council on occasions of emergency on public danger or by way of experiment or practice for such occasions." M.P. 6/18/37.

Ordinance, No. 6 of 1938, entitled "An Ordinance to amend the Defence Force Ordinance, 1920." M.P. 610/24.

Ordinance No. 7 of 1938, entitled "An Ordinance to provide for the Registration of Still-Births." M.P. 35/38.

Ordinance No. 9 of 1938, entitled "An Ordinance to amend the Medical Practitioners, Midwives and Dentists Ordinance, 1914." M.P. 46/38.

Ordinance No. 10 of 1938, entitled "An Ordinance to provide for the safe storage of Petroleum-Spirit." M.P. 290/35.

By Command,

M. C. Craigie-Hall

Colonial Secretary

(14)

DECODE.

TELEGRAM.

From Colonial Secretary,

To Magistrate, South Georgia.

Despatched: 18th May, 19 40. *Time*: ...

Received: 19 ... *Time*: ...

No. 56. Secret. Defence Force Ordinance amended. You may
now enlist Norwegians as requisite for manning Grytviken
defences. Oath amended by deleting "and bear true allegiance".

.....

COLONIAL SECRETARY.



FALKLAND ISLANDS.

Ordinance No. 3 of 1940.

I ASSENT,

(Sgd.) H. HENNIKER HEATON

Governor.

22nd May, 1940.

An Ordinance

To amend the Defence Force Ordinance, 1920, as amended by the Falkland Islands Defence Force (Amendment) Ordinance, 1938.

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:-

Enacting Clause.

1. This Ordinance may be cited as the Defence Force (Amendment) Ordinance, 1940, and shall be read and construed as and with the Defence Force Ordinance, 1920, as amended by the Falkland Islands Defence Force (Amendment) Ordinance, 1938.

Short Title.

2. Section 3 (1) of the Defence Force Ordinance, 1920, is hereby amended by the deletion of the words "British subject" in the second line and the substitution of the word "person" therefor.

Amending Section 3 (1).

3. Schedule A to the Defence Force Ordinance, 1920, is hereby amended by the addition of the following words as a footnote :-

Amending Schedule A.

The words "and bear true allegiance" in line three should be deleted if the person whose services have been accepted as a member of the Defence Force is not a British subject.

Passed by the Legislative Council this 16th day of May, 1940.

(Sgd.) A. I. Feluret, Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 22nd day of May, 1940.

(Sgd.) A. W. Cardinall, Colonial Secretary.

16

REPORT ON THE FALKLAND ISLANDS DEFENCE FORCE
(AMENDMENT) ORDINANCE, 1940.

This Ordinance has been introduced to enable the services of aliens to be accepted as members of the Falkland Islands Defence Force in accordance with the suggestion contained in the Secretary of State's Secret telegram, No. 40 of the 27th of April, 1940. Section 3 (i) of the Principal Ordinance, No. 7 of 1920, provides for the acceptance of the services of British subjects only desiring to join the Defence Force. This section has been amended by substituting the word "person" for the words "British subject". Schedule "A" has also been amended by making provision in a footnote for the deletion of the words "and bear true allegiance" if the person whose services have been accepted as a member of the Defence Force is not a British subject.

Colonial Secretary
and Legal Adviser.

(7)

GOVERNMENT HOUSE,
STANLEY,
27th May, 1940.

FALKLAND ISLANDS.
S E C R E T.

My Lord,

With reference to my Secret telegram, No. 50 of the 6th of May, 1940, I have the honour to transmit for the signification of His Majesty's pleasure two authenticated and ten printed copies of Ordinance, No. 3 of 1940, entitled "An Ordinance to amend the Defence Force Ordinance, 1920, as amended by the Falkland Islands Defence Force (Amendment) Ordinance, 1938".

2. A report on the Ordinance is enclosed.

I have the honour to be,
My Lord,

Your Lordship's most
obedient humble servant,

THE RIGHT HONOURABLE
LORD LLOYD, G.C.S.I., etc.,
SECRETARY OF STATE FOR THE COLONIES.

No. 610/21.

(It is requested that, in any reference to this minute, the above Number and the date may be quoted.)

MINUTE.

27th May, 19 40.

From

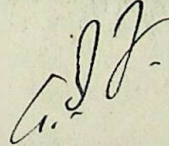
The Colonial Secretary

Stanley, Falkland Islands.

To The Registrar-General,

STANLEY.

I am directed to forward herewith, for insertion in the files of the Registrar-General, an authenticated copy of Ordinance No. 3 of 1940, entitled "An Ordinance to amend the Defence Force Ordinance, 1920, as amended by the Falkland Islands Defence Force (Amendment) Ordinance, 1938".


Colonial Secretary.

G
3

FALKLAND ISLANDS.

No....SECRET.....

DOWNING STREET,

.....29th July,.....19...40.

Sir,

Recd 17.

I have the honour to acknowledge the receipt of your despatch ~~No~~SECRET of the..27th..of..May.....and to inform you that His Majesty will not be advised to exercise his power of disallowance in respect of Ordinance No..3..... of....1940....of the Legislature of the Falkland Islands, entitled "The Defence Force (Amendment) Ordinance, 1940."

I have the honour to be,

Sir,

Your most obedient, humble servant,

(Signed) LLOYD.

THE OFFICER ADMINISTERING
THE GOVERNMENT OF THE FALKLAND ISLANDS.

No. 103.

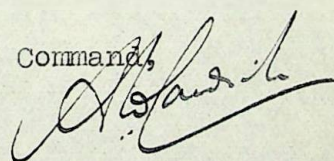
GOVERNMENT NOTICE.

Colonial Secretary's Office,
Stanley, Falkland Islands,
4th October, 1940.

His Excellency the Governor directs it to be notified, for general information, that intimation has been received from the Right Honourable the Secretary of State for the Colonies to the effect that His Majesty will not be advised to exercise his power of disallowance in respect of the following Ordinance of the Legislature of the Falkland Islands :-

Ordinance, No. 3 of 1940, entitled "An Ordinance to amend the Defence Force Ordinance, 1920, as amended by the Falkland Islands Defence Force (Amendment) Ordinance, 1938."

By Command,



Colonial Secretary.

M.P. No. 610/21.

Excerpt from minute to His Excellency the Governor from
Officer Commanding Troops dated the 5th September, 1941.

Your Excellency,

.....

(c) The compulsory service of all males up to the age
of 50 as distinct from the age of 55 for volunteers.

This may shake the F.I.C. and others perhaps but the
present situation is really hopeless from a Military and
Defence point of view.

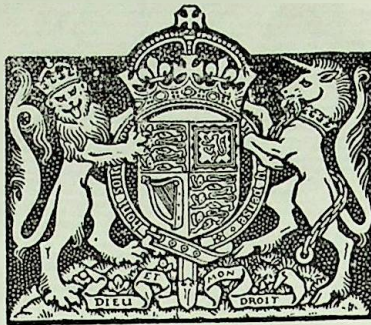
I have the honour to be,

Sir,

Your obedient servant,

(Sgd.) C. D. Allderidge, Col.,

O/C Troops,



FALKLAND ISLANDS.

Ordinance No. 9 of 1941.

I ASSENT,

(L.S.)

(Sgd.) A. W. CARDINALL
Governor.

8th December, 1941.

An Ordinance.

To amend The Defence Force Ordinance, 1920.

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 :-

Enacting Clause.

1. This Ordinance may be cited as the Defence Force (Amendment) Ordinance 1941, and shall be read and construed as one with the Defence Force Ordinance 1920, (hereinafter referred to as the Principal Ordinance.)

Short Title.

2. Section 19 of the Principal Ordinance is hereby amended by the substitution of a colon for the fullstop at the end of the section and the addition of the following proviso :

Amendment of Section 19 of Ordinance No. 7 of 1920.

Provided that when a state of War or emergency exists, the Governor in Council may increase the age limit to fifty-one years and any person thereupon becoming liable, if resident in Stanley shall forthwith furnish his full name the date of his birth and nationality to the Officer Commanding and if resident in any Camp to the Manager of that Camp. The Manager shall thereupon communicate such particulars to the Officer Commanding.

Passed by the Legislative Council this 8th day of December, 1941.

(Sgd.) A. I. Fleuret.

Clerk of the Legislative Council.

Assented to by the Governor and given under the Public Seal of the Colony this 8th day of December, 1941.

(Sgd.) A. I. Fleuret
for Colonial Secretary.

No. 610/21.

(It is requested that, in any reference to this minute, the above Number and the date may be quoted.)

MINUTE.

9th December, 19 41.

From

The Colonial Secretary,

Stanley, Falkland Islands.

To The Registrar-General,

STANLEY.

I am directed to forward herewith, for insertion in the files of the Registrar-General, an authenticated copy of Ordinance, No. 9 of 1941, entitled "An Ordinance to amend the Defence Force Ordinance, 1920."

C. J. J.
for Colonial Secretary,

DECODE.

TELEGRAM.

24

From HIS EXCELLENCY THE GOVERNOR.

To SECRETARY OF STATE FOR THE COLONIES.

Despatched : 11th December, 19 41. *Time* :

Received : 19 *Time* :

No. 149 Secret. Have amended Ordinance 7 1920 extending age liability to 51 stop Unanimous vote and general public approval stop Please telegraph approval.

GOVERNOR.

I.D.C.O.

DECODE.

TELEGRAM.

No. 237 From SECRETARY OF STATE FOR THE COLONIES.

To HIS EXCELLENCY THE GOVERNOR.

Despatched : 16th December, 19 41. *Time* : 1710.

Received : 17th December, 19 41. *Time* : 1030.

No. 132. Secret. With reference to your telegram No. 149 Defence Force Ordinance. I approve.

G.T.C.

SECRETARY OF STATE.

(26)

REPORT ON THE DEFENCE FORCE (AMENDMENT)
ORDINANCE, 1941.

This Ordinance amends Section 19 of the Principal Ordinance by raising the age limit for liability to service from forty-one years to fifty-one years. This was necessitated by the gravity of the war situation and the shortage of man-power to man the guns and defences of the Islands.

(Sgd.) Austin Cathie
Legal Adviser.

13th December, 1941.

FALKLAND ISLANDS.

No. 110.

GOVERNMENT HOUSE,

STANLEY,

18th December, 1941.

My Lord,

With reference to your Secret telegram, No. 152 of the 16th of December, 1941, I have the honour to transmit for the signification of His Majesty's pleasure two authenticated and ten printed copies of Ordinance, No. 9 of 1941, entitled "An Ordinance to amend the Defence Force Ordinance, 1920".

2. The usual Legal Report is attached.

I have the honour to be,
My Lord,
Your Lordship's most
obedient, humble servant,

(Sgd.) A. W. CARDINALL

THE RIGHT HONOURABLE
LORD MOYNE, F.C., D.S.O.,
SECRETARY OF STATE FOR THE COLONIES.

Red 25
ENCLOSURE NO. I.

ENCLOSURE, NO. II.

ENCLOSURE NO. III.

③⑩ Temporarily withdrawn & held by
M. F. I. & F.

③⑩ is Seychelles I. F. Organ.

W. 24/6/43

Colonial Secretary's Office,
Stanley, Falkland Islands,
3rd June, 1942.

His Excellency the Governor directs it to be notified, for general information, that intimation has been received from the Right Honourable the Secretary of State for the Colonies to the effect that His Majesty will not be advised to exercise his power of disallowance in respect of the following Ordinances of the Legislature of the Falkland Islands :-

Ordinance No. 11 of 1940, entitled "An Ordinance to amend the Trading with the Enemy Ordinance, 1939".

Ordinance, No. 2 of 1941, entitled "An Ordinance to amend the Trespass Ordinance, 1904".

Ordinance, No. 3 of 1941, entitled "An Ordinance to amend the Income Tax Ordinance, 1939, as amended by the Income Tax (Amendment) No. 2, Ordinance, 1940."

Ordinance, No. 4 of 1941, entitled "An Ordinance to amend the Pensions Ordinance, 1937".

Ordinance, No. 5 of 1941, entitled "An Ordinance to legalise certain payments made in the year one thousand nine hundred and forty in excess of the Expenditure sanctioned by Ordinance, No. 4 of 1939".

Ordinance, No. 6 of 1941, entitled "An Ordinance to amend the Electricity Supply Ordinance 1939".

Ordinance, No. 7 of 1941, entitled "An Ordinance to amend the Tariff Ordinance, 1900, as amended by the Tariff (Export Duties) Amendment Ordinances, 1923 and 1924".

Red 25

Ordinance, No. 9 of 1941, entitled "An Ordinance to amend the Defence Force Ordinance, 1920".

By Command,

(Sgd) L.W. Aldridge

for Colonial Secretary.

M.F. Nos. 9/10/39, 301/35, 68/40,
157/40, 73/39, 202/37,
D/8/35, 610/21.

$\frac{G}{3}$

FALKLAND ISLANDS.

No. 14.....

DOWNING STREET,

.....28th February...1942.



Sir,

Red 27.

I have the honour to acknowledge the receipt of your despatch No. 110 of the 18th December ¹⁹⁴¹ and to inform you that His Majesty will not be advised to exercise his power of disallowance in respect of Ordinance No. 9 of 1941 of the Legislature of the Falkland Islands, entitled The Defence Force (Amendment) Ordinance, 1941.

I have the honour to be,

Sir,

Your most obedient, humble servant,

CRANBORNE.

THE OFFICER ADMINISTERING
THE GOVERNMENT OF THE FALKLAND ISLANDS.

"commanding officer"	means the Officer in command of the Defence Force ;
"Defence Force"	means the Defence Force established under the provisions of Section 3 of this Ordinance ;
"member"	means any warrant officer, non-commissioned officer or man enrolled in or belonging to the Defence Force ;
"officer"	means any person appointed by the Governor to hold commissioned rank in the Defence Force ;
"permanent staff"	means all officers, warrant officers, non-commissioned officers, armourers, clerks and storekeepers or any other persons appointed under Section 25 of this Ordinance ;
"prescribed"	means prescribed by regulations ;
"regulations"	means regulations made under the provisions of this Ordinance ;
"Reserve"	means the Reserve established under the provisions of Section 7 of this Ordinance ;
"unit"	means any portion of the Defence Force which may be declared by the Governor to be a unit for the purposes of this Ordinance ;
"training"	means such training as may be prescribed other than training on active service.

PART II.

CONSTITUTION OF DEFENCE FORCE.

Formation of Defence Force.

3. (1) The Governor may, by notice in the Gazette, establish a Defence Force for the Colony which shall be known as the Seychelles Defence Force, and which shall be composed of —

- (a) Volunteer officers and members namely those persons who at the time of the passing of this Ordinance formed part of the old Defence Force ;
- (b) Non-volunteer officers and members namely those persons enrolled after the passing of this Ordinance.

(2) As from the date of the notice mentioned in the foregoing sub-section the Defence Force shall be deemed to be lawfully established.

(3) The Defence Force shall be under the supreme command of the Governor, and under the command of the Superintendent of Police, or in his absence from duty of such other person as the Governor may appoint. The commanding officer shall be responsible to the Governor for the organization, discipline, and efficiency of the Defence Force :

Provided, whenever any of His Majesty's Forces other than the Defence Force shall be present in the Colony, then if the Governor shall by order so direct, the Defence Force shall be under the general command, and subject to the orders, of the Officer for the time being commanding any such force as shall be specified in the order. Any order under this proviso may be revoked by the Governor but without prejudice to his power to make further such orders from time to time.

(4) The officers of the Defence Force shall be commissioned by the Governor.

(5) The Governor may, by notification in the Gazette, declare any portion of the Defence Force whether individually or collectively specified, to be a unit for the purposes of this Ordinance.

(6) As from the date of such notice a unit shall be deemed to be lawfully established.

4. (1) Every officer of the Defence Force shall be a British subject and shall upon being commissioned take the prescribed oath. Membership.

(2) Every member shall be a British subject between the ages of eighteen and forty-five years, and shall upon enrolment take the prescribed oath and complete the prescribed attestation form :

Provided that the age limit may be extended by Regulations for such warrant officers, non-commissioned officers and men as the Governor may decide.

(3) Nothing in this Ordinance shall be deemed to disqualify any member of the Police Force from enrolment in the Defence Force.

5. Every officer and every member shall be liable to be called out for active service and to undergo such training as may be prescribed from time to time. Liability of officers and members.

6. Every member enrolled under the provisions of this Ordinance for service in the Defence Force shall except as hereinafter provided serve for a minimum period of four years and thereafter shall serve in the Reserve established under the provisions of Section 7 of this Ordinance for a period of four years or, if at the expiration of such period of four years he has not attained the age of thirty years, until he attains such age. Period of service.

Provided that the Governor may at any time terminate the period of service of any member.

7. The Governor may establish a Reserve to the Defence Force (to be known as the Seychelles Defence Force Reserve) in such manner as may be prescribed, and such Reserve shall form part of the Defence Force. Establishment of Seychelles Defence Force Reserve

PART III.

ADMINISTRATION.

8. The Governor may, by Proclamation in the Gazette, call out the whole or any part of the Defence Force and the Reserve for active service and when so called out they shall be held to that service until such time as the Governor may, by Proclamation in the Gazette, declare that they are relieved from that service : Calling out of Defence Force for active service.

Provided that the Governor may, by such Proclamation in lieu of calling out the Defence Force and the Reserve or any part thereof for active service, order the Defence Force and the Reserve or such part or parts thereof as he may deem necessary to hold itself in readiness for immediate calling out.

9. No officer or member of the Defence Force while called out or employed on active service shall be entitled to obtain discharge therefrom during the continuance of such service. No discharge when on active service.

10. The Governor may at any time discontinue the service of any unit of the Defence Force or cause the same to be disbanded, or release from service any officer or discharge any of the members of such unit. Power to disband or discharge.

11. The Governor may prescribe such tests as he may think fit which candidates for appointments to commissions and for promotion shall pass. Tests for appointment and promotion to various ranks.

12. The Governor may cancel the commission of any officer at any time : Cancellation of commission.

Provided that such commission shall not be cancelled unless the holder thereof has been notified in writing of any complaint or charge made against him, of the action proposed to be taken, and has been called upon to show cause in relation thereto. No such notification shall be necessary in the case of an officer absent from duty without leave for a period of three months or more.

13. (1) The Governor may place officers on the retired list, and officers on that list who have served for ten years in the Defence Force as commissioned officers on the active list may, with the approval of the Governor, retain their rank and wear the prescribed uniform : Retirement of officers.

Provided that in exceptional circumstances the Governor may with the approval of the Secretary of State grant such privileges to officers with less than ten years' service in the Defence Force.

(2) The ages of compulsory retirement of officers of the Defence Force shall be as prescribed.

Resignation of commission.

14. An officer of the Defence Force, except when on active service, or in anticipation of being called out on such service, may, by writing under his hand, tender his resignation of his commission, but shall not, unless otherwise ordered by the Governor, be relieved of the duties of his appointment until the acceptance of his resignation is notified in the Gazette.

Uniforms, arms, and accoutrements.

15. (1) A uniform, with distinctive marks or badges, shall be prescribed for the Defence Force and issued to members thereof. Such uniform shall be maintained at their own expense for such periods and under such conditions as may be prescribed.

(2) Arms, ammunitions, and equipment, shall be issued under prescribed conditions to officers and members of the Defence Force.

(3) When called out for active service, or when undergoing training, officers and members shall bring with them their equipment and any ammunition which may have been placed in their custody.

Pay and allowances.

16. Officers and members shall be paid at a prescribed daily rate for only the days on which they are called out for active service under the provisions of this Ordinance, and they may also be granted such monetary or other allowances as are laid down in regulations.

Duration of training.

17. (1) The service of each officer and member shall be calculated from the date of his appointment or enrolment, as the case may be. Every officer and member shall during each prescribed training year undergo such course of annual training, instruction, and other such exercises as may be prescribed.

(2) The time occupied in proceeding to or returning from a camp or place of assembly or instruction shall not be taken into account as part of any period of training, instruction, or service prescribed under this Ordinance.

(3) Any member who in any year without reasonable cause or excuse or without such leave or permission as may be prescribed evades or fails to perform the full course of training allotted to him for that year, shall be guilty of an offence against this Ordinance.

PART IV.

DISCIPLINE.

Officers and members of Defence Force and Reserve on mobilization to be under Army Act.

18. The provisions of the Army Act 44 and 45 Vict., Ch. 58, and all Acts amending or substituted for the same (hereinafter together referred to as the Army Act) shall, as to the provisions therein contained respecting discipline, apply to officers and to the permanent staff (if not otherwise subject thereto) at all times and to members and the Reserve when they are called out for active service, during training, when they are engaged in any military exercise, or drill or musketry, when they are carrying out any escort duty or guard of honour and when they are in uniform at any time or place, subject to the following modifications:—

(a) the words "the Defence Force" shall be read therein for the words "regular forces", the words "officer or member of the Defence Force" for the words "officer or soldier", and the word "Governor" for the words "His Majesty" and "Secretary of State" and

(b) no sentence of a court martial upon the trial of an officer or member of the Defence Force, Reserve or Special Reserve shall be carried into execution unless confirmed by the Governor or such officer as he may appoint on his behalf

19. Notwithstanding the provisions contained in Section 18 of this Ordinance, no officer or member of the Defence Force or Reserve shall be liable to be punished for any offence under the provisions of this Ordinance as well as under the provisions of the Army Act.

Officers and members not punishable under this Ordinance as well as under the Army Act.

20. Any person who—

(1) agrees with, or induces, or attempts to induce any officer or member of the Defence Force to neglect, or to act in conflict with, his military duty; or

(2) is a party to, or aids or abets, or incites to the commission of, any act whereby any lawful order given to any officer or member of the Defence Force or any law or regulation with which it is the duty of any member of that force to comply may be evaded or infringed; or

(3) supplies, or is a party to supplying, any officer or member of the Defence Force with intoxicating liquor when that officer or member is on military duty and prohibited under regulations or instructions from receiving or taking intoxicating liquor;

shall be guilty of an offence against this Ordinance.

Aiding or inducing members of Defence Force to dereliction of duty.

21. Any officer or member who, with the intent to obtain conveyance at special rates or to evade payment of any toll, fraudulently personates or represents himself to be an officer or member of the Defence Force travelling on service of that force, shall be guilty of an offence against this Ordinance.

Personation.

22. Any person who commits any offence against the Regulations providing for and regulating the requisitioning of accommodation or supplies in pursuance of this Ordinance shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding three years.

Offences against commanding regulations.

23. Any officer or member of the Defence Force who, without proper authority and permission, gives, sells, pledges, lends or otherwise disposes of any moneys, ammunition, accoutrements, clothing, supplies or any other article entrusted to or held by him for the service of the Defence Force shall be guilty of an offence against this Ordinance, and, in addition to any penalty for such an offence which may be imposed under this Ordinance, he may be ordered by the Court to make good the loss or deficiency caused by the gift, sale, pledge, loan or other disposition; and every such gift, sale, pledge, loan or disposition shall be null and void.

Wrongful disposal of property.

24. Any person who commits an offence against this Ordinance or who wilfully contravenes or fails to comply with any of the provisions of this Ordinance, shall, when no other penalty is provided for, be liable on conviction by the Supreme Court to a fine not exceeding one hundred rupees or to a term of imprisonment for a period not exceeding one month, or to both such fine and such imprisonment.

Penalty for contravening the Ordinance in any way.

PART V.

MISCELLANEOUS.

25. The Governor may from time to time constitute for the Defence Force a permanent staff, consisting of such officers, warrant officers, non-commissioned officers and men as he may deem necessary.

Power to constitute permanent staff.

26. (1) If any officer or member is temporarily or permanently disabled by reason of any wound or injury received or sickness contracted by him during training or when on active service, the Governor may award such officer or member such compensation, gratuity or yearly pension as to him may seem fit.

Governor may award gratuity or pension in certain events

(2) The Governor may grant to the widow or family of any such officer or member who may be killed in action or on active service a pension or allowance of such amount as to him may seem fit.

(3) No gratuity or compensation granted under this Section shall exceed three thousand rupees and no pension granted under this Section shall exceed one thousand rupees per annum except with the sanction of the Legislative Council.

(4) No pension or gratuity payable under this Ordinance shall be assignable or transferable, nor shall the same be attached or levied upon for or in respect of any debt due from, or any claim against, the recipient of such pension or gratuity, or his wife.

Regulations. 27. The Governor may from time to time make regulations for all or any of the matters or things following connected with the Defence force :—

- (1) the numerical establishment of units of the Defence Force, and the various grades, ranks and appointments therein ;
- (2) the appointment, promotion, transfer, leave, resignation and release from service of officers ;
- (3) the enrolment, posting, transfer, leave, promotion, reduction, discharge and dismissal of warrant-officers, non-commissioned officers and men and the disbandment of any units ;
- (4) the appointment and posting of the permanent staff and the control, discipline, pay, allowances, leave, transfer, release from service, and dismissal thereof ;
- (5) the discipline of the Defence Force ;
- (6) the convening of courts of inquiry, and the attendance of witnesses ;
- (7) exemption of officers or members of the Defence Force from carrying out the full course of training for any one training year ;
- (8) the issue and care of arms, accoutrements, ammunition, supplies, animals and transport, clothing and equipment for the Defence Force ;
- (9) the conveyance by road or water of officers and members of the Defence Force and their transport and equipment when travelling on duty ;
- (10) the general government, control and management of the Defence Force ;
- (11) drill, training instruction and camp ;
- (12) the establishment, control and management of the Reserve and Special Reserve ;
- (13) the requisitioning of goods, provisions, supplies and accommodation for officers and members of the Defence Force and the Reserve when called out under Section 8 of this Ordinance ; and
- (14) all matters which are by this Ordinance required or permitted to be, or which are necessary or convenient to be prescribed, or for assuring the discipline and good government of the Defence Force, or for carrying out and giving effect to this Ordinance.

Application of Ordinance to persons already serving.

28. The provisions of this Ordinance shall extend to all persons who, at the enactment of this Ordinance, shall be serving in the Seychelles Defence Force established under the Seychelles Defence Force Ordinance 1939 repealed by this Ordinance as if such persons had been appointed under this Ordinance and service under such repealed Ordinance shall to all intents and purposes be deemed to be service under this Ordinance.

29. The following Ordinances are hereby repealed :—

The Seychelles Defence Force Ordinance, 1939 ;

The Seychelles Defence Force (Amendment) Ordinance, 1939.

Provided that any Regulations made under or by virtue of any enactment repealed by this Ordinance shall be deemed to have been made under this Ordinance and shall continue in force, so far as the same may not be rendered inapplicable by this Ordinance, until other provision shall be made under or by virtue of this Ordinance.

Passed in the Legislative Council at a meeting held on the 16th day of December, 1940.

E. MORGAN,
Clerk of Legislative Council.

Published by Command of His Excellency the Governor in Gazette No. 67 of 18th December, 1940.

C. B. SMITH,
Secretary to Government.

PRINTED BY THE HEAD PRINTER,
AT THE GOVERNMENT PRINTING OFFICE,
Victoria —Mahé Seychelles.

Repeal.
Ord. 15/1939,
20/1939.

Sa. v. g.

from the Secretary of State for the Colonies.

To the Officer Administering the Government of FALKLAND ISLANDS

Date 4 May, 1942.

No. 22 Saving.

Recent correspondence regarding Commandant suggests that the Falkland Islands Defence Force Ordinance might with advantage be revised in the light of modern practice and, if you agree, I shall be glad if you will submit the draft of an up to date Ordinance.

While it should not necessarily be regarded as a model in all respects the enclosed copy of the Seychelles Defence Force Ordinance, 1940, will give an indication of the lines on which recent Ordinances constituting Defence Forces have been drawn up.

Particular attention will no doubt be given to the provision of legal powers to terminate all appointments in the Force including that of Commandant.

Secer.

No.

(It is requested that, in any reference to this minute, the above Number and the date may be quoted).



file pl

8th September, 19 43.

42

From Officer Commanding,

F. I. D. F.,

Stanley, Falkland Islands.

To The Hon. the Colonial Secretary,

Stanley,

Falkland Islands.

C O N F I D E N T I A L .

The recent incident between C.S.M. Shackel and Pte. Goss brought once again to the front the shortcomings of disciplinary control of part-time members of the Force. I discussed the matter very fully at that time with the D.A.A. & Q.M.G. as a similar incident might occur between members of the Garrison and the Force both in Canteens, cinemas &c.

A | 2. I attach a personal letter in which he clearly sets out the position. His recommendations, if adopted, would fully meet our needs, but I feel that it would be better if 1A, 2A and 3A offences were also dealt with under the Army Act, as the offences laid down in Schedule C are by no means comprehensive, nor are the punishments comparable to those which a soldier of the Imperial Troops would be liable.

3. I would be very grateful if His Excellency would authorise the Legal Adviser to draft the necessary amendments in the Ordinance, in which task I shall be pleased to assist as far as my abilities lies.

Ruth Woodrat
Lieutenant-Colonel,
Officer Commanding,
F. I. D. F.

42

Headquarters,
Falkland Islands Force.

122/CR/13/1.

22 Jul 43.

Dear *Colonel*

With reference to our discussion on the discipline of the Infantry Company, I agree with you that under Proclamation No. 6 of 1939, His Excellency The Governor has called out the Defence Force, including the Infantry Company, for active service under Section 15(1) of Ordinance No. 7 of 1920, and that as no proclamation terminating the period of active service under Section 15(4) has been issued, the Infantry Company is on active service. However, the case of the Infantry Company is different from that of the Coast Defence Batteries who are on full time service whereas, except in cases of emergency, the Infantry Company is on part time service.

The Infantry Company is similar in many respects to the Home Guard in England, the status of which, laid down by A.C.I. 872 of 1942, reads "The Home Guard forms part of the Armed Forces of the Crown. The members of the force are unpaid. They are not, however, required to give whole time service or to live away from their homes, except when mustered by reason of an actual or apprehended invasion". All members of the Home Guard may be ordered to perform up to 48 hours operational duty and training in each period of four weeks. The Home Guard is subject to Military Law. Offences committed on duty may be dealt with by Field General Court Martial, but a C.O. has no power to award summary punishments except when the Home Guard or that portion of it which he commands is mustered. If, however, a member absents himself from parade or duty before mustering he is liable to trial for this absence in a Civil Court, and if convicted can be fined up to £10. or imprisoned for one month.

Obviously the Home Guard rules of discipline cannot be made to apply exactly to the F.I.D.F., but I feel the position of the Infantry Company needs clarifying, and it will be observed that the definition of the status of the Home Guard can be made to apply almost exactly to the Infantry Company F.I.D.F. I suggest that an amendment be made to the effect that the Infantry Company will be considered to be on active service under Proclamation No. 6 of 1939, in the following circumstances :-

- (1) Mustering of the Company or part of it in the event of an actual or impending invasion of the Colony.

They will also be subject to Military Law :-

- X
- (1A) When attending parades or other military duties.
(2A) When in uniform.
(3A) When attending any entertainment in any military building, or using a recognised military canteen.

Offences committed under para.(1) will be dealt with in accordance with the Army Act. Those committed under paras. (1A), (2A) and (3A) can be dealt with in accordance with Section 24 of Ordinance No. 7 of 1920.

Service to be reckoned "active service" must, in my opinion, be of such importance to warrant full time service during the emergency.

Yours sincerely

John Woodgate

To:- Lieut-Col. J.A. Woodgate,
Officer Commanding,
Falkland Islands Defence Force.

From:- Major J.H. Busby,
D.A.A. & Q.M.G.,
Falkland Islands Force.

JB/AH

No.

MINUTE.

(It is requested that, in any reference to this minute, the above Number and the date may be quoted).

sc/03.

16th September, 1943.

46

From Officer Commanding,

F.I.D.F.,

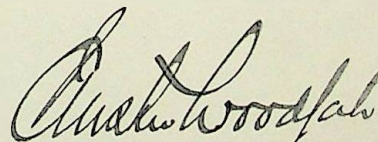
Stanley, Falkland Islands.

To The Hon. Colonial Secretary,

Stanley.

C O N F I D E N T I A L .

Since writing my Minute of the 8th Pte. R.V. Goss has taken his case direct to the Force Commander, and has now received from him a "suitable" reply. In order that all the facts of the case could be considered at Force Headquarters I loaned them the report of the Court of Enquiry and all correspondence. I had a long discussion with D.A.A. & Q.M.G. and he, once again, on my request, has kindly sent me his views in a personal letter, which I attach. I would be grateful if this could be considered and read in conjunction with my Minute and enclosure of the 8th.



Lieutenant-Colonel,
Officer Commanding,
F.I.D.F.

46A

122/CR/Z/161/6.

12 Sep 43.

CONFIDENTIAL

Dear *Colonel*

I am writing to you on certain legal aspects that have appeared to me as a result of the "Cpl. Goss case". Firstly the power of reduction of N.C.Os by the Commanding Officer of the Defence Force. I am not ~~giving~~ ^{reserving} the ~~legality~~ ^{legality} of your action or the interpretation of Section 9 of the Interpretation and General Law Ordinance, but I do feel it would be better if you were given the specific power of reduction by law. Under Section 8 of the Defence Force Ordinance you have the power to 'make' so lets also have the power to 'break'

The powers necessary are to mind as follows:-

1. When not called out on Full Line Active Service.

Power to reduce to a lower or the lowest rank W.Os. and N.C.Os on grounds of inefficiency (b) unsuitability (c) discipline.

Of course a W.O. or N.C.O. can be 'persuaded' to revert voluntarily; if he does so well and good but you must have the power in case he refuses, as Goss most likely would have done.

2. When Called Out on Full Line Service.

Power to reduce to a lower or the lowest rank W.O.s and N.C.Os on the grounds of (a) inefficiency (b) unsuitability. Disciplinary cases in this instance would of course be dealt with by Court Martial. My remarks about voluntary reversion also apply here.

I suggest that power under (1) in respect of W.Os should be reserved for the Governor and in respect of N.C.Os be allowed the Commanding Officer. Under (2) I suggest it be left to the Governor as any reversion would effect a man's pay

I, therefore humbly suggest the following amendments to the Defence Force Ordinance.

Section 8

This Section be deleted and the following substituted:-

8 A.

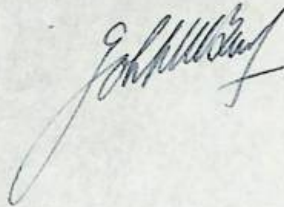
- (1) The Commanding Officer may appoint such Warrant and Non-Commissioned Officers of the Defence Force as he may deem expedient.
- (2) a. The Governor, on the recommendation of the Commanding Officer may reduce to a lower or the lowest rank any warrant or non-commissioned officer on full time active service on the grounds of inefficiency and/or unsuitability.
- b. The Governor, on the recommendation of the Commanding Officer may reduce to a lower or the lowest rank any warrant officer not on full time active service on the grounds of inefficiency, unsuitability and discipline.
- c. The Commanding Officer may, subject to appeal to the Governor, reduce to a lower or the lowest rank any non-commissioned officer not on full time active service on disciplinary grounds.
- d. The Commanding Officer may reduce to a lower or the lowest rank any non-commissioned officer not on full time active service on the grounds of inefficiency and/or unsuitability. In this instance there shall be no right to appeal to the Governor.

I have altered the present wording of Section 8 as it stands in the Ordinance to include Warrant Officers who are not mentioned.

I have based my recommendations on my previous experience as an Home Guard Staff Officer.

I notice that under Section 37 (1) of the Ordinance that the Governor can make regulations regarding the composition and proceedings of Courts of Inquiry. I understand that none have been made and I am taking the liberty to attach some draft regulations that you may like to peruse and submit to His Excellency. These Regulations are designed to ensure that your Courts of Inquiry function on similar lines to those held in the Army.

Yours sincerely



Regulations for the Composition and Proceedings of Courts of Inquiry.

1. A Court of Inquiry is an assembly of officers or one or more officers together with one or more warrant or non-commissioned officers or other persons directed to collect and record evidence and, if and as required, to report or make a declaration with regard to any matter which may be referred to them.

2. A Court of Inquiry may be assembled by the Governor or Commanding Officer for the purposes as laid down in Section 41 (1) and (2) of the Defence Force Ordinance 1920.

3. The Court will be composed of two or more members, each of whom may be chosen for his technical knowledge according to the nature of the investigation. The Court will normally consist of three members.

4. Previous notice will be given of the time and place of meeting of a Court of Inquiry and of all sittings of the Court to all persons concerned in the Inquiry.

5. It is the duty of a Court of Inquiry to put such questions to a witness as they may think desirable for the purpose of testing the truth or accuracy of any evidence he has given and otherwise for eliciting the truth.

6. A Court of Inquiry will be assembled by a notice in the Routine Orders of the Defence Force, which notice will state the composition of the Court, the reason for the Court being held, time and place of assembly, and also the names of witnesses who will attend.

7. The whole of the proceedings of a Court of Inquiry will be forwarded by the President to the Authority who assembled the Court.

8. The Court will be guided by the written instructions of the Authority who assembled the Court. The instructions will be full and specific and will state the general character of the information required. They will also state whether a report is required or not.

9. Whenever any inquiry affects the character or military reputation of an officer or member of the Defence Force full opportunity must be afforded to the officer or member of being present throughout the inquiry, and of making a statement and of giving any evidence he may wish to make or give, and of cross examining any witness whose evidence, in his opinion affects his character or military reputation and of producing any witness in defence of his character or military reputation.

The President of the Court will take such steps as may be necessary to ensure that any person so affected, and not previously notified, receives notice of his rights under this rule and will satisfy himself that he fully understands them.

10. In any case in which the Authority who assembled the Court so directs the evidence will be taken down on oath in which case the Court will administer the same oath or solemn declaration as is used in a Magistrates Court.

11. A Court may be re-assembled as often as the Authority who assembled the Court may direct, for the purpose of examining additional witnesses, or further examining any witness or recording further information. They also may be directed to make such further report or reports as may be required.

12. In the case of any Courts of Inquiry held under Section 72 of the Army Act for the purpose of determining the illegal absence of soldiers, the Court shall comply with Rule of Procedure 125 of the Manual of Military Law.

S a v i n g .

From the Secretary of State for the Colonies.

THE FALKLAND ISLANDS

To the Officer Administering the Government of

Date 10th September, 1943.

No. 25 Saving.



With reference to my saving telegram No.22 of the 4th of May, 1942, I should be glad to learn the position in regard to the suggested revision of the Falkland Islands Defence Force Ordinance.

Red 31.

Order by the Governor amending the Defence Force Ordinance
No. 7 of 1920.

No. of 1944.

Governor.

Under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:-

1. Section 8 of the Defence Force Ordinance, 1920, shall be renumbered Section 8 (1) and the following subsection added:-
 8. (2) a. The Governor, on the recommendation of the Commanding Officer, may reduce to a lower or the lowest rank any warrant or non-commissioned officer on full time active service on the grounds of either inefficiency or unsuitability.
 - b. The Governor, on the recommendation of the Commanding Officer, may reduce to a lower or the lowest rank any warrant officer not on full time active service on the grounds of inefficiency, unsuitability and on disciplinary grounds.
 - c. The Commanding Officer may, subject to appeal to the Governor, reduce to a lower or the lowest rank any non-commissioned officer not on full time active service on disciplinary grounds.
 - d. The Commanding Officer may reduce to a lower or the lowest rank any non-commissioned officer not on full time active service on the grounds of either inefficiency or unsuitability. In this instance there shall be no right to appeal to the Governor.

2. In Section 15 (3) of the Defence Force Ordinance, 1920, there shall be substituted a comma for the full-stop after the word "service" in the second line and there shall be inserted between

the comma and the words "If any such" the following proviso:-
"provided his services shall be retained on whole time military duties and pay, but otherwise only during and after mustering in the event of an actual, or impending invasion of the Colony, and for such period as they may remain so mustered."

3. After Section 27 there shall be inserted the following Section, numbered Section 27 A.

Members of the Force shall be subject to military law

- a. when attending parades or other military duties.
- b. when in uniform.
- c. when attending any entertainment in any military building, or using a recognised military canteen.
- d. when, having committed an offence, it is of such a nature that it cannot be dealt with under Schedule C.

Dated this _____ of _____, 1944.

By Command,

Colonial Secretary.

DRAFT.

53^B

Order by the Governor amending the Defence Force Ordinance No. 7 of 1920.

No. of 1944.

Governor.

Under the authority of the Emergency Powers (Defence) Act of the United Kingdom, 1939, His Excellency the Governor is pleased to order and it is hereby ordered as follows:-

1. Section 8 of the Defence Force Ordinance, 1920, shall be renumbered Section 8 (1) and the following ~~sub~~section added:-

8. (2) a. The Governor, on the recommendation of the Commanding Officer, may reduce to a lower or the lowest rank any warrant or non-commissioned officer on full time active service on the grounds of inefficiency ~~and~~ ^{either} or unsuitability.

b. The Governor, on the recommendation of the Commanding Officer, may reduce to a lower or the lowest rank any warrant officer not on full time active service on the grounds of inefficiency, unsuitability and ~~on~~ disciplinary grounds.

c. The Commanding Officer may, subject to appeal to the Governor, reduce to a lower or the lowest rank any non-commissioned officer not on full time active service on disciplinary grounds.

d. The Commanding Officer may reduce to a lower or the lowest rank any non-commissioned officer not on

full

L.A.
Will you please say if this is
has in order. If not
all the amendments be discussed
on 6.1.44.
D.S. or P.S.
7.1.44.
O.T.C. 7.9.44.
Have made a few
more
R.S.
7.2.44
11-1-44.

full time active service on the grounds of inefficiency ^{either} and/or unsuitability. In this instance there shall be no right to appeal to the Governor.

2. In Section 15 (3) of the Defence Force Ordinance, 1920, there shall be substituted a comma for the full-stop after the word "service" in the second line and there shall be inserted between the comma and the words "If any such" the following proviso: # "provided his services shall be retained on whole time military duties and pay, but otherwise only during and after mustering in the event of an actual, or impending, invasion of the Colony, and for such period as they may remain so mustered!"

3. After Section 27 there shall be inserted the following Section, ~~numbered~~ Section 27 A.

Members of the Force shall be subject to military law

- a. when attending parades or other military duties.
- b. when in uniform.
- c. when attending any entertainment in any military building, or using a recognised military canteen.
- d. when, having committed an offence, it is of such a nature that it cannot be dealt with under Schedule C.

Dated this _____ of _____, 194

By Command,

Colonial Secretary.

S A V I N G.

From the Officer Administering the Government
of the Falkland Islands.

To the Secretary of State for the Colonies.

Date: 1st February, 1944.

No. 4 SAVING.

With reference to your saving telegram, No. 29 of the 10th September, 1943, I would prefer to postpone the revision of the Falkland Islands Defence Force Ordinance until after the war when the Force may be so reorganized as would in any case necessitate fresh legislation. Any deficiencies in the existing Ordinance can meanwhile be overcome by Orders ad hoc issued under Section 2(4) of the Emergency Powers (Defence) Act, 1939, as was done in the case of Colonel Alderidge (vide Lord Moyne Most Secret telegram, No. 31 of 1942.

GOVERNOR.

Saving.

(62)

From the Secretary of State for the Colonies.

To the Officer Administering the Government of FALKLAND ISLANDS

Date 8th May, 1944.

No. 4 Saving.



Red 55

Your telegram No. 4 saving of the 1st of February.

No objection to postponement of revision of Falkland Islands Defence Force Ordinance.

Secer.

DECODE.

No. 45.

TELEGRAM.

6/0/21
M.P. 1946.

(63)

From The Secretary of State for the Colonies.

To His Excellency the Governor.

Despatched : May 9th 19 46 Time : 23.30.

Received : May 10th 19 46 Time : 09.30.

No. 78. Confidential. Victory Celebrations. I am advised it is doubtful if Falkland Islands Detachment will be legally subject to military discipline whilst in United Kingdom or in transit under Falkland Islands Defence Force Ordinance in its present form. On the other hand it seems clearly desirable that they should not be exempt from normal discipline whilst absent from the Colony on duty of this nature.

2. My advisers suggest difficulty would be overcome if Ordinance were amended as follows:-

(a) Add the following sub section to section 3 begins.

(3) The provisions of this Ordinance and of Regulations made thereunder shall so far as the same may be applicable extend to members of the Force when serving or engaged in the performance of any military duties outside the Colony. Ends, and

(b) by the insertion in section 27 (1) after the word "with" in line 4 of the words:-
begins. Or detailed for, assembled for, or engaged in the performance of any celebration & functions with. Ends.

3. Subject to any observations you may have to make I should be grateful if possibility of amending the Ordinance as above could receive very early consideration.

(68) SECRETARY OF STATE.

G.T.C.

Reply



DEFENCE FORCE ORDINANCE, No. 7 of 1920.

Regulations made by the Governor in Council under Section 37 of the Defence Force Ordinance, 1920.

Governor.

No. 1 of 1946.

In exercise of the powers vested in him by Section 37 of the Defence Force Ordinance, 1920, and with the advice and consent of the Executive Council, His Excellency the Governor is pleased to make the following Regulations:-

Short Title. 1. These Regulations may be cited as the Defence Force Regulations, 1946.

Compulsory Parades. 2. The Force shall muster for the following compulsory parades during each year:-

- (a) For trained members. Twelve compulsory instructional parades, annual Musketry Classification and the annual Ceremonial Parade on the occasion of the Birthday of His Majesty the King.

- (b) For first year recruits. Thirty-two compulsory parades, annual Musketry Classification and for the annual Ceremonial Parade on the occasion of the Birthday of His Majesty the King if specifically detailed so to do.

Retirement. 3. All Commissioned Officers of the Force ^{below the rank of} ~~Force~~ ^{Major} shall automatically be placed on the Retired List on reaching the age of 50; this shall not, however, in any way affect earlier resignation or retirement under Clauses 11 and 13 of the Ordinance respectively.

All Warrant Officers, Non-Commissioned Officers and Men shall automatically be posted to the Reserve List on reaching the age of 41, provided he has at

least/

least seven years' service in the Force, but earlier resignation under Clause 11, or application to retire under Clause 13, may still be made. In the case of any member reaching the age of 41 without the necessary seven years' service, then such a member shall not be placed on the Retired List until he has completed the necessary seven years.

Efficiency.

4. Any member of the Force shall be deemed to be efficient in drill if he has attended all compulsory parades during the year as laid down in paragraph 2, and in musketry if he has qualified as at least a second class shot.

Promotion

5. Officers on being Gazetted Second-Lieutenants of Officers. may, on the recommendation of the Commanding Officer and Adjutant and subject to efficient service, be promoted to Lieutenant after two years' Commissioned Service.

Confidential
Reports.

6. The Commanding Officer shall submit to His Excellency the Governor a confidential report on each Officer in the Force in January each year. Such reports shall be read to the Officer concerned before submission.

Made by the Governor in Executive Council at a Meeting held on the of , 1946.

Clerk of the Executive Council.

M. P. No. 610/21.

Defence Force Ordinance, No. 7 of 1920.

Regulations made by the Governor in Council under Section 37 of the Defence Force Ordinance, 1920.

[Handwritten Signature]
Governor.

No. 1 of 1946.

In exercise of the powers vested in him by Section 37 of the Defence Force Ordinance, 1920, and with the advice and consent of the Executive Council, His Excellency the Governor is pleased to make the following Regulations :—

(1a)

1. These Regulations may be cited as the Defence Force Regulations, 1946. Short Title.

2. The Force shall muster for the following compulsory parades during each year :— Compulsory Parades.

(a) For trained members. ~~Twenty~~ ^{Twenty-six} compulsory instructional parades, annual Musketry Classification and the annual Ceremonial Parade on the occasion of the Birthday of His Majesty the King.

(b) For first year recruits. Thirty-two compulsory parades, annual Musketry Classification and for the annual Ceremonial Parade on the occasion of the Birthday of His Majesty the King if specifically detailed so to do.

~~3. All Commissioned Officers of the Force below the rank of Major shall automatically be placed on the Retired List on reaching the age of 50; this shall not, however, in any way affect earlier resignation or retirement under Clauses 11 and 13 of the Ordinance respectively.~~ Retirement.

All Warrant Officers, Non-Commissioned Officers and Men shall automatically be posted to the Reserve List on reaching the age of 41, provided he has at least seven years' service in the Force, but earlier resignation under Clause 11, or application to retire under Clause 13, may still be made. In the case of any member reaching the age of 41 without the necessary seven years' service, then such a member shall not be placed on the Retired List until he has completed the necessary seven years.

4. Any member of the Force shall be deemed to be efficient in drill if he has attended all compulsory parades during the year as laid down in paragraph 2, and in musketry if he has qualified as at least a second class shot. Efficiency.

5. Officers on being Gazetted Second-Lieutenants may, on the recommendation of the Commanding Officer and Adjutant and subject to efficient service, be promoted to Lieutenant after two years' Commissioned Service. Promotion of Officers.

6. The Commanding Officer shall submit to His Excellency the Governor a confidential report on each Officer in the Force in January each year. Such reports shall be read to the Officer concerned before submission. Confidential Reports.

Made by the Governor in Executive Council at a Meeting held on the 14th of May, 1946.

[Handwritten Signature]

Clerk of the Executive Council.

DECODE.

TELEGRAM.

6/10/21
M.P. 39/46.

(68)

From His Excellency the Governor.

To The Secretary of State for the Colonies.

Despatched : May 14th 19 46 Time : 15.00.

Received : 19 Time :

Red 63.

No. 143. Your telegram No. 78. Suggested amendments to Falkland Islands Defence Force Ordinance.

2. Your telegram discussed in Executive Council. Members are unanimously reluctant to introduce the legislation required on following grounds:

- (a) section 15 (5) makes it quite clear that all members of the detachment are volunteers in the fullest sense and that sections 25 (1) and 27 (1) and (2) are sufficient. The marginal notes may have been misleading
- (b) the amending ordinance cannot possibly reach United Kingdom before the detachment, even if sent by air
- (c) ad hoc legislation such as this attracts naturally greatest publicity and resentment and suspicion must follow. It must be fully realised that these volunteers knew well that they would be under discipline and carried with them a copy of the ordinance. Any effort in their absence to strengthen the disciplinary clauses of the Ordinance would surely cast a slur on their loyalty and cause them to imagine we have lost our confidence in them.

3. Please telegraph.

GOVERNOR.

G.T.C.

DECODE.

TELEGRAM.

No. SSS 30.

610/21
M.P. 25/46.

From The Secretary of State for the Colonies.

To His Excellency the Governor.

Despatched : May 29th 19 46 Time : 15.45.

Received : May 30th 19 46 Time : 09.30.

No. 96. Your telegram No. 142. Victory Celebrations.

I agree that in the circumstances the introduction of legislation to amend the Defence Force Ordinance is unnecessary.

SECRETARY OF STATE.

G. T. C.

No.

S/8/46, 241/35,
610/21.

MINUTE.

(It is requested that, in any reference to this minute, the above Number and the date may be quoted).

18th June, 1946.

The Ag. Registrar-General,

To

STANLEY.

From The Colonial Secretary,

Stanley, Falkland Islands.

I am directed by the Governor to attach herewith, for insertion in your files, authenticated copies of Rules and Regulations as shewn hereunder :-

- (i) The Mining Regulations, 1946.
- (ii) The Savings Bank (Amendment) Rules, 1946.
- (iii) The Defence Force Regulations, 1946.

(Sgd.) L. W. ALDRIDGE
for Colonial Secretary.

71

DECODE.

No. 151.

TELEGRAM.

610/21.

72

From The Magistrate, South Georgia.

To The Colonial Secretary.

Despatched: 15th July, 19 46. Time: 0001.
Received: 16th July, 19 46 Time: 1000.

PERSONAL AND CONFIDENTIAL. For Mathews from Fleuret. As I am certain you will have been too busy to study Defence Force Regulations 1946 I feel it is my duty to advise you of my personal opinion as to their legality. I fear that they are ultra vires to Ordinance No. 7 of 1920 and illegal. I am sure that you will agree that ^{Paragraph 3} Regulation No. 3 is badly worded and does not make sense. It refers to "The Ordinance" but does not make clear what Ordinance, Second paragraph commences in plural ~~XXXXXXXXXX~~ with a proviso in singular and makes reference to Clauses 11 and 13 but does not specify law. It is quite clear from Section 12 (1) and Section 13 Defence Force Ordinance that members can only be transferred to Reserve and retired under under provisions of those Sections and any amendments required would have ^{to be} effect ^{ed} by an amending Ordinance. Regulation No. 2 conflicts with Regulation of August 1st, 1904 which seems to require rescinding. Regulation No. 5 has no effect when read with Section 7 (1) of Ordinance referred to above. Hoping these few remarks may be helpful. Sorry we did not have pleasure of meeting you this time. Kind regards.

MAGSITRATE.

G.T.C.
WH.

GOVERNMENT HOUSE,
STANLEY.

FALKLAND ISLANDS.

No. 33.

19th July, 1946.

Sir,

I have the honour to transmit herewith six copies of Regulation No. 1 of 1946, Defense Force Regulations, 1946; six copies of Regulation No. 2 of 1946, Mining Regulations, 1946; six copies of Rule No. 1 of 1946, Savings Bank (Amendment) Rules, 1946.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

(Sgd.) A. W. CARDINALL

THE RIGHT HONOURABLE
G. H. HALL, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES.

DRAFT.

904

Regulations made by the Governor in Council under the Defence Force Ordinance, 1920.

No. 11 of 1948.

Governor.

In exercise of the powers vested in him by Section 37 of the Defence Force Ordinance, 1920, and with the advice and consent of the Executive Council His Excellency the Governor is pleased to make and hereby makes the following Regulations:-

1. These Regulations may be cited as the Defence Force Regulations, 1948.
2. Regulation 3 of the Defence Force Regulations, 1946, is hereby rescinded.

Made etc.

20th Dec. 1948.

DRAFT BILL

908

To amend the Defence Force Ordinance 1920.

Be it enacted etc.

Short title.

1. This Ordinance may be cited as The Defence Force (Amendment) Ordinance 1948 and shall be read and construed as one with the Defence Force Ordinance 1920.

Repeals Sections 12 and 13.

2. Sections 12 and 13 of the Defence Force Ordinance 1920 are hereby repealed and the following is substituted for Section 13 thereof:

"13 (1) Any member who has been returned with efficiency for at least twelve years and has attained the age of forty one years

at any time hereafter
(a) may apply in writing to the Commanding Officer to be posted to the Retired List

at any time hereafter
(b) may for any reason for which the Commanding Officer may deem fit, subject to the approval of the Governor, be posted to the Retired List and his name shall thereupon be removed from the Active List

(2) Any member who

(a) has been returned with efficiency for at least five years and has been certified by a medical officer to be debarred from further service with the Force by reason of physical disability, not being the result of his own misconduct, or

(b) while on service with the Force, suffers a disability, not being the result of his own misconduct, and has been certified by a medical officer to be debarred from further service with the Force

shall be posted to the Retired List and his name thereupon be removed from the Active List.

(3) Every member on the Retired List may wear uniform and the badges of the substantive rank held by him at the time he was posted to the Retired List, with the approval of the Commanding Officer, at any military function or on any occasion when uniform is permitted to be worn. *He shall wear the letters "R.L." below the badge of the Force worn on the shoulder straps.*



Regulations made by the Governor in Council under
the Defence Force Ordinance, 1920.

Miles Blears
Governor.

No. 11 of 1948.

1A

In exercise of the powers vested in him
by Section 37 of the Defence Force Ordinance,
1920, and with the advice and consent of the
Executive Council His Excellency the Governor
is pleased to make and hereby makes the
following Regulations:-

67

1. These Regulations may be cited as
the Defence Force Regulations, 1948.
2. Regulation 3 of the Defence Force
Regulations, 1946, is hereby rescinded.

Made by the Governor in Executive Council
on the 20th day of December, 1948.

A. B. Singh
Clerk of the Executive Council.

M.P. No. 601/21.

VP.

99

GOVERNMENT HOUSE,

STANLEY.

2nd February, 1949.

FALKLAND ISLANDS.

No. 15. COLONY.

Sir,

I have the honour to transmit, for the signification of His Majesty's pleasure, two authenticated and ten printed copies of Ordinance No. 19 of 1948, entitled "An Ordinance to amend the Defence Force Ordinance, 1920".

99b

99a

2. A Legal Report on the Ordinance is also enclosed.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Reply at 110

(Sgd) MILES CLIFFORD.

GOVERNOR.

THE RIGHT HONOURABLE,
ARTHUR GRENCH JONES, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES.

LEGAL REPORT

99a

Defence Force (Amendment) Ordinance, 1948.

This Ordinance amends the Defence Force Ordinance, 1920, by abolishing the Reserve and providing for posting personnel direct from the Active to the Retired List.

K. W. M. C.

Legal Secretary.

996

Assented to in His Majesty's name this 31st day of
December, 1948.

MILES CLIFFORD,
Governor.

[L.S.]

No. 19



1948.

Colony of the Falkland Islands and its Dependencies.

IN THE THIRTEENTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE VI.

G. M. CLIFFORD, C.M.G., O.B.E., E.D.,
Governor.

An Ordinance

To amend the Defence Force Ordinance,
1920.

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 —

1. This Ordinance may be cited as the Defence Force (Amendment) Ordinance 1948 and shall be read and construed as one with the Defence Force Ordinance 1920. Short title.

2. Sections 12 and 13 of the Defence Force Ordinance 1920 are hereby repealed and the following is substituted for Section 13 thereof : Repeals Sections 12 and 13.

“13 (1) Any member who has been returned with efficiency for at least twelve years and has attained the age of forty one years

(a) may at any time thereafter apply in writing to the Commanding Officer to be posted to the Retired List

(b) may at any time thereafter for any reason for which the Commanding Officer may deem fit, subject to the approval of the Governor, be posted to the Retired List and his name shall thereupon be removed from the Active List.

(2) Any member who

- (a) has been returned with efficiency for at least five years and has been certified by a medical officer to be debarred from further service with the Force by reason of physical disability, not being the result of his own misconduct, or
- (b) while on service with the Force, suffers a disability, not being the result of his own misconduct, and has been certified by a medical officer to be debarred from further service with the Force shall be posted to the Retired List and his name removed from the Active List."

(3) Every member on the Retired List may wear uniform and the badges of the substantive rank held by him at the time he was posted to the Retired List, with the approval of the Commanding Officer, at any military function or on any occasion when uniform is permitted to be worn. He shall wear the letters "R.L." below the badge of the Force worn on the shoulder straps.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,
Clerk of the Legislative Council.

99A.

**A Bill for
An Ordinance
To amend the Defence Force Ordinance,
1920.**

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 —

1. This Ordinance may be cited as the Defence Force (Amendment) Ordinance 1948 and shall be read and construed as one with the Defence Force Ordinance 1920. Short title.

2. Sections 12 and 13 of the Defence Force Ordinance 1920 are hereby repealed and the following is substituted for Section 13 thereof : Repeals Sections 12 and 13.

“13 (1) Any member who has been returned with efficiency for at least twelve years and has attained the age of forty one years

- (a) may at any time thereafter apply in writing to the Commanding Officer to be posted to the Retired List
- (b) may at any time thereafter for any reason for which the Commanding Officer may deem fit, subject to the approval of the Governor, be posted to the Retired List and his name shall thereupon be removed from the Active List.

(2) Any member who

- (a) has been returned with efficiency for at least five years and has been certified by a medical officer to be debarred from further service with the Force by reason of physical disability, not being the result of his own misconduct, or
- (b) while on service with the Force, suffers a disability, not being the result of his own misconduct, and has been certified by a medical officer to be debarred from further service with the Force shall be posted to the Retired List and his name removed from the Active List.”


(3) Every member on the Retired List may wear uniform and the badges of the substantive rank held by him at the time he was posted to the Retired List, with the approval of the Commanding Officer, at any military function or on any occasion when uniform is permitted to be worn. He shall wear the letters “R.L.” below the badge of the Force worn on the shoulder straps.

18th February, 49.

To: Registrar-General,
From: Acting Colonial Secretary, STANLEY.

Authenticated Legislation - Regulation 11 of 1948.

I am directed by the Governor to forward herewith,
for insertion in your files, an authenticated copy of
Regulation No. 11 of 1948.


Acting Colonial Secretary.

Regulations made by the Governor in Council under the Defence Force Ordinance, 1920.

Miles Clifford

Governor.

No. 11 of 1948.

In exercise of the powers vested in him by section 37 of the Defence Force Ordinance, 1920, and with the advice and consent of the Executive Council His Excellency the Governor is pleased to make and hereby makes the following Regulations :

1. These Regulations may be cited as the Defence Force Regulations, 1948.
2. Regulation 3 of the Defence Force Regulations, 1946, is hereby rescinded.

Made by the Governor in Executive Council on the 20th day of December, 1948.

A. H. Ariyaratne

Clerk of the Executive Council.

M.P. 601/21.

F.I. Ref: 610/21.

GOVERNMENT HOUSE,

101

STANLEY.

18th February, 1949.

FALKLAND ISLANDS.

No. 19. COLONY.

Sir,

101a

I have the honour to transmit herewith six copies of Regulation No. 11 of 1948, made under the Defence Force Ordinance, 1920.

I have the honour to be,

Sir,

Your most obedient, humble servant,

(Sgd) MILES CLIFFORD.
GOVERNOR.

THE RIGHT HONOURABLE,
ARTHUR CREECH JONES, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES.

VP.

F.I. Ref: 610/21

109
GOVERNMENT HOUSE,

STANLEY.

23rd January, 1950.

FALKLAND ISLANDS.

No. 36 COLONY.

Sir,

109b
I have the honour, in the absence of the Governor on tour, to transmit herewith, for the signification of His Majesty's pleasure, two authenticated and ten printed copies of Ordinance No. 38 of 1949.

109a
2. A Legal Report on the Ordinance is also enclosed.

I have the honour to be,
Sir,
Your most obedient, humble servant,

(Sgd) Michael R. Raymer.
GOVERNOR'S DEPUTY.

THE RIGHT HONOURABLE
ARTHUR CREECH JONES, P.C., M.P.
SECRETARY OF STATE FOR THE COLONIES.

Reply at 120.

109a

Defence Force (Amendment) Ordinance 1949.

Legal Report.

The amendments contained in this Ordinance excepting Sections 9, 10 & 11, are consequent on the re-organization of the Force.

Section 9 widens the scope of the original section 17 by giving power to impress motor vehicles: section 10 replaces original section 21 substituting a condensed form of National Service for the undesirable method of balloting and Section 11 is a redraft of original section 23 (3) and (4).

(Sgd) R. Winter
Legal Secretary.

1096

Assented to in His Majesty's name this 29th day of December, 1949.

MILES CLIFFORD,
Governor.

[L.S.]

No. 38



1949.

Colony of the Falkland Islands and its Dependencies.

IN THE FOURTEENTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE VI.

SIR MILES CLIFFORD, K.B.E., C.M.G., E.D.,
Governor.

An Ordinance

**To amend the Defence Force Ordinance,
1920.**

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—

- 1. This Ordinance may be cited as the Defence Force (Amendment) Ordinance, 1949, and shall be read and construed as one with the Defence Force Ordinance, 1920, (hereinafter referred to as the Principal Ordinance). Short title.
- 2. The definition "Company" in section 2 of the Principal Ordinance shall be deleted and the following substituted therefor : Amendments :
Section 2.
 - " 'Unit' means unit forming part of the Force".
- 3. Section 3 of the Principal Ordinance shall be amended by the addition of the following subsection : Section 3.
 - "(3) The Governor may appoint such honorary members as he may deem fit".
- 4. The words "Companies of Garrison Artillery, Mounted Infantry and Infantry" in section 4 of the Principal Ordinance shall be deleted and the word "Units" substituted therefor. Section 4.

Section 9.

5. Section 9 of the Principal Ordinance shall be deleted and the following substituted therefor :

"(1) Members, other than officers, shall wear such uniform as the Governor shall direct which shall be supplied to them on their enrolment and renewed at the public expense as the Commandant shall decide.

(2) Officers shall provide and maintain at their own expense such uniform as the Governor shall direct : Provided that the Governor may grant an allowance to each officer in respect thereof."

Section 11.

6. Section 11 of the Principal Ordinance shall be amended by

- (a) the substitution of the word "one" for the word "three" in line 5;
- (b) the addition of the words "Provided that the Commandant may in his discretion dispense with such notice" after the word "force" in line 6; and
- (c) by the deletion of the last paragraph thereof.

Section 13.

7. Section 13 of the Principal Ordinance shall be amended by

- (a) inserting the words "for at least fifteen years or has been returned with efficiency" after the word "efficiency" in line 2 thereof, and
- (b) by adding the following subsection :

"(4) He may enjoy the privileges of the Defence Force Club as though he were an active member of the Force".

Sections 14, 22 (2),
23 (6) and 25.

8. Section 14, subsection (2) of section 22, subsection (6) of section 23, and section 25 of the Principal Ordinance shall be deleted.

Section 17.

9. Section 17 of the Principal Ordinance shall be amended by deleting the words "or of any company detachment or party thereof" and inserting the words "motor vehicles" after the word "impress".

Section 21.

10. Section 21 of the Principal Ordinance shall be deleted and the following substituted therefor :

"The Governor in Council may exempt, defer the calling out of, or order the release or discharge of any person or class of persons registered under sections 18, 19 and 20 hereof when he may deem it in the interest of the Colony so to do."

Section 23.

11. Subsections (3) and (4) of section 23 of the Principal Ordinance shall be deleted and the following substituted therefor :

"(3) No plaintiff in an action brought against any person in respect of any act performed under this Ordinance shall succeed unless he prove that such act was done maliciously or without reasonable cause or that it was carried out with gross negligence.

The defendant may plead this Ordinance in his defence."

General.

12. The word "unit" shall be substituted for the word "company" wherever it shall appear in the Principal Ordinance.

Schedule C.

13. Schedule C to the Principal Ordinance shall be amended by :

- (a) deleting the first eleven and the 16th, 17th and 18th offences enumerated therein; and
- (b) substituting £1 0s. 0d. for 1s. 0d. as the limit of the fine for the offence "Loading a rifle contrary to orders".

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

L. W. ALDRIDGE,
Clerk of the Legislative Council.

Saving.

From the Secretary of State for the Colonies.

To the Officer Administering the Government of FALKLAND ISLANDS

Date 3 JAN 1950



No. / Saving.

99b Defence Force (Amendment) Ordinance 1948.

99. Your despatch No. 15 of the 2nd February, 1949.

Power of disallowance will not be exercised in respect of Ordinance No. 19 of 1948.

2. I am advised, however, that the new section 13(1)(a) of the principal Ordinance might be re-worded to read as follows:-

"13(1).....

(a) may at any time thereafter on application in writing to the Commanding Officer be posted to the Retired List and his name shall thereupon be removed from the Active List

(b) "

At present, although the intention is clear, the passage actually provides only for applications to be made and not for action consequent upon such applications.

3. It would appear that the last two lines of the new section 13(2) should be separated from sub-section (b) as they also apply to sub-section (a). It is also thought that the words "in consequence" should be inserted after "debarred" in sub-section (b)

Handwritten initials and stamp: [16 FEB 1950]

(17)

Saving.

From the Secretary of State for the Colonies.

To the Officer Administering the Government of

Date

No. Saving.

4. If you agree you will no doubt cause the necessary amendments to be effected.

5. The delay in replying to your despatch under reference is regretted.

SECR.

No. 17.

GAZETTE NOTICE.

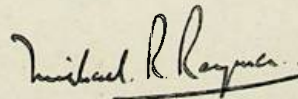
112

Colonial Secretary's Office,
Stanley, Falkland Islands.
22nd March, 1950.

Intimation has been received from the Right Honourable the Secretary of State for the Colonies to the effect that His Majesty will not be advised to exercise his power of disallowance in respect of the following Ordinance of the Legislature of the Falkland Islands:-

996 Ordinance No. 19 of 1948, entitled "An Ordinance to amend the Defence Force Ordinance, 1920.

By Command,



Colonial Secretary.

M.P. No. 610/21.

WH.

G3

FALKLAND ISLANDS

No.

67

36547/3/50
S.S. Ref. 610/21

120.



24 Oct. 1950.

Sir,

109.

I have the honour to acknowledge the receipt of your despatch
No. 36 of the 23rd January 1950 and to
inform you that the power of disallowance will not be exercised in respect of the
undermentioned Ordinance.

I have the honour to be,

Sir,

Your most obedient, humble servant,

The Officer Administering
the Government.

No.	Year	Short Title
38	1949 ALS Sazette.	Defence Force (Amendment) Ordinance, 1949

17 NOV 1950

Colonial Secretary's Office,
Stanley, Falkland Islands.
12th December, 1950.

It is hereby notified for general information that intimation has been received from the Right Honourable the Secretary of State for the Colonies to the effect that His Majesty will not be advised to exercise his power of dis-allowance in respect of the following Ordinances of the Legislature of the Falkland Islands:-

15 of 1949	Interpretation and General Law (Amendment), 1949.	31/44
36 of 1949	Defence Force (Amendment), 1949	610/21
2 of 1950	Consular Conventions, 1950	0918
5 of 1950	Supplementary Appropriation (1949), 1950	0558/IV

By Command,

(Sgd) MICHAEL R. RAYNER,

Colonial Secretary.

Hon. Col. Sec,

Sorry, I omitted to include the following in the M.P. dealing with the Defence Force.

Defence Force Ord. 1920

The undermentioned subsidiary legislation exists under the Defence Force Ord or is relative thereto:

Defence Force Regulations	No. 1/1946.
" " (Amend) "	No. 11/1948
" " (Amend) "	No. 1/1950.

Defence Force Club Rules

145

Efficiency Decoration Regulations	1935
" " "	1948
Efficiency Medal Regulations	1935
" " "	1948.

H. B.
Registrar
9. vi. 52