
GIBRALTAR REGIMENT ACT**Principal Act**

Act. No. 1998-25	<i>Commencement</i>	15.10.1998
	<i>Assent</i>	9.7.1998

Amending enactments	Relevant current provisions	Commencement date
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None

English sources

None

Notes.

(1) All officers appointed and all soldiers enlisted, or deemed to have been appointed or enlisted, under the Gibraltar Regiment Act (Act. 1956 No. 23 and Act. 1974 No. 3) are deemed to have been appointed or enlisted under the Gibraltar Regiment Act (Act. 1998 No. 25) and any continuous period of service under the former Act immediately prior to the commencement of the latter is deemed to be service under the latter.

(2) The provisions of the Gibraltar Regiment (Pensions) Regulations, 1971 (LN. 3/1971), revoked generally by the Gibraltar Regiment (Pensions) Regulations (LN. 88/1975), continue to apply to officers who retired before 1.3.1974 and to soldiers who retired before 28.2.1974.

GIBRALTAR REGIMENT ACT.

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AN ACT TO PROVIDE FOR THE ORGANISATION, DUTIES AND DISCIPLINE OF THE GIBRALTAR REGIMENT, AND FOR MATTERS INCIDENTAL THERETO.

PART I.
PRELIMINARY.

Title and commencement.

1. This Act may be cited as the Gibraltar Regiment Act 1998 and shall come into effect on such day as the Governor, may by notice in the Gazette, appoint and different days may be appointed for different purposes.

Interpretation.

2.(1) In this Act, unless the context otherwise requires—

“Army Act” means the Army Act 1955 as applied by this Act and includes all legislation amending that Act as so applied;

“civil court” means a court of ordinary criminal jurisdiction but does not include any such court outside Her Majesty’s dominions;

“Commander” means the officer appointed in accordance with section 8(3);

“Commanding Officer” means the officer appointed under section 8(4);

“Defence Council” means the Defence Council constituted in the United Kingdom by Letters Patent from Her Majesty and established in accordance with the Defence (Transfer of Functions) Act 1964;

“member” means any officer or soldier of the Regiment;

“officer” means an officer commissioned into the Regiment in accordance with section 13 and Schedule 3 of this Act or being the holder of a land forces commission in Her Majesty’s Armed Forces appointed to the Regiment;

“prescribed” means by any direction made by the Governor under section 6 or by any regulations made by him under section 23;

“Regiment” means The Gibraltar Regiment;

“Reserve Forces Act” means the Reserve Forces Act 1996 as applied by this Act and includes all legislation amending that Act as so applied;

“soldier” means a member of the Regiment who is not an officer;

“Regular Element” means those members who are full-time members of the Regiment;

“Volunteer Reserve” means those members of the Regiment who are not members of the Regular Element and to whom the regulations, terms and conditions set out in Schedule 1 to this Act apply.

(2) Before making any regulations or directions under this Act and before issuing any proclamation under this Act, the Governor shall consult with the Commander.

Establishment and status of the Gibraltar Regiment.

3. There shall continue to be the military force, called The Gibraltar Regiment, established by section 3(1) of The Gibraltar Regiment Act 1974.

Disbandment of the Regiment.

4. The Governor may, by proclamation, disband the Regiment or any part of the Regiment whenever it appears expedient to do so and may give such instructions as may be necessary to carry the proclamation into effect.

PART II.

Application of Army Act and Reserve Forces Act.

5.(1) The provisions of the Army Act listed in column 1 of Part 1 of Schedule 2 to this Act shall apply subject to any adaptation, modification or exception entered opposite any provision so listed in column 2 of that Part, to—

- (a) members of the Regular Element; and
- (b) members of the Volunteer Reserve, when on peace-time training, when called out by a Proclamation under section 18(1) or otherwise serving (whether in pursuance of an obligation or not).

(2) The provisions of the Reserve Forces Act listed in column 1 of Part II of Schedule 2 to this Act shall apply subject to any adaptation, modification or exception entered opposite any provision so listed in

column 2 of that Part, to members of the Volunteer Reserve mentioned in subsection (1)(b).

Application of regulations, etc. to the Regiment.

6. (1) The Governor may apply to the Regiment such regulations, manuals, warrants and instructions applicable to Her Majesty's military forces in the UK, including any regulations, manuals, warrants or instructions amending or replacing the same, as he may direct in so far as they are appropriate and not inconsistent with the provisions of this Act.

(2) The Governor may by direction, add to, modify or revoke the application of any regulation, manual, warrant or instruction applied to the Regiment under subsection (1), provided any such addition, modification or revocation is appropriate and not inconsistent with the provisions of this Act.

Appeals.

7. An appeal from a finding or sentence of a court martial held in pursuance of the provisions of this Act shall lie to the Supreme Court.

PART III. COMMAND.

Command of the Regiment.

8. (1) Subject to section 9, the Regiment shall be under the supreme command of the Governor.

(2) The Governor shall appoint a Commander of the Regiment who shall—

- (a) subject to section 9, have the command of the Regiment under the supreme command of the Governor; and
- (b) be responsible to the Governor for the duties, organisation, training, discipline and efficiency of the Regiment.

(3) The Governor in exercise of his powers under subsection (2), shall appoint as Commander of the Regiment an officer who holds a land forces, naval or air forces' commission in Her Majesty's Forces.

(4) The Governor shall appoint an officer to be the Commanding Officer of the Regiment who shall be responsible to the Commander for the duties, organisation, training, discipline and efficiency of the Regiment.

(5) The Governor in exercise of his powers under subsection (4) shall appoint as Commanding Officer of the Regiment any officer holding a land forces, naval or air forces' commission in Her Majesty's forces or a Governor's commission.

Placing of the Regiment under the command of the Defence Council.

9. (1) Subject to subsection (2), it shall be lawful for the Governor at any time for such purposes as Her Majesty through the Secretary of State, may direct, to order that the Regiment, or any part of the Regiment, shall be placed under the orders and directions of the Defence Council and thereupon every member of the Regiment who is affected by any such order, shall obey all lawful orders or directions issued by or on behalf of the Defence Council.

(2) Subject to section 18(5), subsection (1) shall apply to members of the Volunteer Reserve only after a Proclamation has been issued under section 18(1).

**PART IV.
COMPOSITION.**

Composition of the Regiment.

10. The Regiment shall consist of—
- (a) the Regular Element; and
 - (b) the Volunteer Reserve.

Strength of the Regiment.

11. The Regular Element and the Volunteer Reserve shall each comprise such numbers of officers and soldiers as the Governor may, in consultation with the Secretary of State, consider necessary.

**PART V.
ENGAGEMENT, TRANSFER AND DISCHARGE.**

Eligibility for entry.

12. No person shall be commissioned or appointed as an officer in the Regiment or enlisted as a soldier unless he is a British citizen, a British Dependent Territories citizen, a British overseas citizen, or a British subject under the British Nationality Act 1981.

Commissions and appointments in the Regiment.

13. The terms of commissions and appointments in the Regiment are set out in Schedule 3 to this Act.

Enlistment of soldiers in the Regiment.

14. The terms of enlistment for soldiers are set out in Schedule 4 to this Act.

Pay, allowances and retired pay.

15. The pay, allowances and retired pay for officers and soldiers of the Regiment shall be those set and promulgated from time to time by the Secretary of State.

PART VI.

Liability for service of the Regular Element.

16.(1) Every member in the Regular Element shall at all times be liable for service in the performance of duties of the Regiment within, or if the Governor considers it necessary, outside Gibraltar.

(2) No member of the Regular Element shall be entitled to be released or discharged from the Regiment whilst a proclamation issued under section 18(1) is in force.

Liability for service of Volunteer Reserve for training.

17.(1) Every member of the Volunteer Reserve shall undergo such peace-time training as may be prescribed, except so far as he may be exempted therefrom by the Commander or the Commanding Officer.

(2) Nothing in subsection (1) prevents a member of the Volunteer Reserve—

- (a) undertaking any voluntary training in Gibraltar or elsewhere that is made available to him as a member of the Volunteer Reserve;
- (b) undertaking any voluntary training or performing other voluntary duties in Gibraltar or elsewhere, being training or duty undertaken or performed at his own request or following a request made to him by or on behalf of his Commanding Officer.

(3) A member of the Volunteer Reserve shall be subject to the provisions of this Act whilst performing voluntary duties or training as mentioned in subsection (2).

Call-out of the Volunteer Reserve.

18.(1) The Governor may, if he considers that the circumstances require it, by proclamation, call out for service the whole or any part of the Volunteer Reserve.

(2) A proclamation issued under subsection (1) shall—

- (a) take effect for such period or periods, if any, as the Governor may specify in the proclamation; or
- (b) where no such period or periods is or are specified in the proclamation, remain in effect until the Governor revokes the proclamation by a further proclamation.

(3) Except in so far as he may be exempted therefrom under subsection (5), every member of the Volunteer Reserve to whom it applies shall report for duty at such time and place as the Governor or, subject to the commands of the Governor, any superior officer to that member shall direct.

(4) Subject to subsections (5) and (6), while a proclamation issued under subsection (1) remains in effect, every member of the Volunteer Reserve to whom it applies shall be liable for service in the Regiment in the same manner and to the same extent as members of the Regular Element as mentioned in section 16 and no member of the Volunteer Reserve shall be entitled to be released or discharged from the service whilst such proclamation is in force.

(5) The Governor may exempt a member of the Volunteer Reserve from liability while a Proclamation issued under subsection (1) is in force, to report for duty or, where he has already reported, to serve in the Regiment.

(6) Members of the Volunteer Reserve shall not be required to undertake duties outside Gibraltar.

PART VII.

Miscellaneous.

19.(1) Subject to subsection (2), where a member of the Regiment who is for the time being subject by virtue of this Act to the provisions of the Army Act commits an offence or is reasonably suspected of having committed an offence, against this Act or against those provisions, he may be taken into

and kept in military custody, tried and punished for the offence, in the same manner as he could have been so dealt with under the Army Act, notwithstanding that he has ceased or subsequently ceases to be subject to the Army Act.

(2) Where any member has since the alleged commission of an offence ceased to be subject to the Army Act, he shall not after the expiration of three months from the date of the commission of the offence be taken into custody, held in custody, tried or punished unless—

- (a) the offence alleged is mutiny or desertion; or
- (b) his trial has already commenced;

(3) Nothing in subsection (1) shall limit the jurisdiction of any civil court to try and deal with any offence.

Employers not to penalise members of the Volunteer Reserve.

20.(1) Subject to subsection (4) no employer of any person who is a member of the Volunteer Reserve shall –

- (a) penalise that member for serving as a member; or
- (b) prevent or hinder that member from serving as a member.

(2) Without limiting the meaning of the word “penalise”, an employer penalises a member of the Volunteer Reserve if—

- (a) he dismisses that member from his employment by reason of the fact that the member serves in the Regiment;
- (b) he reduces that member’s remuneration as an employee or deducts any money from that member’s remuneration as an employee, by reason of the fact that the member serves in the Regiment; or
- (c) he refuses to reinstate that member before the end of the period specified in subsection (4).

(3) An employer does not within the meaning of this section penalise a member of the Volunteer Reserve by reason only of the fact that he does not pay remuneration to that member during any period when the member is serving on duty in the Regiment.

(4) In no case shall an employer be under an obligation to take a member of the Volunteer Reserve into his employment after six months

have elapsed from the end of a member's service carried out in compliance with section 17 or 18.

(5) If a member of the Volunteer Reserve enters the employment of his employer not later than the end of six months mentioned in subsection (4), his previous period of employment with that employer (or, if there was more than one such period, the last of those periods) and the period of employment beginning in the said period of six months shall be treated as continuous for the purpose of calculating "completed years of service" for a redundancy payment under the Employment Act and its subordinate legislation.

(6) An employer who contravenes the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to imprisonment for three months or to a fine at level 4 on the standard scale.

Assaults on and obstructions etc. of members.

21. A person who—

- (a) assaults any member in the execution of that member's duty; or
- (b) wilfully obstructs, impedes or hinders any member in the execution of that member's duty;

shall be guilty of an offence and shall be liable on summary conviction to imprisonment for three months or to a fine at level 3 on the standard scale.

Publication.

22. Notice shall be published in the Gazette whenever—

- (a) a Commander is appointed;
- (b) a person is commissioned or officer appointed by the Governor;
- (c) an officer is promoted;
- (d) an officer is appointed to be Commanding Officer;
- (e) the term of appointment of a Commanding Officer is extended;
- (f) an officer relinquishes his commission;
- (g) an officer resigns his commission;
- (h) an officer retires;

- (i) there occurs an event of which the Governor directs there shall be publication.

Regulations.

23. The Governor may, from time to time, make regulations prescribing any matter which may be prescribed under the provisions of this Act or providing for such other matters as are reasonably necessary for, or incidental to, the due administration of this Act.

Provided that in the event of there being any conflict between any regulation so made and any regulation, manual, warrant or instruction applied by section 6, the former shall prevail.

Repeal and continuity of the law.

24.(1) The Gibraltar Regiment Act 1987 is hereby repealed.

(2) Any instrument in force before the commencement of this Act and made or having effect as if made under the Gibraltar Regiment Act 1987, and, anything whatsoever done under or by virtue of that enactment, shall be deemed to have been made, or done, as the case may be, under or by virtue of the corresponding provision of this Act; and anything begun under that Act of 1987 may be continued as if begun under this Act.

(3) Any reference, whether expressed or implied, in any enactment, instrument or document to a provision of the Gibraltar Regiment Act 1987, shall be construed, so far as is required for its continuing effect, as including a reference to the corresponding provision of this Act.

SCHEDULE 1.

Section 2 (1)

**TERMS AND CONDITIONS OF SERVICE
OF THE VOLUNTEER RESERVE**

Formation.

1. The Volunteer Reserve shall consist of two companies namely, I and B Companies. Members may be transferred from one Company to another at the discretion of the Commander.

Strength.

2. The strength of each Company shall be determined by the Commander, taking account of any budgetary constraints. Any change to the strength of either Company shall require the approval of the Commander.

Qualification for bounty.

3. The criteria for qualification for payment of a Bounty payable to members of the Volunteer Reserve shall be—

(a) in respect of I Company –

Continuous in-camp training and	15 Training Days;
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Out of camp training.	12 Training Days
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Total.....	27 Training Days
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(b) in respect of B Company –

Continuous in-camp training.....	6 Training Days
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(c) in respect of each Company –	such annual training and tests as are provided for in the Territorial Army Regulations 1978
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Bounty rates.

4. The bounty rates for the companies in the Volunteer Reserve shall be those published from time to time by the Secretary of State.

Number of Training Days.

5. Subject to section 17 the number of Training Days for both Companies shall be determined and controlled by the Commander.

Training Days.

6. In this Schedule attendance for not less than 8 hours in any one day, of which not less than 4 hours shall be training, shall count as one training day.

SCHEDULE 2.

APPLICATION OF ARMY ACT AND RESERVE FORCES ACT

PART I.

Section 5(1)

Provisions of the Army Act 1955 listed in column 1 applicable to members of the Regular Element and Volunteer Reserve subject to the adaptations, modifications and exceptions listed in column 2.

Sections 1 to 143, section 180, 186, 187, 188, 189, 198, 198C, 200, 201, 202, 204A, 223 and 225 and Schedules 1 and 3 to the Army Act apply subject to the following adaptations, modifications and exceptions.	
Column 1	Column 2
	Any reference to “the regular forces” shall be construed as a reference to “the Regiment”;
Section 3	Section 3 shall not apply.
Section 9	Section 9 shall not apply.
Section 10	Section 10 shall not apply.
Section 11	In section 11(2) - first two lines: (a) after the reference to “the United Kingdom” in each place where it occurs, there shall be added the words “or Gibraltar”; (b) in sections 11(2)(a) and (b) and (5), for the reference to “United Kingdom”, there shall be substituted “Gibraltar”.
Section 12	Section 12 shall not apply.
Section 13	In section 13(2), after the reference to “United Kingdom”, there shall be inserted “or Gibraltar”.
Section 15	In section 15 for the words “of the Reserve are called up on permanent service” there shall be substituted “of

	the Volunteer Reserve are called out by Proclamation under section 18 of the Act”.
Section 18	In section 18 for the references to “Defence Council” wherever they occur, there shall be substituted “the Governor”.
Section 19	Section 19 shall not apply.
Section 21	Section 21 shall not apply.
Section 23	In section 23(1) for “the Army Reserve” there shall be substituted “the Volunteer Reserve”.
Section 37	In section 37(2)(b) for the word “overseas” substitute “outside Gibraltar”.
Section 47	Section 47 shall not apply.
Section 48	Section 48 shall not apply.
Section 63	In section 63 for the words “the United Kingdom” there shall be substituted “Gibraltar”.
Section 70	(a) In section 70(1) for the reference to “the United Kingdom” there shall be substituted “Gibraltar”; (b) in section 70(4) for the reference to “United Kingdom” there shall be substituted “Gibraltar”.
Section 71A	(a) Instead of section 71A, sections 256 to 277 of the Criminal Procedure Act shall apply, as appropriate. (b) In respect of a person who has attained 17 years of age but is under 21 years of age, the provisions of section 260 of the Criminal Procedure Act shall apply.
Section 71AA	Section 71AA shall not apply.
Section 71AB	Section 71AB shall not apply.
Section 71B	Section 71B(1)(c) and 5(a) shall not apply.
Section 81	In section 81(1) and (2) for the references to “Defence Council”, there shall be substituted “Governor”.
Section 82	In section 82(2)(b) for the reference to “the Defence Council”, there shall be substituted “the Governor”.

Section 84D	In section 84D(9) in the definition of “Military Officer”, after the words “Her Majesty’s Military Forces” there shall be inserted “including an officer of the Gibraltar Regiment”.
Section 85	In section 85(2) delete the words “or make an order committing a person to be detained under section 71AA of this Act for a period exceeding 2 years”.
Section 91	In section 91 (1) after the words “the United Kingdom”, there shall be inserted the words “or within or without Gibraltar”.
Section 99A	<p>(a) In section 99A(1) for “section 9 of the Criminal Justice Act 1967”, substitute “section 83 of the Criminal Procedure Act”;</p> <p>(b) In section 99A(1) delete the words “and to service modifications”;</p> <p>(c) In section 99A(2)(a) and (b) for “the United Kingdom”, substitute “Gibraltar”;</p> <p>(d) Delete section 99A(3) and (4);</p> <p>(e) In section 99A(5) for the words “Section 89 of the said Act 1967 (punishment for making false statements tendered under section 9)” there shall be substituted “Section 245 of the Criminal Offences Act (false written statements tendered in evidence)”.</p>
Section 101	<p>(a) In section 101, except in the proviso, after the reference to “the United Kingdom”, there shall be inserted “or Gibraltar”.</p> <p>(b) In section 101, in the proviso, for the reference to “the United Kingdom”, there shall be substituted “Gibraltar”;</p> <p>(c) In section 101 for the reference to “the Defence Council”, there shall be substituted “the Governor”;</p> <p>(d) In section 101 in the proviso for the word “them”, there shall be substituted “him”.</p>
Section 103A	Section 103A shall not apply.

Section 103B	Section 103B shall not apply.
Section 103C	Section 103C shall not apply.
Section 113	<p>(a) In section 113(1) for the reference to “Defence Council”, there shall be substituted “the Governor”;</p> <p>(b) In section 113(4) for the words “courts-martial appeal court”, substitute “the Supreme Court;</p> <p>(c) In section 113(5) for the reference to “Defence Council” wherever it occurs, there shall be substituted “the Governor”.</p>
Section 115	In section 115(2)(a) and (c), for the references to “the Defence Council”, there shall be substituted “the Governor”.
Section 115A to section 116E	Sections 115A to section 116E shall not apply.
Section 125	Section 125 shall not apply.
Section 132	Sections 132(3) and (3A) shall not apply.
Section 133A	<p>(a) In section 133A(1) for the reference to “Defence Council”, there shall be substituted “the Governor” and for the words “them”, there shall be substituted “him”;</p> <p>(b) In section 133A(3)(a) for the words “outside the United Kingdom”, there shall be substituted “Gibraltar”;</p> <p>(c) In section 133A(4) for the reference to “the Defence Council”, there shall be substituted “the Governor” and for the word “them”, there shall be substituted “him”;</p> <p>(d) In section 133A(5) for the reference to “the Defence Council”, there shall be substituted “the Governor” and for the word “them”, there shall be substituted “him”;</p> <p>(e) In section 133A(10), for the definition of “the relevant court”, there shall be substituted “the relevant court means the Magistrates’ Court in Gibraltar”.</p>

Section 134	In section 134(1)(aa) after the words “United Kingdom” there shall be added “or Gibraltar”.
Section 135	<p>(a) In section 135(1)(a) for the word “person” substitute “member”;</p> <p>(b) In section 135(1)(c) after the words “the United Kingdom” there shall be added “or Gibraltar”;</p> <p>(c) In section 135(2) after the words “either be a person so subject” there shall be inserted “including an officer of the Gibraltar Regiment”;</p> <p>(d) In section 135(4)(a) after “the Naval Discipline Act 1957”, there shall be inserted “or the Gibraltar Regiment”.</p>
Section 136	In section 136(2), for the reference to “the Defence Council” there shall be substituted “the Governor”.
Section 137	<p>(a) Section 137(1), after the words “or Air-Force Law” insert “or the Gibraltar Regiment Act 1997”;</p> <p>(b) In section 137 (1)(a) and (b) for the word “person” there shall be substituted “member”.</p>
Section 143	<p>(a) In section 143 (1) in the definition of “civil prison” after the words “United Kingdom” there shall be inserted “or Gibraltar”;</p> <p>(b) In section 143 (1), in the definition of “military establishment” after the words “the Secretary of State” there shall be substituted “or the Governor”.</p>
Section 180	<p>(a) In section 180(2) for the words “the Courts-Martial (Appeals) Act 1968”, there shall be substituted “section 7 of this Act”;</p> <p>(b) In section 180(3) for the words “Queen’s Regulations”, there shall be substituted “regulations made by the Governor under section 23 of this Act”;</p> <p>(c) In section 180(6), for the words “the Defence Council in accordance with the procedure laid down in Queen’s Regulations”, there shall be substituted “the Governor in accordance with the procedure laid down in Regulations made under section 23 of this Act.”;</p>

	<p>(d) In section 180(7) for “Defence Council”, substitute “Governor” and for both references to the word “them”, substitute “him”;</p> <p>(e) Section 180(8) shall not apply;</p> <p>(f) In section 180(10) for the words “by Queen’s Regulations” substitute “by regulations under this Act”.</p>
Section 186	<p>(a) In section 186(4)(a) delete the words “or under a warrant issued under section 190A thereof,”;</p> <p>(b) in section 186 for “A(c)” delete “or, as the case may be, to the person in whose custody he is delivered pursuant to the said section 190A.”;</p> <p>(c) section 186(5) shall not apply.</p>
Section 187	<p>(a) In section 187(4) for “the Magistrates’ Courts Act 1980”, there shall be substituted “the Magistrates’ Court Act”;</p> <p>(b) section 187(5) shall not apply.</p>
Section 188	In section 188(1) for the words “the United Kingdom or any Colony”, substitute “Gibraltar”.
Section 189	In section 189(1) for “the Defence Council”, there shall be substituted “the Governor” and for the words “such fee (if any) as may be prescribed”, there shall be substituted “such fee (if any) as he may direct.”
Section 198	<p>(a) In section 198(4), for the reference to “the Defence Council”, there shall be substituted “the Governor” and for the reference to “them” there shall be substituted “him”.</p> <p>(b) In section 198(5), before the words “any Act”, there shall be substituted “any Act, Act”;</p> <p>(c) In section 198(7) for the reference to “Defence Council” there shall be substituted “the Governor”.</p>
Section 199	(a) In section 199(1) for the words “Where a person subject to military law”, there shall be substituted “Where a member”, and in paragraph (a) for “person”, there shall be substituted “member”;

Section 200	(b) In section 199(2) for the words “prescribed by regulations made by a Secretary of State”, there shall be substituted “determined by the Governor”. In section 200(3) delete the words “and whether in the United Kingdom or in any colony”.
Section 201	(a) In section 201(1) for the words “Defence Council”, there shall be substituted “the Governor” and all remaining text in that subsection shall be deleted; (b) Section 201(2) shall not apply.
Section 202	Section 202(2) shall not apply.
Section 204A	In section 204A delete the words “With the exception of sub-section (3A) of section 132 of this Act.”.
Section 225	Section 225 shall apply as appropriate.

PART II.

Section 5(2)

Provisions of the Reserve Forces Act listed in column 1 applicable to members of the Volunteer Reserve subject to adaptations, modifications and exceptions listed in column 2

Column 1	Column 2
Section 24	(a) In section 24(1) for “a Reserve Force”, substitute “the Volunteer Reserve”; (b) In section 24(2)(c), (3)(b) and (c) and (5)(a), for the words “any orders or regulations under section 4” there shall be substituted “any regulations made under section 22 of the Act”; (c) In section 24(4)(a) for “regular services”, substitute “regular Element”; (d) Sections 24(7) and (8) shall not apply; (e) In section 24(10) in the definition of “authorised

Section 25	<p>officer”, for “Defence Council”, there shall be substituted “Governor”.</p> <p>(a) In section 25(1) for “a reserve force”, substitute “the Volunteer Reserve”;</p> <p>(b) In section 25(2)(b), (3)(c) and (4)(a) for “orders or regulations under section 4”, there shall be substituted “regulations under section 22 of the Act”;</p> <p>(c) Section 25(3)(b)(i) shall not apply;</p> <p>(d) In section 25(7) for “Defence Council” there shall be substituted “Governor”.</p>
Section 28	<p>(a) In section 28(1)(a) delete the words “anywhere in the world”;</p> <p>(b) In section 28(5) for the words “Reserve Force”, there shall be substituted “Volunteer Reserve”.</p>
Section 29	<p>In section 29(4) for the words “the Defence Council”, there shall be substituted “the Governor”.</p>
Section 31	<p>(a) In section 31(1)(c), for “Secretary of State”, there shall be substituted “Governor”;</p> <p>(b) In section 31(1)(d) for “Part VI” there shall be substituted “section 17 of the Act”;</p> <p>(c) In section 31(3), (4) and (5) for “this Part”, there shall be substituted “sections 28 to 35 and 37”.</p>
Section 32	<p>(a) In section 32(1) for “the Secretary of State”, there shall be substituted “the Governor”;</p> <p>(b) In section 32(5)(a) and (b) for the words “the Secretary of State” there shall be substituted “the Governor”.</p>
Section 33	<p>In section 33(5)(a) for “the Secretary of State”, there shall be substituted “the Governor”.</p>
Section 34	<p>(a) In section 34(2) for “Her Majesty”, there shall be substituted “the Governor”;</p> <p>(b) Section 34(3)(b) shall not apply;</p>

Section 35	<p>(c) In section 34(4), for “orders or regulations under section (4)”, there shall be substituted “regulations”;</p> <p>(d) Section 34(5)(b) shall not apply.</p> <p>(a) In section 35(1) for the words “Secretary of State”, there shall be substituted “Governor”;</p> <p>(b) In section 35(1), delete subsection (a);</p> <p>(c) For section 35(3) there shall be substituted the following: “Arrangements made under sub-section (1) for the discharge of any function shall not prevent the exercise of the function by the Governor”.</p>
Section 37	<p>(a) In section 37(1) in the definition of “authorised officer”, for the words “Defence Council”, there shall be substituted “Governor”;</p> <p>(b) In section 37(1) in the definition of “qualifying employment” delete all that appears after the word “weekly”;</p> <p>(c) In section 37(2) for the words “Secretary of State”, there shall be substituted “Governor”;</p> <p>(d) In section 37(3) for “Secretary of State”, there shall be substituted “Governor”;</p> <p>(e) Section 37(4) shall not apply;</p> <p>(f) In section 37(5) for the words “the Secretary of State may by order”, there shall be substituted “the Governor may by regulation”;</p> <p>(g) Section 37(6) shall not apply.</p>
Section 95	<p>(a) In section 95(1)(a), (b) and (e) for the words “section 4”, there shall be substituted “made by or under or applied by this Act”;</p> <p>(b) In section 95(1) for the reference to “Reserve Force”, there shall be substituted “Volunteer Reserve”;</p> <p>(c) Section 95(1)(c) and (d) shall not apply;</p>

	(d) Section 95(2)(b)(ii) shall not apply.
Section 96	(a) In section 96(1) for the reference to “Reserve Force” there shall be substituted “Volunteer Reserve”; (b) In section 96(1)(a) delete “58(3)(c)”; (c) Section 96(2) shall not apply.
Section 97	In section 97(1) for the words “Reserve Force” there shall be substituted , “Volunteer Reserve”.
Section 98	(a) In section 98(1), (2), (3) and (6), for the references to “Reserve Force”, there shall be substituted “Volunteer Element”; (b) In section 98(6) delete the words “or a person liable to recall”.
Section 100	(a) Section 100(2) shall not apply; (b) In section 100(3) delete the words “or person liable to be called into military, air-force or naval custody”.
Section 104	In section 104(1) delete the words “in the United Kingdom”.
Section 105	In section 105(3): (a) for the words “reserve force” there shall be substituted “Volunteer Reserve”; (b) for the words “Part IV or Part V or under a call-out order” substitute “a Proclamation under section 18 of the Act”.
Section 106	
Section 107	(a) In section 107(1) for the references to “reserve force” there shall be substituted “Volunteer Reserve”; (b) In section 107(4) for the reference to “Act”, there shall be substituted “Act”.
Section 108	(a) In section 108(1) for the words “any other Part of

	<p>this Act”, there shall be substituted “Part II of Schedule 2 to this Act”;</p> <p>(b) In section 108(2) for the reference to “reserve force” there shall be substituted “Volunteer Reserve”;</p> <p>(c) Section 108(3) shall not apply.</p>
Section 109	<p>For section 109 there shall be substituted the following:</p> <p>“In this Part the reference to “civil court” shall be construed in accordance with the definition of that expression at section 2(1) of the Act”.</p>
Schedule 2	<p>In Schedule 2:</p> <p>(a) for references to “reserve force”, there shall be substituted “Volunteer Reserve”;</p> <p>(b) Paragraph 1(2) shall not apply;</p> <p>(c) In paragraph 3(2) for “Magistrates’ Courts Act 1980”, substitute “Magistrates’ Court Act”;</p> <p>(d) Paragraph 3(3) shall not apply;</p> <p>(e) In paragraph 7(3) for the words “Defence Council”, there shall be substituted “the Governor”;</p> <p>(f) In paragraph 7(4) for “Secretary of State”, there shall be substituted “the Governor”;</p> <p>(g) Paragraph 10 shall not apply.</p>
Schedule 3	<p>In Schedule 3:</p> <p>(a) In paragraph 1 for the words “Part X and proceedings for an offence under any other Part of this Act”, there shall be substituted “Part II of Schedule 2 to the Act”;</p> <p>(b) In paragraphs 2 and 5 for the references to “Defence Council”, there shall be substituted “the Governor”;</p> <p>(c) In paragraph 5 for the first reference to “Defence Council” there shall be substituted a reference to “Governor” and after the second reference to “Defence Council” there shall be inserted the words</p>

	<p>“or the Governor”;</p> <p>(d) In paragraph 6 after the words “a continuing nature made for”, insert “the Volunteer Reserve,” and delete sub-paragraphs (a) to (d);</p> <p>(e) Paragraph 7 shall not apply;</p> <p>(f) In paragraph 8 for the words “under section 4”, there shall be substituted “under the Act”;</p> <p>(g) In paragraph 9(2) for the words “Secretary of State under section 199 of the Army Act 1955” to the end of the sentence, there shall be substituted “the Governor”.</p>
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SCHEDULE 3.

Section 13

**TERMS OF COMMISSIONS AND APPOINTMENTS IN THE
REGIMENT****Governor's Commission and appointment.**

1. Subject to the provisions of section 12 and paragraph 6, the Governor may, from time to time—

- (a) commission any person other than an officer holding a Land Forces Commission in Her Majesty's Armed Forces; or
- (b) appoint any officer holding such commission in those forces;

as an officer in the Regiment.

2. An officer commissioned or appointed by the Governor under paragraph 1 shall hold his commission or appointment at the pleasure of the Governor.

3. A Governor's commission shall be in the form set out in the Appendix to this Schedule.

4. A commission granted by the Governor shall—

- (a) in respect of an officer's initial commission, be for a period of three years; and
- (b) in respect of subsequent commissions, be for such period as may enable the officer to serve as an officer to the age specified in paragraph 11 or, as the case may be, paragraph 12.

Commissions Selection Board.

5. The Governor shall appoint a Commissions Selection Board, the membership of which shall be—

- (a) the Commander of the Regiment, or his representative;
- (b) the Commanding Officer; and
- (c) such other person or persons as the Governor may, in his discretion, determine.

The Chairman of the Board shall be the Commander, unless the Governor shall, exceptionally, have appointed some other person to be the Chairman of the Board.

6. Before commissioning an officer in the Regiment, the Governor shall consider—

- (a) in respect of a first commission, the advice of the Commissions Selection Board; and
- (b) in respect of a subsequent commission, the advice of the Commander of the Regiment.

Commanding Officer's term of appointment.

7. The appointment of the Commanding Officer shall be for a term not exceeding two years.

8. The Governor may extend the term of appointment of the Commanding Officer for any period or periods, provided that the first such extension shall not exceed two years and any subsequent extension shall not exceed a period of one year.

Promotion.

9. The Governor may, after considering the advice of the Commander, promote any officer within the Regiment.

Transfer of officer.

10. An officer of the Regiment may be transferred—

- (a) from the Regular Element to the Volunteer Reserve; or
- (b) from the Volunteer Reserve to the Regular Element;

in such manner as may be prescribed by the Governor.

Retirement of officers in the Regular Element.

11.(1) Subject to paragraph (2) an officer may serve in the Regular Element for at least 16 years or until he has attained 42 years of age. If, however, he has not served 16 years on attaining age 42, he may continue to serve until he has completed 16 years of service.

(2) The Governor may, on the recommendation of the Commander, permit an officer to extend his service beyond that allowed for in paragraph (1), but this shall not extend beyond—

- (a) in the case of a captain or a major in the Regular Element his attaining age 52; and
- (b) in the case of a lieutenant colonel in the Regular Element his attaining age 55.

(3) If an officer's service has been extended by virtue of paragraph (2), such service may be terminated earlier by giving him 12 months' notice in writing.

(4) Where an officer wishes to relinquish his commission he shall give a minimum of 12 months' written notice.

Retirement of officers in the Volunteer Reserve.

12.(1) Subject to section 18(4) and paragraph (2) below, an officer in the Volunteer Reserve shall retire at the age 42.

(2) The Governor may extend the term of appointment of a Volunteer Reserve officer for any period or periods, provided that—

- (a) the first such extension shall not exceed three years;
- (b) each subsequent extension shall not exceed a period of one year; and
- (c) any such extension shall not result in the officer's appointment continuing after he has attained age 50.

Appendix

Paragraph 3

THE GOVERNOR'S COMMISSION

I
acting under command of Her Majesty Queen Elizabeth the Second do give
to

Greetings and reposing especial trust in your loyalty, Courage and Good
Conduct, do by these Presents, Constitute and Appoint you as an Officer in
The from day of 20

You are therefore carefully and diligently to discharge your Duty as such in
the Rank of or in such other Rank as I may from time
to time hereafter be pleased to promote or appoint you to of which
notification will be made in the Gibraltar Gazette or in such other manner as
may for the time being be prescribed by me in Council and you are in such
manner and on such occasions as may be prescribed by me to exercise and
well discipline in their duties such officers, soldiers as may be placed under
your orders from time to time and use your best endeavours to keep them in
good Order and Discipline. And I do hereby Command them to Obey you as
their superior officer, according to the rules and Discipline of War, in
pursuance of the Trust hereby reposed in you.

Given at the Convent, Gibraltar the day of 20

Governor and Commander in Chief

SCHEDULE 4

Section 14

TERMS OF ENLISTMENT FOR SOLDIERS IN THE REGIMENT**Authority for enlistment.**

1. Subject to section 12, the Commanding Officer or the officer for the time being in charge of manning and records may enlist any person as a soldier in the Regiment in the Regular Element or the Volunteer Reserve in such manner and subject to such conditions as may be prescribed.

Re-engagement.

2. The Commanding Officer or the Officer for the time being in charge of manning of records may recommend the re-engagement of soldiers in such manner and subject to such conditions as may be prescribed.

Transfer of soldiers.

3. A soldier may be transferred—

- (a) from the Regular Element to the Volunteer Reserve;
- (b) from the Volunteer Reserve to the Regular Element,

in such manner as may be prescribed by the Governor.

Form of Governor's Warrant.

4. A soldier appointed as a warrant officer shall receive a Governor's Warrant in the form set out in the Appendix to this Schedule.

Discharge.

5. The Governor may discharge a soldier at any time.

Appendix

Paragraph 4

THE GOVERNOR'S WARRANT

By virtue of the Authority to me, by the Queen Her Most Excellent Majesty in this behalf given, I do hereby Constitute and Appoint you to be Warrant Officer, in The Gibraltar Regiment from the day of 19 and to continue in the said office during my pleasure. You are therefore carefully and diligently to discharge your Duty as such by doing and performing all manner of things thereunto belonging as required by the Established Regulations of the Regiment, and you are to observe and follow such Orders and Directions as you shall receive from your Commanding Officer or any other superior officer, according to the Rules and Discipline of War.

Given at the Convent, Gibraltar the day of 20

Governor and Commander in Chief