

LAWS OF FIJI

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CHAPTER 81

ROYAL FIJI MILITARY FORCES

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ROYAL FIJI MILITARY FORCES

*Ordinances Nos. 12 of 1949, 6 of 1952, 14 of 1953,
25 of 1956, 56 of 1961, 46 of 1962, 2 of 1966,
Order 7th Oct. 1970 Acts Nos. 20 of 1973, 17 of 1983*

AN ACT TO PROVIDE FOR THE ESTABLISHMENT, MAINTENANCE AND REGULATION OF MILITARY FORCES AND FOR PURPOSES INCIDENTAL THERE TO

[1 September 1949.]

PART I-PRELIMINARY

Short title

- 1. This Act may be cited as the Royal Fiji Military Forces Act.

Interpretation

- 2. In this Act, unless the context otherwise requires-

"Army Act" means the Army Act, 1955 of the United Kingdom and includes all Acts amending, replacing or read in conjunction with the same and all rules, regulations and Articles of War made thereunder;

"Commander" means the Commander of the Forces appointed under this Act;

"continuous service" in relation to any officer or soldier of the Territorial Force, Reserve of Officers or Reserve means service by such officer or soldier when ordered for service by the Governor-General under the provisions of section 20;

"Court of Appeal" means the Court of Appeal constituted under the provisions of the Court of Appeal Act;
(*Cap. 12.*) (*Inserted by 2 of 1966; s. 2.*)

"military service" means all service in the Royal Fiji Military Forces and includes territorial training;

"officer" means any commissioned officer appointed by the Governor-General or Commander to the Forces;

"officer on the active list" means an officer during such time as he is not posted to the Reserve of Officers or the Retired List;

"Regular officer" means an officer who is, and during such time as he is, appointed to the Regular Force;

"soldier" means any warrant officer, non-commissioned officer or man enlisted in or belonging to the Forces;

"Territorial officer" means an officer who is, and during such time as he is, appointed to the Territorial Force.
(*Section amended by 56 of 1961, s. 2.*)

PART II-CONSTITUTION AND ORGANIZATION

Establishment and function of the Forces

3.-(1) There shall be established in Fiji forces to be known as the Royal Fiji Military Forces (hereinafter called the Forces).

(2) The Forces shall be charged with the defence of Fiji, with the maintenance of order and with such other duties as may from time to time be defined by the Minister.

(3) The Forces shall be under the supreme command of the Governor-General and, through the Minister, under the command of the Commander who shall be appointed by the Governor-General upon the advice of the Minister and who shall be responsible to the Minister for the proper expenditure of all public moneys appropriated for the service

thereof.

(Substituted by Order 7th October, 1970.)

(4) The Minister may at any time and for any of the purposes set out in subsection (2) order that the Forces or any part thereof shall be employed out of Fiji:

Provided that no officer or soldier of the Forces shall be liable to serve or proceed on duty without his consent out of Fiji.

(Section amended by 56 of 1961, s. 3.)

Composition of Forces

4.-(1) The Forces shall comprise a Regular Force, a Territorial Force, a Reserve of Officers and a Reserve.

(2) The Regular Force shall consist of officers appointed thereto and soldiers enlisted therein in accordance with the provisions of this Act.

(3) The Territorial Force shall consist of officers appointed thereto and soldiers enlisted therein in accordance with the provisions of this Act.

(4) The Reserve of Officers shall consist of officers posted thereto in accordance with the provisions of this Act.

(5) The Reserve shall consist of soldiers transferred from the Regular and Territorial Force in accordance with the provisions of this Act.

(6) The Minister may from time to time divide the Regular and Territorial Forces into such units as he may determine. Any unit may be composed wholly of officers and soldiers of either the Regular or Territorial Forces or partly of officers or soldiers of the Regular Force and partly of officers or soldiers of the Territorial Force as may be prescribed.

(7) Every unit shall be designated by such style as the Governor-General shall direct.

(Section amended by 56 of 1961, s. 3 and Order 7th October, 1970)

Appointment and promotion of officers

5.-(1) Officers shall be appointed by the Governor-General upon the recommendation of the Minister either to the Regular or to the Territorial Force and shall, when not already commissioned in Her Majesty's Forces, be commissioned by the Governor-General. No such commission shall be deemed to be vacated by the death or retirement of the Governor-General by whom the commission was granted.

(2) An officer appointed to the Regular Force shall be appointed either-

(a) as liable to serve on the Active List therein until he reaches retiring age for his rank in accordance with regulations made under this Act and in such case shall be termed the holder of a long service Regular commission; or

(b) as liable to serve on the Active List therein for such number of years, not exceeding ten, specified at the time of such appointment and in such case shall be termed the holder of a short service Regular commission.

(3) A Regular or Territorial officer may be posted to the Reserve of Officers or may be placed on a list to be known as the Retired List, in accordance with regulations made under this Act and such regulations may provide for the posting of an officer from the Reserve of Officers back to the Active List.

(4) An officer on the Retired List shall not be liable save with his consent, to be posted to service on the Active List.

(5) The appointment of an officer to the Regular or Territorial Force shall not cease by reason of posting to the Reserve of Officers or the Retired List but regulations made under this Act may provide for the voluntary transfer of officers from the Regular to the Territorial Force and vice versa.

(6) An officer commissioned by the Governor-General shall hold his commission during the Governor-General's pleasure.

(7) Promotion of officers to the rank of Major and to any higher rank shall be by the Minister after consultation with the Commander.

(8) Promotion of officers to ranks up to and including Captain shall be by the Commander.

(Section inserted by 56 of 1961, s. 4, and amended by Order 7th October, 1970.)

Appointment of Warrant Officers

6.-(1) Subject to the provisions of section 65 Warrant Officers shall be appointed by the Commander and shall, when not already holding a warrant of appointment to that rank in Her Majesty's Forces, be issued with a warrant of appointment by the Minister.

(Amended by 20 of 1973, s. 4.)

(2) Warrant Officers shall be appointed by the Commander either to the Regular or the Territorial Force.

(Section inserted by 56 of 1961, s. 4.)

Qualification as officer or soldier of the Forces

7.-(1) Every officer shall be a British subject and shall upon being commissioned take the prescribed oath.

(2) Every soldier shall be a British subject and shall upon enlistment take the prescribed oath and complete the prescribed attestation form.

(3) No person shall be enlisted in the Forces who is under the age of eighteen years:

Provided that the Commander may permit the enlistment of such number of persons of or above the age of sixteen years and under the age of eighteen years as he may from time to time determine.

(Section amended by 25 of 1956, s. 3, and 56 of 1961, s. 3.)

Period of enlistment

8.-(1) A person may be enlisted as a soldier of the Regular or Territorial Forces for an initial period not exceeding three years and thereafter he may, with the approval of the Commander, re-engage for successive periods each not exceeding three years until he attains the age of forty-five years:

Provided that the age limit may be extended by the Minister for any particular soldier or class of soldiers.

(2) On each re-engagement a soldier shall make the prescribed declaration.

(Section amended by 25 of 1956, s. 4, and 56 of 1961, s. 3.)

Reserve

9. A soldier of the Regular or Territorial Forces shall on the expiration of his period of enlistment or if re-engaged, of his last re-engagement be transferred, if he is then below the age of forty-five years, to the Reserve.

(Amended by 56 of 1961, s. 3. and 20 of 1973, s. 5)

Transfer between units

10. A soldier of the Regular or Territorial Forces shall be liable to serve in any unit of the Forces and to be transferred from one unit to another.

(Amended by 56 of 1961, s. 3.)

Saving

11. Nothing in section 9 shall be taken to prohibit the discharge, resignation, release from

service and dismissal of soldiers in accordance with the provisions of this Act or any regulations made thereunder.

(Amended by 56 of 1961, s. 3.)

Service

12. Every Regular officer on the active list and every soldier of the Regular Force and, when called out for continuous service, every Territorial officer and every soldier of the Territorial Force and the Reserve shall be liable for service in the performance of the duties of the Forces as defined in section 3.

(Amended by 56 of 1961, ss. 3 and 6. and 20 of 1973, s. 6.)

Persons empowered to enlist soldiers

13. Any person empowered by the Commander by writing under his hand and any officer may enlist persons to serve as soldiers of the Forces.

(Amended by 56 of 1961, s. 3.)

Uniforms

14. Officers and soldiers shall wear such uniforms as may be laid down by the Commander from time to time. Such uniforms shall be issued, renewed and repaired from time to time in accordance with the directions of the Commander.

(Inserted by 25 of 1956 s. 5, and amended by 56 of 1961, s. 3.)

Training for Territorial Force, Reserve of Officers and Reserve

15.-(1) Every Territorial officer on the Active List and every soldier of the Territorial Force shall, unless exempted therefrom, undergo such preliminary training during the first year of service as may be prescribed and during each prescribed training year shall, unless exempted therefrom, undergo such course of annual training, instruction, drills, and other such exercises as may be prescribed.

(Amended by 20 of 1973, s. 7)

(2) Every officer posted to the Reserve of Officers and every soldier of the Reserve shall, unless exempted therefrom, undergo such annual training not exceeding fourteen days, in any one year as may be prescribed.

(3) 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 but during such period every officer and soldier shall be on military service.

(4) Nothing in this section shall be construed as preventing any officer or soldier with his own consent in addition to annual training being called up for the purpose of duty or

training in accordance with regulations under this Act.
(Section amended by 56 of 1961, ss. 3 and 7.)

Power to disband

16. The Governor-General may by proclamation disband or discontinue the services of the Forces or any part thereof whenever it seems to him expedient so to do and may give such instructions as shall be necessary for carrying any such proclamation into effect.

Power to terminate service of officers and soldiers

17. The Governor-General upon the advice of the Minister may at any time dispense with the services of any officer or discharge any soldier.
(Section amended by 56 of 1961, s. 3. and Order 7th October, 1970)

PART III-CADETS

Cadet Units

18. The Minister may establish Cadet Units, the description of, numbers in, enrolment in, and organization of which shall be such as the Minister may from time to time prescribe. Cadet Units shall not form part of the Forces, but shall be affiliated to them and regarded as a training unit for the Forces. Cadet Units shall be composed of boys between the ages of twelve and eighteen years. The Minister may disband any Cadet Unit.
(Amended by Order 7th October, 1970 and 20 of 1973, s. 8).

Cadets' liability for training

19. All boys who, with the consent of their parents or guardians, have enrolled as soldiers of a Cadet Unit shall be liable to undergo such training as may be prescribed.
(Section amended by 56 of 1961, ss. 3 and 8.)

PART IV-LIABILITY FOR CONTINUOUS SERVICE

Calling out for continuous service

20.-(1) The Governor-General may, by proclamation, call out the whole or any part of the Territorial Force and the Reserve for continuous service whenever it appears to him advisable so to do by reason of invasion, war or danger of 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 and when so called out they shall be held to that service until such time as the Governor-General may, by proclamation, declare that they are relieved from that service.

(2) Whenever the whole or any part of the Territorial Force or the Reserve is called out, every soldier thereof shall attend at once in obedience to the call at such time and place as may be directed by the Governor-General.

(3) Every soldier who, not being incapacitated for service by infirmity, absence from Fiji or other good and sufficient cause, refuses or neglects to obey the call shall be liable to imprisonment not exceeding twelve months or to a fine not exceeding one hundred dollars.

(Section amended by 56 of 1961, ss. 3 and 10 and 20 of 1973, s. 9.)

Applicability of section 20 to Territorial officers

21. For the purposes of section 20, a Territorial officer shall be deemed to belong to the Territorial Force only during such time as he is on the Active List.

Not entitled to discharge when on continuous service or on active service

22. No officer or soldier of the Forces when called out on continuous service under the provisions of section 20 shall be entitled to obtain discharge during the continuance of such service.

(Amended by 56 of 1961, ss. 3 and 11.)

PART V-DISCIPLINE, INQUIRIES AND COURTS MARTIAL

Application of Army Act

23.-(1) In relation to the government of and for the enforcement of discipline in the Forces the Army Act shall, subject to the provisions of this Act and any regulations made thereunder and with the modifications referred to in subsection (2), apply as if the Forces formed part of Her Majesty's Regular Forces-

(a) to officers of the Forces and soldiers of the Regular Forces at all times;

(b) to soldiers of the Territorial Force and the Reserve when on military service.

(2) The modifications to be made are as follows:-

(a) the word "Governor-General" may be read for the words "Army Council" and "Secretary of State";

(b) no sentence exceeding two years' imprisonment imposed by a court martial upon the trial of a soldier when serving within the limits of Fiji shall be carried into execution unless confirmed by the Governor-General; and

(c) such other modifications consistent with this Act as may be necessary.
(Section amended by 56 of 1961, s. 3 and 20 of 1973, s. 10.)

Power of Board of Inquiry to call witnesses

24. Every Board of Inquiry or Regimental Inquiry constituted under the Army Act for any purpose connected with the Forces or any officer or soldier thereof shall have power-

(a) to administer oaths or affirmations to witnesses, whether or not they are persons subject to military law, and to compel their attendance to give evidence;

(b) to require the production of documents.

(Amended by 25 of 1956, s. 6, 56 of 1961, ss. 3 and 14 and 20 of 1973, s. 11.)

Courts martial

25.-(1) The Governor-General on behalf of Her Majesty may at any time convene courts martial and delegate powers to convene such courts* and to appoint officers to constitute the same for the purpose of trying any officer or soldier of the Forces subject to the Army Act and may also delegate power to approve, confirm, mitigate or remit any sentence of any such court. Such courts shall be composed wholly of officers of the Forces or partly of officers of the Forces and partly of officers of Her Majesty's Regular Forces.

* Delegated to Commander by Notice 11th November, 1965.

(2) The composition of such courts and the modes of procedure and powers thereof shall be, subject to the provisions of this Act, as near as may be in accordance with the regulations which are for the time being in force for the composition, modes of procedure and powers of courts martial for Her Majesty's Regular Forces.

(Section amended by 56 of 1961, s. 3.)

Witnesses before Boards of Inquiry Regimental Inquiry or courts martial

26.-(1) Every person required to give evidence before a Board of Inquiry, Regimental Inquiry or court martial may be summoned or ordered to attend.

(2) If any person is summoned as a witness before a Board of Inquiry, Regimental Inquiry or court martial and after payment or tender of reasonable expenses of his attendance-

(a) makes default in attending or being in attendance; or

(b) refuses to take an oath or affirmation which the Board of Inquiry, Regimental Inquiry or court martial lawfully requires him to take; or

(c) refuses to produce any document in his power or control which the Board of

Inquiry, Regimental Inquiry or court martial lawfully requires him to produce; or

(d) refuses to answer any question which the Board of Inquiry, Regimental Inquiry or court martial lawfully requires him to answer; or

(e) is guilty of any contempt of the Board of Inquiry, Regimental Inquiry or court martial by causing any interruption or disturbance in its proceedings or otherwise,

the president of the Board of Inquiry, Regimental Inquiry or court martial may certify the default, refusal or contempt under his hand to a judge or magistrate having powers 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.

(Section amended by 25 of 1956, s. 7 and 56 of 1961, s. 15.)

Saving of jurisdiction of the courts

27. Nothing in this Act contained shall exempt any person from being prosecuted, tried and convicted before the ordinary tribunals of Fiji for any felony, misdemeanour or offence against any law for the time being in force in Fiji:

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

Execution of sentence of imprisonment

28.-(1) The *Minister may set apart any building or part of a building as a military prison or detention barrack.

**Delegated to Commander by Notice 11th November, 1965.*

(2) Any sentence of imprisonment imposed upon an officer or soldier of the Forces by an officer or court martial may be carried out in any military prison established under this section or in any civil prison or, where the imprisonment does not exceed forty-two days, in any detention barracks established under this section.

(3) The officer in charge of any civil prison shall receive into his custody and carry out the sentence upon any person sentenced to imprisonment as aforesaid upon an order in writing under the hand of the Commander or of the officer imposing the sentence which order shall specify the offence and the period and description of the punishment.

(4) Every person while undergoing any such sentence of imprisonment as aforesaid in a civil prison shall be deemed to be and be dealt with as a criminal prisoner.

(5) A sentence passed upon any person as aforesaid shall be in no respect affected by such person ceasing to be an officer or soldier of the Forces by discharge or otherwise.
(Section amended by 56 of 1961, s. 3.)

*Provision for arrest and punishment of military offender
who ceased to be subject to the Army Act*

29. Where an offence has been committed by an officer or soldier while subject to the Army Act, such officer or soldier may be taken into and kept in military custody and punished for such offence although he has ceased to be subject to the Army Act in like manner as he might have been taken into and kept in military custody or punished if he had continued so subject:

Provided that where an officer or soldier has since the commission of an offence ceased to be subject to the Army Act, he shall not be tried except in the case of the offence of mutiny, desertion or fraudulent enlistment unless the trial commences within one year after he has ceased to be subject to the Army Act; but this section shall not affect the jurisdiction of a civil court in the case of any offence triable by such court as well as by court martial.

(Section amended by 56 of 1961, s. 3 and 20 of 1970 s. 12.)

***PART VI-APPEALS FROM COURTS MARTIAL**

**Part VI inserted by 2 of 1966, s. 3.*

Right of appeal

30. A person convicted by a court martial may, with the leave of the Court of Appeal, appeal to that court against his conviction:

Provided that the leave of the Court of Appeal shall not be required in any case where the person convicted was sentenced by the court martial to imprisonment for ninety days or more or to detention for ninety days or more.

Application for leave to appeal

31.-(1) Leave to appeal to the Court of Appeal shall not be given except in pursuance of an application in that behalf made by or on behalf of the appellant, and lodged with the Registrar of the Court of Appeal, within such period and in such form as shall be prescribed by rules of court and specifying the grounds on which leave to appeal is sought and such other particulars, if any, as may be directed by such rules.

(2) Rules of court may provide that, in such circumstances as may be specified in the rules, any such application as aforesaid which is lodged with such person (other than the Registrar of the Court of Appeal) as is specified in the rules shall be treated, for the

purposes of subsection (1), as having been lodged with the Registrar of the Court of Appeal.

(3) Where an application for leave to appeal to the Court of Appeal is lodge with a person other than the Registrar in accordance with the rules of court having effect by virtue of subsection (2), it shall be the duty of that person-

(a) to forward the application to the Registrar of the Court of Appeal with as much expedition as possible; and

(b) if it appears to that person that it is practicable to furnish the Registrar of the Court of Appeal, before the receipt by him of the application, with such particulars of the application as will enable him to prepare a copy of it, and that in all the circumstances it is expedient so to do, forthwith to furnish him with those particulars.

(4) Except in the case of a conviction involving sentence of death, the Court of Appeal may extend the period within which an application for leave to appeal shall be lodged, whether that period has expired or not.

(5) Where the Court of Appeal dismisses an application for leave to appeal they may, if they consider the application to have been frivolous or vexatious, order that any sentence passed upon the applicant in the proceedings from which it was sought to bring the appeal shall begin to run from the day on which the Court of Appeal dismisses the application.

Determination of appeals in ordinary cases

32.-(1) Subject to the provisions of section **33**, on an appeal under this Act the Court of Appeal shall allow the appeal if they are of the opinion that the finding of the court martial is unreasonable or cannot be supported having regard to the evidence or involves a wrong decision on a question of law or that, on any ground, there was a miscarriage of justice, and in any other case dismiss the appeal:

Provided that the Court of Appeal may, notwithstanding that they are of the opinion that the point raised in the appeal might be decided in favour of the appellant, dismiss the appeal if they consider that no substantial miscarriage of justice has actually occurred.

(2) If the Court of Appeal allows an appeal under this Act they shall quash the conviction and in their discretion either direct a judgment and finding of acquittal to be entered or direct a new trial by court martial.

Powers of the Court of Appeal in special cases

33.-(1) If it appears to the Court of Appeal that an appellant, although not properly convicted on some charge preferred against him before the court martial by which he was tried, was properly convicted on some other charge so preferred, then, if the sentence passed by the court martial on the appellant was not one which could lawfully be passed for the offence of which he was convicted on the other charge, the Court of Appeal shall pass on the appellant, in substitution for the sentence passed on him by the court martial, such sentence as they think proper.

(2) Where an appellant has been convicted of an offence and the court martial by which he was tried could lawfully have found him guilty of some other offence, and it appears to the Court of Appeal that the court martial must have been satisfied of facts which proved him guilty of that other offence, the Court of Appeal may, instead of allowing or dismissing the appeal, substitute for the finding of the court martial a finding of guilty of the other offence and pass on the appellant, in substitution for the sentence passed on him by the court martial, such sentence as they think proper, being a sentence which could lawfully have been passed for that other offence but not being a sentence of greater severity.

(3) Where-

(a) an appellant has been convicted of an offence committed under circumstances involving the higher of two degrees of punishment, and it appears to the Court of Appeal that the court martial by which he was tried ought to have found him guilty of the offence as being committed under circumstances involving the lower degree of punishment; or

(b) an appellant has been convicted of an offence and it appears to the Court of Appeal that the court martial by which he was tried ought to have found him guilty of the offence subject to the exceptions or variations,

the Court of Appeal may, instead of allowing or dismissing the appeal, substitute for the finding of the court martial a finding of guilty of the offence as being committed under circumstances involving the lower degree of punishment or, as the case may be, guilty of the offence subject to exceptions or variations and pass on the appellant, in substitution for the sentence passed on him by the court martial, such sentence as they think proper, being a sentence which could lawfully have been passed for the offence specified or involved in the substituted finding, but not being a sentence of greater severity.

(4) If, on an appeal, it appears to the Court of Appeal that, although the appellant was guilty of the act or omission charged against him, he was insane at the time the act was done, or the omission made, so as not to be responsible according to law for his actions, the Court of Appeal may quash the sentence passed at the trial and order the appellant to be kept in custody under the provisions of subsection (4) of section **116** of the Army Act, as applied by this Act, in like manner as on a special finding of insanity by the court

martial by which the appellant was convicted.

(5) The term of any sentence passed by the Court of Appeal under any of the foregoing provisions of this section shall, unless the Court of Appeal otherwise directs, begin to run from the time from which it would have begun to run if it had been passed in the proceedings from which the appeal is brought, and a sentence passed by the Court of Appeal shall be deemed for the purposes of this Act to be a sentence passed by the court martial being a sentence that has been confirmed.

Supplementary 'powers of the Court of Appeal

34. For the purposes of this Act the Court of Appeal may, if they think it necessary or expedient in the interests of justice, exercise all or any of their powers under section **28** of the Court of Appeal Act.

(Cap. 12)

Proceedings to be heard in absence of appellant

35. An appellant shall not be entitled to be present at the hearing of an appeal to the Court of Appeal under this Act or at any proceedings preliminary or incidental to such an appeal except where rules of court provide that he shall have the right to be present or the Court of Appeal gives him leave to be present, and accordingly any power of the Court of Appeal under this Act to pass a sentence may be exercised notwithstanding the absence of the appellant,

Defence of appeals

36. It shall be the duty of the Director of Public Prosecutions on an appeal against conviction by a court martial to undertake the defence of the appeal.

(Amended by 14 of 1975, s. 16.)

Right of appellant to present his case in writing

37. An appellant may, if he so desires, present his case in writing.

Suspension of death sentences

38. Where a conviction by court martial involves sentence of death-

(a) the sentence shall not in any case be executed until the expiration of the period within which an application for leave of appeal to the Court of Appeal against the conviction must be lodged; and

(b) if such an application is duly lodged the sentence shall not be executed until

either the application is finally refused or is withdrawn or the appeal is determined or abandoned:

Provided that, where a sentence of death passed on a person on active service by a court martial is confirmed and the officer who confirms the sentence certifies that it is essential in the interests of discipline and for the purposes of securing the safety of the force with which that person is present that the sentence should be carried out forthwith, the foregoing provisions of this section shall not apply to the sentence.

Removal of prisoners for purposes of proceedings

39. Regulations made under the provisions of section **67** may provide in what manner an appellant when in custody, is to be taken to, kept in custody at, and brought back from any place at which he is entitled to be present for the purposes of the appeal or any place to which the Court of Appeal or a judge thereof may order him to be taken for the purpose of any proceedings of the Court of Appeal.

Furnishing, on appeal, of documents relating to trial

40. In the case of every appeal, or application for leave to appeal, under this Act to the Court of Appeal against a conviction by court martial, it shall be the duty of the Commander to furnish to the Registrar of the Court of Appeal in accordance with rules of court, the proceedings of the court martial (including any proceedings with respect to the revision of the finding or sentence of the court martial in pursuance of subsection (1) of section **109** of the Army Act), the proceedings with respect to the confirmation of the finding and sentence of the court martial and any petition presented by the person convicted.

Saving of Governor-General's powers

41. Nothing in this Act shall affect the exercise by the Governor-General of the powers to quash a conviction by a court martial, so far as regards the exercise thereof at a time before the receipt by the Registrar of the Court of Appeal of an application for leave to appeal to the Court of Appeal against the conviction and nothing in this Act shall affect the exercise by the Governor-General of the prerogative of mercy.

PART VII-PAY, PENSIONS AND GRATUITIES

42. *(Repealed by Act 17 of 1983, s. 47.)*

43. *(Repealed by Act 17 of 1983, s. 47.)*

44. *(Repealed by Act 17 of 1983, s. 47.)*

45. *(Repealed by Act 17 of 1983, s. 47.)*

46. *(Repealed by Act 17 of 1983, s. 47.)*

47. *(Repealed by Act 17 of 1983, s. 47.)*

48. *(Repealed by Act 17 of 1983, s. 47.)*

Regular officer on Active List deemed holder of pensionable post.

49. A Regular officer on the Active List who is the holder of a long service Regular commission shall for the purposes of the Widows and Orphans Pension Act be deemed in respect of services from the commencement of this Act to be the holder of a pensionable post in the service of Fiji.

(Cap. 80.)

(Amended by 25 of 1956, s. 11.)

Provisions for retired pay, pensions, etc., not to apply in respect of person seconded

50. The provisions of sections **43** to **46** and **49** shall not apply in respect of persons seconded under the provisions of section **65**.

PART VIII-LEGAL PROCEEDINGS AND OFFENCES

Appearance of Commander

51. In all legal proceedings under this Act the Commander may appear by any officer authorised by him in that behalf by writing under his hand.

Immunities of soldiers

52.-(1) No action shall be brought against any officer or soldier for anything done by him under this Act unless the same is commenced within three months after the act complained of was committed nor unless notice of such action has been given at least one month before such action was commenced.

(2) In every action brought against any officer or soldier for anything done by him under this Act 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 non-suited or a verdict shall be given for the defendant.

(Section amended by 56 of 1961, s. 3.)

Service of civil process

53.-(1) A soldier of the Regular Force and, when on continuous service, any other soldier of the Forces shall not be liable to be taken out of the Forces by process or execution save on account of any criminal charge or conviction or on account of an original debt proved by affidavit of the plaintiff or of someone on his behalf to the value of sixty dollars at the least over and above all costs of suit.

(2) A soldier of the Territorial Force or the Reserve shall be allowed a reasonable time for going to and returning from any preliminary or annual training, drill or other exercise if in uniform and he shall not be liable during such time or when engaged in such training, drill or other exercise to have his person, horse, harness or conveyance arrested or taken in execution of any civil process issued out of any court whatsoever.

(Section amended by 56 of 1961, ss. 3 and 17.)

Property of Forces: in whom vested

54.-(1) All property belonging to any unit or the Reserve shall for all purposes of any proceedings, civil or criminal, be deemed to be vested in the officer commanding for the time being such unit or the Reserve and his successors in office and may be so stated and laid in any such proceedings.

(Amended by 20 of 1973, s. 14)

(2) No such proceeding shall be discontinued or shall abate by reason of the death, resignation or removal of the officer commanding but the same may be continued in the name of his successor in office.

Offences in relation to Territorial and Reserve training

55.-(1) Any soldier of the Territorial Force who without leave lawfully granted or save on account of sickness or other reasonable excuse fails to appear at the time and place appointed for preliminary training or for annual training or fails to perform the full course of drills and other exercises prescribed for the Territorial Force shall be guilty of an offence against this Act.

(2) Every soldier of the Reserve who without leave lawfully granted or save on account of sickness or other reasonable excuse fails to appear at the time and place appointed for annual training shall be guilty of an offence against this Act.

(Section amended by 56 of 1961, s. 3.)

Assaulting or resisting an officer or soldier of the Forces

56. Whosoever assaults or resists or aids or abets any person in assaulting or resisting any officer or soldier in the discharge of his duty shall be guilty of an offence against this Act.

(Amended by 56 of 1961, s. 3.)

Obstructing or molesting soldier of the Forces

57. If any person wilfully obstructs or molests any officer or soldier while on duty he may be arrested or given into custody by the senior officer or soldier present and shall on the prosecution of the Commander be liable to a fine not exceeding one hundred dollars.

(Amended by 25 of 1956, s. 12, and 56 of 1961, s. 3.)

Wilful injury to butts or targets

58. If any person wilfully commits any damage to any butt or target belonging to or lawfully used by the Forces or without the leave of the Commander searches for bullets in or otherwise disturbs the soil of or near any such butt or target he shall on the prosecution of the Commander be liable to a fine not exceeding twenty dollars for every such offence.

Wrongful detention or disposal of arms, appointments or stores

59.-(1) All arms, ammunition, musical instruments, clothing, appointments and necessities issued to any officer or soldier of the Forces shall be and remain the property of the Government and shall be produced, exhibited and delivered to any person authorised by the Commander to inspect or receive the same.

(2) Any officer or soldier of the Forces who-

(a) loses, or by negligence damages, any public or service property of which he has the charge or which has been entrusted to his care or which forms part of property of which he has the charge or which has been entrusted to his care; or

(b) by negligence causes damage by fire to any public or service property; or

(c) loses, or by negligence damages, any clothing, arms, ammunition or other equipment issued to him for his use for military purposes; or

(d) fails to take proper care of any animal or bird used in the public services which is in his charge; or

(e) makes away (whether by pawning, selling, destruction or in any other way) with any military, naval or air force decoration granted to him or any clothing, arms, ammunition or other equipment issued to him for his use for military purposes,

shall be guilty of an offence and liable to imprisonment for a period not exceeding two years:

Provided that it shall be a defence for any person charged under this section with losing any property, clothing, arms, ammunition or other equipment that he took reasonable steps for the care and preservation thereof.

(Section amended by 25 of 1956, s. 13, and 56 of 1961, s. 3.)

Employers not to prevent employees from serving

60. Any employer who prevents or attempts to prevent any employee who is a Territorial Officer or a soldier of the Territorial Force or the Reserve from performing any of the duties required of him under the provisions of this Act or of any regulations made thereunder or who in any way penalizes or attempts to penalize any such employee for performing any of the duties as aforesaid either by reduction or deduction of salary or wages or by dismissing him from his employment or in any other manner or method whatsoever shall be liable to a fine not exceeding one hundred dollars:

Provided that nothing hereinbefore contained in this section shall render an employer liable to pay any salary or wages of any such employee while such employee is absent from his employment by reason of his being called into continuous service or engaged in annual training or engaged in duty or training for which he may only be called up with his consent.

(Section amended by 56 of 1961, ss. 3 and 19.)

General Penalty

61. Any person who is guilty of an offence against this Act for which no special penalty is provided shall be liable to a fine not exceeding twenty dollars.

PART IX-MISCELLANEOUS

Storage of gunpowder

62. The provisions of any Act for the time being in force relating to the storage of gunpowder or explosives shall not, except so far as may be expressly provided by such Act, apply to gunpowder or explosives belonging to or appropriated by the Government to the use of the Forces.

Payment of moneys by Chief Accountant

63. It shall be lawful for the Chief Accountant to pay to the Commander for the purposes of the Forces out of moneys voted by Parliament such sums in each year as shall be authorised by the Minister responsible for finance.

Disposal of fines

64. All fines imposed, other than by a civil court, under this Act or any regulations made thereunder shall, when recovered, be paid to the Commander to be placed to the credit of an account to be known as the "Military Forces Fund" which shall be applied for such purposes connected with the Forces and in such manner as the *Minister may from time to time approve.

Secondment to the Forces

65. The *Minister may appoint on secondment to the Forces with such rank and for such time as he thinks fit any officer, warrant officer, non-commissioned officer or man of any of Her Majesty's Forces.

** Delegated to Commander by Order 11th November 1965.*

Standing orders

66. The Commander may, subject to the direction of the Minister, from time to time make standing orders providing for the following matters:-

(a) the government, regulation and management of military prisons and detention barracks and the safe custody, diet, discipline, labour, occupation and instruction of persons confined therein and any and every other matter or thing relating to or connected with the carrying out and management of imprisonment in any such military prison or detention barracks; and

(b) all or any of the matters set out and listed in section 67 and in respect of which the Minister may make regulations:

Provided that-

(i) it shall not be necessary for any standing orders made under the provisions of this section, which shall only govern the internal discipline, working and good government of the Forces, to be published in the Gazette; and

(ii) whenever there is any conflict between any standing orders made under the provisions of this section and any regulations made under this Act or under any other written law or any of the provisions of this Act or of any other written law, the latter regulations or provisions shall prevail.
(Section substituted by 20 of 1973, s. 16.)

Regulations

67. The Minister may from time to time make regulations providing for the following matters:-

(a) the numerical establishment of the Regular and Territorial Forces, and the various grades, ranks and appointments therein;

(b) the terms of service and appointment, duties, promotion, seniority, transfer,

leave, resignation and release from service of officers;

(c) the enlistment, posting, transfer, leave, promotion, reduction discharge, dismissal and general terms of service of soldiers of the Forces;

(d) the discipline of the Forces;

(e) offences and the officers who may deal with offenders and the power of officers to award punishment;

(f) the exemption of officers of the Forces and of soldiers of the Territorial Force and the Reserve from carrying out the full course of training prescribed for any one training year;

(g) the issue and care of arms, accoutrements, ammunition, supplies animals and transport, clothing and equipment for the Forces and for cadets;

(h) the conveyance by air, road, rail or water of officers and soldiers and their transport and equipment when travelling on duty;

(i) the general government, control and management of the Forces;

(j) Territorial and Reserve training;

(k) the control and management of Cadet Units;

(l) the requisitioning of goods or accommodation in time of war or emergency;

(m) offences by persons confined in military prisons and detention barracks; and

(n) all matters which are by this Act required or permitted to be, or which are necessary or convenient to be prescribed, or for assuring the discipline and good government of the Forces, or for carrying out and giving effect to this Act.

(Section amended by 56 of 1961, ss. 3 and 21. and 13 of 1977.)

Controlled by Ministry of Home Affairs

CHAPTER 81

ROYAL FIJI MILITARY FORCES

SECTION 59 (1)- AUTHORITY TO INSPECT AND RECEIVE ARMS, ETC.

Made by the Governor

The following persons are authorised to inspect and to receive arms, ammunition, musical instruments, clothing, appointments and necessities issued to officers or soldiers of the Royal Fiji Military Forces:-

Notices 20th Aug., 1952
the Commissioner, Northern Division,
the Commissioner, Western Division,
31st Dec., 1952
all police officers,
22nd Dec., 1961
the Commissioner, Central Division,
the Commissioner, Eastern Division.

SECTION 67-ROYAL FIJI MILITARY FORCES REGULATIONS

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Order 7th October 1970

** See Legal Notice No. 50 of 1969.*

+ See Legal Notice No. 112 of 1970.

Short title

1. These Regulations may be cited as the Royal Fiji Military Forces Regulations.

Duty to obey Regulations

2. All ranks in the Royal Fiji Military Forces shall obey the Regulations strictly in all circumstances to which they apply, and, if any detail of duty is not specially provided for by them, their general spirit shall always be carried out.

Queen's Regulations

3. The Queen's Regulations and the customs of the Imperial Army shall be taken generally as a guide in all matters not especially dealt with in these Regulations, so far as the Queen's Regulations are not inconsistent with the Royal Fiji Military Forces Act.

Boards of inquiry

4. The composition and proceedings of boards of inquiry and regimental inquiries shall be governed, *mutatis mutandis*, by the Queen's Regulations, and the Rules of Procedure made by Her Majesty in pursuance of the Army Act, in so far as they can be made applicable to the establishment and constitution of the Royal Fiji Military Forces and are not inconsistent with the provisions of the Act and in particular with those sections of the Act which relate to boards of inquiry and regimental inquiries, offences and punishments.
(Amended by Regulations 13th January 1962.)

ORGANIZATION

Numerical establishment, Regular Force

5. The numerical establishment of the Regular Force shall be not more than 65 officers on the Active List and 1,430 soldiers. Officers temporarily posted back to the Active List from the Reserve of Officers or Retired List during emergency shall be supernumerary to establishment.
(Amended by Regulations 15th January 1952 and 10th November 1954.)

Numerical establishment. Territorial Force

6. The numerical establishment of the Territorial Force shall be not more than 100 officers on the Active List and 2,000 soldiers. Officers temporarily posted back to the Active List from the Reserve of Officers or Retired List during emergency shall be supernumerary to establishment.

Corps

7.-(1) All officers and soldiers shall belong to one of the following Corps which are shown in order of precedence:-

Fiji Artillery,
Corps of Fiji Engineers,
Corps of Fiji Signals,
Fiji Infantry Corps,
Fiji Army Service Corps,
Fiji Army Chaplains' Department,
Fiji Army Medical Corps,
Fiji Army Ordnance Corps,
Fiji Electrical and Mechanical Engineers,
Fiji Army Pay Corps.

(Substituted by Regulations 10th October 1956 and amended by Regulations 29th December 1966.)

(2) The Regular and Territorial Force shall be divided into such units with such styles as may be notified from time to time in the *Gazette*.

(Regulation substituted by Regulations November 1949 and 15th January 1952.)

Unit establishment

8.-(1) Units may consist of such numbers of regular or territorial officers and soldiers of the Regular or Territorial Force as the Commander may in each case determine.

(2) The Commander may from time to time vary the establishment of units provided that the establishments prescribed in regulations 5 and 6 are not exceeded.

DISCIPLINE

Powers of officers

9. The disciplinary powers of officers of the Forces shall be those laid down in the Army Act and the Queen's Regulations for the Army, in so far as such powers are not inconsistent with the provisions of the Act and these Regulations. Officers shall be guided by the Manual of Military Law and shall adhere to the Rules of Procedure therein contained.

Powers of Commander

10.-(1) The Commander shall have the disciplinary powers of a general officer authorised

to convene a court martial.

(Substituted by Regulations 10th October 1956 and amended by Regulations 29th December 1966.)

(2) A commanding officer may impose as an alternative punishment a fine not exceeding \$10.

(Substituted by Regulations 29th December 1966.)

(3) A subordinate commander may impose as an alternative punishment a fine not exceeding \$2.

(Inserted by Regulations 29th December 1966.)

Communication of information

11. An officer or soldier is forbidden to communicate any military information to any person without special authority.

OFFICERS-APPOINTMENT, COMMISSION, ETC.

Rank on first appointment

12.-(1) First appointments to commissioned rank in all corps, other than the Fiji Army Medical Corps, shall be, except in special cases, to second lieutenant.

(2) First appointment to commissioned rank in the Fiji Army Medical Corps shall be, except in special cases, to lieutenant.

(Substituted by Regulations 29th December 1966.)

Promotion

13.-(1) Subject to the other provisions of these Regulations an officer below the rank of Major appointed to the Regular Force shall be eligible for promotion in substantive rank if he-

(a) is in the appropriate following rank for the following period:-

Rank	Period
Second-Lieutenant.....	1 year
Lieutenant.....	6 years
Captain.....	7 years;

(b) has passed the prescribed qualifying courses and examinations for the higher rank as prescribed in Orders made from time to time by the Commander; and

(c) is recommended by his Commanding Officer for promotion to the next higher rank.

(2) Subject to the other provisions of these Regulations promotion of Quartermaster commissioned officers shall be in accordance with paragraph (1).

(3) Subject to the other provisions of these Regulations promotion in the Territorial Force to Lieutenant shall be after two years as Second-Lieutenant. Further promotion will be governed by selection to fill vacancies in establishments.

(Substituted by Regulations 13th January 1962 and amended by Regulations 29th December 1966.)

Recommendation

14. If an officer who has the other necessary qualifications for promotion be not recommended for promotion he shall be so informed in writing, together with the reasons, by the Commander.

(Substituted by Regulations 13th January 1962.)

Selection

15.-(1) Promotion of officers to the rank of Lieutenant-Colonel or higher will be by selection to fill vacancies in establishments.

(2) Promotion of Regular Officers up to and including the substantive rank of Major may be granted provided the conditions of paragraph (1) of regulation 13 are fulfilled, notwithstanding that the appointment held does not normally provide for an officer of that rank. *(Substituted by Regulations 13th January 1962.)*

Temporary and acting rank

16.-(1) An officer may be granted temporary or acting rank for an appointment normally held by an officer of higher rank than that he already holds but, subject to the other provisions of the Act, he shall relinquish such temporary or acting rank on ceasing to hold the appointment.

(2) An officer holding temporary rank shall continue to hold such rank during his absence from duty owing to causes not due to his own default:

Provided that-

(a) this paragraph shall not enable the continuance of temporary rank for more than three months at any one time;

(b) temporary rank shall cease on the appointment of a substantive holder of the post in respect of which temporary rank was granted.
(Amended by Regulations 3rd December 1949.)

Service

17. Only service on the Active List shall be reckoned for promotion.

Period of command

18. The period of command of an officer appointed as Commanding Officer of a Territorial Force unit shall normally be for three years. This period may, on the recommendation of the Commander, be extended for a further period or periods.
(Inserted by Regulations 6th June 1957 and amended by Regulations 12th March 1969.)

Retirement

19.-(1) The retirement of officers from the Active List (except as stated below) shall be compulsory on their attaining the following ages:-

(a) Lieutenants, Captains, Majors belonging to the Fiji Artillery, Corps of Fiji Engineers, Corps of Fiji Signals, Fiji Infantry
Corps 47

(b) Lieutenants, Captains, Majors belonging to the Fiji Army Service Corps, Fiji Army Chaplains' Department, Fiji Army Medical Corps, Fiji Army Ordnance Corps, Fiji Electrical and Mechanical Engineers, Fiji Army Pay
Corps 50

(c) Lieutenant-Colonels 50

(d) Colonels 55

Provided that any officer may be retained over his age limit from year to year, not exceeding five years, if deemed necessary by the Commander.

(2) Officers on reaching the age limit laid down for their rank shall be posted to the Reserve of Officers for five years and thereafter to the Retired List.

(3) An officer, prior to attaining the age limit for his rank, may be posted by the Commander to the Reserve of Officers. An officer so posted shall serve on the Reserve of Officers for such time as the Commander in each case may determine and shall then be

posted to the Retired List.

Short service Regular Commissions

20.-(1) The provisions of regulation 19 shall not apply to officers who hold Short Service Regular Commissions.

(2) Upon the termination of the period of appointment the holder of a Short Service Regular Commission shall be required to resign his Commission save where otherwise approved by the Minister.

(Inserted by Regulations 10th October 1956.)

Resignation

21.-(1) An application from an officer to resign his commission shall be forwarded by the Commanding Officer to the Commander for transmission to the Governor-General. When forwarding the application the Commanding Officer shall state if-

(a) all regimental claims have been paid;

(b) he is aware of any outstanding public claim against the officer;

(c) there is any objection to resignation being sanctioned;

(d) there is any special reason why such officer should not serve in the Reserve of Officers.

(Amended by Order 7th October 1970)*

(2) Where an officer is permitted to resign, the resignation shall not take effect, unless otherwise ordered by the Governor-General, until the acceptance is notified in the Gazette.

(Amended by Order 7th October 1970.)*

* See Legal Notice No. 112 of 1970

(3) A regular officer who has been trained at Government expense at the Royal Military Academy, Sandhurst, or at any other Commonwealth Military College or Academy who applies to be posted to the Reserve of Officers or to resign his commission shall refund to Government the following amounts:-

Within one year of being commissioned	\$ 1,000
Within two years of being commissioned	\$ 800
Within three years of being commissioned	\$ 600
Within four years of being commissioned.....	\$ 400
Within five years of being commissioned.....	\$ 200

(Inserted by Regulations 29th July 1952.)

Posting back to Active List

22.-(1) The Commander, with the approval of the Minister, may in any emergency-

(a) with or without the consent of the officer concerned, post any officer on the Reserve of Officers to the Active List;

(b) with the consent of the officer concerned, post any officer on the retired List to the Active List;

(Substituted by regulations 13th January 1962 and amended by Order 7th October 1970.)*

(2) The Commander may at any time post to the Active List any officer on the (Reserve of Officers who volunteers to be so posted and is under the age limit imposed by regulation 19.

(3) Any service on the Active List under this regulation shall be reckoned for the purpose of regulation 19 as service in the Reserve of Officers.

(Substituted by Regulations 6th July 1960.)

Change of address

23. Every officer shall notify without delay any change of address to the Commander.

Precedence

24. The precedence of officers of the same rank shall be determined by the date of their appointment or in the case of officers, appointed on the same day by the order in which their names appeared in the *Gazette* provided that a regular officer shall take precedence over a territorial officer of the same rank.

Oath

25. The oath to be taken by officers on commissioning shall be in the form set out in the Schedule.

Rent

26. Regular officers living out of mess and occupying Government quarters shall pay rents at such rates as the +Minister may in each case decide.

(Amended by Order 7th October 1970)*

* *See* Legal Notice No. 112 of 1970.

+ Delegated to Permanent Secretary for Finance and Deputy Secretary for Finance by Notice 19th January 1978 (*See* Legal Notice No. 21 of 1978).

Relinquishment of Commission by reason of absence

27. Notwithstanding anything hereinbefore contained, where any territorial officer or any officer on the Reserve of Officers is absent from Fiji for a period of twelve months, he shall thereupon be deemed to have resigned his commission:

Provided that this regulation shall not apply in the case of an officer on retired pay.
(*Inserted by Regulations 10th October 1956.*)

SOLDIERS-ENLISTMENT, ETC.

Medical standards

*28.-(1) All soldiers shall be medically examined before enlistment and the required physical standards shall be as laid down from time to time by the Commander.

* *Substituted by Regulations 19th June 1962.*

(2) A serving soldier whose medical grading falls below the prescribed minimum standard and is thus rendered unfit for further service may be discharged by the Commander.

Attestation

*29.-(1) The form of attestation to be completed by a soldier on enlistment and the form of the declaration to be completed on re-engagement shall be as laid down by the Commander from time to time. The form of oath to be taken shall be as set out in the Schedule.

* *Substituted by Regulations 19th June 1962.*

(2) Any soldier who after attestation is found to have made a false answer at the time of enlistment may be discharged at the discretion of the Commander.

Re-engagement

*30.-(1) A soldier who desires to re-engage shall apply not earlier than three months and not later than one month prior to the expiration of his current term.

* *Substituted by Regulations 19th June 1962.*

(2) A soldier who is not re-engaged on completion of an engagement may at the

discretion of the Commander be discharged instead of being transferred to the Reserve.

Discharge

*31.-(1) A soldier who desires to be discharged from the Forces or who, prior to completion of his engagement desires to be transferred to the Reserve, shall apply in writing to the Commander stating the reasons for his application. The Commander may in his discretion sanction or refuse the application.

** Substituted by Regulations 19th June 1962.*

(2) A soldier who-

(a) during the initial three months of his service is considered unlikely to become an efficient soldier; or

(b) is adversely reported on in the matter of zeal or efficiency; or

(c) is convicted by a civil court of an offence which renders him unsuitable for further employment in the Forces; or

(d) is sentenced by a Court Martial to "Dismissal" or to be "Discharged with Ignominy",

may be discharged by the Commander.

TERRITORIAL TRAINING

Preliminary training

32.-(1) The prescribed period of preliminary training for territorial officers and soldiers of the Territorial Force shall be three months.

(2) The training year shall be the calendar year. In such training year territorial officers and soldiers of the Territorial Force shall undergo-

(a) annual training in camp-14 days;

(b) sixty hours training out of camp, the incidence of which shall be arranged by the Commander or an officer authorised by him.

(Amended by Regulations 13th January 1962.)

Exemption

33. The Commander may in his discretion exempt any officer or soldier or the whole or

any part of the Force from carrying out the whole or any portion of territorial training.
(Amended by Regulations 13th January 1962.)

DRESS AND EQUIPMENT

Care of arms, etc.

34. Every soldier of the Force shall be responsible for the safe custody and due care of any arms, ammunition, uniform and equipment furnished to him, and territorial officers and soldiers of the Territorial Force, the Reserve or Special Reserve shall not, when off duty, wear the uniform or any part thereof or make use of any of the appointments of the Forces.

Approval of Governor-General for alterations in dress, etc.

35. Major alterations in the orders of dress and equipment and the scales thereof shall not be made by the Commander save with the prior approval of the Governor-General.
(Amended by Order 7th October 1970*.)

Badge

36.-(1) Officers and soldiers of the Force, other than officers and soldiers of the Fiji Artillery, shall wear on their caps a badge in the form of an eight-pointed star in gilding metal with the word "Fiji" below and a lion on a crown in a circle in the centre.

(2) Officers and soldiers of the Fiji Artillery shall wear on their caps a badge in gilding metal in the form of an old-fashioned muzzle loading gun inscribed with the word "Fiji" ensigned by a crown with below the gun the motto "Quo Fas et Gloria Ducunt".

GENERAL

Service of band

37. The services of the Band for performance at public and private functions shall be available with the consent of the Commander and subject to the conditions laid down in Queen's Regulations at a fee to be decided by the Commander. All fees earned by the Band shall be paid into a Band Fund to assist in the maintenance and incidental expenses of the Band.

* See Legal Notice No. 112 of 1970.

SCHEDULE

OATH OF ALLEGIANCE

I swear that I will well and truly serve our Sovereign Lady the Queen in the Royal Fiji Military Forces until lawfully discharged, dismissed or removed, and I will resist Her Majesty's enemies and cause Her Majesty's peace to be kept and maintained and I will in all matters appertaining to my service discharge my duty according to law.

Signature.

Sworn before me this day of , 19 .

Magistrate,
Justice of the Peace, or
An officer of Her Majesty's Forces.

SECTION 67 – CADET UNITS REGULATIONS

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Regulations 3rd November 1949, 19th October 1977

** See Legal Notice No. 159 of 1977.*

(Made by the Governor and the Minister)

Short title

1. These Regulations may be cited as the Cadet Units Regulations.

Interpretation

2. In these Regulations, unless the context otherwise requires-

"unit" means any Cadet Unit established under section 18 of the Royal Fiji Military Forces Act;

"school" means any school or college in respect of which a Cadet Unit has been established under section 18 of the Royal Fiji Military Forces Act;

"commanding officer" means the officer in command of a unit.

Eligibility to enrol

3. All male students of any school between the ages of twelve and eighteen years shall be eligible for enrolment as cadets in the unit established for that school. A cadet shall undertake on enrolment to attend all parades and undergo all training ordered by his commanding officer.

(Amended by Regulations 19th October 1977.)

Enrolment

4. The enrolment of students as cadets in a unit shall be voluntary and subject to the student obtaining a medical certificate of fitness and the consent of his parent or guardian.

Dismissal and resignation

5. A commanding officer may dispense with the services of any cadet, without assigning any reason, and any cadet may obtain his discharge on giving written notice to his commanding officer of his wish to resign.

General control

6. Every unit shall be under the general control and direction of the Commander but shall not form part of the Regiment and may not be embodied for active service, and no member of a unit shall be under any obligation to service outside the unit in which he has enrolled.

Command

7. A unit shall be under the command of the principal or headmaster of the school in respect of which such unit has been established, or such other person as the principal or

headmaster of the school, with the approval of the Commander, may appoint. There may also be a second in command and such other officers as with the approval of the Commander a commanding officer may appoint. A commanding officer may also with the approval of the Commander promote any cadet to be a cadet officer or to hold any subordinate rank or reduce him from such rank as he sees fit.

Officers

8. Officers of a unit and cadet officers shall hold such rank as the Commander may determine, but shall not hold commissions or be recognized as officers outside that unit.

Unit establishment

9. A unit shall consist of such number of companies or platoons as the commanding officer may fix.

Commanding officer

10. A commanding officer shall be responsible to the Commander for the training, discipline and efficiency of his unit. He shall also be responsible for all funds, arms, ammunition, equipment and stores issued to such unit.

Training

11. Every unit shall be trained in accordance with a programme of training prepared by its commanding officer and approved by the Commander.

Inspection

12. The Commander or such officer as he may nominate shall inspect every unit at least once a year at such time as he may appoint.

Arms

13. A unit may be armed with such arms and ammunition as its commanding officer, with the approval of the Commander, may think fit.

Uniform

14. The uniform of every unit shall be as laid down hereunder-

Officers:-

Shirt, K.D.

Shorts, K.D.

Hat, felt, A.M.F.P.
Boots, brown, ankle.
Short puttees with long stockings.
Belt, waist and shoulder Sam Browne.

Cadets and Cadet Officers:-

Shirt, K.D.
Shorts, K.D.
Hat, felt, A.M.F.P.
Boots, black, ankle.
Short puttees with long stockings.

*Note:-*Shoes, black, may be worn instead of boots, black, ankle and short puttees.

Issue of arms, etc.

15.-(1) The issue of arms and ammunition, clothing and equipment to officers and cadets of a unit shall be subject to such condition as the commanding officer of such unit may from time to time impose.

(2) All arms, ammunition, uniforms and equipment of a unit shall be used for training purposes only and every officer or cadet to whom they are issued shall produce them in good condition whenever called upon to do so.

SECTION 67-ROYAL FIJI MILITARY FORCES (LEAVE) REGULATIONS

TABLE OF PROVISIONS

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Regulations 30th May 1973, 11th February 1976,
25th July 1977, 28th October 1977, 14th March 1983*

** See Legal Notices Nos. 61 of 1973, 36 of 1976,
104 of 1977, 165 of 1977, 20 of 1983.*

(Made by the Minister)

Short title

1. These Regulations may be cited as the Royal Fiji Military Forces (Leave) Regulations.

Interpretation, etc.

2. (1) In these Regulations unless the context otherwise requires:-

"sick leave" means absence with leave from duty because of injury, sickness or infectious isolation and includes sickness or convalescence in hospital or at home or in quarters;

"tour" means a period of resident service of 3 years commencing on the enlistment or re-enlistment of an officer or soldier, where appropriate after the expiry of a period of vacation leave.

(2) Unless otherwise expressly provided, all leave due under the provisions of these Regulations shall be leave with full pay and allowances.

(3) No period of vacation leave taken under the provisions of these Regulations shall count as part of a tour or be reckoned for the purposes of earning leave.

Application of Regulations

3.-(1) The leave of regular officers on the Active List and of soldiers of the Regular Force shall be governed by these Regulations:

Provided that these Regulations shall not apply to officers and soldiers seconded from the forces of other countries or territories whose leave and passage entitlements shall be governed by the provisions of the Regulations or Instructions of the force from which they are seconded.

(2) Leave allowances and other benefits provided by these Regulations shall be as of right

and when a regular officer on the Active List or a soldier of the Regular Force dies whilst serving compensation shall be paid to his legal personal representative in lieu of the leave pay and allowances respectively in respect of the annual, vacation and retirement leave and of leave allowances accrued or accruing and still due to the deceased officer or soldier on a *pro rata* day to day basis:

Provided that, for the purposes of this paragraph, annual leave for the current period of 12 months in which the said officer or soldier dies only shall be taken into account.

Categories of leave

4. For the purposes of these Regulations, leave shall be divided into the following categories:-

(a) Annual Leave

(b) Vacation Leave

(c) Long Service Leave

(d) Sick Leave

(e) Bereavement Leave

(f) Embarkation Leave

(Amended by Regulations 14th March 1983*.)

Categories of officers and soldiers for purposes of annual and vacation leave and leave allowances

5. For the purposes of annual and vacation leave and leave allowances, officers and soldiers to whom these Regulations apply shall be divided into 4 categories as follows:-

Category A: Corporals and soldiers below the rank of Corporal.

Category B: Lieutenants, Second Lieutenants, Warrant Officers I and II, Staff Sergeants and Sergeants.

Category C: Majors and Captains.

Category D: Colonels and Lieutenant Colonels.

Annual Leave

6.-(1) Subject to this regulation, Annual Leave of 10 working days for each 12 months' service shall be granted to each officer or soldier.

(2) Annual Leave shall not be accumulated.

(3) Subject to paragraph (4), only 2 periods of Annual Leave shall be granted during a tour.

(4) Where a tour of an officer or soldier is extended by the Commander by more than 4 months, that officer or soldier is entitled to an additional period of Annual Leave of 10 working days, which may be added to his Vacation Leave or taken before the end of his extended tour.

(5) The granting of Annual Leave shall be-

(a) at the discretion of the Commander; and-

(b) subject to the exigencies of the Forces.

(Inserted by Regulations 14th March 1983.)*

Vacation Leave

7.-(1) Subject to paragraph (2), Vacation Leave shall be granted to an officer or soldier at the completion of a tour, as follows:-

(a) soldier included in Category A-6 weeks (42 days);

(b) officer or soldier included in Category B, C or D-8 weeks (56 days).

(2) Five days of the Vacation Leave of an officer or soldier may be utilised as Annual Leave in the third year of his tour.

(Inserted by Regulations 14th March 1983.)*

* See Legal Notice No. 20 of 1983.

Long Service Leave

7A.-(1) Subject to this regulation. Long Service Leave shall be granted to each officer or soldier, as follows:-

(a) on completion of 12 years' continuous service-30 days;

(b) on completion of 15 years' continuous service-42 days;

(c) on completion of 20 years' continuous service-56 days;

(d) on completion of 25 years' continuous service-84 days;

(e) on completion of 30 years' continuous service-112 days;

(2) An officer or soldier who has taken Long Service Leave upon the completion of his twelfth, fifteenth, twentieth or twenty-fifth year of continuous service shall be entitled, upon the completion of his fifteenth, twentieth, twenty-fifth or thirtieth year of continuous service, to be granted the difference between the Long Service Leave already taken by him and the leave to which, but for the leave already taken, he would be entitled.

(3) Subject to paragraph (4), Long Service Leave shall be taken with Vacation Leave upon completion of a tour.

(4) In exceptional cases or in cases of retirement, Long Service Leave may be granted to commence before the completion of a tour.

(5) An officer who is granted Long Service Leave to commence before the completion of a tour shall take, in conjunction with that Leave, any Annual Leave or Vacation Leave, and any Leave Allowance, due to him, calculated *pro rata*, and shall commence a new tour upon resuming duty.

Leave Allowance

7B.-(1) Subject to paragraph (2), Leave Allowance is payable to each officer or soldier, in addition to any other amount payable to him in respect of a period of leave, as follows:-

(a) soldier included in Category A-

(i) \$230 payable 7 days before the commencement of Long Service Leave, and

(ii) \$105 every tour after the completion of 12 years' continuous service, payable 7 days before the commencement of Vacation Leave;

(b) officer or soldier included in Category B-

(i) \$230 payable 7 days before the commencement of Long Service Leave; and

(ii) \$230 every tour after the completion of 12 years' continuous service, payable 7 days before the commencement of Vacation Leave;

(c) officer included in Category C-\$574 payable 7 days before the end of every tour;

(d) officer included in Category D-\$690 payable 7 days before the end of every

tour.

(2) The allowance referred to in item (i) of sub-paragraph (a), and item (i) of sub-paragraph (b), of paragraph (1) shall be payable to an officer or soldier only in relation to the first occasion on which Long Service Leave is granted to him but, where the period of Long Service Leave in relation to which that allowance is payable is granted in combination with a period of Vacation Leave, he shall be paid that allowance together with the allowance referred to in item (ii) of sub-paragraph (a), or item (ii) of sub-paragraph (b), of paragraph (1) 7 days before the commencement of the combined period of leave.

(Inserted by Regulations 14th March 1983.)*

* See Legal Notice No. 20 of 1983.

Sick leave

8.-(1) Where sickness, illness or injury is attributable solely to duty, sick leave as required may be granted with the approval of the Commander and is not to be counted against or included as part of the scales of sick leave set out in paragraph (2).

(2) An officer or soldier may in respect of sickness, illness or injury not directly or solely attributable to duty be granted by the Commander sick leave in any calendar year in accordance with the following scales related to the length of aggregate service:-

- (a) Six months' service or less 7 days
- (b) Over six months' service but not more than one year's service..... 14 days
- (c) Over one year's service but not more than ten years' service..... 28 days
- (d) Over ten years' service but not more than fifteen years' service..... 56 days
- (e) Over fifteen years' service but not more than twenty years' service..... 84 days
- (f) Over twenty years' service..... 112 days:

Provided that such leave may not be granted where the sickness, illness or injury is either self-inflicted or occasioned through misconduct.

Bereavement Leave

9. The Commander may, upon application being made in that behalf, grant to an officer or soldier Bereavement Leave of not more than 3 days in any period of 12 months, without deduction from any other leave to which the officer is, or will become, entitled.

(Inserted by Regulations 14th March 1983.)*

Embarkation leave

10. The Commander may in his absolute discretion grant up to 7 days' embarkation leave with pay to an officer or soldier posted overseas on duty.

Leave without pay

11. The Commander may in his absolute discretion grant leave without pay in addition to leave with pay provided for by these Regulations.

Commander's leave

12.-(1) Notwithstanding the other provisions of these Regulations, the Commander shall not proceed on annual or vacation leave without the prior written approval of the Minister.

(2) Before granting such approval the Minister shall satisfy himself that suitable arrangements have been made for the command of the Forces during the absence of the Commander.

(Inserted by Regulations 28th October 1977+.)

* See Legal Notice No. 20 of 1983.

+ See Legal Notice No. 159 of 1977.

EFFICIENCY DECORATION

EFFICIENCY DECORATION REGULATIONS

Regulations 31st January 1936, 8th December 1943

*Made by the Governor under the authority of the Royal Warrant
of 23rd September 1930*

1. The Efficiency Decoration is a reward to an officer for long and meritorious service of proved capacity in the Authorised Auxiliary Forces of the Empire (or their Reserves) and is governed by the Royal Warrant dated 23rd September, 1930.

2. Commissioned officers of the Fiji Defence Force who on or after 23rd September, 1930, have completed 20 years' qualifying service as hereinafter defined shall be eligible for the award of the Decoration.

3. The subsidiary title of the Decoration awarded to officers who complete the requisite period of qualifying service while serving in the aforesaid Fiji Defence Force shall be "Fiji" and the word "Fiji" shall be inscribed on the bar brooch of the Decoration so awarded.

4. An officer on whom the Decoration is conferred is entitled to the addition after his name of the letters "E.D."

5. Qualifying service is defined and shall be reckoned as follows:-

A. Commissioned Service-

(i) on the Active List of the Fiji Defence Force;

(ii) in other Authorised Auxiliary Forces of the Empire including their Reserves and associated Cadet or Officers' Training Corps, such service in every case having been qualifying service in accordance with the regulations under the Royal Warrant of 23rd September, 1930, and applicable to the Force in which with whose Reserves or associated Cadet or Officers' Training Corps the service was rendered.

(iii) service in any Forces mentioned in sub-paragraphs (i) and (ii) during their embodiment the exact period only of the embodied service rendered being reckoned as single qualifying service.

B. Commissioned service in West Africa (except that performed by natives of West Africa) will reckon two-fold as qualifying service, but any period spent on leave therefrom will reckon only as single qualifying service.

C. Half of any time during which an officer may have served on the Active List after attaining the age of 17 years-

(i) in the ranks of the aforesaid Fiji Defence Force, or of any other Authorised Auxiliary Forces of the Empire (including their Reserves), such service to be qualifying service in accordance with the Efficiency Decoration regulations of those Forces;

(ii) in the ranks of or as a cadet in any Cadet Corps or Officers' Training Corps in the Empire in accordance with the Efficiency Decoration

regulations applicable to the Force or Forces with which such Corps is associated,

shall reckon as qualifying service.

D. War Service-

(i) an officer of the aforesaid Fiji Defence Force who was serving in such Force or in any other Authorised Auxiliary Force of the Empire including their Reserves (provided such reserve service entailed for reservists a liability to join the Auxiliary force for active service upon its mobilization) on 4th August, 1914, and who, before 11th November, 1918, served or accepted an obligation to serve on military service beyond the borders of the territory of the Force of which he was a member, will reckon two-fold as qualifying service all embodied service as an officer on the active list given between the dates of embodiment and of disembodiment of the Force in which he was serving, and will reckon all such embodied service in the ranks on the Active List as full single qualifying service towards the 20 years required, whether such service was in the Royal Navy, Regular Army, Royal Air Force, Special Reserve, Territorial Force, or Dominion or Colonial Forces;

(ii) except as provided in sub-paragraph (i), commissioned service in the Royal Navy, the Regular Army, or the Royal Air Force, or a Permanent Force of a Dominion or colony, during the period 4th August, 1914, and 31st December, 1921, provided that the officer was commissioned between 4th August, 1914, and 11th November, 1918, and subsequently obtained a commission in an Auxiliary Force, shall reckon as single qualifying service; and half the time served on the Active List in the ranks of the said Forces during the said period shall reckon as single qualifying service for the Decoration;

(iii) an officer of the aforesaid Force who was serving in such Force or in any other Authorised Auxiliary Force of the Empire including their Reserves (provided that such Reserve service entailed for Reservists a liability to join the Auxiliary Force for active service upon its mobilization) on 2nd September, 1939, and who has been embodied under any Proclamation by the Governor, shall be allowed to count embodied commissioned service during the present war two-fold as qualifying service towards the award of the Efficiency Decoration;

(iv) any Warrant Officer, Non-commissioned officer or man who was serving in the aforesaid Force on 2nd September, 1939, and who was embodied under any Proclamation by the Governor and who was

subsequently granted a commission in the said Force, shall be allowed to count his embodied service in the ranks during the present war as full, but not double, qualifying service for the award of the Efficiency Decoration;

(v) an officer of the aforesaid Force who is relegated to the Non-Effective List during the present war may not count such Non-Effective service as qualifying service for the award of the Efficiency Decoration unless he is restored to the Active List, in which case his Non-Effective service shall count as single qualifying service towards the award of the Efficiency Decoration;

(vi) for the purposes of sub-paragraphs (iii), (iv) and (v) the term "the present war" means any war in which His Majesty may be engaged between 2nd September, 1939, and such date as may hereafter be declared by Order in Council to be the date of cessation of hostilities.

E. Nothing in these Regulations shall permit any service to reckon more than two-fold as qualifying service for the Decoration.

F. Service requisite to qualify for the Decoration shall not necessarily be continuous.

G. Service on the Permanent Staff of the aforesaid Fiji Defence Force by members of the Permanent Forces of the Empire, except such service as may be covered by sub-paragraph C, and service in the Fiji Defence Force Reserve shall not reckon as qualifying service for the Decoration.

H. In the case of recipients of the Volunteer Officers' Decoration, the Territorial Decoration, or the Colonial Auxiliary Forces Officers' Decoration, no period of service in the Force in which they qualified for any of the said Decorations shall be reckoned as qualifying service for the Efficiency Decoration.

I. Subject to the provisions of sub-paragraph G, an officer already in possession of the Volunteer Officers' Decoration, the Territorial Decoration, or the Colonial Auxiliary Forces Officers' Decoration, or any Long Service and Good Conduct or Efficiency Medal and clasps, will be eligible to receive the Efficiency Decoration and to wear both, provided that he has completed the full periods of qualifying service for both awards and that no qualifying service towards one award is permitted to count towards the other.

J. Except as admissible under this paragraph, service in the ranks will not be deemed to be qualifying service.

6. An officer who has the requisite qualifying service must be recommended by the

Commanding Officer of the unit in which he completes the period of service requisite to qualify for the Decoration.

7. Applications for the Decoration should be made in writing by the Commanding Officer of the Corps of the Auxiliary Force in Fiji in which the officer recommended for the Decoration is or was serving when he completed the period of qualifying service and should be supported by a statement of the officer's service in Form A appended to these Regulations. Commanding Officers will forward their recommendations through the usual channel of correspondence to the Governor-General, accompanied in each case by a statement certifying that the officer recommended holds (or has held) a Commission in the Fiji Defence Force, that he has completed the qualifying period of 20 years' meritorious service, that he is an efficient and thoroughly capable officer of proved capacity, and that he is in every way deserving of the Efficiency Decoration.

8. Grant of the Decoration-The Decoration will be awarded on the authority of the Governor-General or Officer Administering the Government and a notification of its award will be published in the Gazette. A register of awards of the Decoration will be kept at the Headquarters of the Fiji Defence Force.

9. Honorary Colonels and Acting Chaplains holding Commissions who have the qualifying service are also eligible.

10. Loss and Replacement-When the Decoration has been lost and it is desired to replace it, a declaration must be made before a magistrate stating the circumstances under which the loss occurred, and the rank, name, and Corps of the officer to whom the Decoration belonged. This declaration will be forwarded to the Governor-General through the usual channel of correspondence in the case of an officer who is still serving, and direct in the case of an officer who has retired. The decoration will be replaced, on payment, if the explanation as to loss is considered satisfactory.

11. Forfeiture and Restoration-A recipient of the Decoration who suffers death by sentence of a Military Court, or is dismissed or removed from his Corps or regiment for misconduct shall forfeit the Decoration unless the Governor-General shall otherwise direct.

A recipient of the Decoration who has been convicted of an offence of the following nature, viz., treason, sedition, mutiny, cowardice, desertion, or disgraceful conduct of an unnatural kind (under section 18 (5) of the Army Act), or who, while subject to military law, is convicted by the civil power shall be liable, at the discretion of the Governor-General to forfeit the Decoration.

A Decoration forfeited under the preceding regulations may be restored by the Governor-General at his discretion.

A notice of forfeiture or of restoration shall in every case be published in the Gazette.

FORM A

THE EFFICIENCY DECORATION (FIJI)

Statement of service of.....
of the.....Corps.

N.B.-Service which under the Royal Warrant and the Regulations made thereunder is to count two-fold or as half qualifying service should be shown in the first place by the actual dates of such service, but only the equivalent single service for qualifying purposes should be carried forward as service in the "Total Qualifying Service" column.

Insert table

I certify that the above is a correct statement of the service of
and that his total qualifying service amounts to..... years.....months
.....days.

Date.....
(Signed).....
Adjutant.

(Countersigned).....
Officer, Commanding,
..... Corps.

The above statement is to be completed by the Commanding Officer of the Auxiliary Force in which the period of qualifying service is completed. Where the period of qualifying service is in more than one Auxiliary Force, the Commanding Officer signing the statement must satisfy himself that all service reckoned is qualifying service, and as to the period to be so reckoned. Where war service is claimed as double qualifying service a separate certificate by the applicant for the Decoration will be afforded to that effect setting out the circumstances, e.g., that he actually served outside the territory or Colony of the Forces of which he was a member or that he signed or otherwise accepted before 11th November, 1918, an obligation to do so.

EFFICIENCY MEDAL

EFFICIENCY MEDAL REGULATIONS

*Regulations 31st January 1936, 8th December 1943,
17th December 1947*

*Made by the Governor under the authority of the Royal Warrant
of 23rd September 1930.*

1. The Efficiency Medal and Clasps are awarded as a reward for long and efficient service to warrant officers, non-commissioned officers, and men of the Authorised Auxiliary Forces of the Empire (and their Reserves); their award is governed by the Royal Warrant dated 23rd September, 1930.
2. Officers who are serving or who have served as such on the Active List of any of His Majesty's forces during the present emergency and who were, on 2nd September, 1939, serving as officers, warrant officers, non-commissioned officers, men or auxiliaries on the Active List of any of the Authorised Auxiliary Forces of the Empire, and were embodied under any Proclamation by the Governor shall be eligible subject in other respects to the conditions laid down in the Royal Warrant of 23rd September, 1930 (as subsequently amended) for the award of the Efficiency Medal and Clasps and be allowed to reckon their service as officers as qualifying service for the Medal and Clasps, except that officers who, before the 23rd September, 1930, had qualified for the award of the Efficiency Decoration shall not be eligible for the Medal and Clasps unless they are qualified under the terms of the Royal Warrant of 23rd September, 1930.
3. Officers as aforesaid who were serving as warrant officers, non-commissioned officers, or men on the Reserve of any of the Authorised Auxiliary Forces of the Empire (provided such Reserve Service entailed for Reservists a liability to join the Auxiliary Force for active service upon its mobilization) on 2nd September, 1939, and who were embodied under any Proclamation by the Governor shall be eligible subject in other respects to the conditions laid down in the Royal Warrant of 23rd September, 1930, for the Efficiency Medal and Clasps and be allowed to reckon their service as officers as qualifying service therefor.
4. Any person who under the terms of regulations 2 and 3 receives an Efficiency Medal and Clasps and is or subsequently becomes entitled to an Efficiency Decoration shall not be permitted to wear such medal or clasps with the Efficiency Decoration, except under the conditions laid down in the Royal Warrant of 23rd September, 1930.
5. Warrant officers, non-commissioned officers, and men of the Fiji Defence Force, who on or after 23rd September, 1930, have completed 12 years' qualifying service as

hereinafter defined shall be eligible for the award of the Medal. A Clasp to be worn on the ribbon of the Medal will be awarded to a recipient of the Medal on completing 18 years' qualifying service, and a further Clasp on completing 24 years, qualifying service.

6. The subsidiary title of the Medal awarded to warrant officers, non-commissioned officers, and men who complete the requisite period of qualifying service while serving in the aforesaid Fiji Defence Force shall be "Fiji" and the word "Fiji" shall be inscribed on the Bar mount of the Medal so awarded.

7. Service as described below shall be regarded as qualifying service, provided that none of it has been previously counted as qualifying service for the grant of any other Long Service, Good Conduct or Efficiency Medal or Clasp-

A. Service in the ranks on the active list of the aforesaid Fiji Defence Force, such service having been efficient in accordance with the regulations governing service in such Forces.

B. Service in the ranks of other Authorised Auxiliary Naval, Military, or Air Forces of the Empire in which training in peace time is a prescribed condition of service as well as service in any Reserves to these Forces, subject to the annual training being equivalent to that normally carried out by their parent Forces, provided the individual concerned also performed such training and that efficiency is determined by the standard required for the latter Forces, such service in both cases having been qualifying service in accordance with the regulations under the Royal Warrant of 23rd September, 1930, applicable to the Force in which or with whose Reserves the service was rendered.

C. Service in the ranks of a Cadet Corps or as a cadet in an Officer's Training Corps in Great Britain or in any of His Majesty's Dominions, Colonies, or territories under His Majesty's protection, such service being qualifying service in accordance with the regulations under the Royal Warrant of 23rd September, 1930, applicable to the Auxiliary Forces of the domain or territory in which the service was rendered.

D. Service in any Forces mentioned in sub-paragraphs A and B during their embodiment, other than service covered by those sub-paragraphs, the exact period of such embodiment only being counted, provided always both as regards this service, and that referred to in the said sub-paragraphs A and B, that a period of two months embodied service in any calendar year will be allowed to count as the equivalent of efficient service for that year.

E. Service on the Permanent Staff of the aforesaid Fiji Defence Force by members of the Permanent Forces of the Empire, except such service as may be covered by sub-paragraph F below, and service in the Defence Force Reserve shall not reckon

as qualifying service for the Medal or Clasps.

F. War Service-

(i) A warrant officer, non-commissioned officer, or man of the aforesaid Fiji Defence Force who was serving in the ranks of such Forces or in the ranks of any other Authorised Auxiliary Force of the Empire including their Reserves (provided such reserve service entailed for reservists a liability to join the Auxiliary Force for active service upon its mobilization) on 4th August, 1914, and who before 11th November, 1918, served, or accepted an obligation to serve, on military service beyond the borders of the territory of the Force of which he was a member, will reckon two-fold as qualifying service all embodied service on the Active List, whether commissioned or in the ranks, given between the dates of embodiment and of disembodiment of the Force in which he was serving, whether such service was in the Royal Navy, Regular Army, Royal Air Force, Special Reserve, Territorial Force, or Dominion or Colonial Forces.

(ii) Except as provided in sub-paragraph (i), commissioned service in the case of those men who were commissioned after service in the ranks of an Authorized Auxiliary Force of the Empire during the period of embodiment of the Force consequent upon the outbreak of war on 4th August, 1914, and who, having relinquished their Commissions, re-enrolled in the ranks of an Authorised Auxiliary Force prior to 1st January, 1922, shall count as single qualifying service for the Medal or Clasps.

(iii) Except as provided in sub-paragraph (i), service in the ranks in the Royal Navy, the Regular Army, Royal Air Force, or a Permanent Force of a Dominion, Colony, or territory under His Majesty's protection during the period 4th August, 1914, to 31st December, 1921, shall count as single qualifying service for the Medal or Clasps.

(iv) Warrant Officers, Non-commissioned officers and men of the aforesaid Forces who were serving in the ranks of the said Forces or in any other authorised Auxiliary Force of the Empire including their Reserves (provided such Reserve Service entailed for Reservists a liability to join the Auxiliary Force for active service upon its mobilization) on 2nd September, 1939, and who were embodied under any Proclamation by the Governor, shall be allowed to count embodied service during the present war two-fold as qualifying service towards the award of the Efficiency Medal and of the two clasps thereto.

(v) If, during the present war, a Warrant Officer, Non-commissioned

officer or man serving in the aforesaid Forces is released from military service, other than at his own request, for the purpose of work of national importance, and if he is recalled for military service before disembodiment of the Forces, his period on the Non-Effective list will rank as single qualifying service towards the award of the Efficiency Medal.

(vi) In the case of these warrant officers, non-commissioned officers and men, service in the ranks with any of His Majesty's forces during the present war, which is of not less than two months in each calendar year, will be allowed to count as the equivalent of two annual 'trainings', but not more than two 'trainings' (including equivalent service) shall be reckoned in any one calendar year for the purpose of this Regulation.

(vii) Continuity of qualifying service will be admitted in the case of any of these warrant officers, non-commissioned officers and men, who, having been discharged from His Majesty's forces during the present war by reason of wounds or illness contracted on service subsequently during the period of embodiment, voluntarily re-enlisted into such forces after recovery.

(viii) For the purposes of sub-paragraphs (iv) to (vii), the term "the present war" means any war in which His Majesty may be engaged between the second day of September 1939 and such date as may thereafter be declared by Order in Council to be the date of cessation of hostilities.

H. No service shall count more than two-fold towards the award of the Medal and Clasps.

I. Continuity of Service-

(a) Service must have been rendered continuously except-

(i) during the period 4th August, 1914, to 31st December, 1921, or

(ii) when given in different Authorised Auxiliary, Naval, Military, or Air Forces in the same portion of the Empire, provided that the break does not exceed twelve months, or

(iii) when leave of absence has been granted by the Commandant to a member of the Fiji Defence Force to proceed on leave beyond Fiji provided that the member concerned resumes duty in the Fiji Defence Force forthwith upon his return to Fiji.

(b) The following periods, although inadmissible as qualifying service (save in the circumstances hereinbefore described) will not be reckoned as breaking continuity of service:-

(i) Service in the Royal Navy, Regular Army, Royal Air Force, or in a Permanent Force of a Dominion, Colony, or territory under His Majesty's protection, or in the Reserves of such Forces or in the Reserves of any Authorised Auxiliary Force of the Empire.

(ii) Intervals between service in the Royal Navy, Regular Army, Royal Air Force, or in a Permanent Force of a Dominion, Colony, or territory under His Majesty's protection, or in an Authorised Auxiliary Force of the Empire, during the period 4th August, 1914, to 31st December, 1921.

(iii) Service of men of the aforesaid Fiji Defence Force whilst released from military service for the purpose of being employed on work of national importance, which will be defined as occasion arises, during a period of embodiment.

(iv) Periods of desertion or absence without leave of men of the aforesaid Fiji Defence Force during embodiment or training either in camps or barracks, provided that they continue to serve after their offence has been dealt with.

(v) Periods of detention or imprisonment during annual training or embodiment.

8. The Efficiency Medal will be worn suspended on the left breast by a green ribbon, one inch and a quarter in width, with yellow stripes down the edges, but the recipient of any other Long Service, Good Conduct or Efficiency Medal will only be permitted to wear the Efficiency Medal (with or without Clasps) with them if he has completed the full period of qualifying service in respect of each Medal or Clasp.

9. Wearing of Roses-In undress and service uniform when ribbons only are worn, the grant of Clasps will be denoted by the wearing on the ribbon of small silver roses, one or more according to the number of Clasps awarded. The rose (or roses) will not be worn on the ribbon when the Medal is worn.

10. Applications for the Efficiency Medal and Clasps-Applications for the Medal and/or Clasps should be made in writing by the Commanding Officer of the Corps of the Auxiliary Force in Fiji in which the warrant officer, non-commissioned officer, or man is or was serving when he completed the period of qualifying service, and should be supported by a statement in Form A appended to these Regulations of his service

qualifying for the Medal and/or Clasps. Commanding Officers will forward their recommendations through the usual channel of correspondence to the Governor-General together with a certificate that the person recommended has completed the qualifying period of 12, 18, or 24 years' efficient service and that he is in every way deserving of the Efficiency Medal or Clasp.

11. Grant of the Medal and Clasps-The Medal and/or Clasps will be awarded on the authority of the Governor-General or Officer Administering the Government and a notification of such awards will be published in the Gazette.

12. Loss and replacement - When a Medal or Clasp has been lost and it is desired to replace it, a declaration must be made before a magistrate stating the circumstances under which the loss occurred, and the rank, name, and corps of the person to whom the Medal or Clasp belonged. This declaration should be forwarded to the Governor-General through the usual channel of correspondence in the case of a member who is still serving, and direct in the case of a person who has retired. The Medal and any Clasp or Clasps lost therewith will be replaced, on payment, if the explanation as to loss is considered satisfactory.

13. Forfeiture and restoration -

(a) A recipient of the Medal who suffers death by sentence of a Military Court or is dismissed or removed from his corps or regiment for misconduct shall forfeit the Medal, and any Clasp or Clasps awarded to him, unless the Governor-General shall otherwise direct.

(b) A recipient of the Medal who has been convicted of an offence of the following nature, viz., treason, sedition, mutiny, cowardice, desertion, or disgraceful conduct of an unnatural kind (under section 18(5) of the Army Act), or who, while subject to military law, is convicted by the civil power shall be liable at the discretion of the Governor-General to forfeit the Medal and any Clasp or Clasps awarded to him.

(c) A Medal and any Clasps so forfeited may be restored by the Governor-General at his discretion.

(d) A notice of forfeiture or restoration shall in every case be published in the *Gazette*.

FORM A

THE EFFICIENCY MEDAL (FIJI)

Statement of serviceof the

.....Corps.

N.B.-Service which under the Royal Warrant and the Regulations made thereunder is to count as two-fold should be shown in the first place by the actual dates of such service, but only the equivalent single service for qualifying purposes should be carried forward as service in the "Total Qualifying Service" column.

INSERT TABLE HERE

I certify that the above is a correct statement of the service of; that such service has been efficient service as officially recognized; and that his total qualifying service amounts toyears.....months.....days.

(Signed).....
Officer Commanding,
..... Corps.

This statement is to be completed by the Commanding Officer of the Auxiliary Force in which the period of qualifying service is completed. Where the period of qualifying service is in more than one Auxiliary Force the Commanding Officer signing the statement must satisfy himself that all service reckoned is qualifying service, and as to the period to be so reckoned.

Where war service is claimed as double qualifying service a separate certificate by the applicant for the Medal will be afforded to that effect setting out the circumstances, e.g., that he actually served outside the territory or Colony of the Forces of which he was a member or that he signed or otherwise accepted before 11th November. 1918. An obligation to do so.

**LONG SERVICE AND GOOD
CONDUCT (MILITARY) MEDAL
THE MEDAL FOR LONG SERVICE AND GOOD CONDUCT (MILITARY)
(FIJI) REGULATIONS**

TABLE OF PROVISIONS

REGULATION

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9. Award of the Medal or Clasp
10. Forfeiture and restorations

*Made by the Governor under the Royal Warrant
of 23rd September 1930*

Short title

1. These Regulations may be cited as the Medal for Long Service and Good Conduct (Military) (Fiji) Regulations.

Purpose of the Medal

2. The Medal for Long Service and Good Conduct (Military) (hereinafter referred to as the Medal) and a clasp to be attached to the ribbon by which the Medal is suspended (hereinafter referred to as the Clasp) are awarded for long service and good conduct by warrant officers, non-commissioned officers and soldiers of the Regular Force of the Royal Fiji Military Forces who have performed the requisite qualifying service as hereafter defined:

Provided that prior service in any of the regular or permanent Forces of any other part of the Commonwealth, duly certified, which has not qualified for any other long service, or efficiency award shall count towards such qualifying service to the extent hereafter specified.

Subsidiary title and emblem

- 3.-(1) The subsidiary title "Fiji" shall be inscribed on the bar attached to the mount of the Medal to denote that at the time when the recipient qualified for the award of the Medal he was serving in the Regular Force of the Royal Fiji Military Forces.

- (2) The Clasp will be denoted by the wearing on the ribbon of a silver rose emblem, but only when the Medal itself is not worn.

Eligibility for award of Medal and Clasp

- 4.-(1) The medal will be awarded as a reward for long service and good conduct to all warrant officers, non-commissioned officers and soldier of the Regular Force of the

Royal Fiji Military Forces have completed eighteen years of qualifying service as hereinafter defined and whose character and conduct have been irreproachable throughout their service and who are recommended by their Commanding Officers as being in every way worthy of the distinction.

(2) The Clasp will be awarded to all warrant officers, non-commissioned officers and soldiers who having been awarded the Medal completed a further period of eighteen years qualifying service as hereinafter defined and whose character and conduct have been irreproachable throughout their service and who are specially recommended by their Commanding Officers.

Qualifying service

5.-(1) Subject to the provisions of this regulation, the following will count as qualifying service for the Medal and for the Clasp:-

- (a) service in the Regular Force of the Royal Fiji Military Forces as from the date of attestation, including service under the age of eighteen years;
- (b) mobilized service in the Royal Fiji Military Forces Reserves;
- (c) embodied service in the Royal Fiji Military Forces Territorial Force;
- (d) previous service in any of the regular or permanent Forces of any other part of the Commonwealth, to the extent that such service was permitted as reckonable towards, but had not qualified for, the Medal for Long Service and Good Conduct in the Force in which it was performed.

(2) Leave without pay for any period in excess of twenty-eight days at any one time shall not count as qualifying service unless granted for a purpose considered by the Commander, Royal Fiji Military Forces to be in the interest of the Force.

(3) Qualifying service need not be continuous.

Standard of character and conduct required

6. The standard of character and conduct required for a grading of "irreproachable" shall normally be a Regimental Conduct Sheet clear of adverse entries and no recommendation shall be submitted unless this condition has been fulfilled;

Provided that in exceptional and very deserving cases a recommendation for an award may be submitted if in the opinion of his Commanding Officer the only offences recorded on the Regimental Conduct sheet of the warrant officer, non-commissioned officer or soldier in respect of whom recommendation is made are of a minor or technical nature

and there is no evidence of deliberate misconduct, and in every such case the recommendation shall be accompanied by a statement setting out details of any mitigating circumstances and the reasons why it is recommended that the normal qualifications should be set aside.

Eligibility of commissioned officers in certain circumstances

7.-(1) Where a warrant officer, non-commissioned officer or soldier is appointed to a commission in the Regular Force of the Royal Fiji Military Forces at any time after the 2nd day of September, 1939, he shall be eligible to qualify for the award of the Medal provided that not less than twelve years of such service were completed in the ranks.

(2) Where a warrant officer, non-commissioned officer or soldier is appointed to a commission in the Regular Force of the Royal Fiji Military Forces at any time after the 2nd day of September, 1939, and has completed the first nine years of the second period of approved qualifying service in the ranks he shall, if in possession of the Medal, be eligible to qualify for the award of the Clasp.

Recommendation

8.-(1) Every recommendation for the award of the Medal or Clasp shall be initiated by the Commanding Officer of the warrant officer, non-commissioned officer or soldier concerned, and, accompanied by a certificate, signed by the officer making the recommendation, as to the eligibility of such warrant officer, non-commissioned officer or soldier for such award, shall be submitted by the Commander, Royal Fiji Military Forces through the normal channels to the Governor-General for his consideration.

(2) A Commanding Officer, may, in a case where he does not wish to recommend the award of the Medal or Clasp to a warrant officer, non commissioned officer or soldier who would otherwise be eligible, issue a certificate to that effect, such certificate being noted in the records of the warrant officer, non-commissioned officer or soldier concerned.

Award of the Medal or Clasp

9.-(1) The Medal or Clasp will be awarded on the authority of the Governor-General and notification of every such award shall be published by notice in the Gazette.

(2) Presentation of the Medal or Clasp should, if practicable, be made at a regimental parade.

Forfeiture and restorations

10.-(1) If the character and conduct of any person to whom the Medal or the Medal and

Clasp has been awarded ceases to be irreproachable his Commanding Officer shall at once withdraw the Medal or Medal and Clasp and report the case to the Commander, Royal Fiji Military Forces, for submission through the usual channels to the Governor-General who may order the forfeiture of the Medal or of the Medal and Clasp.

(2) Any Medal or Medal and Clasp forfeited under the provisions of this regulation may, in the discretion of the Governor-General be restored at any time.

(3) Notice of every forfeiture or restoration of the Medal or Medal and Clasp shall be published by notice in the *Gazette*.

**THE VISITING FORCES (BRITISH COMMONWEALTH) ACT, 1933.
23 Geo. 5, c. 6.**

**THE VISITING FORCES (BRITISH COMMONWEALTH)
(APPLICATION TO COLONIES, ETC.) ORDER
IN COUNCIL, 1940**

*Made by His Majesty with the advice of the Privy Council
made 24th day of July 1940.*

Short title

1. This Order may be cited as the Visiting Forces (British Commonwealth) (Application to the Colonies, etc.) Order in Council, 1940.

Interpretation

2.-(1) In this Order-

"territory" means a territory mentioned in the First Schedule, and in the application of the Act under this Order to any territory "the territory" means that territory;

"Governor," in relation to any territory means the person administering the government of the territory or, in the case of Zanzibar, the British Resident or the person lawfully discharging his functions;

"colonial forces" means, in relation to any territory any naval, military, or air forces raised in the territory including any police force or other body raised therein which, by virtue of any law in force in the territory, has become a naval, military or air force; and "colonial force" includes any body, contingent or

detachment of any colonial forces, wherever serving:

Provided that where any colonial forces or force raised in one territory shall be present in some other territory, such forces or force shall, for the purposes of this definition in so far as it relates to sections one to three of the Act as applied by this Order, be deemed to have been raised in that other territory.

(2) Subject to the provisions of this Order, section four of the Act as applied by this Order shall be construed in accordance with the provisions of section eight of the Act except that-

(a) the definitions of "visiting force" shall have effect as if for the words "with the consent of His Majesty's Government in the United Kingdom lawfully present in the United Kingdom" there were substituted the words "lawfully present in the territory"; and

(b) the definition of "member" shall have effect as if the word "territory" were substituted for the words "United Kingdom".

(3) An Order under the Act as applied by this Order may be revoked or varied by a subsequent Order.

(4) The Interpretation Act, 1889, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Application of Section 4 of the Act

3. Section four of the Act shall, subject to the adaptations and modifications specified in Article 2 and the Second Schedule, apply in relation to colonial forces raised in any territory and in relation to officers and members thereof, as they apply in relation to home forces as defined in the Act and officers and members thereof.

SCHEDULES

FIRST SCHEDULE

Aden (Colony and Protectorate).
Bahamas.
Barbados.
Bermuda.
British Guiana.
British Honduras.

Ceylon.

Cyprus.

Falkland Islands.

Fiji.

Gambia (Colony and Protectorate).

Gibraltar.

Gold Coast-

(a) Colony.

(b) Ashanti.

(c) Northern Territories.

(d) Togoland under British Mandate.

Hong Kong.

Jamaica (including Turks and Caicos Islands and the Cayman Islands).

Kenya (Colony and Protectorate).

Leeward Islands-

Antigua.

Montserrat.

St. Christopher and Nevis.

Virgin Islands.

Malta.

Mauritius.

VISITING FORCES

Nigeria-

(a) Colony.

(b) Protectorate.

(c) Cameroons under British Mandate.

Northern Rhodesia.

Nyasaland Protectorate.

Palestine (excluding Trans-Jordan).

St. Helena.

Seychelles.

Sierra Leone (Colony and Protectorate).

Somaliland Protectorate.

Straits Settlements.

Tanganyika Territory.

Trinidad and Tobago.

Uganda Protectorate.

Western Pacific-

(a) British Solomon Islands Protectorate.

(b) Gilbert and Ellice Island Colony.

(c) Pitcairn Island.

(d) Any other colony, or territory under His Majesty's protection, in or in relation to which jurisdiction may lawfully be exercised under the Pacific Order in Council, 1893.

Windward Islands-
Dominica.
Grenada.
St. Lucia.
St. Vincent.
Zanzibar Protectorate.

Reference in this Schedule to any territory of which there are dependencies shall be construed as including a reference to such dependencies.

SECOND SCHEDULE

ADAPTATIONS AND MODIFICATIONS OF SECTION FOUR OF THE ACT.

1. The expressions "colonial forces" and "colonial force" shall be substituted for the expressions "home forces" and "home force" wherever they occur.
2. In subsection (2)-
 - (a) the words "The Governor"* shall be substituted for the words "The Admiralty, Army Council or Air Council, as the case may be"; and
 - (b) the words "the disposal of the Government of the territory" shall be substituted for the words "their disposal".
3. For subsection (3) the following subsection shall be substituted-

"(3) Whilst a member of another force is by virtue of this section attached temporarily to a colonial force, he shall be treated, and shall have the like powers of command and punishment over members of the colonial force to which he is attached, and shall be subject in all respects to the law relating to the discipline and administration of that force, as if he were a member of that force of relative rank:

Provided that the Governor may by Order direct that in relation to members of a force of any part of the Commonwealth specified in the Order, such law shall apply with such exceptions and subject to such adaptations and modifications as may be so specified."
4. In subsection (5) the words "by order of the Governor" shall be substituted for the words "by order of the Admiralty, the Army Council or the Air Council, according as the home force is a naval, a military or an air force".

In respect of Fiji, this to be read as Minister (Section 5 of Fiji Independence Order 1970.)

**ORDERS MADE UNDER THE VISITING FORCES (BRITISH
COMMONWEALTH) (APPLICATION TO COLONIES, ETC.) ORDER
IN COUNCIL, 1940**

The following New Zealand Order in Council and Attachment Order are published for general information:-

VISITING FORCES (FIJI MILITARY FORCES) ORDER, 1960

1. This Order may be cited as the Visiting Forces (Fiji Military Forces) Order, 1960.
2. Notwithstanding anything in the New Zealand Army Act 1950, that Act shall apply to every member of the military forces of Her Majesty raised in Fiji (hereinafter referred to as the Fiji Military Forces) who may from time to time be attached temporarily to the home forces, with the following modifications:-

(a) When any Court Martial is convened for the trial of a member of the Fiji Military Forces, the maximum practicable number of officers of the Fiji Military Forces shall be appointed members of the Court Martial, and no member of the Fiji Military Forces shall be tried by Court Martial unless at least one officer of the Fiji Military Forces is a member of the Court Martial;

(b) No sentence of death passed by a Court Martial shall be carried into effect unless it is approved by the Governor-General of Fiji;

(c) A sentence of cashiering, dismissal, discharge with ignominy, or discharge imposed by a Court Martial shall be confirmed only to the extent approved by the Commander, Fiji Military Forces;

(d) The punishment awarded to any member of the Fiji Military Forces shall not be more severe than that permitted by military law in Fiji for the same offence.

T. J. SHERRARD,
Clerk of the Executive Council.

ATTACHMENT ORDER

Pursuant to section 6 (2) of the Visiting Forces Act 1939, the New Zealand Army Board hereby attaches temporarily as from the first day of June 1960 to the Military Forces of Her Majesty raised in New Zealand such members of the military forces of Her Majesty raised in Fiji as have been placed at the disposal of the Army Board in pursuance of the Disposal Order known as the Visiting Forces (Attachment of Members of the Fiji Military

Forces to Service Authorities of New Zealand) Order 1960 made by the Governor of Fiji at Suva on the sixth day of April 1960 under section 4 (2) (ii) of an Act of Parliament of the United Kingdom entitled the Visiting Forces (British Commonwealth) Act 1933 as applied to Fiji by the Visiting Forces (British Commonwealth) (Application to the Colonies etc.) Order in Council 1940 as amended by the Visiting Forces (British Commonwealth) (Application to the Colonies etc.) Order in Council 1942.

Signed for and on behalf of the Army Board this 19th Day of July, 1960.

W. S. McKINNON,
Brigadier, Adjutant-General.

A. N. V. DOBBS,
Army Secretary.

Order 6th April 1960

VISITING FORCES (ATTACHMENT OF MEMBERS OF THE FIJI
MILITARY FORCES TO SERVICE AUTHORITIES OF NEW ZEALAND) ORDER

1. Pursuant to section 4 (2) (ii) of the Visiting Forces (British Commonwealth) Act, 1933, and the Visiting Forces (British Commonwealth) (Application to the Colonies, etc.) Order in Council, 1940, as amended by the Visiting Forces (British Commonwealth) (Application to the Colonies etc.) Order in Council, 1942, the Governor of Fiji hereby places at the disposal of the Service Authorities of New Zealand as from the coming into effect of this Order every member of the military forces of Her Majesty raised in Fiji who is posted for duty with, serving on the strength of, or is on loan or attached to the military forces of Her Majesty raised in New Zealand.

2. This Order may be cited as the Visiting Forces (Attachment of members of the Fiji Military Forces to Service Authorities of New Zealand) Order, 1960, and shall come into effect on the 1st day of June, 1960.

THE VISITING FORCES ACT, 1952
15 & 16 GEO. 6 & I Eliz. 2, c. 67.

THE VISITING FORCES ACT (APPLICATION TO COLONIES) ORDER,
1954

Made-13th May 1954

Coming into Operation 12th June 1954

Made by the Councillors of State on the advice of the Privy Council

1. This Order may be cited as the Visiting Forces Act (Application to Colonies) Order, 1954.

2. Subject to the adaptations, modifications and exceptions specified in the Second Schedule the provisions of the Act *as from time to time amended* other than section 15 thereof shall extend to the territories mentioned in the First Schedule.

(Amended by Order 13rd June 1960)

3.-(1) In this Order the expression "territory" means a territory mentioned in the First Schedule and in the application of the Act under this Order to any territory "the Territory" means that territory.

(2) The Interpretation Act, 1889, shall apply for the purpose of interpreting this Order as it applies for the purpose of interpreting an Act of Parliament.

FIRST SCHEDULE

Aden (Colony and Protectorate).

Cyprus.

Fiji.

Gibraltar.

Hong Kong.

Malta.

Singapore.

(Reference in this Schedule to any territory of which there are dependencies shall be construed as including a reference to such dependencies.)

SECOND SCHEDULE

ADAPTATIONS, MODIFICATIONS AND EXCEPTIONS TO BE MADE IN THE APPLICATION OF THE ACT TO THE TERRITORY.

1.-(1) For the words "United Kingdom" wherever they occur there shall be substituted the word "Territory" except-

(i) in paragraph (a) of subsection (1) of section **10**;

(ii) in the expression "citizen of the United Kingdom and Colonies";

(iii) in the expression "Her Majesty's Government in the United Kingdom";
and

(iv) in any other context in which the following provisions of this Schedule

otherwise require.

(2) For the words "United Kingdom court" wherever they occur there shall be substituted the words "court of the Territory".

(3) For the words "United Kingdom law" wherever they occur except in sub-section (4) of section 10 there shall be substituted the words "the law of the Territory".

(4) For the words "the Secretary of State", "the Minister of Defence" or "the said Minister", wherever they occur there shall be substituted the words "the Governor".*

2.-(1) For paragraph (b) of subsection (1) of section I there shall be substituted the following paragraph:-

"(b) Any country which, by Order in Council under the next following subsection, is designated in respect of the Territory for the purposes of that provision."

(2) In subsection (2) of section I immediately after the words "should have effect" there shall be inserted the words "in the Territory"; and for the words "Her Majesty may by Order in Council designate that country for the purposes of the provisions in question" there shall be substituted the words "Her Majesty may by Order in Council designate that country in respect of the Territory for the purposes of the provisions in question".

* In respect of Fiji, this to be read as Minister (section 5 of Fiji Independence Order 1970)

(3) In subsection (3) of section I immediately after the words "in so far as this Act has effect" there shall be inserted the words "in the Territory".

(4) Subsection (4) of section 1 shall be omitted.

3.-(1) In subsection (1) of section 2 for the words "any of Her Majesty's ships or aircraft" there shall be substituted the words "any ships or aircraft belonging to Her Majesty in right of the Territory".

(2) For subsection (6) of section 2 there shall be substituted the following sub-section:-

"(6) For the purpose of enabling the service courts and service authorities of a country to which this section applies to exercise more effectively the powers referred to in subsection (1), the Governor may, if so requested by the appropriate authority of that country, from time to time by general or special orders direct members of United Kingdom forces or local forces to arrest any person, being a member of a visiting force of that country, who is alleged to be guilty of an offence punishable under the law of that country and to hand him over to such

service authority of that country as may be designated by or under the orders."

4.-(1) Save as otherwise provided by sub-paragraph (2) of this paragraph, in paragraph (a) of subsection (3) of section 3 for the words "the Director of Public Prosecutions (in the case of a court in England or Wales), the Lord Advocate (in the case of a court in Scotland) or the Attorney-General for Northern Ireland (in the case of a court in Northern Ireland)" there shall be substituted the word "the Governor".

(2) In the application of the Act to Fiji, Gibraltar and Hong Kong for the words in paragraph (a) of subsection (3) of section 3 that are referred to in sub-paragraph (1) of this paragraph there shall be substituted the words "the Attorney-General".

(3) For subsection (6) of section 3 the following subsection shall be substituted:-

"(6) In this section the expressions "offence against the person" and

"offence against property" shall be construed as meaning offences against the law of the Territory which are analogous to offences within the meaning of those expressions construed in accordance with paragraphs 1 and 3 of the Schedule to this Act:

Provided that, if the legislature of the Territory, for the removal or avoidance of doubts, provide by law that a specified offence against the law of the Territory is analogous as aforesaid, the provision so made shall in relation to the Territory, have effect as if it formed part of this subsection."

5.-(1) In subsection (2) of section 5-

(a) for the words "a constable" there shall be substituted the words "a member of the police force of the Territory";

(b) for the words and figures "section thirty-eight of the Summary Jurisdiction Act, 1879" there shall be substituted the words "any law of the Territory";

(c) for the words "a court of summary jurisdiction", wherever they occur, there shall be substituted the words "a court of the Territory";

(d) for the words "the said section thirty-eight" there shall be substituted the words "the law of the Territory".

(2) Subsections (3) and (4) of section 5 shall be omitted.

6. For subsections (4), (5), (6) and (7) of section 7 there shall be substituted the following subsections:-

"(4) Any law of the Territory restricting the removal out of the Territory of the body of a deceased person shall not apply to the body of a person who at the time of his death had a relevant association with a visiting force:

Provided that this subsection shall not apply as respects the body of a person concerning whose death, by virtue of a direction of the Governor under subsection (1) or (3), an inquest is required to be held or, if begun, is required to be resumed.

(5) Notwithstanding any thing in any law of the Territory relating to certificates to be given to persons giving information concerning deaths, a certificate shall not be given under such law to the person giving information concerning a death if that person states that the body is one as respects which the last foregoing subsection has effect and that it is proposed to remove the body out of the Territory.

(6) In this section-

'coroner' includes any person having jurisdiction in the Territory to hold an inquest; references to an inquest shall be construed as including references to an inquiry; and

'homicide' includes the offences of murder, manslaughter and infanticide, any offence under the law of the Territory which is analogous to the offence of murder, manslaughter or infanticide, and any offence under the law of the country in question which is analogous to any of the offences aforesaid."

7. In section 8-

(a) for the words "Her Majesty may by Order in Council" wherever those words occur there shall be substituted the words "the Governor may by order";

(b) for the words "home forces" wherever those words occur there shall be substituted the words "United Kingdom forces or local forces";

(c) in subsection (4) for the words "An Order in Council" there shall be substituted the words "An order" and for the words "Her Majesty in Council" there shall be substituted the words "the Governor";

(d) subsections (5) and (6) shall be omitted; and

(e) for subsection (7) there shall be substituted the following subsection:-

"(7) in this section-

'enactment' means any law enacted by the legislature of the Territory whether passed before or after the passing of this Act, and includes any instrument having effect under an enactment;

'property' includes both immovable and movable property."

8.-(1) Subject to sub-paragraph (2) of this paragraph in subsection (1) of section 9 for the words "defrayed out of moneys provided by Parliament" there shall be substituted the words "charged on the revenues of the Territory".

(2) In the application of the Act to Malta subsection (1) of section 9 shall have effect as if all words in that subsection which follow the words "as may be provided by the arrangements" were omitted.

9. In subsection (4) of section 10 for the words "United Kingdom law" there shall be substituted the words "law of the Territory".

10. In subsection (1) of section 12-

(a) the definition of "Her Majesty's ships or aircraft" shall be omitted;

(b) the definition of "home forces" shall be omitted and the following definition shall be inserted immediately after the definition of "service law":-

""United Kingdom forces" means any of the forces of Her Majesty raised in the United Kingdom and for the time being serving in the Territory;"

(c) immediately before the definition of "member" there shall be inserted the following definition:-

""local forces" means any of the forces raised in a colony, a protectorate or protected state within the meaning of the British Nationality Act, 1948, or a United Kingdom trust territory as defined in that Act and includes any police force or other body raised in the Territory which, by virtue of any law of the Territory, has become a naval, military or air force."

11.-(1) In subsections (1) to (3) of section 13 the references to paragraph (9) of section 154 of the Army Act and the proviso to sub-section (1), shall be omitted; and

(2) For subsections (4) and section 13 there shall be substituted the following subsection:-

"(4) (a) Subject to the provisions of paragraph (b), section 135 of the Army Act

(which provides that arrangements may be made for the reception in any prison in a colony of prisoners, deserters or absentees without leave, and that the governor of any prison to which any such arrangement relates shall be under the same obligation as the governor of a prison in the United Kingdom to receive and detain such prisoners, deserters and absentees without leave) shall within the Territory apply in relation to deserters and absentees without leave from the forces of any country to which this section applies as it applies in relation to deserters and absentees without leave from Her Majesty's service.

(b) For the purpose of the application within the Territory of the said section **135** of the Army Act in relation to deserters and absentees without leave from the forces of a country to which this section applies (in this paragraph referred to as "the said country")-

(i) the reference in the said section **135** to a Secretary of State, where that reference first occurs, shall be construed as if it were a reference to the appropriate authority of the said country; and

(ii) the references to deserters and absentees without leave in section **131** of the Army Act (which imposes on the governor of a prison in the United Kingdom duties as to the reception of prisoners, deserters and absentees without leave) shall be construed as including references to deserters and absentees without leave from the forces of the said country."

12. In paragraph (a) of section 14 for the words "the Secretary of the Admiralty, the Secretary of the Army Council or the Secretary of the Air Council" there shall be substituted the words "the Governor".

13.-(1) For subsection (1) of section 17 there shall be substituted the following subsection:-

"(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:-

'Attorney-General' means the Attorney-General of the Territory and any reference to the Attorney-General shall be construed as including a reference to any person who is for the time being performing the functions of the office of Attorney-General;

'court of the Territory' means a court exercising jurisdiction in the Territory under the law of the Territory otherwise than by virtue of section 2 of this Act;

'forces', in relation to a country, means any of the naval, military or air forces of the country;

* 'Governor', means the person for the time being administering the government of the Territory;

* In respect of Fiji, reference should be made to Minister.

'law of the Territory' means law in force in the Territory or in any part thereof;

'legislature of the Territory' includes any authority having power to make laws for the Territory."

(2) In subsection (5) of section 17 the words "and in this subsection the expression 'enactment' includes an enactment of the Parliament of Northern Ireland" shall be omitted.

14. Subsection (2) of section 19 shall be omitted.

FOREIGN ENLISTMENT ACT, 1870
33 & 34 Vict., c. 90.

*Proclamation 9th June 1906 [in force 15th June 1906;
Proclamation by the Governor*

The Act is in full operation in Fiji.

1965 No. 1203

**THE UNITED KINGDOM FORCES (JURISDICTION OF COLONIAL
COURTS) ORDER 1965**

Made..... 1st June 1965
Laid before Parliament..... 9th June 1965
Coming into Operation..... 10th June 1965
Made by Her Majesty with the advice of the Privy Council.

Citation

1. This Order may be cited as the United Kingdom Forces (Jurisdiction of Colonial Courts) Order 1965.

Application and interpretation

2.-(1) This Order shall apply to each of the territories specified in the Schedule and in its application to any territory references in this Order to "the Territory" mean that territory.

(2) In this Order-

"coroner" means any person or authority having jurisdiction under the law of the Territory to hold inquests;

"court of the Territory" means a court exercising jurisdiction in the Territory other than a service court;

"dependant" in relation to any person means any of the following:-

(a) the wife or husband of that person; and

(b) any other person wholly or mainly maintained by him or in his custody, charge or care;

"Governor" means the officer for the time being administering the government of the territory;

"Her Majesty's forces" means the naval, military or air forces of Her Majesty in right of Her Government in the United Kingdom but does not include a force raised under a law enacted by the legislature of the Territory;

"law of the Territory" means law for the time being in force in the Territory or any part thereof;

"service court" means an officer or court exercising jurisdiction under the Naval Discipline Act 1957, the Army Act 1955 or the Air Force Act 1955 and includes a confirming officer or reviewing authority under any of those Acts.

(3) In this Order a reference to the holder of an office by the term designating his office shall be construed as including, to the extent of his authority, a reference to any person for the time being authorised to exercise the functions of that office.

(4) The Interpretation Act 1889 shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting or in relation to Acts of the Parliament of the United Kingdom.

(5) References in this Order to a member of a civilian component of any of Her Majesty's

forces are references to persons (being persons subject to the jurisdiction of a service court) of any such description as may be prescribed by order made by the Governor of the Territory.

(6) References in this Order to a person's having at any time a relevant association with Her Majesty's forces are references to his being at that time a person of one or other of the following descriptions, that is to say:-

(a) a member of Her Majesty's forces or a member of a civilian component of any of those forces;

(b) a person who is a dependant of any such member.

(7) References in this Order to any law are references to that law as from time to time amended or extended by or under any other law.

(8) In the exercise of the powers conferred upon him by this Order the Governor shall not be obliged to obtain the advice of or otherwise to consult with any other person or authority in the Territory.

Restriction of trial of service offenders by courts of Territory

3.-(1) Subject to the provisions of this section, a person charged with an offence against the law of the Territory shall not be liable to be tried for that offence by a court of the Territory if at the time that the offence is alleged to have been committed he was a member of Her Majesty's forces or a member of a civilian component of any of these forces and-

(a) the alleged offence, if committed by him, arose out of and in the course of his duty as a member of Her Majesty's forces or a member of that civilian component, as the case may be; or

(b) the alleged offence is an offence against the person, and the person or, if more than one, each of the persons in relation to whom it is alleged to have been committed had at the time thereof a relevant association with Her Majesty's forces; or

(c) the alleged offence is an offence against property, and the whole of the property in relation to which it was alleged to have been committed (or, in cases where different parts of that property were differently owned, each part of the property) was at the time thereof the property either of a department of the Government of the United Kingdom or of some other authority of the United Kingdom or of Her Majesty's forces or of the Navy, Army and Air Force Institutes or of any other institution or organization operating for the benefit of Her

Majesty's forces that is prescribed by order of the Governor of the Territory or the property of a person having such an association as aforesaid.

(2) Nothing in subsection (1)-

(a) shall prevent a person from being tried by a court of the Territory in any case where a certificate is issued by or on behalf of the Governor, either before or in the course of the trial, that the officer commanding Her Majesty's forces in the Territory has notified the Governor that it is not proposed that the case should be dealt with by a service court; or

(b) shall affect anything done or omitted in the course of a trial unless in the course thereof objection has already been made that by reason of that subsection the court is not competent to deal with the case; or

(c) shall, after the conclusion of a trial, be treated as having affected the validity thereof if no such objection was made in the proceedings at any stage before the conclusion of the trial.

(3) In relation to cases where the charge (by whatever words expressed) is a charge of attempting or conspiring to commit an offence, or of aiding, abetting, procuring or being accessory to the commission of an offence, paragraphs (b) and (c) of subsection (1) shall have effect as if references in those paragraphs to the alleged offence were references to the offence which the person charged is alleged to have attempted or conspired to commit or, as the case may be, the offence as respects which it is alleged that he aided, abetted, procured or was accessory to the commission thereof; and references in those paragraphs to person in relation to whom, or property in relation to which, the offence is alleged to have been committed shall be construed accordingly.

(4) Nothing in this section shall be construed as derogating from the provisions of any law of the Territory restricting the prosecution of any proceedings or requiring the consent of any authority to the prosecution thereof.

(5) The Governor of the Territory may by order prescribe the offences against the law of the Territory which shall respectively be offences against the person and offences against property for the purposes of this section.

(6) Nothing in this section shall be construed as precluding a court of the Territory from trying any person for an offence against the law of the Territory in respect of which he has, before the date on which this Order was made, been charged before a court of the Territory.

Courts of Territory not to try offences tried by service courts

4. Without prejudice to the provisions of section 3, where a person has been tried by a service court he shall not be tried for the same crime by a court of the Territory.

Saving of powers of arrest, etc.

5. Nothing in sections 3 or 4 shall affect-

(a) any powers of arrest, search, entry, seizure or custody exercisable under the law of the Territory with respect to offences committed or believed to have been committed against that law; or

(b) any obligation of any person in respect of a recognizance or bail bond entered into in consequence of his arrest, or the arrest of any other person, for such an offence; or

(c) any power of any court to remand (whether on bail or in custody) a person brought before the court in connection with such an offence.

Coroners' inquests

6.-(1) If any coroner having jurisdiction to hold an inquest touching a death is satisfied that the deceased person at the time of his death had a relevant association with Her Majesty's forces, then, unless the Governor otherwise directs, the coroner shall not hold the inquest or, if the inquest has been begun but not completed, shall adjourn the inquest.

(2) Subject to the provisions of subsection (1), if on an inquest touching a death the coroner is satisfied-

(a) that a person who is subject to the jurisdiction of a service court has been charged before a service court with the homicide of the deceased person, whether or not that charge has been dealt with; or

(b) that such a person is being detained by an authority of the United Kingdom with a view to being so charged,

then, unless the Governor otherwise directs, the coroner shall adjourn the inquest.

(3) Where an inquest is adjourned under this section, the coroner shall not resume it except on the direction of the Governor.

(4) Where an inquest is adjourned under this section, the jury (if any) shall be discharged; and if the inquest is resumed the coroner shall proceed in all respects as if the inquest had not previously been begun except that any requirement to view the body shall not apply.

Evidence

7.-(1) For the purposes of this Order a certificate issued by or on behalf of the officer commanding Her Majesty's forces in the Territory, stating that at a time specified in the certificate a person so specified either was or was not a member of Her Majesty's forces shall in any proceedings in any court of the Territory be sufficient evidence of the fact so stated unless the contrary is proved.

(2) For the purposes of this Order a certificate issued by or on behalf of the officer commanding Her Majesty's forces in the Territory, stating as respects a person specified in the certificate,-

(a) that he has been charged before a service court with the homicide of a deceased person or is detained in custody by an authority of the United Kingdom with a view to being so charged; or

(b) that he has been tried, at a time and place specified in the certificate, by a service court for a crime so specified,

shall in any proceedings in any court of the Territory be conclusive evidence of the facts so stated.

(3) Where a person is charged with an offence against the law of the Territory and at the time when the offence is alleged to have been committed he was a member of Her Majesty's forces or a member of a civilian component of any of those forces, a certificate issued by or on behalf of the officer commanding Her Majesty's forces in the Territory, stating that the alleged offence, if committed by him, arose out of and in the course of his duty as a member of Her Majesty's forces or that component, as the case may be, shall in any such proceedings as aforesaid be sufficient evidence of that fact unless the contrary is proved.

SCHEDULE

Aden.
Basutoland.
Bechuanaland Protectorate.
British Antarctic Territory.
British Guiana.
British Solomon Islands Protectorate.
Cayman Islands.
Central and Southern Line Islands.
Dominica.
Falkland Islands (Colony and Dependencies).
Fiji-

Gibraltar.
Gilbert and Ellice Islands Colony.
Grenada.
Hong Kong.
Kamaran.
Kuria Muria Islands.
Mauritius.
Perim.
Pitcairn, Henderson, Ducie and Oeno.
St. Helena.
St. Lucia.
St. Vincent.
Seychelles.
Swaziland.

**UNITED KINGDOM FORCES (JURISDICTION (OF COLONIAL COURTS)
(PRESCRIBED MEMBER OF A CIVILIAN COMPONENT OF HER MAJESTY'S
FORCES)**

**SECTION 2-UNITED KINGDOM FORCES (JURISDICTION OF COLONIAL
COURTS) (PRESCRIBED MEMBER OF A CIVILIAN COMPONENT OF HER
MAJESTY'S FORCES) ORDER**

Order 21st October 1
Made by the Minister

Short title

1. This Order may be cited as the United Kingdom Forces (Jurisdiction Colonial Courts) (Prescribed Member of a Civilian Component of Her Majesty's Forces) Order.

Prescribed member of a civilian component of Her Majesty's Forces

2. For the purpose of subsection (5) of section 2 of the principal Order person is a prescribed member of a civilian component of any of Her Majesty's forces if, and is not qualified to be such a member unless, he is a person who subject to the jurisdiction of a service court by virtue of the nature of his service employment (not being in service or employment as a member of Her Majesty's forces) and in respect of whom a certificate has been issued by or on behalf of the officer commanding Her Majesty's forces in Fiji-

(a) that he has been engaged for such service or employment in a place outside Fiji; or

(b) that he has been engaged for such service or employment in Fiji upon terms that render him liable for duty outside Fiji; or

(c) that he has been engaged for such service or employment in Fiji and is a dependant of-

(i) a member of Her Majesty's forces; or

(ii) a person who has been engaged for such service or employment in a place outside Fiji; or

(iii) a person who has been so engaged in Fiji upon terms that render him liable for duty outside Fiji,

as the case may be.

SECTION 3-UNITED KINGDOM FORCES (JURISDICTION OF COLONIAL COURTS) (PRESCRIBED INSTITUTIONS AND ORGANISATIONS) ORDER

Order 21st October 1968

Made by the Governor

Short title

1. This Order may be cited as the United Kingdom Forces (Jurisdiction of Colonial Courts) (Prescribed Institutions and Organisations) Order.

Prescribed institutions and organisations

2. The following institutions and organisations are prescribed as institutions and organisations operating for the benefit of Her Majesty's Forces for the purposes of section 3 of the principal Order:-

Navy, Army and Air Force Institute.
R.N. Film Corporation.
Army Cinema Corporation.
R.A.F. Cinema Corporation.
Combined Services Entertainments.
British Forces Broadcasting Services.
Army Benevolent Fund Organisation.
British Red Cross Society.
The Venerable Order of St. John of Jerusalem.
St. Andrew's Ambulance Association.

Soldiers' Sailors' and Airmen's Families Association.
 Women's Voluntary Service.
 Soldiers' and Airmen's Scripture Readers Association.
 Forces Help Society and Lord Roberts Workshops.
 Malcolm Clubs.
 British Sailors' Society.
 Missions to Seamen.
 Services Central Book Depot.
 Royal Naval Lay Readers Society.
*Council for Voluntary Welfare Work and its constituent and affiliated members,
 that is to say:-*
 National Council of Y.M.C.A.'s of Great Britain.
 Young Women's Christian Association of Great Britain.
 The Salvation Army (Red Shield Services).
 Catholic Women's League Services' Clubs Committee.
 The Church Army.
 The Church of Scotland Committee on Hut and Canteen Work for H.M.
 Forces.
 Toe H.
 Methodist Church Forces Centres.
 Church of England Soldiers', Sailors' and Airmen's Clubs.
 Mission to Mediterranean Garrisons.
 Hibbert Houses.
 Sandes Soldiers' and Airmen's Homes.
 Miss Agnes Westons Royal Sailors' Rests.

SECTION 3-UNITED KINGDOM FORCES (JURISDICTION OF COLONIAL COURTS) (PRESCRIBED OFFENCES) ORDER

Order 21st October 1968

Made by the Governor

Short title

1. This Order may be cited as the United Kingdom Forces (Jurisdiction of Colonial Courts) (Prescribed Offences) Order.

Prescribed offences against the person

2. The following offences against the law of Fiji are prescribed as offences against the person for the purposes of section 3 of the principal Order:-

(a) any offence punishable under any of the sections of Chapter XX of the Penal

Code;

(b) any offence punishable under any of the sections of Chapter XXII of the Penal Code;

(c) any offence punishable under any of the sections of Chapter XXX of the Penal Code.

Prescribed offences against property

3. The following offences against the law of Fiji are prescribed as offences against property for the purposes of section 3 of the principal Order-

(a) any offence punishable under any of the sections of Part XXVII of the Penal Code;

(b) any offence punishable under any of the sections of Part XXVIII of the Penal Code;

(c) any offence punishable under any of the sections of Part XXXI of the Penal Code;

(d) an offence punishable under section 307 of the Penal Code;

(e) any offence punishable under any of the sections of Part XXXIII of the Penal Code;

(f) any offence punishable under any of the sections of Part XXXIV of the Penal Code;

(g) an offence punishable under section 41 of the Traffic Act.

Controlled by Ministry of Home Affairs
