

[L.S.]

CHARLES MAJOR.



No. 1 of 1909.

KING'S REGULATION

TO ESTABLISH A VOLUNTEER RESERVE IN OCEAN ISLAND.

Made by His Britannic Majesty's Acting High Commissioner for the Western Pacific under the authority of His Majesty's Commission.

In the name of His Majesty, EDWARD VII., of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India.

1.—This Regulation may be cited as the Ocean Island (Volunteer Reserve) Regulation, 1909. Short title.

2.—In this Regulation—

“Volunteer Reserve” or “Reserve” means the Defence Force established hereby. Interpretation.
“Volunteer Reserve.”

“High Commissioner” means the High Commissioner for the Western Pacific, or any person duly authorised to act in that capacity. “High Commissioner.”

“Deputy Commissioner” means a Deputy Commissioner for the Western Pacific appointed under the provisions of the Pacific Order in Council 1893. “Deputy Commissioner.”

“Resident Commissioner” means the Resident Commissioner for the Gilbert and Ellice Islands Protectorates, or any person duly authorised to act in that capacity. “Resident Commissioner.”

“Officer” means any person appointed in that capacity, or otherwise invested with command under section seventeen hereof. “Officer.”

“Actual service” means service under military law by virtue of a proclamation under section fifteen hereof. “Actual Service.”

“Appointments.” “Appointments” includes accoutrements and equipments of every kind other than clothing.

“Army Act.” “Army Act” means the Army Act 44 and 45 Viet. c. 58, and includes all Acts amending or substituted for the same.

I.—CONSTITUTION OF VOLUNTEER RESERVE.

3.—It shall be lawful for the High Commissioner for the Western Pacific, on behalf of His Majesty, to accept the services of such Europeans and other persons residing on Ocean Island as may desire to join the Volunteer Reserve and offer their services to His Majesty. Provided that it shall not be obligatory on the High Commissioner to accept the services of any person.

President. 4.—There shall be a President of the Volunteer Reserve, who shall be the Resident Commissioner, or the person for the time being acting as Resident Commissioner.

Enrolment. Engagement. 5.—Every member of the Reserve upon joining the same shall—

(a) sign an engagement in the form given in the first schedule hereto, or to the like effect; and

Oath. (b) take the oath, or make the declaration, set forth in the second and third schedules hereto, which shall be administered by a Deputy Commissioner.

Arms. 6.—For the use of the Reserve, such number of rifles and their appointments as the High Commissioner may direct shall be issued to the President of the Reserve on loan, and the President shall be responsible to the High Commissioner for the rifles and appointments.

Ammunition. 7.—There shall be issued to the President in respect of each rifle supplied such number of rounds of ammunition as the High Commissioner may direct. Provided that a quantity of not less than two hundred rounds per rifle, in good condition, shall always be maintained in store in the island as a war reserve.

Uniform. 8.—The uniform or distinctive badges worn by the members of the Reserve shall be such as the High Commissioner may direct.

Inspections. 9.—Inspections of the Reserve shall be held by such officers and at such periods as the High Commissioner may direct.

Rules for management of Reserve. 10.—(1) The members of the Reserve may from time to time make, and when made alter, amend, or rescind, rules for the management of the property, finances, and civil affairs of the Reserve.

(2) Rules shall come into operation when the same shall have been approved by the High Commissioner and that approval communicated to the President.

Expulsion. 11.—(1) The President of the Reserve may dismiss a member of the Reserve therefrom for misconduct, or other cause to him appearing sufficient, and strike the member off the strength.

(2) A member so dismissed shall deliver up in good order, reasonable wear and tear only excepted, all arms, ammunition, clothing, and appointments, being public property, that may have been issued to him.

(3) Any member feeling aggrieved by his dismissal may appeal to the High Commissioner, who may cancel or confirm the dismissal or give such other directions thereon as to him may seem just and proper.

Resignation. 12.—Any member of the Reserve may, except when on actual service, quit the Reserve, if he shall—

(a) give to the President of the Reserve notice in writing of his intention to quit the Reserve;

- (b) deliver up in good order, reasonable wear and tear only excepted, all arms, ammunition, clothing, and appointments, being public property, issued to him; and thereupon he shall be struck off the strength by the President.

13.—The High Commissioner may by proclamation disband or Disbandment. discontinue the services of the Reserve whenever it may seem expedient to him to do so, and may give such directions as shall be necessary for carrying the proclamation into effect.

14.—(1) The High Commissioner may make such subsidiary Regulations. Regulations consistent with the provisions of this Regulation as he shall deem proper—

- (a) for regulating the mode of enrolment;
- (b) for regulating muster, instruction, rifle practice, and inspections;
- (c) regarding the storing and issuing of arms, ammunition, and uniform;
- (d) regarding targets, butts, and shooting-ranges;
- (e) for giving proper and better effect to the provisions of this Regulation.

(2) A copy of every subsidiary Regulation shall be furnished to every member of the Reserve.

II.—ACTUAL SERVICE.

15.—(1) In the event of any actual or apprehended invasion, or Liability to actual service. of civil disturbance threatening the security of life or property, the High Commissioner, or, in case of sudden emergency not permitting of prior communication with the High Commissioner, the Resident Commissioner, may by proclamation call out the Reserve for actual service.

(2) Whenever the Reserve is so called out, every member thereof Obligations of members. shall attend at once in obedience to the call at such time and place as may be directed by the proclamation, and from the time of the Reserve being so called out shall, for the purposes of this Regulation, be deemed on actual service.

(3) Every member of the Reserve who, unless for good and Penalty for not obeying call. sufficient cause, refuses or neglects to obey the call, shall be liable, on summary conviction, to pay a fine not exceeding fifty pounds, or to be imprisoned for any term not exceeding twelve months.

(4) The period for actual service shall continue until determined Period of actual service. by order of the High Commissioner. Provided that, if the High Commissioner shall be unable from any cause to communicate with persons on Ocean Island, and the Resident Commissioner shall deem the necessity for keeping the Reserve called out for actual service to no longer exist, an order determining that service may be made by the Resident Commissioner.

16.—Nothing in this Regulation contained shall render any member Limitation of service. of the Reserve liable to serve or proceed on duty, without his consent, beyond the limits of Ocean Island.

17.—(1) The High Commissioner may appoint persons, who shall Military command. be British subjects, to be officers in the Reserve when called out for actual service, and may make subsidiary Regulations as to the persons to be invested as officers, or otherwise, with command over the Reserve when so called out, or any persons belonging thereto.

(2) If no person shall have been appointed or invested with command as an officer when the Reserve is so called out, the Resident Commissioner shall be invested with command as an officer, and shall rank as a lieutenant in the Reserve.

- Application of Army Act. 18.—With respect to the discipline of members of the Reserve when they are on actual service, the provisions of the Army Act, so far as applicable, shall apply with the following modifications:—
- Application of terms. (a) The words “Volunteer Reserve” may be read therein for the words “regular forces”; the words “member of the Volunteer Reserve” for the word “soldier”; and the words “High Commissioner” for the words “His Majesty” and “Secretary of State.”
- Death penalty not to be inflicted. (b) No member of the Volunteer Reserve shall for any offence against the Army Act be subject to the penalty of death, or to any longer term of imprisonment than five years.
- Substitution of imprisonment. (c) Any person who, but for the last preceding provision, would be subject to the penalty of death, shall be liable to be imprisoned, with or without hard labour, for any term not exceeding five years.
- Court-martial. (d) No sentence of a court-martial upon a trial of a member of the Reserve shall be carried into execution unless confirmed by the High Commissioner.
- (e) Such other modifications consistent with this part of this Regulation as the High Commissioner may determine.
- Pay. 19.—All members of the Reserve, when called out for actual service, shall be entitled to such pay as may be determined by the High Commissioner.
- Power of commanding officer to impress men, &c. 20.—The commanding officer of the Reserve may, when the Reserve is called out for actual service, impress men, horses, mules, donkeys, oxen, carriages, waggons, carts, riding and driving gear, and boats and their accessories, as the service may require.
- Immunities of members of the Reserve when on actual service. 21.—No action shall lie against any member of the Reserve, nor shall he be subject to any penalty or punishment, for any act or thing done by him while on actual service; provided that the act or thing was done in pursuance of a lawful command given to him by the High Commissioner, or a Deputy Commissioner, or his commanding officer, or in defence of his post or person, or otherwise in the lawful performance of his duty.
- III.—MISCELLANEOUS.
- Wilful injury to butts or targets. 22.—If any person wilfully commits any damage to any butt or target or any other article in lawful use by the Reserve, he shall be liable on summary conviction to a penalty not exceeding five pounds.
- Wrongful detention or disposal of arms, &c. 23.—All arms, ammunition, clothing, appointments, or any article whatsoever issued to any member of the Reserve, shall be and remain the property of His Majesty’s Government, and shall be produced, exhibited, and delivered to any person authorised by the High Commissioner to inspect or receive the same.
- Destruction or damage of articles issued to Reserve. 24.—If any person designedly makes away with, sells, pawns, or wilfully destroys, or damages, or negligently loses, anything issued to a member of the Reserve, or refuses or neglects when lawfully required to produce, exhibit, or deliver on demand anything which he is liable under this Regulation or the rules or regulations made under this Regulation, to produce, exhibit, or deliver, the value thereof shall be recoverable from him by the President, and he shall also for each offence be liable on summary conviction to a fine not exceeding five pounds.
- Penalty. 25.—Whoever knowingly buys, or takes in exchange or in pawn, from any member of the Reserve or person acting on his behalf, or solicits or entices any member of the Reserve to sell or pawn, or
- Buying or taking arms, &c., from members of the Reserve.

knowingly assists or acts for any member of the Reserve in selling or pawning, or has in his possession or keeping without satisfactorily accounting for, any arms, ammunition, clothing, appointments, or necessaries, being public property, shall be liable on summary conviction to a fine not exceeding five pounds.

26.—In all proceedings under this Regulation before a Deputy Commissioner the President may appear by any person authorised by him in that behalf by writing under his hand. Proceedings under this Regulation.

SCHEDULES.

FIRST SCHEDULE.

Engagement to be signed by member of the Volunteer Reserve.

I [*insert name*] hereby engage myself to serve in the Ocean Island Volunteer Reserve, subject to the provisions of "The Ocean Island (Volunteer Reserve) Regulation 1909," of any regulations amending the same, and the regulations and standing orders thereunder in force.

Before me :

(*Signature.*)

(Signed)

, Deputy Commissioner.

Dated at , this day of , 19 .

SECOND SCHEDULE.

Oath to be taken by member of the Volunteer Reserve.

I [*insert name*] do sincerely promise and bear that I will be faithful and bear true allegiance to His Majesty King Edward VII., His heirs and successors, according to law, and that I will faithfully serve in the Ocean Island Volunteer Reserve according to the conditions of my service.

So help me God !

Before me :

(Signed)

, Deputy Commissioner.

Dated at , this day of , 19 .

THIRD SCHEDULE.

Declaration to be made by member of the Volunteer Reserve.

I [*insert name*] do solemnly, sincerely, and truly declare that I will be faithful and bear true allegiance to His Majesty King Edward VII., His heirs and successors, according to law, and that I will faithfully serve in the Ocean Island Volunteer Reserve according to the conditions of my service.

Before me :

(Signed)

, Deputy Commissioner.

Dated at , this day of , 19 .

Published and exhibited in the Public Office of the High Commissioner for the Western Pacific this twenty-second day of February one thousand nine hundred and nine.

By Command,

A. MONTGOMERIE,

Secretary to His Britannic Majesty's High Commissioner
for the Western Pacific.

Suva, Fiji : Printed by EDWARD JOHN MARCH,

Printer to the Government of His Britannic Majesty's High Commission for the Western Pacific.—1910.

Reprinted by S. BACH, Government Printer, Suva, Fiji.—1915.