

NATIONAL SERVICEMEN (EMPLOYMENT) ACT

(CHAPTER 202)

(Original Enactment: Act 28 of 1970)

REVISED EDITION 1985

(30th March 1987)

An Act for securing the **employment** of persons who have completed national service and for matters connected therewith.

[2nd January 1971]

Short title

1. This Act may be cited as the National Servicemen (**Employment**) Act.

Interpretation

2. In this Act, unless the context otherwise requires —
 - “employee” includes any person seeking **employment**;
 - “employer” includes any person desiring to employ other persons;
 - “register” means the register established and maintained under section 4;
 - “registered person” means a person whose name appears for the time being in the register.

Appointment of Director and Assistant Directors

3.—(1) The Minister may appoint an officer to be styled the Director of **Employment** (referred to in this Act as the Director), and may appoint such number of Assistant Directors of **Employment** as he may think fit.

(2) The Director shall have superintendence of all matters relating to this Act, subject to the direction and control of the Minister.

(3) The Assistant Directors may perform all the duties imposed and exercise all the powers conferred on the Director by this Act.

(4) All appointments made under this section shall be published in the *Gazette*.

Register

4.—(1) The Director shall establish and maintain a register of persons who have completed full-time national service under any written law for the time being in force relating to national service or enlistment.

(2) The register shall be maintained in such form, and entries therein, and alterations and removals of those entries, shall be made in such manner as the Minister may determine.

Powers of Minister to make orders directing **employment** of registered persons

5.—(1) The Minister may, by order published in the *Gazette*, direct that, after such date as may be specified therein, an employer to whom the order applies shall not, except with the written consent of the Director, engage or re-engage any employee otherwise than from among registered persons.

(2) No order made under subsection (1) shall apply to an employer who takes or offers to take into hisemployment at any time a person whom apart from that subsection it would have been his duty to take intoemployment either —

(a) by virtue of any written law; or

(b) by virtue of any agreement made before the commencement of this Act.

(3) An order made under subsection (1) may be made so as to apply —

(a) either to all employers or to such employers or class of employers as may be specified in the order; and

(b) either to all employees or to such employees or class of employees as may be specified in the order,

and may provide that any directions contained in the order shall not apply in any specified circumstances.

(4) Any employer who contravenes the provisions of an order made under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000, and in respect of each employee employed by him in contravention of any such provision, to a further fine not exceeding \$50 for every day on which that employee is so employed.

(5) Where, in respect of theemployment of any person, there has been any contravention of the provisions of an order made under subsection (1), the person shall not, by reason only of that contravention, be deemed to be employed under an illegal contract ofemployment.

(6) Any order made under subsection (1) may be varied or revoked by a subsequent order of the Minister published in the *Gazette*.

Provisions for exemption and appeals

6.—(1) If an employer to whom an order made under section 5(1) applies is unable to find a registered person whom he considers suitable to fill any vacancy, the employer may, after obtaining the written consent of the Director, employ any other person to fill the vacancy.

(2) If the Director refuses to give his consent to theemployment of any other person in the circumstances set out in subsection (1), he shall notify the employer in writing of the refusal and his reasons therefor, and if the employer is dissatisfied with the refusal he may, within 14 days of the refusal, appeal to the Appeals Board appointed under subsection (3).

(3) For the purposes of hearing appeals under subsection (2), the Minister shall appoint an Appeals Board consisting of such number of persons as he may think fit.

(4) The decision of the Appeals Board on every appeal under this section shall be final and conclusive and shall not be called in question in any court.

Obligation of employee to notify Director

7.—(1) Any registered person shall, upon securingemployment, notify the Director in

writing within 7 days of the employment.

(2) Any person who fails to comply with subsection (1) shall have his name deleted from the register.

Entry into premises and furnishing of information

8.—(1) The Director, or any public officer authorised in writing by the Director, may for the purposes of this Act, on producing, if so required, documentary evidence of his identity —

- (a) enter, at any reasonable time, any premises other than premises used solely as a dwelling;
- (b) request any person whom the Director or the public officer has reason to believe to be an employer or an employee to produce to him and to allow him to examine such documents and to furnish him such information, being documents or information in the possession or under the control of the person, as the Director or the public officer may specify.

(2) Any person who —

- (a) wilfully obstructs the Director or any such public officer in the exercise of any of his powers under subsection (1);
- (b) fails to produce or furnish any document or information in accordance with a request made to him under subsection (1); or
- (c) knowingly makes any false statement for any purpose connected with this Act,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

Powers of Director to summon any person

9.—(1) If the Director has reason to believe that any provision of this Act has been contravened or if he wishes to inquire into any matter connected with the provisions of this Act, he may summon any person who he has reason to believe is able to give information respecting the matter, and the person so summoned shall attend at the time and place specified in the summons and answer truthfully all questions which the Director may put to him.

(2) Any person so summoned who neglects to attend as required by the summons shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 3 months or to both.

Offences by corporations

10. Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any reckless neglect of duty on the part of, any director, manager, secretary or other officer of the body corporate, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Rules

11. The Minister may make rules for carrying out or giving effect to the provisions of this

Act, and, without prejudice to the generality of the foregoing power, may make rules —

- (a) prescribing matters which are to constitute conditions of, or disqualifications from, the retention in the register of the names of any persons, either generally or in particular circumstances; and
- (b) prescribing the issue of certificates to persons whose names appear on the register and the custody, use and delivery up of those certificates.

LEGISLATIVE HISTORY

NATIONAL SERVICEMEN (EMPLOYMENT) ACT

This Legislative History is provided for the convenience of users of the National Servicemen ([«Employment](#)) Act. It is not part of the Act.

**1. Act 28 of 1970—National
Servicemen ([«Employment](#)) Act
1970**

Date of First: 21 May 1970
Reading
([Bill](#) [No.](#)
[22/1970](#) published
on 26 May 1970)

Date of Second: 26 June 1970
and Third
Readings

Date of: 2 January 1971
commencement

**2. 1970 Revised Edition—National
Servicemen ([«Employment](#)) Act
(Chapter 125)**

Date of: 30 April 1971
operation

**3. 1985 Revised Edition—National
Servicemen ([«Employment](#)) Act
(Chapter 202)**

Date of: 30 March 1987
operation