

STATUTORY INSTRUMENTS

1999, No. 16

The Defence (Officers) Regulations 1999 made under section 13 of the Defence Act, Cap. 132 by the Governor-General after consultation with the Council.

1. These Regulations may be cited as the Defence (Officers) Regulations 1999. Short title.
2. In these Regulations –“ante date” means a period of commissioned service in any rank previously taken into consideration and granted by the Council under special circumstances. Interpretation.
- “Council” has the same meaning assigned to it in the Defence Act, Cap. 132.
- “the force” has the same meaning assigned to it in the Defence Act, Cap. 132.
- “misconduct” means the improper or unprofessional behaviour or any action showing neglect or unbecoming the character of the officer.
3. (1) No person may be granted a commission, other than an honorary commission, in the Force unless he is a citizen of Antigua and Barbuda or a commonwealth citizen. Eligibility of Officers.
- (2) The Council may, where it considers it necessary, recommend a Commonwealth citizen, other than citizen of Antigua and Barbuda, to the regular force and based on the recommendation, the Governor-General grants him a commission.
- (3) Subject to regulation 3(2), an officer may only be appointed to the regular force, on the approval of the Governor-General after granting him a commission.
4. (1) The Governor-General may appoint the following Officers of the Force. Officers appointed by the Governor-General.
- (a) Colonels
- (b) Lieutenant Colonels

- (c) Majors
- (d) Captains
- (e) Lieutenants and Second Lieutenants

(2) In addition to the Officers specified in paragraph 4 (1), the Governor-General in consultation with the Council may appoint fit and proper persons to be Officers for the purpose of performing the duties of Judge Advocate, Surgeon, Chaplain and such persons may hold such rank and seniority as may be proper and as the Council may from time to time recommend.

Promotin of officers
of the Regular Forces

5. (1) Subject to regulation 5(2), an Officer of the Regular Force is eligible for promotion:

- (a) to the rank of lieutenant, after two years in the rank of second lieutenant.
- (b) to the rank of captain, after five years in substantive rank of lieutenant; and
- (c) to the rank of major, after seven years in the substantive rank of captain.

(2) An officer of the Regular Force, other than a Quartermaster Officer, unless exempted by the Council, may only be promoted to a substantive rank lower than that of lieutenant-colonel if he passes such examination or test as the Council may approve for promotion to that rank.

(3) For the purposes of regulation 5 (1) (a), two years service in the rank of second lieutenant, prior to promotion to the rank of lieutenant does not include the period of service as an officer cadet immediately proceeding the grant of commission in the Force; nor does it include any period by which a period of training as an officer cadet has been extended by reason of the fact that the officer cadet had been relegated.

(4) For the purposes of regulation 5(1), the number of years commissioned service to the promotion of:

- (a) an officer who immediately proceeding the granting of a commission in the regular force, was in full time commissioned service in a Commonwealth force will require the same qualifying period of service as stipulated for the respective rank in the said regulation.

(b) For an officer of the regular force a period of commissioned service in any rank referred to in that sub-regulation includes any period of ante-date granted by the Council in respect of that rank.

(5) For the purposes of regulation 5(4)(b), where special circumstances exist, the Council may consider and grant an officer a period, to be known as period of ante-date, from which his commission shall be deemed to have commenced for the purposes of seniority, pay or pension.

(6) A Quartermaster Officer of the regular force shall be eligible for promotion to the higher substantive rank on completion of the following periods of commissioned service -

(a) to captain after seven years as a substantive lieutenant.

(b) to Major after seven years as a substantive captain.

(7) For the purposes of paragraph (6) the service of a Quartermaster Officer who immediately before the grant of his commission in the Regular Force and while as a Warrant Officer, non-commissioned officer or soldier, the council shall take into account such manner as the Commander of the force may recommend. However, any service as an apprentice shall not be counted.

(8) Promotion to any rank above that of substantive Major is by selection and recommendation by the Council to the Governor-General.

6. (1) The promotion of officers of the volunteer element and the reserve who satisfy the requirements of regulation 3, will be based on the recommendations by the Commander of the force to the Council thereafter, for the council's concurrence and or recommendations to the Governor-General for his approval.

Promotion of officers of the volunteer and reserve elements

7. (1) An officer may be promoted to act in any rank to fill a vacancy in the establishment of a unit by the same authority, acting in the like manner, as is required by these regulations for the purpose of making a substantive appointment to that rank.

Conferment of acting and local rank.

(2) Where a higher rank is necessary for the purposes of status or seniority, higher rank (to be known as local rank) up to the rank of local Captain may be granted to an officer by the Commander for a period of ninety (90) days. If an extension is necessary, consultation with the Security Council is required. Local rank of Major and above may be conferred by the Security Council.

(3) Local rank shall not carry any advantages as regards pay, retirement or retirement pay.

Retirement on attaining age limit.

8. (1) Subject to these regulations an officer shall retire on attaining:

- (a) in the case of lieutenant-colonel or higher rank, the age of fifty-five years;
- (b) in the case of major, the age of fifty years.
- (c) in the case of captain, the age of forty-seven years; and
- (d) in the case of lieutenant and second lieutenant, the age of forty-five years.

(2) Subject to regulation 8(3) when an officer of the rank of major or lower attains the retiring age appropriate to his rank, he may be transferred to the reserve and may serve there until he attains the age of fifty-five years.

(3) Nothing in this regulation prevents the appointment of any rank referred to in this regulation for such period as is specified in the instrument of appointment of any person who has attained the retiring age appropriate to that rank, if the Council so recommends.

Voluntary retirement or resignation.

9. The Governor-General may, after consultation with the Council, permit an officer at his request to retire or resign his commission.

Medically unfit.

10. An officer, who is unfit for military service by reason of ill-health by a medical authority so approved by the Council, shall be recommended by the Council to the Governor-General to be retired.

Removal from office for misconduct.

11. The Governor-General may, after consultation with the Council, remove an officer from the Force for misconduct.

Compulsory retirement or resignation.

12. (1) An officer may only be called upon to retire or resign his commission by the Council.

(2) The Council may at any time call upon an officer to retire or resign his commission for misconduct or for reasons other than misconduct.

(3) If an officer fails to retire or resign his commission when called upon to do so by the Council, the Governor-General in consultation with the Council shall terminate his commission.

13. Where an officer of an appropriate rank desires to resign his commission because of a satisfactory reason, he may be considered for service in the reserve based on the recommendations by the Council to the Governor-General.

Consideration for service in the reserve.

14. (1) A person may be granted an honorary commission in such rank and subject to such conditions as are specified by the Governor-General.

Honorary commission.

(2) A person granted an honorary commission in any rank is not entitled to any pay, allowance, pension, gratuity or other emolument.

Made this 1st day of April, 1999.

James B Carlisle,
Governor-General.

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