

Be it enacted by the Governor of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof, as follows :—

Trustees of  
Christ Church  
incorporated as  
Body  
Corporate.

1. The several persons nominated under Clause 18, or hereafter to be assumed under Clause 19 of said Deed of Constitution and Consecration shall be, and are hereby declared and adjudged to be, one body politic and corporate by the name of "The Trustees of Christ Church, Stanley," and by that name shall and may have perpetual succession, and shall and may sue and be sued in all Courts and before all Magistrates, Justices and others in all manner of actions, suits, complaints, matters and causes whatsoever, and shall and may have a common seal, and the same may vary and alter at their pleasure, and by the name aforesaid shall be in law capable of holding all such estate real or personal as hath already been acquired by them, or of taking and holding for ever hereafter other estate real and personal either by purchase, gift, devise or legacy, for the use of the said Church.

Short title.

2. This Ordinance may be cited as "The Christ Church Ordinance, 1893."

#### **VOLUNTEER FORCE.**

Ordinance No. 5 of 1893.

[12th June, 1893.]

It is hereby enacted by the Governor of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof, as follows :—

#### **PRELIMINARY.**

Short title.

1. This Ordinance may be cited as "The Volunteer Ordinance, 1892."

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

"Commanding Officer of a Corps" means the officer or other member of the Corps who holds the highest rank in such Corps.



"Officer" means a person holding a commission as officer in a Volunteer Corps.

"Volunteer" means a member of a Volunteer Corps not being an officer.

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

## PART I.

### ORGANISATION OF VOLUNTEER CORPS.

3. (1) It shall be lawful for the Governor to accept the services of any persons desiring to be formed under this Ordinance into a Volunteer Corps and offering their services, and on such acceptance being notified in the *Gazette* the proposed corps shall be deemed lawfully formed under this Ordinance.

Governor may accept services of corps.

(2) Any such corps shall be designated by such style as the Governor shall order.

4. (1) The officers of a Volunteer Corps shall be commissioned by the Governor, and such commission shall not be deemed vacated by the death or retirement from office of the Governor by whom the same was issued.

Officers commission to be issued by Governor.

(2) Officers of Volunteer Corps shall rank with officers of Her Majesty's Regular and Militia Forces, but as junior of their respective ranks.

Rank of officers.

5. (1) Subject as hereinafter mentioned, any volunteer may, except when on active service, quit his corps on complying with the following conditions :—

Power of volunteer to quit corps on conditions.

(i) giving to the commanding officer of his corps fourteen days' notice in writing of his intention to quit the corps;

(ii) delivering up in good order (fair wear and tear only excepted) all arms, clothing and appointments being public property or property of his corps issued to him; and



(iii) paying all money due or becoming due by him under the rules of his corps, either before or at the time or by reason of his quitting it, and thereupon he shall be struck out of the muster-roll of the corps by the commanding officer.

(2) If any volunteer gives such notice and the commanding officer refuses to strike him out of the muster-roll and the volunteer considers himself aggrieved thereby, the volunteer may appeal to a Magistrate, who shall hear and determine the appeal and may for the purposes thereof administer oaths and examine any person as a witness, and if it appears to such Magistrate that the arms, clothing and appointments issued to the volunteer, being public property or property of his corps, have been delivered up in good order (fair wear and tear only excepted) and that he has paid or is ready to pay sufficient compensation for any damages that such articles may have sustained, and that all moneys due or becoming due by him under this Ordinance or under the rules of his corps, either before or at the time of or by reason of his quitting it, have been paid, such Magistrate may order the commanding officer forthwith to strike such volunteer out of the muster-roll of his corps, and such determination shall be binding on all persons.

(3) Nothing in this section contained shall authorise any volunteer to obtain his discharge, except with the consent of the Governor, before the expiration of any period of service for which he may have by writing engaged to serve.

Volunteers to  
be under  
command of  
officers of  
regular forces.

6. Whenever any volunteers are on active service or are undergoing drill, exercise or inspection or are voluntarily doing any duty together with Her Majesty's regular forces, they and their officers shall, subject to regulations under this Ordinance, be under the command of the officers of Her Majesty's regular forces, so nevertheless that the volunteers shall, when the circumstances of the service admit, be led by their own officers under such command.

Annual  
inspection.

7. Inspections of every Volunteer Corps may be held by some officer of Her Majesty's regular forces



nominated by the Governor at such times as the Governor may direct, and such inspecting officer shall report to the Governor as to the efficiency or otherwise of the corps.

8. The Governor may by regulations declare what is requisite to entitle a volunteer to be deemed an efficient volunteer by defining for that purpose the extent of attendance at drill to be given by the volunteer, and the course of instruction to be gone through by him, and the degree of proficiency in drill and instruction to be attained by him and his corps, such proficiency to be judged of by the inspecting officer at the annual inspection of the corps or otherwise as prescribed.

Requisites of efficiency to be declared by Governor.

9. The Governor may disband or discontinue the services of any Volunteer Corps or any part thereof whenever it seems to him expedient to do so.

Disbanding of corps.

10. (1) The Governor may at any time assemble a Court of Inquiry composed of members of the Volunteer Corps to inquire into any matter relative to any Volunteer Corps or to any officer or volunteer, and to record the facts and circumstances ascertained on such inquiry and, if required, to report on the same for his information.

Courts of inquiry.

(2) The commanding officer of a Volunteer Corps may at any time assemble a Court of Inquiry, composed either of officers and volunteers belonging to the corps or of such officers or of such volunteers, to inquire into any matter relative to the corps or any volunteer not being an officer, and to record the facts and circumstances ascertained on such inquiry and if required to report on the same for the information and assistance of the commanding officer.

11. The Governor may make regulations respecting anything in this Ordinance directed or authorised to be done or provided by regulation, and also such regulations as may seem fit (not being inconsistent with any of the provisions of this Ordinance) respecting :—

Power of Governor to make regulations for government of Volunteer Force.

(a) The appointment, promotion and rank of officers.



(b) The assembling and proceedings of Courts of Inquiry.

(c) Generally the execution of this Ordinance and the general government and discipline of the Volunteer Force.

## PART II.

### ACTIVE SERVICE.

Governor may call out volunteers for active service in case of national emergency, invasion, etc.

12. (1) In case of great national emergency or in case of actual or apprehended invasion of or attack on the Colony, the Governor may call out any Volunteer Corps for active service.

(2) Every officer and volunteer belonging to every corps so called out shall be bound to assemble at such place and perform such service as may be directed by the Governor.

(3) Every such officer and volunteer from the time of his corps being so called out shall for the purposes of this Ordinance be deemed on active service. If any such officer or volunteer, not incapacitated by infirmity for service, refuses or neglects so to assemble he shall be deemed a deserter.

(4) The period of such service shall continue so long as the Governor shall consider necessary, and shall end only by order of the Governor.

(5) Nothing in this Ordinance shall render any officer or volunteer liable to serve or proceed on duty, without his consent, beyond the limits of the Colony.

Volunteers when called out to be entitled to pay and quarters.

13. All persons enrolled in any Volunteer Corps, when called out on active service by the Governor, shall be entitled to pay and allowances in such manner and after such rates and conditions and to be quartered or billeted in like manner in every respect and under and subject to the same regulations as Her Majesty's other forces, as far as the same shall by the Governor be deemed applicable to the Volunteer Corps.



14. All persons enrolled, and who shall when called out on such active service as aforesaid leave families unable to support themselves, shall during the period of their absence on active service be entitled to relief for their wives and families, and it shall be lawful for the Governor to fix the amount of such relief.

Relief to families of volunteers called out on service.

15. Whenever any person enrolled as aforesaid shall be called out on active service as aforesaid away from his place of residence, he shall be entitled to receive, if willing to do so, his travelling expenses from and to such residence, and it shall be lawful for the Governor to fix the rate and amount of such expenses.

When travelling expenses are payable to volunteers

16. All officers and volunteers who shall have received wounds or injuries when called out on active service as aforesaid and the widows and families of all such officers and volunteers who may have been killed or have died within twelve months after having been wounded of wounds received during such active service, or have died within twelve months from illness directly traceable to fatigue or exposure incident to such active service, shall be entitled to such pensions or gratuities as shall be fixed by the Governor in Council, provided that no pension or gratuity under this section shall exceed the sum of two hundred pounds (£200).

Pensions to officers and volunteers disabled on service and to widows and families of those killed on service.

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### PART III.

#### DISCIPLINE.

17. With respect to the discipline of officers and volunteers while they are not on active service or undergoing drill, exercise, training or inspection together with or voluntarily doing any duty together with Her Majesty's regular forces or any part thereof, the following provisions shall take effect :—

As to discipline while not on active service.

(i) The Commanding Officer of a Volunteer Corps may, subject to such appeal to the



Governor as hereinafter mentioned, discharge from the corps any volunteer and strike him out of the muster-roll, either for disobedience of orders by him while doing any duty with his corps, or for neglect of duty or misconduct by him as a member of the corps or for other sufficient cause, the existence and sufficiency of such causes respectively to be judged of by the Commanding Officer or, in case of appeal, by the Governor.

(ii) The volunteer so discharged shall nevertheless be liable to deliver up in good order (fair wear and tear only excepted) all arms, clothing and appointments, being public property or property of his corps, issued to him, and pay all moneys due or becoming due by him under this Ordinance or under the rules of his corps, either before or at the time or by reason of his discharge, but any volunteer who feels aggrieved by such discharge may appeal to the Governor within a reasonable time after such discharge, and the Governor may cancel or confirm such discharge or give such other directions with reference thereto as to him may seem just and proper, and such determination shall be binding on all persons.

(iii) If any such officer or volunteer as aforesaid while—

(a) on the line of march or on duty with the corps to which he belongs or any part thereof; or

(b) engaged in any exercise or drill with such corps or any part thereof; or

(c) wearing the clothing or accoutrements of such corps and going to or returning from any place of exercise, drill or assembly of such corps, or otherwise on duty disobeys any lawful order of any officer under whose command he then is, or is guilty of misconduct, the officer then in command of the corps or any superior officer under whose command the corps then is may order the offender if an officer into arrest, and if not an officer into the custody



of any volunteer belonging to the corps, provided that the offender be not kept in such arrest or custody longer than during the time of the corps or such portion thereof as aforesaid then remaining on march or duty or continuing engaged in any such exercise or drill as aforesaid or otherwise on duty, and for the purposes of this provision any such officer or volunteer, while going to or returning from any place of exercise, drill or assembly of his corps, shall be deemed to be on duty so long as he continues to wear the clothing or accoutrements of such corps.

(iv) Every such arrest shall be forthwith reported to the commanding officer of the corps or such other officer as may be prescribed.

18. (1) With respect to the discipline of officers and volunteers when on active service or undergoing drill, exercise, training or inspection together with or voluntarily doing any duty together with Her Majesty's regular forces or any part thereof, the following provisions shall take effect:—

As to discipline while on active service.

The provisions of the Imperial Act, 44 and 45 Vict., Cap. 58, and of any other Imperial Act for the time being amending the same shall, so far as the same are applicable to officers and are consistent with the provisions of this Ordinance, apply to all officers and volunteers, with the following modifications only:—

44 and 45 Vict., Cap. 58.

(a) That no officer or volunteer shall for any offence against such Act or Acts be subject to the penalty of death.

(b) That no sentence of a court martial for the trial of an officer or volunteer shall be carried into execution unless confirmed by the Governor.

(2) Nothing in this section contained shall be deemed to limit or derogate from the power given by Section 177 of the said Imperial Act to the General Officer commanding Her Majesty's forces with which the corps is serving of making such exceptions or modifications as in the same section are referred to.



## PART IV.

## RULES AND PROPERTY OF CORPS.

Power for  
corps to make  
rules.

19. (1) The members of a Volunteer Corps may from time to time make rules for the management of the property, finances and civil affairs of the corps, and may alter or repeal any such rules, but any such rules shall not have effect unless and until the commanding officer of the corps thinks fit to transmit the same to the Governor for his approval, and such approval has been notified by the Governor to the commanding officer of the corps, to be by him forthwith communicated to the corps, whereupon the rules so approved shall be binding on all members of the corps and shall be published in the *Government Gazette*.

(2) A copy of the rules in print or writing or partly in print and partly in writing, certified under the hand of the commanding officer as a true copy of the rules whereof such approval has been notified as aforesaid, shall be conclusive evidence of the rules of the corps.

Vesting of  
property of  
corps in com-  
manding officer  
*ex officio*.

20. All moneys subscribed by or to or for the use of a Volunteer Corps and all effects belonging to any such corps or lawfully used by it, not being the property of an individual member of the corps, and the exclusive right to sue for and recover current subscriptions, arrears of subscriptions and other moneys due to the corps, shall vest in the commanding officer of the corps for the time being and his successors in office, with power for him and his successors to sue, to make contracts and conveyances and to do all other lawful things relating thereto, and any civil or criminal proceedings taken by virtue of this section by the commanding officer of a corps shall not be discontinued or abated by his death, resignation or removal from office, but may be carried on by and in the name of his successor in office.



21. If any person fails to deliver up in good order (fair wear and tear excepted) any arms, clothing or appointments which he is liable under this Ordinance or the rules framed thereunder to deliver up, he shall be liable to pay to the commanding officer of the corps the value thereof, as such value shall be determined by a General Committee constituted in accordance with the rules framed under this Ordinance.

Volunteers failing to give up arms, etc., when liable to do so to pay value thereof.

22. If any person belonging or having belonged to a Volunteer Corps neglects or refuses to pay anything subscribed or undertaken to be paid by him towards any of the funds or expenses of such corps or due under the rules of such corps and actually payable by him, or to pay any fine incurred by him under the rules of such corps, such money or fine shall (without prejudice to any other remedy) be recoverable from him, with costs, at any time within eighteen months after the same becomes due and payable in manner hereinafter mentioned, and when recovered shall be applied as part of the general fund of the corps.

Recovery of subscriptions and fines.

## PART V.

### MISCELLANEOUS.

23. Any money or fine recoverable under this Ordinance may be recovered in a summary way in the Police Magistrate's Court, notwithstanding the amount may be in excess of the ordinary jurisdiction of that Court.

Summary recovery of fine.

24. The commanding officer of any Volunteer Corps may be represented in any Police Magistrate's Court or before any Magistrate or Magistrates by any member of the corps authorised by him in writing under his hand.

Appearance in Court of commanding officer.

25. It shall be lawful for the Colonial Treasurer to pay to the commanding officer of every Volunteer

Capitation Grant.



Corps for the purposes of the corps such sum in each year as shall be fixed by the Governor in Council, not exceeding two pounds, for every efficient member holding a certificate of proficiency, in accordance with any regulations passed under Section 8, who is certified by the commanding officer to have satisfied the requirements for receiving such certificate of proficiency within the year, but such payment shall not be made except by the sanction of the Governor, to whose satisfaction the state of efficiency of the corps must be certified.

Oath of  
alliciance.

26. Every member of a Volunteer Corps shall, on his admission or as soon afterwards as may be, take the oath set forth in the Schedule to this Ordinance, to be administered by a Justice of the Peace or by an officer of his corps who has taken such oath.

Assaulting or  
resisting mem-  
ber of corps.

27. Whoever assaults or resists or abets any person in assaulting or resisting any member of the corps in the discharge of his duty shall be punishable, on conviction before a Magistrate, with a fine not exceeding twenty pounds or with imprisonment for any term not exceeding six months, or with both.

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#### SCHEDULE.

##### OATH OF OFFICER AND VOLUNTEER.

I, *A. B.*, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and that I will faithfully serve Her Majesty in the Falkland Islands and their Dependencies for the defence of the same against all Her enemies and opposers whatsoever according to the conditions of my service.

[The name of the successor of Her Majesty Queen Victoria for the time being, with proper words of reference thereto, to be substituted as occasion requires.]