

ANTIGUA AND BARBUDA



**THE DEFENCE (REGULAR FORCE ENLISTMENT AND SERVICE)
REGULATIONS, 2013**

STATUTORY INSTRUMENT

2013, No. 19

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REGULATIONS, 2013**

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ANTIGUA AND BARBUDA
THE DEFENCE (REGULAR FORCE ENLISTMENT AND SERVICE)
REGULATIONS, 2013

2013, NO. 19

DEFENCE (REGULAR FORCE ENLISTMENT AND SERVICE) REGULATIONS, 2013
made in exercise of the powers contained in section 229 of the Defence Act, 2006 No. 10 of 2006.

1. Short title

These Regulations may be cited as the Defence (Regular Force Enlistment and Service) Regulations, 2013.

2. Interpretation

In these Regulations unless the context otherwise requires –

“Act” means the Defence Act, 2006 No. 10 of 2006;

“commanding officer” means, in relation to a soldier, the officer for the time being commanding the unit with which the soldier is serving;

“enlisted” means enlisted to serve in the regular Force.

3. Recruiting Officers

All officers of the regular Force may act as recruiting officers.

4. Forms of Notice Paper

The form of Notice Paper set out in the First Schedule shall be the notice issued, in accordance with subsection (1) of section 20 of the Act, to a person offering to enlist.

5. First Schedule Method of attestation

(1)The recruiting officer, shall satisfy himself that the person offering to enlist is issued with a Notice Paper, and that he understands the contents of the Notice Paper. He shall warn the person to be enlisted that if he knowingly gives false answers to the questions in the Notice Paper which is given to him, he will be liable to be punished as provided by the Act.

(2) The recruiting officer shall satisfy himself that the person offering to enlist is or not over the age of eighteen years as the case may be.

(3) The recruiting officer shall read or cause to be read to the person offering to enlist the questions set out in the Notice Paper and shall ensure that the answers are duly recorded thereon.

(4) The recruiting officer shall then ask the person to make and sign the declaration set out in the Notice Paper as to the truth of the answers and shall administer to him the oath of allegiance set out in the attestation paper:

Provided that if the person objects to be sworn and states as a ground for his objection. either that he has no religious belief or if it is not reasonable to administer an oath to such a person in the manner appropriate to his religious belief, the person shall be required to make a solemn affirmation instead of taking the oath.

(5) Upon signing the declaration in the Notice Paper and upon taking the oath, or as the case may be, making the solemn affirmation, the person offering to enlist shall become a soldier and subject to military law under the Act.

(6) The recruiting officer shall by signing the Notice Paper confirm that the requirements of the Act and these Regulations have been duly complied with and shall deliver the Notice Paper duly dated to the officer in charge of the records of the regular Force who shall on receiving the Notice Paper sign it in the appropriate place and thereby signify that the person is finally approved for service.

(7) The soldier on being finally approved for service shall be entitled to receive a certified true copy of the Notice Paper.

6. Competent Military Authorities Second Schedule

(1) In relation to the provisions of the Act specified in the first column of the first Part of the Second Schedule and for the purposes specified opposite thereto in the second column, the officer specified in the third column shall be the competent military authority.

(2) The officer set out in the second column of the second Part of the Second Schedule shall in pursuance of subsection (3) of section 2 and section 24 of the Act be competent military authority for the purpose of authorizing the discharge of a soldier for the reason set out in the first column thereof.

7. Transfer between Units

A soldier on enlistment shall be appointed to a unit and may be subject to transfer from one unit to another unit.

8. Term of Service of enlistment

(1) The terms of service for which in accordance with subsection (a) of section 21 of the Act a person who has attained the age of eighteen years may be enlisted shall be—

- (i) a term of 12 years of colour service: or
- (ii) a term of 6 years of colour service and the remainder a term of service in the reserve;
- (iii) a term of 9 years, of colour service and the remainder a term of service in the reserve.

(2) The terms of service for which, in accordance with paragraph (b) of section 21 of the Act, a person who has not attained the age of eighteen years may be enlisted shall be on one of the following, being a term beginning with the date of his attestation and ending with the expiration of a period of—

- (i) 12 years beginning with the day on which he attained the age of eighteen years, being a term of colour service; or
- (ii) 6 years beginning with the date on which he attained the age of eighteen years being a term of colour service and the remainder, a term of service in the reserve.
- (iii) 9 years beginning with the date on which he attained the age of eighteen years being a term of colour service and the remainder a term of service in the reserve.

9. Re-engagement

(1) A soldier may, in accordance with subsection (1) of section 22 of the Act, from time to time, be re-engaged for a period of colour service, beginning on the expiration of his then current engagement, of 6, 9 or 12 years but so that a total continuous period of 22 years colour service from the date of his attestation or the date upon which he attained the age of eighteen years, whichever shall be the later, shall not be exceeded.

(2) For the purposes of section 21 of the Act and this regulation, a continuous period of full-time paid service in Her Majesty's military force immediately prior to enlistment in the Regular Force shall be treated as colour service.

10. Discharge certificate

The particulars to be contained in a certificate of discharge shall be—

- (a) regimental number;
- (b) name, including First name and other name(s);

- (c) date and place of enlistment;
- (d) physical description of soldier on leaving colour service;
- (e) rank of soldier on leaving colour service;
- (f) assessment of conduct and character on leaving colour service, signed by the officer making the assessment;
- (g) date of discharge;
- (h) reason for discharge;
- (i) total colour service on discharge;
- (j) signature of issuing officer.

11. Reduction in rank of substantive warrant officer and non-commissioned officers (other than lance-corporals)

For the purpose of section 27 of the Act, any officer in executive command, not below the rank of Lieutenant Colonel, is authorised to reduce the rank of substantive warrant officers, not below rank of Major for Non-Commissioned Officers and Lance Corporals for inefficiency or unsuitability.

12. Reduction in rank of acting warrant officers and non-commissioned officers (lance-corporals).

In case of inefficiency or unsuitability, a commanding officer may –

- (a) order any warrant officer class II, non-commissioned officer or private soldier to relinquish any acting rank which he may be holding and to revert to his substantive or any intermediate rank;
- (b) order any warrant officer, non-commissioned officer, or acting non-commissioned officer to be removed from any appointment which he may be holding and to assume any other appointment appropriate to his rank or acting rank;
- (c) order any substantive lance corporals to be reduced to the ranks.

13. Warrant to warrant officer Third Schedule.

A warrant in the form set out in the Third Schedule shall be signed by the chairman and one other member of the Defence Board and shall be issued to every person appointed to the substantive rank of warrant officer.

FIRST SCHEDULE

(Regulation 4)

THE ANTIGUA AND BARBUDA DEFENCE FORCE
(REGULAR FORCE)
NOTICE PAPER

NOTICE TO BE GIVEN UNDER SECTION 20 OF THE DEFENCE ACT,
TO A PERSON OFFERING TO ENLIST IN THE ANTIGUA AND BARBUDA DEFENCE
FORCE (REGULAR FORCE)

QUESTIONS TO BE PUT TO THE RECRUIT BEFORE ENLISTMENT

- Q. 1. What is your full name?
- Q. 2. What is your address
- Q. 3. State day, month and year of your birth. (submit birth certificate)
- Q. 4. Where were you born
- Q. 5. What is your nationality now
- Q. 6. What was the nationality at birth of –
 - (a) yourself?
 - (b) your father?
 - (c) your mother?
 - (d) your wife/husband
- Q. 7. Are you single, married, widowed, divorced?
- Q. 8. How many children are dependent on you?
- Q. 9. What is your trade or calling?
- Q. 10. Do you belong to, or have you ever served in, Her Majesty's naval, military or air forces or in any police force? If so, state which and the periods of service and the reason for, and date of discharge.
- Q. 11. Have you ever been cashiered, dismissed, discharged with disgrace with ignominy or for misconduct from Her Majesty's naval, military or air forces or from any police force?

- Q. 12. Have you truly stated the whole, if any, of your previous service?
- Q. 13. Have you at any time been convicted by any civil court of any offences? If so, give particulars.
- Q. 14. Have you ever been rejected for service in Her Majesty's naval, military or air force or in any police force? If so, on what grounds?
- Q. 15. Are you willing to be vaccinated or re-vaccinated and to have your photograph and finger-prints taken? (photograph needed)
- Q. 16. Have you received a Notice Paper setting out the questions to be answered on attestation, and the general conditions of the engagement to be entered into, and do you understand the contents of the Notice Paper and wish to be enlisted.
- Q. 17. Are you willing to serve Her Majesty in the Regular Force provide Her Majesty shall so long require your service, for—

a term of.....years with the colours; OR
 a term of.....years with the colours
 and years in the Reserve;
 or

If you are under the age of 18 years the period from your date of a testation up to the date on which you attain the age of 18 years and thereafter for either—

a period ofmonths with the colours; OR
 a period of.....years with the colours
 and years in the Reserve.

You will be required to make the following declaration, "I
 do solemnly declare that the above answers made by me to the above questions are true, and that I am willing to fulfill the engagement made".

On signing the declaration and taking the oath or making a solemn affirmation you will become a soldier of the Regular Force subject to military law under the Defence Act.

GENERAL CONDITIONS OF ENGAGEMENT

1. You will be required to serve Her Majesty in the Regular Force for such time as is agreed on attestation, provided that Her Majesty shall so long require your services. You will be liable to serve in Antigua and Barbuda, but may be ordered to serve outside or serve beyond Antigua and Barbuda.

2. You may be engaged to serve –

- (a) for a term of 12 years with the colours when any of these terms of service are currently open;
- (b) for a term of 6 years with the colours and the remainder with the reserve;
- (c) for a term of 9 years with the colours and the remainder with the reserve;
- (d) if you are under the age of 18 years, for a term up to your 18th birthday and thereafter for a term of 6 years, 9 years or 12 years with the colours when any of these terms of service are currently open; and the remainder in the reserve.

3. At any time within two years of your completing your colour service, you may apply to serve for a further term with the colours until you have completed a continuous period of 22 years with colours.

4. After you have completed 22 years with colours, you may apply to continue to serve with the colours and during such continued service you may give three month's notice to claim your discharge.

5. You will be enlisted in the rank of a private. Subsequent promotion will depend on vacancies in the establishment but if you had period service in Her Majesty's military forces, such service will be considered.

6. When you have been attested you will be subject to the provisions of the Defence Act for the time being in force, and you will be required to carry out whatever duties may be ordered by those in authority over you.

7. No guarantee can be given that you will be subject to the provisions of the duties but where you are enlisted with a view to performing particular duties or, to being trained in a particular trade, you will to performing particular duties or, as the case may be, trained and employed in that trade, so far as the requirements of the service permit.

8. Where you are enlisted with a view to being employed on particular duties or in a particular trade and through no fault of your own you fail to qualify or are unable to be employed in those duties or in that trade, except for periods of limited duration, you may apply for discharge which will

be granted to you as long as the requirements of the service permit. Employment in a trade depends on passing a specified trade test and there being a vacancy in the trade.

9. If you are enlisting for the first time in the Regular Force and have not had any prior service in Her Majesty's forces you will be entitled to claim your discharge subject to sections 24 and 30 of the Defence Act, at any time within three months of your attestation on payment of a sum not exceeding five hundred dollars.

10. In computing your service for the purpose of discharge, re-engagement or transfer to the Reserve, periods during which you have been away from your duty because of imprisonment, desertion or absence without leave exceeding 28 days will be excluded and, further, any period which you are ordered by a court-martial to forfeit will be disregarded.

11. You may be discharged at any time during your engagement by order of a competent military authority as a result of irregularities concerning your enlistment, for misconduct, for unfitness on medical grounds or for the benefit of the public service.

12. If at the time when your term of colour service expired there is a state of war, insurrection or hostilities, or a public emergency, you may be retained and your service prolonged for such further period as the competent military authority may direct.

13. If you are transferred to the Reserve at the end of your colour service you will be liable when in the Reserve to be called out by proclamation in the event of a state of war being declared or of insurrection, hostilities or public emergency, in which event you are liable to serve on permanent service until your services are no longer required.

14. If at the time you are due to be discharged or transfer to the Reserve you are liable to be proceeded against for an offence against service law, your discharge or transfer to the Reserve will be postponed until after the proceedings have been concluded.

SECOND SCHEDULE

(Regulations 22, 23, and 24)

PART I

<u>Provision of the Act</u>	<u>Purpose</u>	<u>Competent Military Authority</u>
Section 22 (1)	Approving re-engagement	Commanding Officer
Section 22 (2)	Approving continuance in colour	Chief of Defence Staff
Section 23	Prolonging service during Emergency	Chief of Defence Staff
Section 24 (1)	Discharge a soldier when he Falls to transferred to the Reserve	Chief of Defence Staff

PART II

<u>Reason</u>	<u>Competent Military Authority</u>
Inefficiency—	
(a) During the first 6 months of service	Commanding Officer
(b) At any other time	Chief of Defence Staff
Service no longer required	Chief of Defence Staff
Misconduct	Chief of Defence Staff
Conviction by civil court	Chief of Defence Staff
Medically unfit	Commanding Officer
Compassionate grounds	Chief of Defence Staff
By purchase under section 30	Commanding Officer
By purchase under section 31	Defence Board
Unable to qualify for a trade	Commanding Officer

Termination of engagement

Commanding Officer

Final approval of attestation withheld

Recruiting Officer

Improper enlistment

Commanding Officer

False answer on attestation

Chief of Defence Staff

