

NATIONAL SERVICE ACTS, 1939 TO 1941.

POSITION OF MEN ★

EXPLANATORY NOTE

(The following note gives a general explanation of certain of the provisions of the Acts. It must not be regarded as an authoritative interpretation of the Acts.)

1. Proclamations subjecting Persons to the Acts.

The National Service Acts, 1939 to 1941 provide for male British subjects between the ages of 18 and 51 to be made liable by Royal Proclamation to be called up for service in the armed forces of the Crown or in civil defence. All male British subjects (with certain exceptions, *see* paragraph 10 below) who at the date of a Proclamation are within Great Britain and are between the ages specified in the Proclamation are liable to be called up for service. British subjects who are outside Great Britain at the date when a Proclamation is made and who are between the ages specified in the Proclamation are liable to be called up for service as soon as they return to Great Britain.

2. Registration.

All men liable to be called up for service by virtue of a Proclamation are required to apply to be registered under the Acts at a local office of the Ministry of Labour and National Service on a specified date, due notice of which is to be given by public notice, such as posters, announcements in the Press and by the B.B.C. Men who are outside Great Britain at the date when a Proclamation is made and who are between the ages specified in the Proclamation must apply for registration on their return to Great Britain if men of their age have already been required to register.

At the time of registration men are required

(a) to produce their National Registration Identity Cards; and

(b) to furnish certain information, including particulars of their occupation.

Men who register will be given a registration certificate which should be carefully preserved, and must be produced for inspection at the request of a police constable in uniform.

Men living six miles or more from the nearest local office of the Ministry of Labour and National Service or men suffering from some permanent incapacity may register by post. Forms for this purpose may be obtained at any Ministry of Labour and National Service office or at the local post office. Men who for good cause, *e.g.*, illness, fail to apply for registration on the date specified must do so as soon as possible thereafter. Any man who fails without good cause to register himself on the due date renders himself liable on summary conviction to a fine not exceeding £5.

Men from the Isle of Man are required to register even though they are only temporarily in Great Britain.

3. Preferences for Naval, Air Force or Civil Defence Services.

Men may express a preference at the time of registration (*see* paragraph 2) for service in the Royal Navy, the Royal Air Force or civil defence. Civil defence for this purpose comprises the National Fire Service and the Police War Reserve. It is, however, for the Naval, Air Force, or civil defence authorities to decide in relation to the anticipated vacancies which men can be accepted for the respective services. In general men will only be enrolled for the National Fire Service if they are over the age of 25 years, and for the Police War Reserve, over the age of 30 years, at the time of their registration.

4. Change of address.

Any change of address must be notified immediately by the return of the registration certificate to a local office of the Ministry of Labour and National Service. Failure to do so constitutes an offence under the Acts.

5. Medical Examination.

Men liable under the Acts to be called up for service will be summoned for medical examination by a written notice. Medical boards are situated in centres throughout Great Britain, and men will be allowed reasonable expenses and allowances for their attendance, including compensation for loss of remunerative time. At least two clear days' notice will be given in all cases. Men will be informed of the medical grade in which they are placed. Immediately after the medical examination they will be interviewed individually in order that their allocation to service units may be made to the best advantage.

6. Postponement of liability to be called up for service.

There is no power to exempt persons from their liability to be called up for service in the armed forces or in civil defence, but a person may apply for postponement of his liability to be called up on the ground that exceptional hardship would ensue. Men who wish to apply for postponement must register in the ordinary way and submit themselves for medical examination when called upon (*see* paras. 2 and 5 above). Application for a postponement certificate should normally be made at the time of medical examination, but in special circumstances earlier applications might be permitted. A copy of the necessary application form can be obtained on request from the clerk to the medical board and the completed form should be returned to a local office of the Ministry of Labour and National Service not later than two days after the completion of the medical examination.

A postponement certificate may be granted for a period not exceeding six months at a time and is renewable. Applications are determined in accordance with the principles set out in the Appendix to this leaflet. Any application for the renewal of a postponement certificate must, unless there are special circumstances, be made not later than 14 days before the expiration of the period for which it was granted or last renewed.

7. Military Service (Hardship) Committees.

Where an application for a postponement certificate is not granted by the Minister it will be referred to a Military Service (Hardship) Committee. An applicant who is aggrieved by a determination of a Hardship Committee may, if the Committee is not unanimous, or if permission so to do is given by the Committee, appeal within 21 days to the Umpire whose decision is final.

Travelling and subsistence allowances may be paid to applicants and also to any witnesses whose attendance is certified to have been necessary by the Committee or by the Umpire, as the case may be. An applicant may, if he wishes, be represented by his trade union or by any relative or personal friend; subject to this, an applicant may not be represented before a Hardship Committee by counsel or solicitor, but may be so represented before the Umpire.

8. Enlistment in the Forces.

An enlistment or enrolment notice may be served on any man liable to be called up for service, who has been medically examined under the Acts and in respect of whom a postponement certificate is not in force. Such a notice will require him to attend on a specified date at the appropriate reception depot. A minimum of 3 days' notice must be given in all cases. Travelling warrants will be supplied where necessary. A man will be deemed to be entered or enlisted in the armed forces, or enrolled in civil defence, as from the date on which he is required to report for service until the end of the present emergency. In calling men up for service regard will be had to the provisions of the Schedule of Reserved Occupations and to the arrangements for the deferment of calling up of men who are engaged on work of national importance for which they are personally indispensable. A separate leaflet (N.L.8) on the subject of the Schedule of Reserved Occupations and deferment of calling up may be obtained on application from any Local Office of the Ministry of Labour and National Service.

9. Conscientious Objectors.

A man may apply at the time of registration to be placed on the Register of Conscientious Objectors. He will then be *provisionally* registered in the Register of Conscientious Objectors, and will be required to make application, within 14 days, to the local Tribunal to have his case considered. Failure to make application to the Tribunal within the prescribed period renders a man liable to have his name removed from the Register of Conscientious Objectors. If the local Tribunal is satisfied that the ground on which the application was made is established, they are required to direct either:

(a) that the applicant shall be registered without conditions in the Register of Conscientious Objectors; or

★ A separate note (N.L.9) deals with the position of women under the Acts. Copies of this note may be obtained on application from any Local Office of the Ministry of Labour and National Service.

(b) that the applicant shall be conditionally registered in that Register until the end of the present emergency, the condition being that he must, until that event, undertake work specified by the Tribunal of a civil character and under civilian control, and if so directed by the Minister, undergo training provided or approved by the Minister to fit him for such work; or

(c) that he shall be registered as a person liable under the Acts to be called up for service, but to be employed in non-combatant duties only.

If, however, the local Tribunal is not so satisfied, they are required to direct that his name shall be removed from the Register of Conscientious Objectors. Such a man will then be liable to be called up for service in the armed forces. There is a right of appeal to the Appellate Tribunal, which should be made within 21 days, by any applicant who is aggrieved by the determination of a local Tribunal. The Minister may also appeal to the Appellate Tribunal if he considers it to be necessary. The decision of the Appellate Tribunal is final.

10. Classes of Persons not subject to the Acts.

No person is liable to be called up for service or to register under the Acts who is:

(a) a person not ordinarily resident in *Great Britain who is under the provisions of any Act in force in any part of His Majesty's dominions outside Great Britain, a national or citizen of that part within the meaning of that Act or is a person born or domiciled in any such part of His Majesty's dominions or in a British protectorate, a mandated territory or any other country or territory being a country or territory under His Majesty's protection or suzerainty;

For the purposes of paragraph (a) above, a person who is resident in Great Britain shall be deemed to be ordinarily resident there unless he has been resident in Great Britain for less than two years or is residing there only for the purpose of attending a course of education, or the circumstances of his residence in Great Britain are otherwise such as to show that he is resident there for a temporary purpose only.

(b) a person employed in the service of the Government of a part of His Majesty's dominions outside *Great Britain or in the service of the Government of a British protectorate, a mandated territory or some other country or territory which is under His Majesty's protection or suzerainty, provided that his presence in Great Britain is due entirely to his employment in that service;

(c) a member of any of the armed forces of the Crown other than the Home Guard;

*N.B.—The expression "Great Britain" in (a) and (b) above includes the Isle of Man.

(d) undergoing training as a cadet at the Royal Military Academy, Royal Military College or the Royal Air Force College;

(e) a man in holy orders or a regular minister of any religious denomination;

(f) the subject of an order or inquisition under the Lunacy and Mental Treatment Acts, 1890 to 1930, or is being detained in pursuance of section 25 of the Lunacy Act, 1890, or as a criminal lunatic or in pursuance of an order made under the Criminal Lunatics Act, 1884, or is undergoing treatment as a temporary patient under section 5 of the Mental Treatment Act, 1930, or is a person placed in an institution or a certified house, or under guardianship, under section 3 of the Mental Deficiency Act, 1913, or is the subject of an order under section six, eight or nine of that Act or is under supervision provided under paragraph (b) of section 30 of that Act or is an inmate of a home approved under section 50 of that Act or is the subject of notification under sub-section (2) of section 51 of that Act;

(g) the subject of an order or warrant for his detention or custody under the Lunacy (Scotland) Acts, 1857 to 1919, or is being entertained and kept in an asylum in pursuance of section fifteen of the Lunacy (Scotland) Act, 1866, or is a person for whose safe custody during His Majesty's pleasure, His Majesty is authorised to give order or is a prisoner whom the Secretary of State or the Prisons Department for Scotland has, in pursuance of any Act, directed to be removed to a criminal lunatic asylum or to the criminal lunatic department of Perth prison or to an asylum, or is a person placed in an institution or a certified house or under guardianship under section four of the Mental Deficiency and Lunacy (Scotland) Act, 1913, or is the subject of an order under section seven, nine or ten of that Act, or

(h) certified by a local authority as defined by the Blind Persons Acts, 1920 and 1938, to be registered as a blind person under arrangements made by the authority under those Acts.

11. False Statements.

Any person who in giving any information for the purposes of the Acts knowingly or recklessly makes any statement which is false in a material particular is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £50, or to both such imprisonment and such fine.

12. Information and Interpretation.

Legally binding decisions regarding the interpretation of the Acts can be given only by a Court of Law. The Department is, however, ready to give advice and all enquiries should in the first place be addressed to any local office of the Ministry of Labour and National Service.

APPENDIX

EXTRACT FROM NATIONAL SERVICE (POSTPONEMENT CERTIFICATES) REGULATIONS, 1939 TO 1941.

1. In determining applications for the grant or renewal of a postponement certificate under the Acts the principles to be applied and the circumstances to which regard is or is not to be had shall be as follows:—

(1) Domestic Position.

In determining an application based on the domestic position of the applicant regard should be had to the circumstances in which members of the same household as the applicant or dependent persons living elsewhere than in the same household as the applicant will be placed in the event of the application being rejected rather than to the applicant's individual circumstances and such an application should be granted only if, owing to the existence of specific circumstances, the refusal of a certificate would be likely to cause hardship to members of the household other than the applicant or to dependent persons living elsewhere than in the same household as the applicant over and above that which the calling up of men for service in due course might normally be expected to cause.

(2) Business responsibilities and interests.

An application based on business responsibilities and interests should be granted only if the circumstances are such that the business in respect of which the responsibilities and interests arise cannot be carried on in the applicant's absence unless and until alternative arrangements have been made with respect to the carrying on of the business in his absence and the necessary arrangements either for carrying on the business or for its disposal cannot immediately be made.

(3) Other cases.

In determining an application based on grounds other than those above referred to, regard should be had to the circumstances in which the applicant will be placed in the event of the application being rejected and such an application should be granted only if, owing to the existence of specific circumstances, the refusal of a certificate would be likely to cause hardship to the applicant over and above that which the calling up of men for service in due course might normally be expected to cause.

2. The period for which a postponement certificate may be granted or renewed should as far as possible be adjusted to the time which the applicant might reasonably be expected to require in order to make alternative arrangements with respect to his domestic position or the carrying on or disposal of any business or to deal with any other relevant matter as the case may be, so however that—

(1) Subject to the provisions of paragraph (3) hereof, the period for which a certificate may be granted shall in no case exceed a period of six months calculated from the date on which the applicant applied to the Minister for a certificate;

(2) subject to the provisions of paragraph (3) hereof, the period for which a certificate may be renewed shall in no case exceed a period of six months calculated from the end of the period for which it was granted or last renewed or from the date on which the applicant applied to the Minister for the renewal of the certificate, whichever period last expires; and

(3) where in any case there has been an appeal to the Umpire, the period for which a certificate may be granted or renewed shall not in any case exceed a period of six months calculated as aforesaid or a period commencing on the date on which the applicant applied to the Minister for the grant or renewal of the certificate (as the case may be) and ending on a date not later than one month after the date of the decision of the Umpire in that case, whichever period last expires.