

ROYAL FIJI MILITARY FORCES (AMENDMENT) ACT 1998

ARRANGEMENT OF SECTIONS

Part 1—PRELIMINARY

SECTION

1. Short title, etc
2. Commencement

Part 2—AMENDMENTS OF PRINCIPAL ACT

3. Short title
4. Interpretation
5. Function of Forces
6. Insertion of new section
3A. Use of Forces to maintain essential services.
7. Appointment and promotion of officers
8. Appointment of warrant officers
9. Qualification as officer or soldier of the Forces
10. Application of Army Act
11. Courts martial
12. Substitution of new section 65
65. Secondment to the Forces

FIJI

ACT NO. 16 OF 1998



I assent.

[L.S.]

K. K. T. MARA
President

[20 April 1998]

AN ACT**TO AMEND THE ROYAL FIJI MILITARY FORCES ACT**

ENACTED by the Parliament of Fiji—

Part 1—PRELIMINARY*Short title, etc*

1.—(1) This Act may be cited as the Royal Fiji Military Forces (Amendment) Act 1998.

(2) The Royal Fiji Military Forces Act (Cap. 81) is in this Act referred to as the Principal Act.

Commencement

2. This Act commences on a date appointed by the Minister and published in the Gazette.

Part 2—AMENDMENTS OF PRINCIPAL ACT*Short title*

3. The short title to the Principal Act is amended by omitting “Royal” and substituting “Republic of”.

Interpretation

4. Section 2 of the Principal Act is amended—

(a) by omitting the definition of “Commander” and substituting the following—

“ ‘Commander’ means the Commander of the Forces appointed under section 112(2) of the Constitution;”;

(b) by inserting the following new definition:

“ ‘Forces’ means the Republic of Fiji Military Forces;”;

(c) by omitting “Royal Fiji Military” from the definition of “military service”;
and

(d) by omitting “man” from the definition of “soldier” and substituting “person”.

Function of the Forces

5. Section 3 of the Principal Act is amended by omitting subsections (1) and (3).

Insertion of new section

6. After section 3 of the Principal Act the following new section is inserted—

“Use of Forces to maintain essential services

3A.—(1) Subject to this section, the Forces may be used in the Fiji Islands or elsewhere to maintain an essential public service.

(2) The Forces must not be used for the purpose specified in subsection (1) except in accordance with the written authority of the Minister.

(3) An authority given by the Minister under subsection (2) must specify the part or parts of the Forces that may be used and the essential public service or essential public services in respect of which the authority is given.

(4) The Minister giving an authority under subsection (2) must inform the House of Representatives, forthwith if the House is then sitting or at the earliest practicable time if it is not, that the authority has been given and of the reasons for giving it, and must lay a copy of the authority before the House.

(5) An authority given under subsection (2) lapses at the end of 14 days after the day on which it was given unless—

- (a) before the end of the 14 days the House of Representatives passes a resolution extending the authority for a period specified in the resolution; or
- (b) if the House of Representatives was not sitting when the authority was given and will not sit again before the end of those 14 days, the President extends the authority by Proclamation approved by the Cabinet, for a period specified in the Proclamation.”.

Appointment and promotion of officers

7. Section 5 of the Principal Act is amended by omitting from subsection (1), “when not already commissioned in Her Majesty’s Forces, ”.

Appointment of warrant officers

8. Section 6 of the Principal Act is amended by omitting from subsection (1), “when not already holding a warrant of appointment to that rank in Her Majesty’s Forces,”.

Qualification as officer or soldier of the Forces

9. Section 7 of the Principal Act is amended by omitting from subsections (1) and (2) “British subject” and substituting “citizen of the State”.

Application of Army Act

10. Section 23 of the Principal Act is amended by omitting from subsection (1) “Her Majesty’s Regular Forces” and substituting “the Regular Forces of the United Kingdom”.

Courts martial

11. Section 25 of the Principal Act is amended—

- (a) by omitting from subsection (1) “or partly of officers of the Forces and partly of officers of Her Majesty’s Regular Forces”; and
- (b) by omitting from subsection (2) “Her Majesty’s Regular Forces” and substituting “the Regular Forces of the United Kingdom”.

Substitution of new section 65

12. Section 65 of the Principal Act is repealed and the following section is substituted—

“Secondment to the Forces

65. The Minister may appoint on secondment to the Forces with such rank and for such time as the Minister thinks fit any officer, warrant officer, non-commissioned officer or person of any foreign forces.”.

Passed by the House of Representatives this Seventeenth day of March, in the year of our Lord One Thousand, Nine Hundred and Ninety-Eight.

Passed by the Senate this Sixth day of April, in the year of our Lord One Thousand, Nine Hundred and Ninety-Eight.