



MONTSERRAT

CHAPTER 10.16

NATIONAL SERVICE ACT

Revised Edition
showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

NATIONAL SERVICE ACT

Act 5 of 1939 .. in force 6 September 1939

Amended by Acts: 24 of 1982

9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

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CHAPTER 10.16

NATIONAL SERVICE ACT

(Acts 5 of 1939, 24 of 1982 and 9 of 2011)

Commencement

[6 September 1939]

Short title

1. This Act may be cited as the National Service Act.

Obligation of men to service

2. Every male Montserratian who is ordinarily resident in Montserrat and has attained the age of eighteen years and has not attained the age of fifty-five years shall, unless he is within the exceptions set out in the Schedule, or exempted as hereinafter provided be deemed to be liable for national service to be performed in Montserrat.

(Amended by Acts 24 of 1982 and 9 of 2011)

Exemption

3. An application may be made to the Governor in respect of any man who has become liable as aforesaid for the issue to him of a certificate of exemption from the provisions of this Act—

- (a) on the ground that it is expedient in the national interests that he should, instead of being employed in national service, be engaged in other work in which he is habitually engaged or in which he wishes to be engaged or if he is being educated or trained for any work that he should continue to be so educated or trained; or
- (b) on the ground that serious hardship would ensue if the man were called up for national service owing to his exceptional financial or business obligations or domestic position; or
- (c) on the ground of ill-health or infirmity,

and the Governor, if he considers the grounds of the application established, shall grant such certificate subject to any conditions he may attach thereto.

Mode of calling up men for national service

4. (1) The Governor may summon any person by notice in writing addressed to him, or any class of persons by notice published in the *Gazette* to whom the provisions of section 2 are applicable, and assign such duties

to him or them until such time as he may deem necessary for the purposes of this Act.

(2) The Governor shall fix such remuneration to be paid to such persons summoned under this section as he shall deem fit for their services.

Non-compliance with summons an offence

5. (1) Any person to whom the provisions of this Act are applicable who refuses or neglects or omits to comply with a summons or notice issued pursuant to section 4(1), or refuses, neglects or omits to perform such duties as are assigned to him pursuant to such subsection shall be guilty of an offence against this Act.

(2) Any person guilty of an offence against this Act shall be liable on summary conviction to a fine of \$240 or to imprisonment for a term of six months.

SCHEDULE

(Section 2)

EXCEPTIONS

1. Members of Her Majesty's Regular Army or Air Forces, of the Police Service of the Montserrat, and of the Defence or Reserve Forces of the Montserrat. (*Amended by Act 9 of 2011*)
2. Men serving in the Navy or the Royal Marines.
3. Men in Holy Orders as regular ministers of any religious denomination.
4. Medical practitioners, druggists, dispensers and members of the staff of a hospital.

