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SCHEDULES

SECOND SCHEDULE

ADAPTATION OF ENACTMENTS

The Army Reserve Act, 1950

14 Geo. 6. c. 32.

- 13 (1) For the words " the Army Act" wherever those words occur there shall be substituted the words " the Army Act, 1955 " :

Provided that references to transfer to the reserve in pursuance of the Army Act shall be construed as references to transfer to the reserve in pursuance either of the Army Act or of the Army Act, 1955.

- (2) In section three the following subsections shall be substituted for subsections (2) and (3):—

“(2) Subject to the provisions of this Act and save as is otherwise prescribed, a man enlisting in the army reserve shall be attested in the same manner as a recruit in the regular forces, and the following provisions of the Army Act, 1955, that is to say.—

- (a) section two and the First Schedule (which relate to the mode of enlistment and attestation);
- (b) section eighteen (which relates to the validity of attestation and enlistment);
- (c) section nineteen (which makes recruits punishable for false answers); and
- (d) so much of section one hundred and ninety-eight as relates to the attestation paper or a document purporting to be a copy thereof being evidence,

shall apply in like manner as if they were re-enacted in this Act, with the substitution for the expression ' soldier ' of the expression ' man ' and for the expression ' regular forces ' of the expression ' army reserve '.

- (3) A man enlisting in the army reserve may be attested by a regular officer, and the provisions of the Army Act, 1955, mentioned in the last foregoing subsection, together also with section sixty-one (which relates to false answers on enlistment), shall in their application to the army reserve be construed as if the expression ' recruiting officer ' included any regular officer.”

- (3) For section seven there shall be substituted the following section:—

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“7 Appointment to corps of men called out on permanent service.

A man of the army reserve on being called out on permanent service may be appointed to any corps; and subsection (3) of section three of the Army Act, 1955, shall apply to such men so called out as it applies to soldiers of the regular forces.”

- (4) In section eight, in subsection (3) the words from " and any " to the beginning of the proviso shall be omitted, and at the end of the section there shall be added the following subsection:—

“(4) Sections nine and thirteen of the Army Act, 1955, so far as they relate to discharge, shall apply to men of the army reserve called out on permanent service as they apply to soldiers of the regular forces, and nothing in the last foregoing subsection shall prejudice the operation of the said sections nine and thirteen as applied by this subsection.”

- (5) In subsection (1) of section twelve for the words from " a soldier" to " however" there shall be substituted the words " in pursuance of the proviso to subsection (2) of section twelve of the Army Act, 1955, a soldier of the regular forces is transferred to the reserve outside the United Kingdom he shall serve therein subject ".

- (6) After section twelve there shall be inserted the following section:—

“12A Discharge of persons of unsound mind.

Section sixteen of the Army Act, 1955 shall apply to men of the army reserve while subject to military law as it applies to soldiers of the regular forces”.

- (7) In section fourteen for the words " section twelve" and " section fifteen" wherever they occur there shall be substituted respectively the words " section thirty-seven " and " section thirty-eight "; and in subsection (5) of that section for the words " Section one hundred and fifty-four " there shall be substituted the words " The provisions of sections one hundred and eighty-six to one hundred and ninety ", for the words " it applies " there shall be substituted the words " they apply ", and for the words " that section " there shall be substituted the words " those provisions ".

- (8) In section fifteen, in subsection (3) for the words " paragraph (3) of section one hundred and fifty-three of the Army Act" there shall be substituted the words " paragraph (c) of subsection (1) of section one hundred and ninety-two of the Army Act, 1955 ".

- (9) In section eighteen, for subsections (2) and (3) there shall be substituted the following subsections:—

“(2) Sections two hundred and twenty and two hundred and twenty-one of the Army Act, 1955 (which relate to the jurisdiction of courts and the disposal of summary fines) shall apply for the purposes of offences under this Act.

(3) Notwithstanding anything contained in any other Act, the minimum fixed by this Act for the amount of any fine or the term of any imprisonment shall be duly observed by courts of summary jurisdiction and shall not be reduced by way of mitigation or otherwise ; but where the said minimum exceeds the maximum which such a court has power to inflict (whether by reason of its constitution or by reason of the place where it is sitting) the said maximum

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shall 'be deemed, in proceedings before that court, to be substituted for the minimum fixed by this Act",

and in subsection (4) the words from " or an offence " to " personation " shall be omitted.

- (10) In section twenty in subsection (1) for the words " court of inquiry under section seventy-two" there shall be substituted the words "board of inquiry under section one hundred and thirty-five ; and for the words " that section " there shall be substituted the words " section one hundred and thirty-six of that Act ".
- (11) In section twenty-one in subsection (1) for the words "one hundred and sixty-three " there shall be substituted the words " one hundred and ninety-eight " and at the end of the subsection there shall be inserted the words " and subsection (3) of section one hundred and eighty-nine of that Act (which relates to evidence in cases of desertion and absence without leave) shall apply to proceedings under this Act for offences contrary to subsection (1) or (2) of section fourteen of this Act ", and in subsection (2) for the words "one hundred and sixty-four" there shall be substituted the words " one hundred and ninety-nine ".
- (12) In section twenty-two in subsection (1) for the words " one hundred and forty-three " there shall be substituted the words " one hundred and eighty-four ".
- (13) In section twenty-eight for the words " Part II of the Army Act" there shall be substituted the words " Part I of the Army Act, 1955 " , and after the definition of " prescribed " there shall be inserted—
" soldier ' includes a warrant officer and a non-commissioned officer";
and subsection (3) shall be omitted.