

CHAPTER 179.

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CHAPTER 179.

ROYAL WEST AFRICAN FRONTIER FORCE.

An Ordinance Constituting the Sierra Leone Regiment of the Royal West African Frontier Force.

[26th May, 1923.]

10 of 1923.
 7 of 1924.
 34 of 1926.
 15 of 1927.
 22 of 1928.
 29 of 1934.
 4 of 1938.
 1 of 1939.
 6 of 1941.
 24 of 1941.
 24 of 1942.
 13 of 1943.
 11 of 1944.
 3 of 1945.
 4 of 1945.
 13 of 1946.
 37 of 1946.
 29 of 1947.
 18 of 1949.
 14 of 1957.

1. This Ordinance may be cited as the Royal West African Frontier Force Ordinance, and shall apply to the Colony and Protectorate.

Short title,
and applica-
tion.

2. (1) In this Ordinance, if not inconsistent with the context, the following expressions shall have the meanings hereinafter respectively assigned to them—

Interpreta-
tion.

(a) "Administrative Officer" means Provincial Commissioner, District Commissioner, Assistant District Commissioner, or any official charged with the civil administration of a district;

(b) "the Army Act" means the Army Act, 1955, and any Act of Parliament amending or substituted for the Army Act, 1955;

14 of 1957.
3 & 4 Eliz. II,
c. 18

(c) "Army Reserve" means any of the Reserve Forces of Her Majesty's Imperial or Colonial forces, except the Royal West African Frontier Force Reserve;

(d) "Colony" includes Protectorate;

(e) "enemy" includes all armed mutineers, armed rebels, armed rioters and pirates;

(f) "follower" means any person, other than a person enlisted under the provisions of section 73 of this Ordinance who is employed by, or is in the service of, the Regiment, any officer or any British Other Rank, and includes a servant,

mess waiter, cook, and any employee in a canteen established by the Regiment;

(g) "military decoration" means any medal, clasp, good conduct badge or decoration;

(h) "military reward" means any gratuity for long service for good conduct, and includes any good conduct pay or other military pecuniary reward;

18 of 1949.

(i) "non-commissioned officer" includes an acting non-commissioned officer;

(j) "paymaster" means the company commander or other officer responsible for a soldier's pay;

(k) "private" means a soldier other than a non-commissioned officer;

14 of 1957.

(l) "public" when used adjectively means belonging to the Government of Sierra Leone or to the Government of the United Kingdom;

(m) "regiment" means any corps or battalion or other sub-division of a corps;

(n) "reserve" means the Royal West African Frontier Force Reserve;

14 of 1957.

(o) "service" when used adjectively means belonging to or connected with the Regiment or any part thereof or to any part of Her Majesty's military forces of the United Kingdom;

(p) "Sierra Leone" includes the Protectorate;

13 of 1946.

(q) "soldier" does not include an officer or British warrant non-commissioned officer or private but includes every other person subject to this Ordinance during the time that he is so subject, including artillery and machine-gun carriers, stretcher-bearers, grooms and enlisted followers and any other persons who have been attested for any period;

(r) "superior officer" when used in relation to a soldier, includes all officers, and non-commissioned officers, and for artillery and machine-gun carriers, stretcher-bearers and grooms, shall include head-men in addition;

(s) "unit" means a battalion or battery.

Interpretation of term "on active service."

(2) A person subject to this Ordinance shall, if such interpretation be not inconsistent with the context, be deemed to be on active service, whenever he is attached to, or forms part of a force which is engaged in operations against the enemy, or is engaged in military operations in a country or place wholly or partly occupied by the enemy, or is in military occupation of

any country, or is engaged in any punitive patrol or escort in any unsettled or disturbed area, or any area which may be declared as such by the Governor from time to time.

3. This Ordinance is divided into six parts, relating to the following subject matters; that is to say—

Division of
Ordinance.

Part I.—Constitution and duties.

Part II.—Discipline.

Part III.—Government.

Part IV.—Enlistment, discharge and service.

Part V.—General provisions.

Part VI.—Application of military law and saving provisions.

PART I.—CONSTITUTION AND DUTIES.

4. (1) The Sierra Leone Regiment of the Royal West African Frontier Force shall consist of such battalions, batteries and other units or detachments as the Governor, with the sanction of the Secretary of State, may from time to time direct.

Constitution
and duties.

(2) The regiment is charged with the defence of the Colony, the maintenance of order, and with such other duties as may be from time to time defined by the Governor, and it shall be lawful for the Governor—

(a) at any time, and for any such purpose as Her Majesty, through one of her Principal Secretaries of State, may direct, to order that the regiment, or any part thereof, shall be employed out of, and beyond, the Colony;

(b) at any time as Her Majesty, through one of her Principal Secretaries of State, may direct, to order that the regiment or any part of it shall be placed under the command of the Army Council; and thereupon each member of the regiment who is affected by any such order of the Governor shall obey all lawful orders or directions issued by or on behalf of the Army Council whether such member is within Sierra Leone or elsewhere; and

(c) to order on the recommendation of the commanding officer, that any non-commissioned officers or privates of the regiment shall proceed to the United Kingdom or elsewhere within the Commonwealth, for the purpose of undergoing instruction or training, or for other duty or employment.

(3) Any Order made by the Governor in exercise of the powers contained in paragraph (b) of sub-section (2) of this section may be made with retrospective effect.

PART II.—DISCIPLINE.

CRIMES AND PUNISHMENTS.

Offences in respect of military service.

Offences in relation to the enemy punishable with death.

5. Every person subject to this Ordinance, who commits any of the following offences; that is to say—

(1) Shamefully abandons, or delivers up, any garrison, place, post, or guard, or uses any means to compel or induce any Governor, commanding officer, or other person, shamefully to abandon or deliver up any garrison, place, post, or guard, which it was the duty of such Governor, officer, or person to defend;

(2) Shamefully casts away his arms, ammunition, or tools, in the presence of the enemy;

(3) Treacherously holds correspondence with, or gives intelligence to, the enemy, or treacherously, or through cowardice, sends a flag of truce to the enemy;

(4) Assists the enemy with arms, ammunition, or supplies, or knowingly harbours or protects an enemy, not being a prisoner;

(5) Having been made a prisoner of war, voluntarily serves with, or voluntarily aids the enemy;

(6) Knowingly does, when on active service, any act, calculated to imperil the success of Her Majesty's forces, or any part thereof;

(7) Misbehaves, or induces others, to misbehave, before the enemy in such a manner as to show cowardice;

shall, on conviction by court-martial, be liable to suffer death, or such less punishment, as is in this Ordinance mentioned.

Offences in relation to the enemy not punishable with death.

6. Every person subject to this Ordinance, who, on active service, commits any of the following offences; that is to say:—

(1) Without orders from his superior officer, leaves the ranks, in order to secure prisoners or horses, or on pretence of taking wounded men to the rear;

(2) Without orders from his superior officer, wilfully destroys or damages any property;

(3) Is taken prisoner, by want of due precaution, or through disobedience of orders, or wilful neglect of duty, or having been taken prisoner, fails to rejoin Her Majesty's service, when able to rejoin the same;

(4) Without due authority, either holds correspondence with, or gives intelligence to, or sends a flag of truce to the enemy;

(5) By word of mouth, or in writing, or by signals, or otherwise, spreads reports calculated to create unnecessary alarm or despondency;

(6) In action, or previously to going into action, uses words calculated to create alarm or despondency;

shall, on conviction by court martial, be liable to suffer imprisonment, with hard labour, for a term not less than three years, or such less punishment as is in this Ordinance mentioned.

7. (1) Every person subject to this Ordinance, who commits any of the following offences; that is to say—

(a) Leaves his commanding officer to go in search of plunder;

(b) Without orders from his superior officer, leaves his guard, piquet, patrol or post;

(c) Forces a safeguard;

(d) Forces or strikes a soldier when acting sentinel;

(e) Impedes the provost-marshal, or any assistant provost-marshal, or any officer or non-commissioned officer, or other person legally exercising authority under, or on behalf of the provost-marshal, or, when called on, refuses to assist in the execution of his duty, the provost-marshal, assistant provost-marshal, or any other officer, non-commissioned officer, or other person;

(f) Does violence to any person bringing provisions or supplies to the forces; or commits any offence against the property or person of any inhabitant of, or resident in the country, in which he is serving;

(g) Breaks into any house or other place in search of plunder;

(h) By discharging firearms, drawing swords, beating drums, making signals, using words, or by any means whatever, intentionally occasions false alarms in action, on the march, in the field, or elsewhere;

(i) Treacherously makes known the parole, watchword, or countersign, to any person not entitled to receive it, or treacherously gives a parole, watchword, or countersign, different from what he received;

(j) Irregularly detains, or appropriates, to his own corps, battalion, or detachment, any provisions or supplies proceeding to the forces, contrary to any orders issued in that respect;

Offences
punishable
more
severely on
active
service than
at other
times.

(k) Being a soldier, acting as sentinel, commits any of the following offences; that is to say—

(i) Sleeps, or is drunk at his post; or

(ii) Leaves his post before he is regularly relieved;

shall, on conviction by court martial, if he commits any such offence on active service, be liable to suffer death, or such less punishment as is in this Ordinance mentioned; and if he commits any such offence, not on active service, be liable to suffer imprisonment, or such less punishment, as is in this Ordinance mentioned.

(2) Every person subject to this Ordinance, who commits any of the following offences; that is to say—

(a) By discharging firearms, drawing swords, beating drums, making signals, using words, or by any means whatever, negligently occasions false alarms in action, on the march, in the field, or elsewhere;

(b) Makes known the parole, watchword, or countersign to any person not entitled to receive it; or without good and sufficient cause, gives a parole, watchword, or countersign, different from what he received;

shall, on conviction, be liable to suffer imprisonment, or such less punishment, as is in this Ordinance mentioned.

Mutiny and Insubordination.

Mutiny and
sedition.

8. Every person subject to this Ordinance, who commits any of the following offences; that is to say—

(1) Causes, or conspires with any other persons to cause, any mutiny or sedition in any forces belonging to Her Majesty;

(2) Endeavours to seduce any person from allegiance to Her Majesty, or persuade any person to join in any mutiny or sedition;

(3) Joins in, or being present, does not use his utmost endeavours to suppress any mutiny or sedition;

(4) Knowing of any actual or intended mutiny, or sedition, does not, without delay, inform his commanding officer, or other superior officer, of the same;

shall, on conviction by court martial, be liable to suffer death, or such less punishment as is in this Ordinance mentioned.

9. (1) Every person subject to this Ordinance, who commits any of the following offences; that is to say—

Striking or threatening superior officer.

Strikes, or uses, or offers any violence to his superior officer, being in the execution of his office;

shall, on conviction by court martial, be liable to suffer death, or such less punishment as is in this Ordinance mentioned.

(2) Every person subject to this Ordinance, who commits any of the following offences; that is to say—

Strikes, or uses, or offers any violence to his superior officer, or uses threatening or insubordinate language to his superior officer;

shall, on conviction by court martial, if he commits such offence on active service, be liable to suffer imprisonment, with hard labour, for a term not less than three years, or such less punishment as is in this Ordinance mentioned; and if he commits such offence not on active service, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

10. (1) Every person subject to this Ordinance, who commits the following offence; that is to say—

Disobedience to superior officer.

Disobeys, in such manner as to show a wilful defiance of authority, any lawful command, given personally by his superior officer, in the execution of his office, whether the same is given orally, or in writing, or by signal, or otherwise; shall, on conviction by court martial, be liable to suffer death, or such less punishment as is in this Ordinance mentioned.

(2) Every person subject to this Ordinance, who commits the following offence; that is to say—

Disobeys any lawful command given by his superior officer; shall, on conviction by court martial, if he commits such offence on active service, be liable to suffer imprisonment, with hard labour, for a term not less than three years, or such less punishment as is in this Ordinance mentioned; and if he commits such offence not on active service, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

11. Every person subject to this Ordinance, who commits any of the following offences; that is to say—

Insubordination.

(1) Being concerned in any quarrel, fray, or disorder, refuses to obey any officer (though of inferior rank), who orders him into arrest, or strikes, or uses or offers violence to, any such officer;

(2) Strikes, or uses, or offers violence to, any person, whether subject to military law or not, in whose custody he is placed, and whether he is or is not his superior officer;

(3) Resists an escort whose duty it is to apprehend him, or to have him in charge;

(4) Breaks out of barracks, camp, or quarters;

shall, on conviction by court martial, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

Neglect to
obey
garrison or
other orders

12. Every person subject to this Ordinance, who commits the following offence; that is to say—

Neglects to obey any general, or garrison, or other orders; shall, on conviction by court martial, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

Desertion, Fraudulent Enlistment, and Absence without Leave.

Desertion.

13. (1) Every person subject to this Ordinance, who commits any of the following offences; that is to say—

(a) Deserts, or attempts to desert, Her Majesty's Service;

(b) Persuades, endeavours to persuade, procures, or attempts to procure, any person, subject to this Ordinance, to desert from Her Majesty's service;

shall, on conviction by court martial, if he commits such offence on active service, or under orders for active service, suffer death, or such less punishment as is in this Ordinance mentioned; and if he commits such offence under other circumstances, be liable, for the first offence, to suffer imprisonment, or such less punishment as is in this Ordinance mentioned; and for the second, or any subsequent offence, to suffer imprisonment, with hard labour, for a term not less than three years; or such less punishment as is in this Ordinance mentioned.

(2) When any offender has fraudulently enlisted once, or oftener, he may, for the purposes of trial for the offence of deserting, or attempting to desert, Her Majesty's service, be deemed to belong to any one or more of the corps to which he has been appointed, or transferred, as well as the corps to which he properly belongs; and it shall be lawful to charge an offender with any number of offences against this section at the same time, and to give evidence of such offences against him, and if he be convicted thereof, to punish him accordingly; and further, it shall be lawful, on conviction of a person for two or more

such offences, to award him the higher punishment allowed by this section for a second offence, as if he had been convicted by a previous court martial of one of such offences.

(3) For the purpose of the liability under this section to the higher punishment for a second offence, a previous offence of fraudulent enlistment may be reckoned as a previous offence under this section.

14. (1) Every person subject to this Ordinance, who commits the following offence: that is to say—

Fraudulent
enlistment.

When belonging to any of Her Majesty's Imperial, or Colonial forces, without having first obtained a regular discharge therefrom, or otherwise fulfilled the condition enabling him to enlist, enlists in any other of Her Majesty's Imperial or Colonial forces;

shall be deemed to have been guilty of fraudulent enlistment, and shall, on conviction by court martial, be liable—

(i) For the first offence, to suffer imprisonment, or such less punishment as is in this Ordinance mentioned; and

(ii) For the second, or any subsequent offence, to suffer imprisonment, with hard labour, for a term not less than three years, or such less punishment as is in this Ordinance mentioned.

(2) When an offender has fraudulently enlisted on several occasions, he may, for the purposes of this section, be deemed to belong to any one or more of the corps to which he has been appointed or transferred, as well as to the corps to which he properly belongs; and it shall be lawful to charge an offender with any number of offences against this section at the same time, and to give evidence of such offences against him, and if he be convicted thereof, to punish him accordingly; and further, it shall be lawful, on conviction of a person for two or more offences, to award him the higher punishment allowed by this section for a second offence, as if he had been convicted by a previous court martial of one of such offences.

(3) Where an offender is convicted of the offence of fraudulent enlistment, then, for the purposes of his liability under this section to the higher punishment for a second offence, the offence of deserting, or attempting to desert, Her Majesty's service, may be reckoned as a previous offence of fraudulent enlistment under this section, with this exception, that the absence of the offender next before any fraudulent enlistment shall not, upon his conviction for that fraudulent enlistment, be reckoned as a previous offence of deserting, or attempting to desert.

Assistance
of or
connivance
at desertion.

15. Every person, subject to this Ordinance, who commits any of the following offences; that is to say—

(1) Assists any person, subject to this Ordinance, to desert Her Majesty's service;

(2) Being cognisant of any desertion, or intended desertion, of a person, subject to this Ordinance, does not forthwith give notice to his commanding officer, or take any steps in his power to cause the deserter, or intended deserter, to be apprehended;

shall, on conviction by court martial, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

Absence
from duty
without
leave.

16. Every person subject to this Ordinance, who commits the following offences; that is to say—

(1) Absents himself without leave;

(2) Fails to appear at the place of parade or rendezvous appointed by his commanding officer, or goes from thence, without leave, before he is relieved, or, without urgent necessity, quits the ranks;

(3) When in camp or garrison, or elsewhere, is found beyond the limits fixed, or in any place prohibited by, any general, garrison, or other order, without a pass, or written leave from his commanding officer;

(4) Without leave from his commanding officer, or without due cause, absents himself from any school, when duly ordered to attend there;

shall, on conviction by court martial, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

Disgraceful Conduct.

Extortion.

17. Every person subject to this Ordinance, who commits the following offence; that is to say—

Commits, or connives, at any extortion;

shall, on conviction by court martial, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

18. Every person subject to this Ordinance, who commits any of the following offences; that is to say—

Fraud by persons in charge of money or goods.

Being charged with, or concerned in, the care or distribution of any public or service money or goods, steals, fraudulently misapplies, or embezzles the same, or is concerned in, or connives at the stealing, fraudulent misapplication, or embezzlement thereof, or wilfully damages any such goods;

shall, on conviction by court martial, be liable to suffer imprisonment, with hard labour, for a term not less than three years, or such less punishment as is in this Ordinance mentioned.

19. Every person subject to this Ordinance, who commits any of the following offences; that is to say—

Disgraceful conduct.

(1) Malingers, or feigns, or produces disease or infirmity;

(2) Wilfully maims or injures himself, or any other soldier, whether at the instance of such soldier or not, with intent thereby to render himself, or such other soldier, unfit for service, or causes himself to be maimed or injured by any person, with intent thereby to render himself unfit for service;

(3) Is wilfully guilty of any misconduct, or wilfully disobeys, whether in hospital or otherwise, any orders, by means of which misconduct or disobedience he produces, or aggravates, disease or infirmity, or delays cure;

(4) Steals, or embezzles, or receives, knowing them to be stolen or embezzled, any money or goods, the property of a comrade or of an officer, or any money or goods belonging to any service mess or band, or to any service institution, or any public money or goods;

(5) Is guilty of any offence of a fraudulent nature, not before in this Ordinance particularly specified, or of any other disgraceful conduct of a cruel, indecent, or unnatural kind;

shall, on conviction by court martial, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

Drunkenness.

20. Every person subject to this Ordinance, who commits the following offence; that is to say—

Drunkenness.

The offence of drunkenness, whether on duty or not on duty;

shall, on conviction by court martial, be liable to suffer imprisonment, or such less punishment, as is in this Ordinance mentioned, and, either in addition to, or in substitution for, any other punishment, to pay a fine, not exceeding one pound.

Offences in Relation to Prisoners.

Permitting
escape of
person in
custody.

21. Every person subject to this Ordinance, who commits any of the following offences; that is to say—

(1) When in command of a guard, piquet, patrol, or post, releases, without proper authority, whether wilfully or otherwise, any person committed to his charge;

(2) Wilfully, or without reasonable excuse, allows to escape any person who is committed to his charge, or whom it is his duty to keep or guard;

shall, on conviction by court martial, be liable, if he has acted wilfully, to suffer imprisonment, with hard labour, for a term not less than three years, or such less punishment as is in this Ordinance mentioned, and in any case, to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

Irregular
arrest or
confinement.

22. Every person subject to this Ordinance, who commits any of the following offences; that is to say—

(1) Unnecessarily detains a person in arrest, or confinement, without bringing him to trial, or fails to bring his case before the proper authority for investigation;

(2) Being in command of a guard, does not, as soon as he is relieved from his guard or duty, or if he is not sooner relieved, within twenty-four hours after a person is committed to his charge, give to the officer to whom he may be ordered to report that person's name and offence, so far as known to him, and the name and rank of the officer or other person by whom he was charged, accompanied by any account he may have received;

shall, on conviction by court martial, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

Escape from
confinement.

23. Every person subject to this Ordinance, who commits the following offence; that is to say—

Being in arrest, or confinement, or in prison, or otherwise in lawful custody, escapes, or attempts to escape;

shall, on conviction by court martial, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

Offences in relation to Property.

24. Every person subject to this Ordinance, who commits any of the following offences; that is to say—

Corrupt dealing in respect of supplies to forces.

(1) Without proper authority, exacts from any person, carriage, porterage, or provisions;

(2) Lays any duty upon or takes any fee or advantage in respect of, or is in any way interested in, the sale of provisions or merchandise brought into any garrison, camp, station, barrack, or place, in which he has any command or authority, or the sale or purchase of any provisions or stores; shall, on conviction by court martial, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

25. Every person subject to this Ordinance, who commits any of the following offences; that is to say—

Deficiency in, and injury to, equipment.

(1) Makes away with, or is concerned in making away with (whether by pawning, selling, destruction, or otherwise howsoever), his arms, ammunition, equipments, instruments, clothing, service necessaries, or any animal of which he has charge, or any public property issued to him for his use or entrusted to his care for military purposes;

(2) Loses, by neglect, anything before in this section mentioned;

(3) Makes away with (whether by pawning, selling, destruction, or otherwise howsoever) any military decoration granted to him;

(4) Wilfully injures anything before in this section mentioned, or any property belonging to a comrade, or to an officer, or to any service mess or band, or to any service institute, or any public property;

(5) Ill-treats any animal used in the public service;

shall, on conviction by court martial, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

Offences in relation to False Documents and Statements.

26. Every person subject to this Ordinance, who commits any of the following offences; that is to say—

Falsifying official documents and false declarations.

(1) In any report, return, muster roll, pay list, certificate, book, route or other document, made or signed by him, or of the contents of which it is his duty to ascertain the accuracy, knowingly makes, or is privy to the making of, any false or

fraudulent statement, or knowingly makes, or is privy to the making of, any omission, with intent to defraud;

(2) Knowingly, and with intent to injure any person, or knowingly, and with intent to defraud, suppresses, defaces, alters, or makes away with any document which it is his duty to preserve or produce;

(3) Where it is his official duty to make a declaration respecting any matter, knowingly makes a false declaration;

shall, on conviction by court martial, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

Neglect to report and signing in blank.

27. Every person subject to this Ordinance, who commits any of the following offences; that is to say—

(1) When signing any document, relating to pay, arms, ammunition, equipment, clothing, regimental necessaries, provisions, furniture, bedding, blankets, sheets, utensils, forage, or stores, leaves blank any material part for which his signature is a voucher;

(2) Refuses, or by culpable negligence omits, to make or send a report, or return, which it is his duty to make or send; shall, on conviction by court martial, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

False accusation or statement by soldier.

28. Every person subject to this Ordinance, who commits any of the following offences; that is to say—

(1) Being a soldier, makes a false accusation against any officer or soldier, knowing such accusation to be false;

(2) Being a soldier, in making a complaint where he thinks himself wronged, knowingly makes any false statement affecting the character of any officer or soldier, or knowingly and wilfully suppresses any material facts;

(3) Being a soldier, falsely states to his commanding officer that he has been guilty of desertion or fraudulent enlistment, or has served in, and been discharged from, any of Her Majesty's Imperial or Colonial forces;

(4) Being a soldier, makes a wilfully false statement to any military or civil officer in respect of the prolongation of furlough;

shall be liable, on conviction by court martial, to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

Offences in relation to Courts Martial.

29. Every person subject to this Ordinance, who commits any of the following offences; that is to say—

Offences in relation to courts martial.

(1) Being duly summoned or ordered to attend, as a witness, before a court martial, makes default in attending;

(2) Refuses to take an oath, or make a solemn declaration, or affirmation, legally required by a court martial to be taken or made;

(3) Refuses to produce any document in his power or control legally required by a court martial to be produced by him;

(4) Refuses, when a witness, to answer any question to which a court martial may legally require an answer;

(5) Is guilty of contempt of a court martial, by using insulting or threatening language, or by causing any interruption or disturbance in the proceedings of such court;

shall, on conviction by a court martial, other than the court in relation to, or before, whom the offence was committed, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned:

Provided that where a person subject to this Ordinance is guilty of contempt of a court martial, by using threatening or insulting language, or by causing any interruption or disturbance in the proceedings of such court, that court, if they think it expedient, instead of the offender being tried by another court martial, may, by order under the hand of the president, order the offender to be imprisoned, with or without hard labour, for a period not exceeding twenty-one days.

30. Every person subject to this Ordinance, who commits the following offence; that is to say—

False evidence.

When examined on oath or solemn declaration or affirmation before a court martial, or any court or officer authorised by this Ordinance (or by the Army Act) to administer an oath, wilfully gives false evidence;

shall be liable, on conviction by court martial, to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

Offences in relation to Billeting.

Offences in relation to quarters.

31. Every person subject to this Ordinance, who commits any of the following offences; that is to say—

(1) Wilfully demands from any person quarters or accommodation of any sort to which he is not entitled;

(2) Is guilty of any ill-treatment, by violence, extortion, or making disturbance, of the occupier of any house in which any person or animal is billeted;

shall be liable, on conviction by court martial, to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

Offences in relation to the Impressment of Carriages, etc.

Offences in relation to the impressment of transport.

32. Every person subject to this Ordinance, who commits any of the following offences; that is to say—

(1) Wilfully demands any carriages, animals, vessels, or other form of transport, which are not actually required;

(2) Does not discharge as speedily as practicable, any carriage, animal, vessel, or other form of transport;

(3) Ill-treats any animal or person performing transport duties;

(4) Uses, or offers, any menace to, or compulsion on, any person, to make him provide any carriage, animal, vessel, or other form of transport, which he is not bound to provide;

shall be liable, on conviction by court martial, to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

Offences in relation to Enlistment.

Enlistment of soldier discharged with ignominy or disgrace.

33. (1) Every person subject to this Ordinance, who commits the following offence; that is to say—

Having been discharged with disgrace from any part of Her Majesty's Imperial or Colonial forces, or having been dismissed with disgrace from the navy, has afterwards enlisted without declaring the circumstances of his discharge or dismissal;

shall, on conviction by court martial, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

(2) For the purpose of this section, the expression “ discharged with disgrace from any part of Her Majesty’s forces,” means discharged with ignominy, discharged as incorrigible and worthless, discharged for misconduct, or discharged on account of conviction for felony, or of a sentence of imprisonment with hard labour for a period not less than three years.

34. Every person having become subject to this Ordinance, who is discovered to have committed the following offence; that is to say—

False answers or declarations on enlistment.

To have made a wilfully false answer to any question set forth in the attestation paper which has been put to him by, or by direction of, the Justice, or other person before whom he appears for the purpose of being attested;

shall, on conviction by court martial, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

35. Every person subject to this Ordinance, who commits any of the following offences; that is to say—

General offences in relation to enlisting.

(1) Is concerned in the enlistment of any man, when he knows, or has reasonable cause to believe, such man to be so circumstanced that, by enlisting, he commits an offence against this Ordinance; or

(2) Wilfully contravenes any enactments or rules in any matter relating to the enlistment of soldiers;

shall, on conviction by court martial, be liable to suffer imprisonment, or such less punishment, as is in this Ordinance mentioned.

Miscellaneous Military Offences.

36. Every person subject to this Ordinance, who commits the following offence; that is to say—

Traitorous words.

Uses traitorous or disloyal words regarding the Sovereign; shall, on conviction by court martial, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

37. Every person subject to this Ordinance, who commits the following offence; that is to say—

Injurious disclosures.

Whether serving with any of Her Majesty’s forces, or not, without due authority, either verbally or in writing, or by signal or otherwise, discloses the numbers or positions of

any forces, or any magazines or stores thereof, or any preparation for, or orders relating to, operations or movements of, any force, at such time and in such manner as in the opinion of the Court to have produced effects injurious to Her Majesty's service;

shall, on conviction by court martial, be liable to suffer imprisonment, or such less punishment, as is in this Ordinance mentioned.

Ill-treating
soldier.

38. Every non-commissioned officer who commits any of the following offences; that is to say—

(1) Strikes or otherwise ill-treats any soldier;

(2) Having received the pay of any officer or soldier, unlawfully detains or unlawfully refuses to pay the same when due;

shall, on conviction by court martial, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

Duelling
and attempt-
ing to
commit
suicide.

39. Every person subject to this Ordinance, who commits any of the following offences; that is to say—

(1) Fights, or promotes, or is concerned in, or connives at, fighting a duel;

(2) Attempts to commit suicide;

(3) On application being made to him, neglects or refuses to deliver over to the civil Magistrate, or to assist in the lawful apprehension of, any officer or soldier accused of an offence punishable by a civil Court;

shall, on conviction by a court martial, be liable to suffer imprisonment, or such less punishment, as is in this Ordinance mentioned.

Refusal to
deliver to
civil power
soldiers
accused of
civil
offences.

Conduct to
prejudice of
military
discipline.

40. Every person subject to this Ordinance, who commits any of the following offences; that is to say—

Is guilty of any act, conduct, disorder, or neglect, to the prejudice of good order and military discipline;

shall, on conviction by court martial, be liable to suffer imprisonment, or such less punishment, as is in this Ordinance mentioned.

Offences Punishable by Ordinary Law.

41. Subject to such provisions for the purpose of preventing interference with the jurisdiction of the civil Courts as are in this Ordinance after-mentioned, every person who, while he is subject to this Ordinance, shall commit any of the offences in this section mentioned, shall be deemed to be guilty of an offence against military law, and, if charged under this section with any such offence (in this Ordinance referred to as a civil offence), shall be liable to be tried by court martial, and, on conviction, to be punished as follows; that is to say—

Offences
punishable
by ordinary
law.

(1) If he is convicted of treason, be liable to suffer death, or such less punishment, as is in this Ordinance mentioned.

(2) If he is convicted of murder, be liable to suffer death.

(3) If he is convicted of manslaughter or treason-felony, be liable to suffer imprisonment, with hard labour, for a term not less than three years, or such less punishment as is in this Ordinance mentioned.

(4) If he is convicted of rape, be liable to suffer imprisonment, with hard labour, for a term not less than three years or such less punishment as is in this Ordinance mentioned.

(5) If he is convicted of any offence, not before in this section specified, which, when committed in the Colony, is punishable by the law of the Colony, be liable, whether the offence is committed in the Colony or elsewhere, either to suffer such punishment as might be awarded to him in pursuance of this Ordinance in respect of an act to the prejudice of good order and military discipline, or to suffer any punishment other than corporal punishment assigned for such an offence by the law of the Colony:

29 of 1947.

Provided as follows:—

(a) A person subject to this Ordinance, shall not be tried by court martial for treason, murder, manslaughter, treason-felony, or rape, committed in any place within Her Majesty's Dominions, or in a British Protectorate, or in a territory, the mandate for which is being exercised by the Government of some part of Her Majesty's Dominions, unless such person, at the time he committed the offence, was on active service, or such place is more than one hundred miles, as measured in a straight line from any place in which the offender can be tried for such offence by a competent civil Court.

(b) A person subject to this Ordinance may be tried by a competent civil Court for any offence for which he would be triable if he were not subject to this Ordinance.

Limitation of Time for Trial by Courts Martial.

Liability
to military
law in respect
of time for
trial of
offences.

42. A person shall not in pursuance of this Ordinance be tried or punished for any offence triable by court martial committed more than three years before the date at which his trial begins, except in the case of the offence of mutiny, desertion, or fraudulent enlistment; 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; and where a soldier has served continuously in an exemplary manner for not less than three years in the regiment, he shall not be tried for any such offence of desertion (other than desertion on active service), or of fraudulent enlistment, as was committed before the commencement of such three years, but where such offence was fraudulent enlistment, all service prior to such enlistment shall be forfeited:

Provided that the officer commanding the unit may restore all or any part of the service forfeited under this section to any soldier who may perform good or faithful service, or may otherwise be deemed by him to merit such restoration of service.

Redress of Wrongs.

Mode of
complaint by
soldier.

43. If any soldier thinks himself wronged in any matter by any officer, other than the officer commanding the company or battery, or by any soldier, he may complain thereof to the officer commanding the company or battery; and if he thinks himself wronged by the officer commanding the company or battery, either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to the commanding officer; and if a soldier considers himself wronged by the commanding officer, either in respect of his complaint or in respect of any other matter, he may complain thereof to the Governor; and every officer to whom a complaint is made in pursuance of this section shall cause such complaint to be inquired into, and shall, if, on inquiry, he is satisfied of the justice of the complaint so made, take such steps as may be necessary for giving full redress to the complainant in respect of the matter complained of.

Scale of Punishments by Courts Martial.

Scale of
punishments
by courts
martial.
37 of 1946.

44. Punishments may be inflicted in respect of offences committed by persons subject to this Ordinance, and convicted by court martial, according to the scale following—

- (a) Death;
- (b) Imprisonment, with hard labour, for a term not less than three years;
- (c) Imprisonment, for a term of less than three years, with or without hard labour;
- (d) Discharge with ignominy from Her Majesty's service;
- (e) In the case of a non-commissioned officer, forfeiture, in the prescribed manner, of seniority of rank, or reduction to a lower grade, or to the ranks;
- (f) In the case of a non-commissioned officer, reprimand, or severe reprimand;
- (g) Forfeiture, fines, and stoppages:

Provided that—

(1) Where, in respect of any offence under this Ordinance, there is specified a particular punishment, or such less punishment as is in this Ordinance mentioned, there may be awarded, in respect of that offence, instead of such particular punishment (but subject to the other provisions of this Ordinance as to punishments, and regard being had to the nature and degree of the offence), any one punishment lower in the above scale than the particular punishment.

(2) A non-commissioned officer, when sentenced to forfeiture of seniority of rank, may also be sentenced to reprimand or severe reprimand.

(3) A soldier, when sentenced to imprisonment with hard labour, or imprisonment, may, in addition thereto, be sentenced to be discharged, with ignominy from Her Majesty's service.

(4) In addition to, or without any other punishment in respect of, any offence, an offender, convicted, may be subject to forfeiture of any service towards a gratuity, military decoration, or military reward.

(5) In addition to, or without any other punishment in respect of any offence, an offender may be sentenced to any deduction authorised by this Ordinance to be made from his ordinary pay.

(6) Where a soldier, on active service, is guilty of any offence, it shall be lawful for a court martial to award, for that offence, such field punishment as may be directed by rules from time to time made under section 73 of the Army Act.

(7) In addition to, or without any other punishment in respect of, an offence committed by a soldier on active service, it shall be lawful for a court martial to order that the offender forfeit all ordinary pay for a period commencing on the day of the sentence and not exceeding three months.

(8) For the purpose of commutation of punishment, the field punishments above mentioned shall be deemed to stand in the scale of punishment next below imprisonment.

ARREST AND TRIAL.

Arrest.

45. The following provisions shall apply to persons subject to this Ordinance, when charged with offences punishable under this Ordinance—

Custody of
persons
charged with
offences.

(1) Every person subject to this Ordinance, when so charged, may be taken into military custody:

Provided that, in every case where any soldier remains in such military custody for a longer period than eight days without a court martial for his trial being ordered to assemble, a special report of the necessity for further delay shall be made by his commanding officer to the Governor, and a similar report shall be forwarded every eight days until a court martial is assembled or the soldier is released from custody.

(2) Military custody means, according to the usages of Her Majesty's service, the putting of the offender under arrest, or the putting him in confinement.

(3) An officer may order into military custody any soldier of the regiment, and any non-commissioned officer may order into military custody any private, and any such order shall be obeyed, notwithstanding that the person giving the order, and the person in respect of whom the order is given, do not belong to the same corps, arm or branch of the service.

(4) An officer or non-commissioned officer commanding a guard, or a provost-marshal or assistant provost-marshal, shall not refuse to receive or keep any person who is committed to his custody by any officer or non-commissioned officer, but it shall be the duty of the officer or non-commissioned officer who commits any person into custody to

deliver, at the time of such committal, or as soon as practicable, and in every case within twenty-four hours thereafter, to the officer, non-commissioned officer, provost-marshal, assistant provost-marshal, into whose custody the person is committed, an account, either verbal or in writing, of the offence with which the person so committed is charged.

(5) The charge made against every person taken into military custody shall, without unnecessary delay, be investigated by the proper military authority, and, as soon as may be, either proceedings shall be taken for punishing the offender, or such person shall be discharged from custody.

Powers of Commanding Officer.

46. (1) The commanding officer of each unit shall, upon an investigation being held of a charge made against a person subject to this Ordinance, of having committed an offence under this Ordinance, dismiss the charge, if he, in his discretion, thinks that it ought not to be proceeded with; but where he thinks the charge ought to be proceeded with, he may take steps for bringing the offender before a court martial, or may deal with the case summarily.

Powers of
commanding
officer.

(2) Where he deals with the case summarily—

(i) If the person charged is a private, he may—

(a) Award imprisonment, with or without hard labour, for any period not exceeding forty-two days.

(b) Dismiss the offender from the regiment, in lieu of, or in addition to, other punishment.

(c) Impose a fine, not exceeding ten shillings, to be levied by stoppages from the offender's pay, in lieu of, or in addition to, other punishment.

(d) Award punishment of confinement to barracks for any period, not exceeding twenty-one days, such confinement involving the taking of all duties in regular turn, attending parades and punishment drills, not exceeding one hour at a time, nor four hours in all on the same day, inclusive of ordinary parades, and also liability to employment on duties of fatigue.

(e) In addition to, or without any other punishment, order the offender to suffer any deduction from his ordinary pay in order to make good the amount of any loss or damage he may have caused, or where the offender has sold any portion of his clothing or equipment to pay

an amount not exceeding double the value of the article sold.

(f) In the case of an offence by a soldier (not being a non-commissioned officer) on active service, may award to the offender field punishment within the meaning of section 44 of this Ordinance for any period not exceeding twenty-eight days, and may, in addition to, or without, any other punishment, order that the offender forfeit all ordinary pay for a period commencing on the day of the sentence, and not exceeding twenty-eight days.

(g) Award admonition.

(ii) If the person charged is a non-commissioned officer he may—

(a) reduce him to a lower rank or to the rank of private, or award severe reprimand, reprimand or admonition;

(b) in addition to or without any other punishment, order the offender to suffer any deduction from his ordinary pay in order to make good the amount of any loss or damage which he may have caused, or, where the offender has sold any portion of his clothing or equipment, to pay an amount not exceeding double the value of the article sold.

(iii) If the person charged is a follower, he may—

(a) award imprisonment with or without hard labour for any period not exceeding forty-two days;

(b) impose a fine not exceeding 10s. to be levied by stoppages from the offender's pay in lieu of or in addition to other punishment;

(c) in addition to or without any other punishment order the offender to suffer any deduction from his pay in order to make good the amount of any loss or damage which he may have caused.

(iv) In the case of absence without leave, he may, if the person charged is a private, award imprisonment, with or without hard labour, up to any period, not exceeding forty-two days:

Provided that the term of imprisonment awarded, if exceeding seven days, shall not exceed the term of absence.

(v) The offence of drunkenness may be dealt with, and summarily punished by, the commanding officer, as follows—

In the case of a private—

(a) For the first and second offence the offender shall be admonished, or confined to barracks.

(b) For every subsequent offence the offender shall be fined according to such scale as the Governor may approve, such fines to be levied by stoppages from the offender's pay, but no single award shall exceed ten shillings.

(c) For an act of drunkenness on duty, or when an act is accompanied by any other offence, the offender may be sentenced to imprisonment, with or without hard labour, or confinement to barracks, in addition to the fine.

In the case of a non-commissioned officer convicted of drunkenness, the offender may be admonished, reprimanded, severely reprimanded, or reduced to a lower rank, or to the rank of a private.

Powers of Officer Commanding a Detachment.

47. Any officer commanding a detachment, or the administrative officer resident at, and in charge of, any station where there is a detachment but no officer of the regiment, may—

Punishments which officer commanding detachment, etc., may award.

(1) examine into the truth of any charge against a soldier or follower, and, if his decision is against the accused, impose on him any one or more of the following punishments—

(i) If a private—

(a) imprisonment, with or without hard labour for any period not exceeding fourteen days,

(b) fine not exceeding five shillings except in the case of drunkenness, to be levied by stoppages from the offender's pay,

(c) in addition to or without any other punishment order the offender to suffer any deduction from his ordinary pay in order to make good the amount of any loss or damage which he may have caused, or, where the offender has sold any portion of his clothing or equipment, to pay an amount not exceeding double the value of the article sold.

(d) confinement to barracks, for any period not exceeding twenty-one days, such confinement involving the taking of all duties in regular turn, attending parades and punishment drills, not exceeding one hour at a time, nor four hours in all on the same day, inclusive of ordinary parades, and also liability to employment on duties of fatigue,

(e) extra guards and piquets, but only for minor offences or irregularities when on or parading for guard or piquet,

(f) admonition,

(g) on active service, award to the offender field punishment within the meaning of section 44 for any period not exceeding fourteen days and, in addition to or without any other punishment, order that the offender forfeit all ordinary pay for a period commencing on the day of the sentence and not exceeding fourteen days.

(ii) If a non-commissioned officer—

(a) reprimand,

(b) admonition.

(iii) If a follower—

(a) imprisonment with or without hard labour for any period not exceeding fourteen days,

(b) fine not exceeding 5s. to be levied by stoppages from the offender's pay,

(c) in addition to or without any other punishment order the offender to suffer any deduction from his ordinary pay in order to make good the amount of any loss or damage which he may have caused.

(2) deal with and summarily punish the offence of drunkenness as laid down in section 46 (2) (v), except that any sentence of reduction on a non-commissioned officer must be confirmed by the officer commanding the unit.

Cases of aggravated or repeated offence to be reported to commanding officer.

Whenever it shall appear to the officer commanding a detachment, or administrative officer as aforesaid, that the offence which any soldier has committed would, by reason of its aggravation, or by reason of previous offences of the accused, not be adequately punished with any of the aforesaid punishments, or combinations of punishments, he shall delay passing sentence, and shall report the whole proceedings in the case to

the commanding officer of the unit, who may send back such report for any further enquiry he considers requisite, or make any other or further order, or may re-hear the case, as he thinks fit.

Delegation of Powers of Commanding Officer.

48. It shall be lawful for a commanding officer, by writing under his hand, to confer the powers of a commanding officer, as defined by section 46, on the officer commanding any detachment, under such restrictions, and for such period, as he may think fit, and to revoke the same. Any sentence of reduction in the case of a non-commissioned officer, and any sentence of dismissal from the service imposed under this section, shall be subject to the approval of the officer commanding the unit.

Delegation of powers of commanding officer to officer commanding detachment.

Powers of Company Commanders other than Officers Commanding a Detachment.

49. An officer commanding a company who is not also in command of a detachment shall investigate in the first instance every charge against a soldier in, or a follower of, his company, and may impose the following punishments for minor offences—

Powers of company commanders not commanding a detachment.

(1) If a private—

(a) fine—

(i) for drunkenness, as specified in section 46 (2) (v);

(ii) for any other offence, not exceeding two shillings and sixpence;

(b) In addition to or without any other punishment, order the offender to suffer any deduction from his ordinary pay in order to make good the amount of any loss or damage which he may have caused;

(c) confinement to barracks not exceeding seven days;

(d) extra guards or piquets for offences when on or parading for guard or piquet;

(e) admonition;

(2) If a non-commissioned officer below the rank of sergeant and not holding an appointment as lance-sergeant—

(a) reprimand;

(b) admonition.

In the case of an officer of less than three years' service, the power of imposing punishment may be limited by his commanding officer to the imposition upon privates of the punishment either of confinement to barracks not exceeding three days or of admonition.

Any punishment awarded under this section shall be subject to any remission the Commanding Officer may order, but shall not be increased.

(3) If a follower—

(a) fine not exceeding 2s. 6d.;

(b) in addition to or without any other punishment order the offender to suffer any deduction from his pay in order to make good the amount of any loss or damage which he may have caused.

Description, Constitution and Powers of Courts Martial.

Description,
constitution
and powers
of courts
martial.
14 of 1957.

50. (1) For the purposes of this Ordinance there shall be two kinds of court martial, that is to say—

(a) General courts martial.

(b) District courts martial.

(2) A general court martial shall be convened by the Governor, or some officer deriving authority to convene a general court martial from the Governor.

(3) A district court martial shall be convened by an officer authorised to convene general courts martial, or some officer deriving authority to convene a district court martial from an officer authorised to convene general courts martial.

(4) A general court martial shall consist of not less than five officers, each of whom must have been an officer for not less than one year, unless the officer convening the court martial is of opinion that five officers are not available, having due regard to the public service, in which case the court martial may consist of three officers, in which case also the convening officer may preside.

(5) A district court martial shall consist of not less than three officers, each of whom must have been an officer for not less than one year, unless the officer convening the court martial is of opinion that three officers are not available, having due regard to the public service, in which case the court martial may consist of two officers.

(6) A general court martial shall have power to try all persons subject to this Ordinance, and to pass sentence of death, or such less punishment as is in this Ordinance mentioned:

Provided that, if the court martial consists of less than five members, sentence of death shall not be passed on any prisoner without the concurrence of all the members.

(7) A district court martial shall not award the punishment of death, or of imprisonment in excess of two years; but subject as aforesaid, any offence under this Ordinance committed by a person subject to this Ordinance may be tried and punished by a district court martial.

(8) The president of a court martial shall be appointed by order of the authority convening the court, and, in the case of a district court martial, the convening officer may appoint himself as president.

(9) In all cases or matters before the court, the proceedings of the court and the rules of evidence relating thereto shall be, as nearly as may be, in accordance with the Army Act, the Rules of Procedure made under sections 103 to 105 inclusive thereof and the provisions as to evidence contained in sections 189 and 198 to 200 inclusive thereof.

Field General Courts Martial.

51. (1) Where a complaint is made to any officer in command of any detachment, or portion of troops in any country outside the Colony, or to the commanding officer of any corps, or portion of a corps, on active service, or to any officer in immediate command of a body of forces on active service, that an offence has been committed by any person subject to military law, then, if in the opinion of such officer it is not practicable that such offence should be tried by an ordinary general court martial, it shall be lawful for him, although not authorised to convene general courts martial, to convene a court martial, in this Ordinance referred to as a field general court martial, for the trial of the person charged with such offence:

Field general
courts
martial.

Provided as follows—

(a) An officer in command of a detachment, or portion of troops, not on active service, shall not convene a field general court martial for the trial of any person, unless that person is under his command, nor unless the offence with which the person is charged is an offence against the property or person of an inhabitant of, or resident in, the country in which the offence is alleged to have been committed.

(b) A field general court martial shall consist of not less than three officers, unless the officer convening the same is of opinion that three officers are not available having due regard to the public service, in which case the court martial may consist of two officers.

(c) The convening officer may preside, but he shall, whenever he deems it practicable, appoint another officer as president, who may be of any rank, but shall, if practicable in the opinion of the convening officer, be not below the rank of captain.

(d) Where a field general court martial consists of less than three officers, the sentence shall not exceed such field punishment as is allowed by this Ordinance, or imprisonment.

(2) Section 50 shall not apply to a field general court martial, but sentence of death shall not be passed on any prisoner by a field general court martial without the concurrence of all the members.

(3) A field general court martial may, notwithstanding the restrictions enacted by this Ordinance in respect of the trial by court martial of civil offences within the meaning of this Ordinance, try any person subject to military law who is under the command of the convening officer, and is charged with any such offence as is mentioned in this section, and may award for such offence any sentence which a general court martial is competent to award for such offence:

Provided always, that no sentence of any such court martial shall be executed until confirmed as provided by this Ordinance.

(4) In all cases or matters before a field general court martial, the proceedings and the rules of evidence relating thereto shall be, as near as may be, in accordance with the Army Act, the Rules of Procedure made under sections 103 to 105 inclusive thereof, and the provisions as to evidence contained in sections 189 and 198 to 200 inclusive thereof.

Confirmation
and approval
of sentences.

52. The following authorities shall have power to confirm the findings and sentences of courts martial, that is to say—

(a) In the case of a district court martial, the officer having authority to convene such a court martial at the date of the submission of the finding and sentence thereof:

Provided that, in the case of a sentence of imprisonment being passed, the period of imprisonment does not exceed six months.

If the sentence of imprisonment exceeds six months, it shall be confirmed by the Governor, or by some officer having authority from him to confirm the findings and sentences of general courts martial.

(b) In the case of a general court martial the Governor, or some officer deriving authority from him to confirm the findings and sentences of general courts martial.

Inquiry as to, and Confession of, Desertion.

53. (1) When any soldier has been absent without leave from his duty for a period of twenty-one clear days, a board of enquiry convened under section 135 of the Army Act may as soon as practicable be assembled and inquire in the prescribed manner, on oath or solemn declaration (which such board is hereby authorised to administer), respecting the fact of such absence, and the deficiency (if any) in the arms, ammunition, equipment, instruments, service necessaries, or clothing of the soldier; and if satisfied of the fact of such soldier having absented himself without leave or other sufficient cause, the Board shall report in accordance with section 135 of the Army Act such absence and the period thereof, and the said deficiency (if any), and the commanding officer of the absent soldier shall enter in the service books a record of the report of such board.

Inquiry by board on absence of soldier.

14 of 1957.

(2) If the absent soldier does not afterwards surrender or is not apprehended, such record shall have the legal effect of a conviction by court martial for desertion.

54. (1) When a soldier makes a confession that he has been guilty of desertion or of fraudulent enlistment, the officer commanding the unit may, by the order dispensing with his trial by court martial, or by any subsequent order, award the same forfeitures, and the same deductions from pay (if any) as a court martial could award for the said offence, or as are consequential upon conviction by a court martial for the said offence, except such of them as may be mentioned in the order.

Confession by soldier of desertion or fraudulent enlistment.

(2) If upon any such confession, evidence of the truth or falsehood of such confession cannot then be conveniently obtained, the record of such confession, countersigned by the commanding officer of the soldier, shall be entered in the service books, and such soldier shall continue to do duty in the regiment until he is discharged or transferred to the Reserve, or until legal proof can be obtained of the truth or falsehood of such confession.

Execution of Sentences of Imprisonment.

Execution
of sentences
of imprison-
ment.

37 of 1946.

55. (1) Any sentence of imprisonment imposed upon any soldier of the regiment for any offence under this Ordinance may be carried out in any Government prison declared under the provisions of any enactment relating to prisons, or, where the sentence of imprisonment imposed does not exceed forty-two days, in any lock-up house or cells which for that purpose the Governor may think fit to attach to any fort or barracks. The Governor may, from time to time make rules for the government of any lock-up house or cells attached by him to any fort or barracks, and with regard to the admission, discharge, custody, removal, safeguarding, diet, labour, occupation, discipline, instruction and offences of soldiers of the regiment confined therein, and with regard to any, and every other, matter or thing relating to, and connected with, the carrying out and management of imprisonment in any such lock-up house or cells:

Provided that no soldier of the regiment shall be imprisoned in such lock-up house or cells unless, and until, such rules as aforesaid shall have been made:

And provided that any soldier of the regiment, notwithstanding that his sentence exceeds forty-two days, may, whilst awaiting removal to any such prison as aforesaid, be temporarily imprisoned in any such lock-up house or cells.

(2) A sentence passed upon any person subject to this Ordinance shall be in no respect affected by such person ceasing to be subject to this Ordinance by discharge, or otherwise.

(3) Every keeper of a prison shall receive into custody, and carry out the sentence upon, any soldier of the regiment sentenced to imprisonment for any offence under this Ordinance upon an order, in writing, in that behalf, being delivered to him under the hand of the officer commanding the unit, or of the officer, or administrative officer, imposing the sentence, which order shall specify the offence, and the period of imprisonment, and whether with or without hard labour. Every person, whilst undergoing any such sentence of imprisonment, shall be deemed, and dealt with as, a criminal prisoner.

Pay not to
accrue
during
absence
without
leave or im-
prisonment.
14 of 1957.

56. (1) No pay shall accrue or become due to any soldier of the regiment in respect of any day during which he is absent on desertion or without leave or undergoing any sentence of imprisonment, or field punishment.

(2) Any such period of absence or imprisonment or field punishment or detention lasting six hours or upwards, whether

wholly in one day, or partly in one day and partly in another, may be deemed for the purposes of this section to constitute a day of absence or a day of imprisonment or of detention:

Provided that where the soldier has been thereby prevented from fulfilling any military duty which was consequently thrown upon some other person, any such period of absence or imprisonment or field punishment or detention may for the purposes of this section be deemed to constitute a day, notwithstanding that the duration thereof was less than six hours.

57. (1) All fines imposed upon soldiers of the regiment for offences under this Ordinance shall be recovered by stoppages from the offender's pay due at the time of committing such offence, or thereafter accruing due, and not from any other source, or in any other manner.

Fines to be recovered by stoppages.

(2) The amount of stoppages in respect of any fine shall be in the discretion of the officers authorised to impose fines, in no case exceeding one third of the daily pay of the offender; and whenever more than one order of stoppage for any cause is in force against the same person, so much only of his pay shall be stopped as shall leave him a residue of at least two thirds of his daily pay.

Amount of stoppages.

(3) Where more than one order of stoppage is made upon the same person, the order, or orders later in date shall, if necessary, be postponed as to their enforcement until the earlier orders are discharged.

Accumulated stoppages.

58. All fines recovered from soldiers of the regiment shall be paid over to the Accountant General, and be applied towards forming a fund for rewards and gratuities to native non-commissioned officers and privates of the regiment for good conduct, good service, and otherwise, subject to any rules under this Ordinance.

Disposal of fines.

59. In addition to the penal deductions of pay for which provision has hereinbefore been made, it shall be lawful to make the following penal deductions from the pay due to a soldier, which deductions shall be made as stoppages of pay and not as fines—

Penal deductions of pay for barrack damage, etc.

14 of 1957

(1) The share he is required to contribute as belonging to a unit towards compensation for damage to barracks during the period while such unit was in occupation, or loss of or damage to public property which after due investigation

held in accordance with the provisions of section 148 of the Army Act appears to have been occasioned by the wilful act or negligence of a person or persons who cannot be identified, belonging to the unit.

(2) The share he is required to contribute as belonging to a unit towards compensation for damage to any property not referred to in sub-paragraph (1), which, after due investigation by a Commission of Inquiry appointed by the officer administering the government of the territory in which the unit is serving or by a board of inquiry as provided for in section 148 of the Army Act, convened by the Area Commander of the territory in which the unit is serving with the prior approval of the Government of that territory and after confirmation of the findings of that board by that Area Commander, appears to have been occasioned by the wilful act or negligence of any person belonging to the unit who cannot be identified.

The expression "unit" in this section includes any part of a unit.

The expression "Area Commander" includes an officer holding a position analogous thereto.

Restrictions
as to
punishment
of non-com-
missioned
officers.
37 of 1946.

60. The sentence on a non-commissioned officer for any offence shall in no case include imprisonment, unless it also includes reduction of the offender to the rank of a private, and in such case the sentence of reduction shall precede, and be carried out before, that of imprisonment.

Arrest of
deserters and
absentees
without leave
and
procedure
thereupon.
14 of 1957.

61. (1) A constable may arrest any person whom he has reasonable cause to suspect of being a soldier of the regiment who has deserted or is absent without leave.

(2) Where no constable is available, any officer, warrant officer, non-commissioned officer or soldier, or any other person, may arrest any person whom he has reasonable cause to suspect as aforesaid.

(3) Any person having authority to issue a warrant for the arrest of a person charged with crime, if satisfied by evidence on oath that there is, or is reasonably suspected of being, within his jurisdiction a soldier who has deserted or is absent without leave or is reasonably suspected of having deserted or of being absent without leave, may issue a warrant authorising his arrest.

(4) Any person in custody in pursuance of this section shall as soon as practicable be brought before a magistrate.

(5) Where a person surrenders himself to a constable as being a soldier who is illegally absent the constable shall (unless he surrenders himself at a police station or police post) bring him to a police station or police post.

(6) The officer in charge of a police station or police post at which a person has surrendered himself as aforesaid, or to which a person who has so surrendered himself is brought, shall forthwith inquire into the case, and if it appears to that officer that the said person is a soldier who is illegally absent as aforesaid he may cause him to be delivered into military custody without bringing him before a magistrate or may bring him before a magistrate.

(7) Where a person who is brought before a magistrate is alleged to be a soldier who has deserted or is absent without leave, the provisions of section 187 of the Army Act shall have effect *mutatis mutandis*.

(8) The provisions of sections 189 and 190 of the Army Act shall have effect *mutatis mutandis* in cases arising under this section.

62. (1) Forfeiture of one good conduct badge—

(i) shall be involved in and deemed a part of any sentence of—

- (a) imprisonment;
- (b) confinement to barracks for more than seven days;
- (c) fine in any sum exceeding five shillings;
- (d) field punishment; and

(ii) shall follow upon—

- (a) any conviction for drunkenness;
- (b) any period exceeding two days of absence without leave where under section 56 pay does not accrue or become due;
- (c) the imposition of any sentence in a civil court.

Every such forfeiture shall be entered on the offender's conduct sheet and in the guard report.

Provided always that, where the sentence in the civil court is a fine and the offender has not undergone imprisonment, the commanding officer may order no entry to be made, and, if such order is made, no good conduct badge shall be forfeited.

Forfeiture of
good conduct
badges.
37 of 1946.

Upon
reduction
of rank.

(2) If a non-commissioned officer be reduced to the rank of a private, or reduced in degree of rank or appointment except for inefficiency, or severely reprimanded, he shall forfeit one good conduct badge, should he be in possession of the same.

In
aggravated
cases.

(3) The commanding officer of a unit may in any case of aggravated offence recommend to the Governor that the offender forfeit all, or any, good conduct badges that he may be in possession of, or may have earned, and all, or any, decorations or honorary rewards, and any advantage as to gratuity on discharge which he may have earned by past service, and such effect shall be given to such recommendation as the Governor may determine.

Restoration
of service.

63. Any soldier who has forfeited any period of past service qualifying towards good conduct badges, extra pay or gratuity, may have such service restored to him by the Governor on the recommendation of his commanding officer at any time as a reward for conspicuous gallantry in the field, or other notable service, or when he has served with uninterrupted good conduct as shown by his having no entries such as would entail forfeiture of good conduct badges in his conduct sheet for two years in case of a first conviction entailing loss of service, for five years in case of a second conviction of the same nature, and for seven years in case of a third conviction of the same nature, or should circumstances of an aggravated character have attended the offence on account of which his service was forfeited. Such period of probation shall be reckoned from the release of the person convicted from imprisonment, or other completion of his punishment, and his return to duty.

Power of
summoning
witnesses.

64. (1) Every officer or other person hereinbefore empowered to inquire concerning offences under this Ordinance shall, in any matter touching such inquiries, have the power of summoning and examining witnesses on oath or affirmation, and calling for documents in any matter before him under this Ordinance, and of adjoining any hearing from time to time.

Form of
proceedings.
14 of 1957.

(2) In every inquiry in which evidence is taken on oath or affirmation, the proceedings and evidence shall be recorded in writing, and the course of proceeding with respect to the taking of evidence, and the conduct of the inquiry, shall be as nearly as may be in conformity with the Army Act, Rules of Procedure made under sections 103 to 105 inclusive thereof, board of inquiry rules made under section 135 thereof and regulations of the Army Council made under section 137 thereof, depending

upon whether the inquiry is in relation to the investigation of charges or is by way of a board of inquiry or is a regimental inquiry respectively.

PART III.—GOVERNMENT.

65. It shall be lawful for the Governor to appoint an officer of field rank to command the regiment, and an officer with the rank of captain to command each battery, and a sufficient number of officers, British warrant and non-commissioned officers and soldiers, who shall all stand with each other in order of precedence and command as they have been here named; also adjutants, quartermasters and such other officers or non-commissioned officers performing special duties as may be necessary; and the Governor may, from time to time, fill up all vacancies that may occur from any cause by promotions or fresh appointments, and may at any time enrol fit men or boys as soldiers of the regiment, and every such enrolment shall be an appointment under this Ordinance.

Appointment of officers, etc.

66. Officers of the same rank shall stand with each other in order of precedence and command in accordance with any order which may be signified by any of Her Majesty's Principal Secretaries of State, and where no such order is signified, then according to their seniority reckoned by the dates of their respective appointments to the rank in the British Army for the time being held by them.

Precedence of officers.

67. Subject to the orders and directions of the Governor, or when an Order has been made under section 3 of this Ordinance, then subject to the orders and directions of the Army Council, the officer commanding shall have the command, direction and general superintendence of the Sierra Leone Regiment, including appointments, promotions and reductions in the native ranks.

Duties of commanding officer.

68. The officers of the regiment, when posted to any station or district, shall be charged with the command, direction, and superintendence of the non-commissioned officers and privates of the regiment from time to time posted within such station or district, subject to the orders of the commanding officer of the unit to which they belong. When not posted to a station or district, the officers shall have such command, and such duties, as their commanding officer, subject to the orders of the Governor, may direct.

Duties of officers.

Responsibility of commanding officer for stores.

69. The officer commanding the regiment shall be charged with, and be accountable for, all public stores of whatever description belonging, or appertaining, thereto in case of their being lost, spoiled, or damaged otherwise than by unavoidable accident, theft, robbery, or actual service.

Responsibility of officers commanding detachments for stores

70. Every officer in command of any detachment of the regiment shall be charged with the arms, accoutrements, ammunition, clothing, and all other public stores, and with all public moneys issued, and delivered, for the use of the detachment of the regiment under his command, and shall account for such arms, accoutrements, ammunition, clothing, and stores to his commanding officer in case of their being lost, spoiled, or damaged otherwise than by unavoidable accident, theft, robbery, or actual service, and to the paymaster for such public money in case of their being lost otherwise than by unavoidable accident, theft, or robbery.

Duty and responsibility of quartermaster.

71. The quartermaster shall have the immediate custody of, and accounts to his commanding officer for, all spare arms, accoutrements, clothing, necessaries, ammunition, and other Government stores appertaining to the regiment not issued for service, and he shall issue the same upon the requisition of his commanding officer, or according to such rules as the Governor may prescribe.

Power of Governor to make rules.
37 of 1946
14 of 1957.

72. The Governor may, from time to time, in consultation with the officer commanding, make rules consistent with this Ordinance, and subject to the provisions thereof relative to the regiment, for all, or any, of the following purposes—

- (a) preventing the spread of contagious disease;
- (b) to render the regiment efficient in the discharge of its duties;
- (c) the discipline, good order, and guidance of the regiment;
- (d) the form and method of enlistment of the persons constituting the regiment, for their general government, the service required of them, and their conduct in the performance thereof;
- (e) the distribution, posting, and removal from station to station, and the inspection of such persons;
- (f) the description, supply, use, and disposal of arms, accoutrements, clothing, necessaries, and other warlike stores to be furnished to such persons;

(g) the financial duties to be performed by the officers in relation to the regiment;

(h) the government of any lock-up house or cells attached by the Governor to any fort or barracks, and with regard to the admission, discharge, custody, removal, safeguarding, diet, labour, occupation, discipline, instruction, and offences of soldiers of the regiment contained therein, and with regard to any, and every, other matter or thing relating to, and connected with, and management of, imprisonment in any such lock-up or cells;

(i) the disposal of medals, uniforms, and decorations of deceased soldiers;

(j) generally for the better carrying out of the provisions of this Ordinance.

PART IV.—ENLISTMENT, DISCHARGE AND SERVICE

73. (1) Every soldier shall be enlisted for the first term of engagement to serve in the regiment for nine years of which six years shall be with the Colours and three with the Reserve, or such less period as may, from time to time, be fixed by the Governor:

First term of engagement.

Provided that any soldier who at the date of enlistment is less than eighteen years of age shall be enlisted for a first term of engagement to serve in the regiment until he reaches the age of eighteen years, and thereafter for nine years of which six years shall be with the Colours and three with the reserve, or such less period as may from time to time be fixed by the Governor.

(2) Clerks, schoolmasters, tradesmen and mechanical transport drivers shall be enlisted for such term as may be fixed by the Governor.

74. (1) In reckoning the service of a soldier for the purpose of transfer to the reserve or discharge:—

Service reckoning, forfeiture and restoration of.

(i) the service shall begin to reckon from the date of attestation except in the case of soldiers under the age of eighteen years (whose service shall begin to reckon from the date on which they attain eighteen years of age); but

(ii) where a soldier has been guilty of:—

(a) desertion from Her Majesty's Colonial Forces; or

(b) fraudulent enlistment;

then upon conviction by court martial of the offence or (if, having confessed the offence, he is liable to be tried) upon his trial being dispensed with by the commanding officer, the whole prior service shall be forfeited and he shall be liable to serve as a soldier for the term of his original enlistment, reckoned from the date of conviction in like manner as if he had been originally attested at that date:

Provided that the commanding officer may restore all or any part of the service forfeited under this sub-section to any soldier

(a) as a reward for conspicuous gallantry in the field or other notable service;

(b) on promotion to sergeant;

(c) on recommendation for restoration of service by court martial; or

(d) when he has served with uninterrupted good conduct for three years.

(2) A soldier who, during the period of his re-engagement, is convicted of desertion or fraudulent enlistment or (if, having confessed the offence, he is liable to be tried) upon his trial being dispensed with by the commanding officer, shall forfeit the whole period of such re-engagement which he had served at date of conviction and shall be liable to serve as a soldier for the term of such re-engagement reckoned from the date of conviction in like manner as if he had been re-engaged from that date:

Provided that the commanding officer may restore all or any part of such service under similar conditions as for the restoration of service in the period of original enlistment.

Re-engagement and continuance in the service.

75. (1) Any soldier of good character who has completed the first term of his engagement with the Colours may, with the approval of his commanding officer, re-engage to serve for a second term of six years or less with the Colours, and if he so re-engages the term of his engagement to serve with the Reserve shall be postponed until after the expiration of the period of such re-engagement with the Colours.

(2) Any soldier who may be appointed bandsman, pioneer, motor driver or other tradesman shall, at the time of his appointment, be eligible, with the approval of the officer commanding the unit to re-engage for such period as shall complete twelve years' service with the Colours, and if he so re-engages the term of his engagement to serve with the Reserve shall be postponed

until after the expiration of the period of such re-engagement with the Colours.

(3) Any soldier of good character, upon the completion of any period of re-engagement with the Colours, may, with the approval of his commanding officer, re-engage to serve for a further period of six years or less with the Colours, and if he so re-engages the term of his engagement to serve with the Reserve shall be postponed until after the expiration of the period of such re-engagement with the Colours:

Provided that no soldier shall be allowed to re-engage for any period which will cause the total period of his service with the Colours to exceed eighteen years, but upon completing such period of eighteen years' service with the Colours, he may, if he shall so desire, and with the approval of the officer commanding the unit continue in the regiment in the same manner in all respects as if his term of service were still unexpired, except that it shall be lawful for him to claim his discharge at the expiration of any period of three months after he has given notice to the officer under whose command he is serving of his wish to be discharged:

Provided further that a soldier who has completed fifteen years' service with the Colours shall not be liable to serve for any further period in the Reserve, and any remaining period of his engagement to serve in the Reserve shall be cancelled:

Provided further that every soldier who on the completion of his period of service with the Colours is engaged by the Government to serve as a policeman shall not be liable for any period of service in the Reserve:

Provided further that no soldier who on completion of his period of service with the Colours was, prior to the 15th June, 1939, engaged by Government to serve as a prison warden, shall be liable for any period of service in the Reserve.

76. (1) Any soldier who re-engages will receive, at the time of such re-engagement, a bounty of ten shillings for every year for which he agrees to re-engage to serve with the Colours in excess of the previous term of his engagement to serve with the Colours.

Bounty on re-engagement.

(2) Any soldier who, having received a certificate of discharge, re-enlists within six months thereafter, will receive a bounty of ten shillings for every year for which he agrees to re-enlist and will be entitled to the advantages to which he was entitled with regard to qualification for the long service and good

Re-enlistment within six months of discharge.

conduct medal, and good conduct badges, at the time of his discharge, and to the pay and rank of private under the then existing conditions.

Re-enlistment more than six months after discharge.

(3) It shall be discretionary with the officer commanding the unit to allow the service, or part of the service, of any soldier who re-enlists more than six months after receiving a certificate of discharge to reckon towards good conduct badges and gratuity and the long service and good conduct medal.

Promotion in case of re-enlistment.

(4) The question of the promotion of the re-enlisted soldier to the rank he held prior to his discharge shall be left to the discretion of the commanding officer.

Declaration on enlistment.

77. Every soldier enlisting, re-enlisting, or re-engaging in the regiment as aforesaid shall, previous to his being approved, re-enlisted or re-engaged, make the following declaration, and shall confirm such declaration by oath in his native language in such manner as he may declare to be most binding upon his conscience:—

I, A.B., do hereby solemnly and sincerely declare and promise that I will be faithful and bear true allegiance to Her Majesty the Queen, Her heirs and successors, and that I will faithfully serve and defend Her Majesty the Queen, Her heirs and successors, and the Government of Sierra Leone, and will obey all orders of Her Majesty and of the officers placed over me, and subject myself to all ordinances, rules, and orders relating to the Sierra Leone Regiment of the Royal West African Frontier Force now in force, or which may, from time to time, be in force within the said period.

.....
Signature or mark of Recruit.

Declared at.....this.....day of.....19.....,
before me

.....
Signature of Officer.

The declaration and oath shall be made on parade before the senior officer of the unit for the time being at the station at which the declaration and oath are made, and shall be signed or attested by the person making the declaration and by the officer before whom it is made.

78. Any soldier whose period of service expires during a state of war, insurrection, or hostilities, may be detained, and his service prolonged for such further period, as the Governor may direct.

Prolongation of service terminating during war.

79. Where any soldier has, under the powers conferred by section 78, been detained and his services prolonged, he shall for the purposes only of section 86 be deemed to have been re-engaged for a further period of three years and, if still detained thereafter, for further periods of three years at a time.

Soldier detained under Sec 78. deemed re-engaged for 3 years.

80. Subject to the provisions of section 75 and of section 78, every soldier who has completed his period or periods of engagement with the Colours, or service according to the provisions of the Ordinance, shall be transferred to the Reserve, or discharged by his commanding officer, unless at the expiration of any period he is undergoing punishment for, or stands charged with, the commission of any offence under this Ordinance, and in case he is undergoing such punishment, or is charged with any such offence, his service shall be prolonged, and his transfer, or discharge, deferred until such punishment shall have terminated, or until he has undergone his trial, and any punishment awarded in respect of the offence with which he is charged.

Discharge on completion of service.

81. Every soldier, until he has received a certificate of discharge, shall remain subject to all the provisions of this Ordinance, and to all the rules made in pursuance thereof.

Soldiers subject to rules until formal discharge.

82. (1) A soldier may be discharged by his commanding officer at any time during the currency of any term of engagement:—

Discharge when unfit for service or on being dismissed.

(a) when pronounced by a Medical Board mentally or physically unfit for further service; or

(b) when sentenced to be dismissed from the regiment for misconduct; or

(c) if with less than six months' service, when considered by his commanding officer as unlikely to become an efficient soldier.

(2) A soldier with six months' service or more, who is considered by the officer commanding the unit to be inefficient may be discharged by the officer commanding the unit at any time.

(3) A soldier may be discharged or transferred to the Reserve on reduction of establishment.

(4) A soldier may be discharged if he is irregularly enlisted.

(5) A soldier may be discharged by order of the Commander Sierra Leone Area (which designation shall include the officers holding a position analogous thereto) where his services are no longer required.

Consequence
of discharge
or dismissal.

83. Whenever any soldier ceases to belong to the regiment, either by being dismissed therefrom, or by being discharged on the termination of his period of engagement, or as unfit for further service, or on reduction of establishment, all powers and authorities vested in him shall immediately cease and determine, and he shall, before a certificate of discharge is delivered to him, deliver over his arms, ammunition, accoutrements, uniform, and other appointments which may have been supplied to him by the Government, to such persons, and at such time and place, as shall be directed by the officer under whose command he may be at the time of ceasing to belong to the regiment:

Provided that a soldier discharged before the expiration of one year for any fault, or as not likely to make an efficient soldier, shall not take away with him any articles of uniform or equipment described by any rules as personal property of soldiers.

Good
conduct
badges.
37 of 1946.

84. Every soldier who shall have served for three years without having—

- (i) incurred a sentence of—
 - (a) imprisonment;
 - (b) confinement to barracks for more than seven days;
 - (c) fine in any sum exceeding five shillings; or
 - (d) field punishment; or
- (ii) suffered any conviction for drunkenness; or
- (iii) been absent without leave for any period exceeding two days where under section 56 pay does not accrue or become due; or
- (iv) suffered the imposition of any sentence by a civil court,

shall be entitled to bear one good conduct badge, and for any subsequent period of three years which he shall have served under like conditions shall be entitled to bear an additional good conduct badge, provided that no soldier shall receive more than six good conduct badges:



Provided further that when a soldier shall have suffered the imposition of a sentence of a fine in a civil court and shall not have undergone imprisonment in default of payment, and his commanding officer, thinking that a regimental entry of a conviction should not be made shall have represented the case to the Governor and the Governor shall have ordered no entry to be made, such soldier shall not, by reason of the imposition of such sentence, be ineligible to bear any good conduct badge which he would otherwise have been entitled to bear.

85. (1) Gratuities at the following rates, in lieu of pension, shall be granted to soldiers on discharge or transfer to the Reserve after a continuous good service with the Colours or with the Reserve extending over a period of not less than twelve years, viz.:—

Gratuities
on discharge.

For each completed year of service with the Colours or with the Reserve:—

To sergeants-major, thirty-three shillings and fourpence.

To sergeants, sixteen shillings and eightpence.

To corporals, thirteen shillings and fourpence.

To lance-corporals and privates, ten shillings.

(2) No gratuity shall be paid in respect of any period of service in excess of a total service of eighteen years; and no soldier who has received a gratuity on discharge or transfer to the Reserve after twelve years' service, shall, in the event of his afterwards re-engaging, or re-enlisting, and serving for a further period of twelve years, receive in respect of his service after such re-engagement or re-enlistment any higher gratuity than may, together with such first gratuity, be equal to the gratuity which he would have earned by continuous service for eighteen years.

(3) In the case of a soldier who has completed twelve or more years' good service with the Colours or with the Reserve, but whose service shall not have been continuous, the commanding officer may, in his discretion, treat such service as continuous service for the purpose of this section.

(4) Time spent on an engagement contracted prior to the thirtieth of April, nineteen hundred and nine for which deferred pay was paid, shall not count for the purpose of gratuity under this section.

Gratuities
on discharge,
dismissal or
death.

86. (1) Where any soldier, whose terms of engagement and re-engagement combined shall amount to a continuous period of not less than twelve years including service in the Reserve, is discharged as unfit for further service, or on account of reduction of establishment, he may receive such proportion of the gratuity which he would have earned if he had completed the period of service he is then passing through as his commanding officer may, in his discretion, determine.

(2) Where any soldier, whose terms of engagement and re-engagement combined shall amount to a continuous period exceeding twelve years including service in the Reserve, and who shall have actually completed a period of not less than twelve years' continuous good service, is dismissed for misconduct, he may receive such proportion of the gratuity which he would have earned if he had taken his discharge after the completion of the period of service immediately preceding the period of service he is then passing through, as his commanding officer may, in his discretion, determine.

(3) In the event of the death of any soldier before the receipt by him of any such gratuity as is mentioned in either of the preceding sub-sections, it shall be lawful for the Governor to direct and cause the amount to be paid to, or for the benefit of, the widow or widows, or child or children, or to any next of kin of the soldier so dying, on such conditions, and if to, or for the benefit of, more than one person, in such proportions as to the Governor shall seem fit.

(4) Where any soldier, whose terms of engagement and re-engagement combined shall amount to a continuous period of twelve years, including service in the Reserve, dies while serving in the regiment before completing such continuous period, it shall be lawful for the Governor to direct and cause such proportion of the gratuity which he would have earned if he had completed the full period of twelve years' service as the number of years actually served by him bears to twelve, to be paid to, or for the benefit of, the widow or widows, or child or children, or to any next of kin of the soldier so dying, on such conditions, and if to, or for the benefit of, more than one person, in such proportions as to the Governor shall seem fit.

(5) Where any soldier, whose terms of engagement and re-engagement combined shall amount to a continuous period exceeding twelve years including service in the Reserve, dies while serving in the regiment before completing such continuous period, it shall be lawful for the Governor to direct and cause such proportion of the gratuity which he would have earned if

he had completed a period of eighteen years' service as the number of years actually served by him bears to eighteen, and if he shall have actually served for eighteen or more years, the full gratuity which he would have earned if he had taken his discharge after the completion of a continuous period of eighteen years' service, to be paid to, or for the benefit of, the widow or widows, or child or children, or to any next of kin of the soldier so dying, on such conditions, and if to, or for the benefit of, more than one person, in such proportions as to the Governor shall seem fit.

(6) For the purposes of sub-section (1) in the case of a soldier who, having been discharged, again re-engaged during any war in which Her Majesty is engaged, and, during such re-engagement is discharged as unfit for further service, the service and periods of engagement and re-engagement of such soldier shall be deemed to be continuous and re-engagement for a period of any war in which Her Majesty is engaged shall be deemed to be for an initial period of three years.

87. Where any soldier who has been awarded a medal for long service and good conduct is discharged, he shall be granted a gratuity of £5, and in the event of the death of any such soldier while still serving, such gratuity shall be paid to, or for the benefit of, the widow or widows, or child or children, or any next-of-kin of the soldier, on such conditions, and, if to or for the benefit of more than one person, in such proportions, as to the Governor shall seem fit.

Gratuity to holder of Long Service and Good Conduct Medal.

88. It shall be lawful for the Governor at such times as he shall deem it necessary so to do, temporarily to increase the strength of the regiment, and for this purpose to order to be enrolled for a limited period such number of officers, non-commissioned officers, and privates, as he shall deem necessary: The period or number limited by such Order may from time to time be prolonged, shortened, increased, reduced, or varied, by any subsequent Order of the Governor:

Regiment temporarily increased.

Provided that no man shall be compelled to serve for a longer period than that for which he was enrolled under this section, except with his own consent.

89. Save as hereinafter enacted, all the provisions of this Ordinance, and of any Ordinance amending or extending the same, and of the rules which may from time to time be in force shall, so far as they may be applicable, apply to all officers, non-

Conditions of service of persons temporarily enrolled.

commissioned officers and privates enrolled under the last preceding section; and such officers, non-commissioned officers and privates shall be, for all purposes, part of the regiment as long as they shall be enrolled therein:

Provided always that when any officers, non-commissioned officers or privates who are enrolled in, or belong to, or are in the service of, any other Colony or Protectorate, shall be enrolled for temporary service in Sierra Leone under this Ordinance, the rate of pay to be given them, the mode and time of payment, and all other matters relating to the pay and remuneration of such officers, non-commissioned officers and privates, may be arranged between the Governor of Sierra Leone and the officer administering the Government of the Colony or Protectorate in which the said officers, non-commissioned officers and privates may be previously enrolled, or in the service of which they may be, and paid accordingly; but, subject to this proviso, all officers, non-commissioned officers and privates temporarily enrolled under this Ordinance shall receive the rates of pay respectively drawn by officers, non-commissioned officers and privates of equal rank.

Oath on temporary enrolment.

90. Every soldier temporarily enrolled under this Ordinance shall make the following declaration, and shall confirm his declaration by oath in his native language in such manner as he may declare to be most binding upon his conscience.

I, A.B., do hereby solemnly and sincerely declare and promise that I will be faithful and bear true allegiance to Her Majesty the Queen, Her heirs and successors, and that I will faithfully serve and defend Her Majesty the Queen, Her heirs and successors, and the Government of Sierra Leone, until I am discharged, and will obey all orders of Her Majesty, and of the officers placed over me, and subject myself to all ordinances, rules and orders relating to the Sierra Leone Regiment of the Royal West African Frontier Force, now in force, or which may from time to time be in force during my service.

.....
Signature or mark of Recruit.

Declared at.....this.....day of.....19.....,
before me

.....
Signature of Officer.

The declaration and oath shall be made on parade before the senior officer of the unit for the time being at the station at which the declaration and oath are made, and shall be signed or attested by the person making the declaration and by the officer before whom it is made.

PART V.—GENERAL PROVISIONS.

91. (1) Any soldier shall be liable to be taken out of Her Majesty's service only by process or execution on account of any charge of felony or misdemeanour, or on account of an original debt proved by affidavit of the plaintiff, or of some one on his behalf, to the value of twenty pounds at the least over and above all cost of suit, but not for any original debt not amounting to twenty pounds, nor for the breach of any covenant, agreement, of other engagement, nor for having left or deserted his employer or master, or his contract, work or labour; and all warrants or other process of execution on account of the matters for which it is herein declared that such soldier is not liable to be taken out of the said service, shall be null and void:

Soldiers not to be taken from service except for felony, etc.

Provided that any *bona fide* apprentice, duly bound by indenture, in writing, for a term of at least three years, who may have enlisted in the regiment, shall be returned to his master's service, if the master shall make application to his commanding officer within sixty days after his enlistment, and shall prove the indenture to the satisfaction of his commanding officer or before an administrative officer, and such enlistment shall thereupon be cancelled.

Proviso as to apprentices.

(2) Any plaintiff, upon notice of the cause of action first given in writing to the officer under whose command the defendant is serving at the date of service of the writ of summons, may proceed in any action or suit to judgment and have execution other than against the body of any soldier or (except as next after mentioned) against the pay due or accruing due to him.

Plaintiff may have execution other than personal.

(3) The pay of any soldier due or accruing to him at the date of any judgment, or afterwards, shall not be liable to be arrested upon any civil process except in respect of any debt or liability which he may have incurred within three years next before being appointed to the regiment, and for such debt or liability when constituted by decree, his pay may be arrested to an extent not exceeding one-third thereof. When an order for such arrest is made, the Court making the order shall give notice thereof to the paymaster or other responsible officer, and thereupon the amount ordered shall be stopped out of the judgment debtor's pay until the amount of the decree is made good.

Pay of soldiers of the regiment not arrestable for debt: Exception.

Exemption from second trial or punishment for same offence.

92. (1) An offender shall not be liable to be tried by court martial for any offence which has been dealt with summarily by his commanding officer, and shall not be liable to be tried by court martial, or to be punished by his commanding officer, for any offence of which he has been acquitted or convicted by a competent civil Court or by a court martial.

(2) An offender shall not be liable to be tried by a civil Court for any offence which has been dealt with summarily by his commanding officer, or for which he has been tried by court martial.

(3) If any soldier of the regiment has been convicted by a competent civil Court of any crime or offence he shall not be liable to be punished for the same under this Ordinance otherwise than by loss of pay under section 56, and by reduction to an inferior rank, or to the rank of a private, by Order of the Governor, in the case of a non-commissioned officer, or by dismissal from the regiment, or by the loss of the whole or any part of his previous service reckoning towards discharge, by Order of the Governor, or by the loss of all or any good conduct badges which he may possess.

Inducing members of the corps to desert.

93. Any person who, by any means whatsoever, directly or indirectly, procures or persuades, or attempts to procure or persuade, any soldier of the regiment to desert, or who aids, abets, or is accessory to the desertion of any soldier of the regiment, or who, having reason to believe that any man is a deserter, harbours such deserter, or aids him in concealing himself, or aids or assists in his rescue, shall be liable to be imprisoned for a term not exceeding six months; and shall, in addition, be liable to a fine not exceeding ten pounds.

Unlawful possession of arms, etc.

94. (1) Every person who—

(a) buys, exchanges, takes in pawn, detains or receives from any person, on any pretence whatever; or

(b) solicits or entices any person to sell, exchange, pawn, or give away; or

(c) assists or acts for any person in selling, exchanging, pawning, or making away with,

any of the property following; namely, any arms, ammunition, equipments, instruments, service necessaries, or clothing issued for the use of officers or soldiers, or any military or air force decorations of an officer or soldier, or any furniture, bedding, blankets, sheets, utensils, and stores in service charge, or any provisions or forage issued for the use of an officer or soldier, or

his horse, or of any horse, or of any horse employed in the Government service, shall, unless he proves either that he acted in ignorance of the same being such property as aforesaid, or that the same was sold by order, or with the consent, of the Governor, or some competent military authority, or that the same was the personal property of an officer who had retired or ceased to be an officer, or of a soldier who has been discharged, or of the legal personal representatives of an officer or soldier who had died, be liable, on conviction in a Magistrate's Court, to a fine not exceeding twenty pounds, together with double the value of any property of which such offender has become possessed by means of his offence, or to imprisonment, with or without hard labour, for a term not exceeding six months, or to both such fine and imprisonment.

(2) Where any such property as above in this section mentioned is found in the possession or keeping of any person, such person may be taken or summoned before a Magistrate's Court, and if such Court has reasonable cause to believe that the property so found was stolen, or was bought, exchanged, taken in pawn, obtained or received in contravention of this section, then if such person does not satisfy the Court that he came by the property so found lawfully and without any contravention of this Ordinance, he shall be liable, on summary conviction, to the same penalties as are prescribed in the case of contravention of the last preceding sub-section.

(3) A person found committing an offence against this section may be apprehended, without warrant, and taken, together with the property which is the subject of the offence, before a Magistrate's Court; and any person to whom any such property as above-mentioned is offered to be sold, pawned, or delivered, who has reason to suppose that the same is offered in contravention of this section, may, and if he has the power, shall, apprehend the person offering such property, and forthwith take him, together with such property, before a Magistrate's Court.

(4) A Magistrate's Court, if satisfied on oath that there is reasonable cause to suspect that any person has in his possession, or on his premises, any property on, or with respect to, which any offence in this section mentioned has been committed, shall grant a warrant to search for such property, as in the case of stolen goods; and any property found on such search shall be seized by the officer charged with the execution of such warrant, who shall bring the person, in whose possession the same is found, before a Magistrate's Court to be dealt with according to law.

(5) For the purpose of this section, property shall be deemed to be in the possession or keeping of a person if he knowingly has it in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or enclosed, whether occupied by himself or not, and whether the same is so had for his own use or benefit, or for the use or benefit of another.

(6) Every person who—

(a) receives, detains, or has in his possession, any identity certificate, life certificate or other certificate, or official document evidencing, or issued in connection with, the right of any person to a military pension, pay or reserve pay, or to any bounty, allowance, gratuity, relief, benefit or advantage granted in connection with military service, as a pledge or security for a debt, or with a view to obtaining payment from the person entitled thereto of a debt due either to himself or to any other person; or

(b) without lawful authority or excuse (the proof whereof shall lie on the accused) has in his possession any such certificate or document, or any certificate of discharge, or any other official document issued in connection with the mobilisation or demobilisation of any of Her Majesty's forces, or any member thereof,

shall be liable, on conviction in a Magistrate's Court to the like penalty as for an offence under sub-section (1) of this section, and any such certificate or other document shall be deemed to be property within the meaning of this section.

Inciting to
mutiny, etc.

95. Any person who aids, abets, or is accessory to any mutiny, sedition, or disobedience to any lawful command of a superior officer, by any soldier of the regiment, or maliciously endeavours to seduce any soldier of the regiment from his allegiance or duty, shall be punishable with imprisonment, with or without hard labour, for a term not exceeding two years; and shall, in addition, be liable to a fine, not exceeding fifty pounds.

Personation.

96. Whoever, not being a member of the regiment, or being a deserter therefrom, puts on the dress or accoutrements of a person serving in the regiment, or part thereof, or any dress intended to simulate that of the regiment, or part thereof, or any medal or badge which he is not authorised to wear, or takes the name, designation, or character of a person appointed to, or serving in, the regiment, for the purpose of thereby doing, or obtaining to be done, any act which he would not be entitled to

do, or procure to be done, of his own authority, or for any other unlawful purpose, shall be liable to be imprisoned, either with or without hard labour, for a term, not exceeding six months, or to a fine, not exceeding fifty pounds, or to both.

97. All offences under this Ordinance committed by persons, not belonging to the regiment, shall be prosecuted, and all sentences imposed on such persons shall be carried into effect, in the manner provided by the Courts Ordinance, or any Ordinances amending or substituted for the same, and the amount of any fines recovered shall be paid into the Treasury, and form part of the general revenue of the Colony.

Procedure where offences are committed by other persons.
Cap. 7.

Wills and Distribution of Property.

98. (1) Every soldier, on enlistment, shall declare the name of the person, or persons, to whom, in the event of his decease, without having made a valid will, any money or personal property due, or belonging to him, should be paid or delivered, and the name of such person or persons shall be recorded at the headquarters of the soldier's unit; or he may direct that his estate is to be administered by the native Court of some named place, according to the custom of his tribe. The record shall be verified periodically, and it shall be the duty of the soldier to report any alteration in the record which he wishes made.

Registration by soldier on enlistment of the name of person to whom estate is to be paid in event of his dying intestate.

(2) The paymaster, or any officer of the regiment, or of the Treasury, or other public department, having in his charge or control any pay, accumulations of pay, gratuity, or other allowance, or any personal property or money belonging to any soldier dying intestate, who has complied with the above conditions, may pay or deliver the same to the person whose name has been recorded by the soldier in the manner prescribed.

99. (1) Any will made by a soldier of the regiment shall be valid for disposing of any money or personal property which shall be due or belonging to him at his decease—

Form of will.

(a) if it is in writing, and signed or acknowledged by him, in presence of, and in his presence attested by one witness, being an officer of the regiment or any Government medical officer of the Colony; or

(b) if it is executed with formalities required by any law now or hereafter in force in the Colony in the case of persons not being soldiers of the regiment.

Such will shall be deemed well made for the purpose of being admitted to probate, and the person taking out representation to the testator under such will shall exclusively be deemed the testator's representative with respect to the money or personal property thereby bequeathed.

Payment without probate of accumulation of pay, etc., if less than one hundred pounds.

(2) The paymaster, or any officer of the regiment, or of the Treasury or other public department, having in his charge, or control, any pay, accumulations of pay, gratuity, or other allowance, or any personal property, or money belonging to such testator, not exceeding in the aggregate the value of one hundred pounds, may pay or deliver the same to any person entitled thereto under the will, or to the person entitled to procure probate of, or administration under, such will, although probate or administration may not have been taken out.

Probate to be taken out if the value exceeds one hundred pounds.

If the value of the said money and personal property exceeds one hundred pounds, the paymaster or other officer as aforesaid, having the same in his charge or control, shall require probate or administration to be taken out, and thereupon pay and deliver the said money and effects to the legal representative of the deceased.

Distribution in case of intestacy.

100. In case any soldier of the regiment dies without having complied with the requirements stated in section 98, and without having made any valid will under this, or any law or Ordinance regulating wills for the time being in force, the paymaster or other officer having in his charge or control money or personal property of the deceased, as aforesaid, may, with the concurrence of the Governor, pay or deliver such money or personal property to any claimant, who proves to the satisfaction of the Governor that he or she is either the widow of the deceased, the child or any near relative of the deceased, according to the rules of kinship of the tribe to which the deceased belonged, and where there are more such claimants than one, then in such shares and proportions as the claimants would be entitled to receive under the rules of succession prevailing among such tribe, or as nearly as may be.

Payment of debts.

101. (1) Notwithstanding anything hereinbefore contained, if, in cases where probate of the will or administration of the estate of the deceased is not taken out, the paymaster or other officer aforesaid, before disposing of the money and personal property of the deceased in the manner aforesaid, has notice of any debt due by the deceased, he shall apply such money and property as may remain in his charge or control, or so much

thereof as may be requisite, in or towards payment of such debt, subject to the following conditions—

(a) That the debt accrued within three years before the death.

(b) That the payment of it is claimed within one year after the death.

(c) That the claimant proves the debt to the satisfaction of the officer commanding the unit.

(2) Any person, claiming to be a creditor of the deceased, shall not be entitled to obtain payment of his debt out of any money that may be in the hands of the paymaster or any officer of the regiment or of the Treasury, or other public department, except by means of a claim on the paymaster or commanding officer, or an administrative officer and proceeding thereon under and according to this Ordinance. If the estate is being administered by a native court, any Government debts shall be paid by the paymaster or other officer, before the balance of the estate is passed to the native court.

102. In all cases where the money or personal property of the deceased, or any part thereof, is paid or delivered to any person as being interested therein by reason of his or her name having been recorded in accordance with section 98, or under the will of the deceased, or as his widow or child, or near relative, or in other manner under this Ordinance, any creditor of the deceased shall have the same rights and remedies against such person as if he had received the same as a legal personal representative of the deceased.

Distribution of property subject to rights of creditors.

103. If the money or personal property belonging to the deceased, or any part thereof, remains for one year undisposed of or unappropriated, and without any valid claim thereto having been made, then the paymaster or other officer having the charge or control thereof shall apply or make over the same towards any reward and gratuity fund for the benefit of the regiment as may be prescribed by any Order of the Governor:

Money undisposed of applied to the regimental fund.

Provided that the application under this section of any such money or property or part thereof, undisposed of or unappropriated as aforesaid, shall not be deemed to bar any claim of any person to the same, or any part thereof, that may be established at any time after such application.

Medals and decorations excepted

104. Medals, uniforms and decorations, shall not be considered to be comprised in the personal estate of any deceased with reference to claims of creditors, or for any of the purposes of administration under this Ordinance or otherwise, and the same shall be delivered to, and held by, the paymaster or other officers, and disposed of according to rules made by the Governor.

Application of money, etc., in case of desertion.

105. In every case of desertion, the money or property of the deserter in the charge or control of the paymaster, or any other officer as aforesaid, shall be disposed of according to rules made by the Governor:

Provided that in every such case, the provisions of section 101 shall, *mutatus mutandis*, apply as nearly as may be.

Application of Army Act, 18 of 1949.

106. (1) The Army Act and any rules and regulations made thereunder and all acts amending the same, and any article of war or rules made in pursuance of such acts, and for the time being in force, shall, as to the provisions therein contained creating an offence, which may be committed by a person, or fixing a penalty which may be imposed upon a person so convicted, or conferring an immunity on such a person, apply in all cases where such a person—

(a) holds the Queen's Commission,

(b) has been attested, enlisted, engaged or enrolled under the provisions of any such acts and has not been subsequently re-attested, re-enlisted, re-engaged or re-enrolled under the provisions of this Ordinance, or

(c) has been attested, enlisted, engaged or enrolled under the provisions of this Ordinance and is residing in the United Kingdom or is attached to the Imperial Forces for the purpose either of undergoing instruction or training or for other duty or employment or is serving with the Imperial Forces.

(2) The provisions contained in this Ordinance, creating an offence or fixing a penalty which may be imposed upon a person convicted of such an offence or conferring an immunity on a person, shall not apply to any person to whom, by virtue of sub-section (1) of this section, any provisions of the Army Act apply.

(3) The provisions contained in the Army Act mentioned in sub-section (1) of this section as well as the provisions contained in this Ordinance shall apply to all persons attested, enlisted, engaged or enrolled in the Sierra Leone Regiment or other military, naval or defence service provided for under this

Ordinance or any other Ordinance in force in Sierra Leone, when the Regiment or other such services, or any part thereof, has been placed under the orders and directions of the Army Council pursuant to the provisions of paragraph (b) of sub-section (2) of section 3 of this Ordinance, or is serving with the Imperial Forces, and such person may be tried either in accordance with the provisions of this Ordinance or in accordance with those of the Army Act but not with both. Where such a person is tried in accordance with the provisions of this Ordinance, then the provisions of the Army Act shall also apply in so far as they are not inconsistent with the provisions of this Ordinance.

107. This Ordinance shall apply to all soldiers and followers of the forces constituted by section 3 and to all reservists when called up for service or for training:

Application.
13 of 1946.

Provided that for the purposes of the provisions of this Ordinance relating to government and discipline, a follower shall be deemed to belong to the unit or formation to which he is attached, or with which he is serving, or which he is following or accompanying, and shall be deemed to be under the command of the officer commanding such unit or formation.
