

CHAPTER 358.

NATIONAL SERVICE.

ARRANGEMENT OF SECTIONS.

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CHAPTER 358.

NATIONAL SERVICE.

4 of 1942.

An Ordinance to make provision for securing and controlling the calling up of men for National Service in the Colony; and for purposes connected with the matters aforesaid.

[14TH FEBRUARY, 1942.]

Short title.

1. This Ordinance may be cited as the National Service Ordinance.

Interpreta-
tion.

2. In this Ordinance—

“Dominion” means a Dominion within the meaning of the Statute of Westminster, 1931;

“prescribed” means prescribed by regulations made under this Ordinance.

Liability of
men to
perform
national
service.

3. (1) Subject to the provisions of section 4 of this Ordinance, every male person who—

(a) is a British subject; and

(b) has attained the age of eighteen years and has not attained the age of fifty-five years; and

(c) is ordinarily resident within the Colony; shall be liable for national service to be performed within the Colony:

Provided that any member of the classes specified in the schedule hereto shall be exempted from such service.

Schedule.

(2) For the purposes of this Ordinance a person residing in the Colony shall be deemed to be ordinarily resident therein unless he proves that he is residing there only for the purpose of attending a course of education or that the circumstances of his residence in the Colony are otherwise such as to show that he is residing there for a temporary purpose only.

4. This Ordinance shall not apply to any person who is, under the provisions of any enactment in force in a Dominion, a national or citizen of that Dominion within the meaning of that enactment, or who is a person born or domiciled in a Dominion, if in either case he has been ordinarily resident in the Colony for less than two years.

Ordinance not applicable to certain nationals of the Dominions.

5. (1) The Governor may call up any person to whom the provisions of section 3 are applicable for national service by notice in writing served on him, or any class of persons to whom the provisions of section 3 are applicable by notice published in the Gazette and in two newspapers published in the Colony, and may assign such duties to him or them as he may from time to time deem expedient.

Power of Governor to call up persons for national service.

(2) Any person or class of persons called up for national service under this section shall continue to serve until discharged by notice published in the Gazette and in two newspapers published in the Colony and such discharge shall have effect from the date specified in such notice or, if no date be so specified, from the date of publication of the notice in the Gazette.

6. (1) Subject to the provisions of this section, any person called up for service under the last preceding section may apply to a prescribed authority for a certificate of postponement of liability to be so called up (hereinafter referred to as "a postponement certificate").

Postponement of liability for national service.

(2) A postponement certificate shall only be granted—

(a) on proof to the satisfaction of the prescribed authority of the applicant's ill-health or bodily infirmity; or

(b) on the ground that exceptional hardship would ensue if the applicant were called up for national service.

(3) A postponement certificate may be granted in respect of a fixed period or may be unlimited in duration.

(4) A prescribed authority may from time to time renew a postponement certificate granted in respect of a fixed period.

Power of Governor in Council to fix rates of remuneration.

7. (1) The Governor in Council shall, by order, fix the rate or rates of remuneration to be paid to persons called up for national service and such rates may vary according to the nature of the service rendered or to be rendered.

(2) The Governor in Council may from time to time vary the provisions of any order made under this section.

Power of Governor in Council to make regulations.

8. (1) The Governor in Council may make regulations requiring such persons liable to be called up for national service under this Ordinance as may be specified or described in the said regulations—

(a) to furnish, at such place and time, in such manner, and to such authority or person, as may be prescribed, such particulars about themselves as may be prescribed; and

(b) except in the case of persons not required by the regulations to make such application, to make at such place and time, in such manner and to such authority or person as may be prescribed, application to be registered under this Ordinance.

(2) Regulations made under this section may make different provision in relation to different classes of persons liable to be called up for service under this Ordinance, and may provide for exempting from any requirements of the regulations any class of persons with respect to whom the Governor in Council is satisfied that particulars sufficient for the purposes of this Ordinance can be ascertained otherwise than by virtue of those requirements.

(3) If any person fails to comply with any of the requirements of any regulations made under this section he shall be guilty of an offence under this Ordinance.

Offences.

9. Any person, to whom the provisions of this Ordinance are applicable, who—

(a) refuses or omits to comply with any notice applicable to himself served or published under subsection (1) of section 5 of this Ordinance; or

(b) refuses or omits to perform such duties as are assigned to him under subsection (1) of section 5 of this Ordinance; or

(c) ceases without reasonable cause to perform the duties assigned to him before he has been discharged from service under subsection (2) of section 5 of this Ordinance; or

(d) knowing or having reasonable cause to believe that another person is guilty of an offence under this Ordinance gives that other person any assistance with intent to prevent, hinder or interfere with the apprehension or trial of that other person;

shall be guilty of an offence under this Ordinance.

10. (1) Any person guilty of an offence under this Ordinance shall be liable on summary conviction to be sentenced to pay a fine not exceeding five hundred dollars or to imprisonment with or without hard labour for a term not exceeding six months: Penalty.

Provided that in any proceedings for an offence punishable under this Ordinance it shall be a defence for the defendant to prove that he was prevented from complying with the relevant provisions of this Ordinance by circumstances beyond his control.

(2) Proceedings for an offence under this Ordinance may be taken against any person at any place at which he is for the time being.

(3) Notwithstanding any provision in any Ordinance prescribing the period within which summary proceedings may be instituted, summary proceedings for an offence under this Ordinance may be instituted at any time within the period of four years after the commission of the offence:

Provided that no such proceedings shall be instituted after the expiration of the period of six months after the commission of the offence unless they are instituted by, or by the direction of, the Attorney General.

11. This Ordinance shall continue in force until such date as the Governor in Council may, by order*, declare to be the date on which the emergency that is the occasion of the passing of this Ordinance came to an end, and shall then expire except as respects things previously done or omitted to be done. Duration of Ordinance.

* Up to the 1st July, 1953, no order had been made.

s. 3.

SCHEDULE.

CLASSES OF PERSONS EXEMPTED FROM SERVICE.

Members of the Executive and Legislative Councils.

Judges of the Supreme Court.

Members of Her Majesty's armed forces including the British Guiana Militia Band and the British Guiana Volunteer Corps.

Members of the British Guiana Police Force and the British Guiana Special Constabulary Force.

Men in Holy Orders and regular ministers of such religious denominations as the Governor may decide.
