

CHAPTER 88.**VOLUNTEER.**

ARRANGEMENT OF SECTIONS.

SECTION.

1. Short title.
 2. Interpretation.
 3. Establishment of the British Guiana Volunteer Force.
 4. Service in the Force to be voluntary.
 5. Commandant Local Forces.
 6. Commanding Officer.
 7. Officers.
 8. Staff Officer and Adjutant.
 9. Warrant Officers appointed by the Governor.
 10. Warrant Officers appointed by the Commandant.
 11. Non-commissioned officers.
 12. Volunteers.
 13. Clerks, store-keepers and other employees.
 14. Quarters and place of residence of paid staff.
 15. Resignation of Officer.
 16. Enlistment, term of service and discharge.
 17. Annual training.
 18. Embodiment of the Force.
 19. Disembodiment of the Force.
 20. Uniforms, arms and appointments.
 21. Power of Commandant to pay out-of-pocket expenses.
 22. Oath of allegiance and service.
 23. Hospital accommodation and treatment.
 24. Force to be subject to military law when being trained, instructed or exercised, or when embodied.
 25. Service and publication of notices.
 26. Failure to attend to embodiment.
 27. Failure to fulfil training conditions.
 28. Wrongful sale or other disposition of property.
 29. Trial of offences.
 30. Civil rights and exemptions.
 31. Regulations.
 32. Regulations to be laid before Legislative Council.
 33. Orders.
 34. The Reserve.
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CHAPTER 88.

VOLUNTEER.

An Ordinance to provide for the establishment, control, training and discipline of a Volunteer Force, and for matters connected therewith. 20 of 1948.

[19TH JUNE, 1948].

1. This Ordinance may be cited as the Volunteer Ordinance. Short title.

2. In this Ordinance,—

“appointments” includes accoutrements and equipment of every kind other than clothing ;

“Army Act” means the Army Act for the time being in force in England, and includes the articles of war for the time being in force made under the authority of that Act ;

“Commandant” means Commandant Local Forces ;

“Commanding Officer” means the Commanding Officer of the Force ;

“the Force” means The British Guiana Volunteer Force ;

“member of the Force” includes an Officer, a warrant officer, a non-commissioned officer and a volunteer ;

“Officer” means a member of the Force holding the Governor’s commission as an officer of the Force ;

“other Ranks” means warrant officers, non-commissioned officers and volunteers ;

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

3. There shall be established a Volunteer Force under the name style and title of The British Guiana Volunteer Force. Establishment of the British Guiana Volunteer Force.

4. Subject to the provisions of this Ordinance and of the regulations, no person shall be under any obligation to serve in the Force and no person who serves in the Force shall receive any pay or allowance in respect of such service. Service in the Force to be voluntary.

5. (1) Subject to the general orders and directions of the Governor, the Commandant Local Forces shall be responsible to the Governor for the efficient conduct of the Force, and for the proper expenditure of all public moneys appropriated for the service thereof. Commandant Local Forces.

(2) The Commandant shall hold the rank of Colonel of the Force.

(3) The Commissioner of Police for the time being shall be the Commandant.

Com-
manding
Officer.

6. (1) The Governor shall appoint a fit and proper person to be the Commanding Officer of the Force, and such appointment shall be by commission.

(2) The Commanding Officer shall hold the rank of Lieutenant-Colonel of the Force.

(3) The Commanding Officer shall be responsible to the Commandant for the maintenance of discipline, efficiency and proper system in the Force, and he shall be responsible for its training and readiness for duty in an emergency.

Officers.

7. The Governor shall, by commission under his hand, appoint fit and proper persons to be Officers of the Force and they shall hold such rank as the Governor may from time to time think proper.

Staff
Officer and
Adjutant.

8. (1) The Governor shall from time to time appoint a fit and proper person to be Staff Officer and Adjutant of the Force.

(2) The Staff Officer and Adjutant shall hold the rank of Captain of the Force with seniority over all other Captains :

Provided that the Governor may, if the circumstances so warrant, direct that the Staff Officer and Adjutant shall hold a rank higher than that of Captain and assign to him such seniority as may be proper.

(3) The Staff Officer and Adjutant shall be paid such salary and allowances as are from time to time provided by the Legislative Council.

Warrant
Officers
appointed
by the
Governor.

9. (1) The Governor shall from time to time appoint two fit and proper persons to be warrant officers of the Force.

(2) The said warrant officers shall be paid such salary and allowances as are from time to time provided by the Legislative Council.

Warrant
Officers
appointed
by the Com-
mandant.

10. In addition to the warrant officers referred to in section 9, the Commandant, with the approval of the Governor, shall from time to time appoint such number of warrant officers of the Force as may be necessary.

11. The Commanding Officer, subject to the general direction of the Commandant, shall from time to time appoint such number of non-commissioned officers of the Force as may be necessary, and may, subject to the general direction of the Commandant, promote any non-commissioned officer to any vacancy as a non-commissioned officer.

Non-commissioned officers.

12. There shall be such number of volunteers of the Force as the Governor may from time to time direct.

Volunteers.

13. The Commandant may, with the approval of the Governor, appoint from members of the Force such clerks, storekeepers and other employees as may be necessary, and they shall be paid such salary and allowances as are from time to time provided by the Legislative Council.

Clerks, store-keepers and other employees.

14. The Governor may from time to time assign quarters to any member of the paid staff of the Force referred to in sections 8, 9 and 13, and may require such member of the Force to reside in such quarters or in any specified locality.

Quarters and place of residence of paid staff.

15. The conditions under which an Officer may cease to be an Officer, either by resignation or by removal of his name from the list of Officers, shall be as are prescribed.

Resignation of Officer.

16. (1) Subject to the provisions of this Ordinance and of the regulations, any male British subject who—

Enlistment, term of service and discharge.

(a) has attained the age of eighteen years and has not attained the age of thirty-eight years ; or

(b) has attained the age of seventeen years and has not attained the age of eighteen years, and has obtained the consent of his parent or guardian to his enlistment ; and

(c) is of good character ; and

(d) is passed, in the prescribed manner, as being physically fit for general service,—

may enlist in the Force.

(2) Such enlistment shall be to serve for a period of three years, reckoned from the date of his attestation.

(3) Any warrant officer, non-commissioned officer or volunteer may, within twelve months before the end of his current term of service, from time to time be re-engaged to serve for a period of one year, two years, or three years, from the end of that term as he thinks fit.

(4) Every warrant officer, non-commissioned officer or volunteer shall, until duly discharged in the prescribed manner, remain subject to this Ordinance as a warrant officer, non-commissioned officer or volunteer of the Force.

(5) Any warrant officer, non-commissioned officer or volunteer of the Force shall, except when a proclamation under subsection (1) of section 18 is in force, be entitled to be discharged before the end of his current term of service on complying with the following conditions :—

(a) giving to the Commanding Officer three months' notice in writing, or such less notice as may be prescribed, of his desire to be discharged ; and

(b) delivering up in good order, fair wear and tear only excepted, all arms, clothing and appointments being public property, issued to him, or, in cases where for any good and sufficient cause the delivery of the property aforesaid is impossible, on paying the value thereof :

Provided that the Commandant may, in any case in which it appears that the reasons for which the discharge is claimed are of sufficient urgency or weight, dispense either wholly or in part with the above conditions or any of them.

(6) Any warrant officer, non-commissioned officer or volunteer of the Force may be discharged by the Commanding Officer for disobedience to orders by him while doing any military duty, or for neglect of duty, or for misconduct by him as a warrant officer, non-commissioned officer or volunteer of the Force, or for other sufficient cause, the existence and sufficiency of such cause to be judged of by the Commanding Officer :

Provided that any warrant officer, non-commissioned officer or volunteer so discharged shall be entitled to appeal to the Governor who may give such directions in any such case as he may think just and proper.

(7) Where the time at which a warrant officer, non-commissioned officer or volunteer of the Force would otherwise be entitled to be discharged occurs while a proclamation under subsection (1) of section 18 is in force, he may be required to prolong his service for such further period, not exceeding twelve months, as the Governor may order.

(8) A recruit may be attested by any Officer of the Force, and re-engagement may take place before any Officer not below the rank of Captain.

(9) In this section the expression " warrant officer " does not include a warrant officer appointed by the Governor under section 9.

17. (1) Subject to the provisions of this section, every Officer, warrant officer, non-commissioned officer and volunteer of the Force shall, by way of annual training—

Annual
training.

(a) be trained for not less than eight nor more than fifteen days in every year at such times and places in any part of the Colony as may be prescribed, and may for that purpose be called out once or oftener in every year :

Provided that the Governor may, by order published in the Gazette, dispense in any year with such training ;

(b) attend a number of drills and fulfil the other conditions relating to training as are prescribed :

Provided that the requirements of this section may be dispensed with by the Commanding Officer, in whole or in part, in relation to any Officer, warrant officer, non-commissioned officer or volunteer.

(2) Nothing in this section shall be construed as preventing an Officer, warrant officer, non-commissioned officer or volunteer, with his own consent, in addition to annual training, being called up for the purpose of duty or instruction in accordance with regulations made under this Ordinance.

(3) In this section the expression “ warrant officer ” does not include a warrant officer appointed by the Governor under section 9.

18. (1) Where the Governor is satisfied—

Embodiment
of the Force.

(a) that there is imminent national danger or great emergency, or

(b) that there is actual or apprehended civil disturbance in the Colony,—

he may, by proclamation published in the Gazette, order the Commandant from time to time to give, and when given to revoke or vary, such directions as may seem necessary or proper for embodying all or any part of the Force, and in particular to make such special arrangements as the Commandant may think proper with regard to units or individuals whose services may be required in other than a military capacity.

(2) Where such directions for the time being direct the embodiment of any part of the Force, every Officer, warrant officer, non-commissioned officer and volunteer belonging to that part shall attend at the place and time fixed by those directions, and after the expiration of that time shall be deemed to be embodied ; and such Officers, warrant officers, non-commissioned officers and volunteers are in this Ordinance referred to as embodied or as the embodied part or parts of the Force.

(3) Subject to the provisions of section 19, the Commandant may from time to time, as he may think expedient in the public interest, give such directions as may seem necessary or proper for disembodying any embodied part of the Force, and for embodying any part of the Force not embodied, whether previously disembodyed or otherwise.

(4) Every order made and all directions given under this section shall be obeyed as if enacted in this Ordinance.

(5) In the case of a proclamation under paragraph (b) of subsection (1) of this section, the members of the embodied Force or the embodied part or parts of the Force, as the case may be, shall have all the rights, powers, functions, duties, privileges and immunities for the time being possessed by a member of the British Guiana Police Force.

Disembodi-
ment of the
Force.

19. (1) The Governor may, by proclamation published in the Gazette, order that the Force be disembodyed, and thereupon the Commandant shall give such directions as may seem necessary or proper for carrying the said proclamation into effect.

(2) After the date fixed by such directions for the disembodyment of the Force or any part thereof, the Officers, warrant officers, non-commissioned officers and volunteers of the Force or belonging to that part, as the case may be, shall be in the position of Officers, warrant officers, non-commissioned officers and volunteers of the Force not embodied.

Uniforms,
arms and
appoint-
ments.

20. (1) Subject to the provisions of this Ordinance, the uniforms, arms, ammunition and appointments of all members of the Force shall be provided out of moneys provided by the Legislative Council for that purpose.

(2) Every Officer shall be provided, out of moneys provided by the Legislative Council for the purpose, with the uniform and equipment prescribed in the regulations made under this Ordinance.

(3) Every Officer shall, on appointment, receive such grant, and thereafter such annual grant, as may from time to time be provided by the Legislative Council, towards providing himself with, and maintaining, such additional uniform and equipment as may from time to time be defined in Local Forces Orders made by the Commandant under section 33.

(4) Save as otherwise ordered by the Governor, every Officer who fails to serve as an Officer for a period of three years from the date of his appointment shall be required to refund to the Government the grant and the annual grants made to him under subsection (3) of this section :

Provided that this subsection shall not apply where such failure is due to the ill-health, or the death, of the Officer.

(5) Save as otherwise ordered by the Governor, every Officer who fails to obtain a satisfactory annual report from the Commanding Officer shall be required to refund to the Government the grant and the annual grants made to him under subsection (3) of this section during the preceding two years :

Provided that this subsection shall not apply where such failure is due to the ill-health of the Officer.

21. The Commandant may, in his discretion, pay, out of moneys provided by the Legislative Council for the purpose, the reasonable and necessary out-of-pocket expenses incurred by an Officer in the performance of his duties.

Power of
Com-
mandant to
pay out-of-
pocket
expenses.

22. (1) Every member of the Force shall, on appointment or enlistment or as soon thereafter as is possible, take and subscribe the following Oath of Allegiance and Service—

Oath of
allegiance
and service.

“ Volunteer Ordinance

I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law, and that I will faithfully serve Her Majesty in the Colony for the defence thereof against all her enemies and opposers whatsoever according to the conditions of my service as a member of The British Guiana Volunteer Force—
So help me God.”

(2) The Oath shall be taken—

(a) in the case of the Commandant and the Commanding Officer, before the Governor ;

(b) in the case of the Staff Officer and Adjutant, before the Governor or the Commandant ;

(c) in the case of any other Officer of the Force, before the Governor, the Commandant or the Commanding Officer ;

(d) in the case of all other ranks, before the Commandant, the Commanding Officer or any Officer of the Force who has himself taken the Oath.

(3) Any person who would by law be permitted to make his solemn affirmation instead of taking an oath may make an affirmation, and the affirmation shall, to all intents and purposes, be of the same force and effect as if he had taken the oath.

Hospital accommodation and treatment.

23. The Governor may, by regulations made under this Ordinance,—

(a) make such provision for hospital accommodation and medical, surgical and dental treatment for members of the Force as he thinks fit ;

(b) make provision for the supply of hospital accommodation and medical, surgical or dental treatment, or of medicine, attendance, food and other necessaries, to any member of the Force who sustains any injury whilst on duty, or contracts any complaint or disease whilst on duty.

Force to be subject to military law when being trained, instructed or exercised, or when embodied.

24. (1) The Officers and other ranks of the Force shall be subject to military law, practice and procedure—

(a) when they are being trained, instructed or exercised ;

(b) when they are embodied in which case they shall be deemed to be on active service for the purposes of the Queen's Regulations.

(2) Persons appointed under section 13 as clerks, storekeepers and other employees shall be subject to military law, practice and procedure during such time as they shall hold any such appointment.

(3) Subject to the provisions of this Ordinance, regulations may be made prescribing what shall be military law, practice and procedure for the purposes of this section and where such regulations are not made or where on any particular point they are silent the military law, practice and procedure as contained in the Army Act and in the Queen's Regulations for the time being in force shall be military law, practice and procedure for the purposes of this section.

Service and publication of notices.

25. Notices required in pursuance of this Ordinance or of the regulations in force thereunder to be given to Officers or other ranks of the Force shall be served or published, in such manner as may be prescribed, and, if so served or published, shall be deemed to be sufficient notice.

Failure to attend to embodiment.

26. (1) Any Officer, warrant officer, non-commissioned officer or volunteer of the Force who without leave lawfully granted, or such sickness or other reasonable excuse as may be allowed

in the prescribed manner, fails to appear at the time and place appointed for assembling on embodiment, shall be guilty, according to the circumstances, of deserting within the meaning of section 12, or of absenting himself without leave within the meaning of section 15 of the Army Act, and shall, whether otherwise subject to military law or not, be liable to be tried by court-martial, and convicted and punished accordingly, and may be taken into military custody.

(2) Sections 153 and 154 of the Army Act shall apply with respect to deserters and desertion within the meaning of this section in like manner as they apply with respect to deserters and desertion within the meaning of those sections, and any person who, knowing any Officer, warrant officer, non-commissioned officer or volunteer of the Force to be a deserter within the meaning of this section or of the Army Act, employs or continues to employ him, shall be deemed to aid him in concealing himself within the meaning of the first-mentioned section.

(3) Where a warrant officer, non-commissioned officer or volunteer of the Force commits the offence of desertion under this section, the time which elapsed between the time of his committing the offence and the time of his apprehension or voluntary surrender shall not be taken into account in reckoning his service for the purpose of discharge.

27. Any warrant officer, non-commissioned officer or volunteer of the Force who without leave lawfully granted or such sickness or other reasonable excuse as may be allowed in the prescribed manner, fails to appear at the time and place appointed for annual training under paragraph (a) of subsection (1) of section 17 or fails to attend the number of drills and fulfil the other conditions relating to annual training as are prescribed, shall be liable to a penalty not exceeding twenty-five dollars recoverable in a court of summary jurisdiction on a complaint by the prescribed officer.

Failure to fulfil training conditions.

28. If any person designedly makes away with, sells, or pawns, or wrongfully destroys or damages, or negligently loses anything issued to him as an Officer, warrant officer, non-commissioned officer or volunteer of the Force, or wrongfully refuses or neglects to deliver up on demand anything issued to him as an Officer, warrant officer, non-commissioned officer or volunteer of the Force, the value thereof shall be recoverable from him on complaint to a court of summary jurisdiction by the sergeant-major of the Force or some person authorised in

Wrongful sale or other disposition of property.

writing for the purpose by the Commandant; and he shall also, for any such offence of designedly making away with, selling, or pawning, or wrongfully destroying as aforesaid, be liable, on summary conviction thereof, to a penalty not exceeding twenty-five dollars.

Trial of offences.

29. (1) Any offence under this Ordinance which is cognizable by a court-martial shall also be cognizable by a court of summary jurisdiction.

(2) Any person charged with any such offence shall not be liable to be tried both by a court-martial and by a court of summary jurisdiction, but may be tried by either of them as may be prescribed :

Provided that a person who has been dealt with summarily by the Commanding Officer shall be deemed to have been tried by court-martial.

(3) Any person charged with an offence under this Ordinance which, by virtue of this section is cognizable by a court of summary jurisdiction, shall, on conviction by such a court, be liable to imprisonment for three months or to a penalty of one hundred dollars or to both such imprisonment and penalty, but nothing in this section shall affect the liability of a person charged with any such offence to be taken into military custody.

(4) Any offence which under this Ordinance is punishable on conviction by court-martial, shall for all purposes of and incidental to the arrest, trial, and punishment of the offender, including the summary dealing with the case by the Commanding Officer, be deemed to be an offence under the Army Act, with this modification, that any reference in that Act to forfeiture and stoppages shall be construed to refer to such forfeiture and stoppages as may be prescribed.

(5) Proceedings against an offender before either a court-martial or the Commanding Officer, or a court of summary jurisdiction, in respect of an offence punishable under this Ordinance, and alleged to have been committed by him when a warrant officer, non-commissioned officer or volunteer of the Force, may be instituted whether the term of his service in the Force has or has not expired, and may, notwithstanding anything contained to the contrary in any other Ordinance, be instituted at any time within two months after the time at which the offence becomes known to the Commanding Officer if the alleged offender is then apprehended, or, if he is not then apprehended, then within two months after the time at which he is apprehended.

(6) Where a warrant officer, non-commissioned officer or volunteer of the Force is subject to military law and is illegally absent from his duty, a court of inquiry under section 72 of the Army Act may be assembled after the expiration of twenty-one days from the date of such absence, notwithstanding that the period during which he was subject to military law is less than twenty-one days or has expired before the expiration of twenty-one days.

30. (1) A member of the Force, not being a person referred to in sections 5, 8, 9 and 13, shall not be deemed, by reason only of being such member and receiving the benefits provided under this Ordinance and the regulations, to be the holder of an office of emolument under the Crown in the Colony, within the meaning of the British Guiana (Constitution) Order in Council, 1928, or any enactment amending or substituted for the same. Civil rights and exemptions.

(2) An Officer, warrant officer, non-commissioned officer or volunteer, of the Force shall not be liable to any penalty or punishment for or on account of his absence during the time he is voting at any election of a Member of Legislative Council, or during the time he is going to or returning from such voting.

(3) Every Officer, warrant officer, non-commissioned officer or volunteer of the Force shall be exempt from serving on any jury.

31. Subject to the provisions of this Ordinance, the Governor may make regulations— Regulations.

(a) with respect to the manner in which enlistment in the Force shall be made ;

(b) with respect to the award of a disability pension, and the conditions upon which such pension may be awarded, to any member of the Force who, without his own default, is permanently injured in the actual discharge of his duty as a member of the Force by some injury specifically attributable to the nature of his duty ;

(c) with respect to the leave which may be granted to members of the Force, and as to the pay to be received by members of the paid staff of the Force during such leave ;

(d) with respect to the government, discipline, and pay and allowances, of the Force ;

(e) with respect to any matter by this Ordinance authorised to be prescribed, or authorised to be made by regulations, or expressed to be subject to regulations ;

(f) generally, with respect to all other matters and things relating to the Force.

Regulations
to be laid
before
Legislative
Council.

32. (1) All regulations made by the Governor under this Ordinance shall be laid before the Legislative Council within fourteen days next after they are made if the Council is sitting on the last day as aforesaid, and if the Council is not then sitting, within fourteen days after the commencement of the next ensuing sitting.

(2) If, within twenty-one days after the regulations are laid before the Council, a resolution is passed by the Legislative Council that the regulations, or any part of them be annulled, they shall thereby be annulled to the extent set forth in the resolution, and the regulations, or part thereof so annulled shall thenceforth become void and of no effect but without prejudice to the validity of any action in the meantime taken under the regulations, or part thereof, as the case may be ; and a certificate of the Clerk of the Legislative Council as to any of the matters or things specified in this subsection shall be sufficient evidence thereof.

(3) Any regulations, or any part thereof, which have not, within the period of twenty-one days after they are laid before the Council, been annulled by resolution of the Legislative Council, shall have effect as if enacted in this Ordinance.

Orders.

33. (1) Subject to the provisions of regulations made under this Ordinance, the Commandant may make Local Forces Orders for the administration, discipline and training of the Force.

(2) Subject to the provisions of regulations made under this Ordinance, and to Local Forces Orders made under subsection (1) of this section, the Commanding Officer may from time to time, subject to the general direction of the Commandant, make such Volunteer Force Orders as the Commanding Officer may consider necessary for the administration, discipline and training of the Force.

(3) Notice of Local Forces Orders and of Volunteer Force Orders shall be given to the Officers and other ranks of the Force affected thereby.

The Reserve.

34. (1) There shall be established a reserve of The British Guiana Volunteer Force (hereinafter referred to as "the Reserve"), and the Reserve shall consist—

(a) of every person who was a member of the Force and has ceased to be a member thereof :

Provided that no person who has been dismissed from the Force shall be a member of the Reserve ;

(b) of every person who has served in Her Majesty's Forces in the United Kingdom or elsewhere, and whose application in writing to become a member of the Reserve has been approved by the Commandant.

(2) No person who has attained the age of forty-five years shall be eligible to be a member of the Reserve.

(3) The Commandant shall cause to be kept a register containing the names and addresses and occupations of the members of the Reserve, and there shall be a separate part of the register for a Reserve of Officers.

(4) The Governor may, subject to section 32, make regulations for the purpose of subsection (3) of this section.

(5) Section 18 shall apply to the Reserve in the same manner and to the same extent as it applies to the Force ; and where a proclamation under subsection (1) of section 18 as modified by this subsection applies to the Reserve the provisions of this Ordinance relating to the Force shall, *mutatis mutandis*, apply to the Reserve, but not otherwise.
