

## **BERMUDA REGIMENT GOVERNOR'S ORDERS 1993**

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**BR 6/1993**

**DEFENCE ACT 1965**

**1965 : 165**

### **BERMUDA REGIMENT GOVERNOR'S ORDERS 1993**

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In exercise of the powers conferred upon the Governor by section 11 of the Defence Act 1965 and every other power him hereunto enabling, the following Orders are hereby made:-

### **PART I**

#### **PRELIMINARY**

##### **Citation**

1 These Orders may be cited as the Bermuda Regiment Governor's Orders 1993.

##### **Interpretation**

2 In these Orders, unless the context requires otherwise—

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"the Act" means the Defence Act 1965;

"the 1977 Orders" means the Governor's Orders for the Bermuda Regiment 1977;

"serve" means serve in the Regiment, and "service" has a corresponding meaning;

"specialist officer" means an officer holding—

(a) the post of Chaplain, Director of Music, Paymaster, Quartermaster or Surgeon; or

(b) any other post for the time being declared by the Governor to be a specialist post.

### **Exercise of Governor's powers**

3 The powers given to the Governor by these Orders are to be exercised by him in his discretion.

## **PART II**

### **COMMAND AND SENIORITY**

#### **Command**

4 (1) The Regiment is under the command of the Commanding Officer.

(2) The Commanding Officer is responsible for the control and administration of the Regiment, subject to the Governor's directions.

#### **Honorary Colonel**

5 The Governor may appoint a person to be the Honorary Colonel of the Regiment, with the rank of Colonel.

#### **Appointment of Commanding Officer**

6 (1) The Commanding Officer shall be appointed by the Governor acting as far as possible in accordance with the provisions of this Order.

(2) A person shall not be considered for appointment as Commanding Officer unless he has attained the rank of Major.

(3) The outgoing Commanding Officer shall—

(a) furnish to the Promotions Board the annual reports of all Majors that are currently recommended to command; and

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(b) recommend to the Board the Major whom he considers best suited to be Commanding Officer.

(4) The Promotions Board shall then make its own recommendation to the Governor and, in doing so, shall take into account the outgoing Commanding Officer's recommendation but is not bound by it.

### **Period of command**

7 (1) Subject to paragraph (2), the period of a Commanding Officer's command shall be not less than two years nor more than three years.

(2) The Governor may, in circumstances considered by him to be exceptional, extend a Commanding Officer's period of command by one or more extensions, but a Commanding Officer's period of command shall not exceed five years in total.

### **Appointment of Second-in-Command**

8 Order 6 has effect mutatis mutandis in relation to the appointment of a Second-in-Command as it has in relation to the appointment of a Commanding Officer, except that -

(a) the reference in sub-paragraph (a) of paragraph (3) of the Order to recommendation to command shall not apply; and

(b) references to the Commanding Officer shall be substituted for the references in the Order to the outgoing Commanding Officer.

### **Seniority in the Regiment**

9 (1) The Commanding Officer has command over all the members of the Regiment, irrespective of seniority.

(2) The Second-in-Command has command over all the members of the Regiment save the Commanding Officer.

(3) The senior officer present has command over all the members of the Regiment in the absence of the Commanding Officer and the Second-in-Command.

(4) Where an officer of one of Her Majesty's regular forces in the United Kingdom has been appointed as a staff officer to, and is acting with the authority of, the Commanding Officer, he has seniority commensurate with that authority.

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(5) Subject to paragraphs (1) to (4) of this Order and to paragraph (8) of Order 16 -

- (a) officers have seniority according to their respective ranks;
- (b) officers of the same rank have seniority according to their respective dates of appointment;
- (c) officers appointed to the same rank on the same date have seniority according to the order in which their appointments were gazetted.

### **PART III**

#### **REGISTRATION FOR SERVICE**

##### **Duty to report for service**

10 (1) Every person who becomes liable for service shall report forthwith during ordinary office hours either to a police station or to Warwick Camp and there complete Part I of the Form in the Schedule.

(2) The reference in paragraph (1) to a person who becomes liable for service includes, where a person has been granted a deferment of or an exemption from service, a reference to that latter person as soon as the deferment or exemption has expired.

### **PART IV**

#### **EXEMPTION FROM, AND DEFERMENT OF, SERVICE**

##### **Applications for exemption from, or deferment of, service**

11 (1) A man of the Regiment who desires -

- (a) exemption from service under section 23 of the Act; or
- (b) deferment of service under section 25 of the Act,

shall make application for the purpose to the Exemption Tribunal.

(2) A man of the Regiment who is actively serving and desires a temporary deferment of his service shall make application for the purpose to the Commanding Officer, who shall pass the application to the Exemption Tribunal with his recommendation.

##### **Applications for deferment in certain other cases**

12 Where a man of the Regiment who is—

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(a) an exempted person by virtue of paragraph (g) or (h) of the definition of "exempted person" in subsection (1) of section 12 of the Act; or

(b) a medically unfit person,

is himself unable to make application to the Exemption Tribunal for deferment of his service, the Commanding Officer may make the application on that man's behalf.

### **Applications by parents etc, in certain cases**

13 Without prejudice to Order 12, an application by a person to the Exemption Tribunal under section 23 or 25 of the Act may be made either by him or, on his behalf, by his parent, his employer or a friend.

### **Restriction on deferment of service**

14 The Exemption Tribunal shall not defer service for a period in excess of a year, but that shall not prevent the Exemption Tribunal from granting one or more continuations of deferment of service for periods of a year or less at a time if in the Exemption Tribunal's opinion the circumstances warrant.

## **PART V**

### **PROMOTION IN THE REGIMENT**

#### **Eligibility for appointment as an officer**

15 (1) A man of the Regiment is, subject to the provisions of this Part, eligible for appointment by the Governor by commission to the lowest rank of officer in the Regiment if he -

(a) is a British citizen or a British Dependent Territories citizen (Bermuda); and

(b) is 18 years of age or over; and

(c) is physically fit.

(2) The Commanding Officer shall refer to the Defence Medical Board any question as to the physical fitness of a person for the purposes of sub-paragraph (c) of paragraph (1), and that Board shall decide any question so referred.

#### **Procedure for award of commission**

16 (1) This Order states the procedure for the award of a Governor's commission.

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(2) If there is a vacancy in the establishment for officers, the Commanding Officer shall call for persons to volunteer, subject to Order 17, to attend a potential officers selection course and be examined by a selection board.

(3) A selection board for the purposes of paragraph (2) is one appointed by the Commanding Officer and consisting of not fewer than three nor more than four officers of the Regiment presided over by an officer of or above the rank of Major.

(4) The selection board shall select the successful candidate or candidates and recommend him or them to the Commanding Officer for attendance at an approved overseas commissioning course.

(5) The Commanding Officer shall in due course put forward to the Promotions Board the name of every candidate who has passed the approved overseas commissioning course, together with his recommendations in the matter.

(6) The Promotions Board shall recommend to the Governor the name or names of the candidate or candidates for commissioning.

(7) The Governor may then make the requisite appointment or appointments as he may see fit.

(8) The respective seniority of persons commissioned together pursuant to this Order shall be in conformity with their performance on the approved overseas commissioning course, unless the Governor determines otherwise.

(9) The Commanding Officer shall gazette the name of every person awarded a Governor's commission.

### **Power to refuse applications in certain cases**

17 (1) The Commanding Officer may withhold permission to attend a potential officers selection course from a person who has volunteered as mentioned in paragraph (2) of Order 16.

(2) Where the Commanding Officer withholds permission under paragraph (1), he shall give the person concerned his reasons.

(3) A person from whom permission is withheld under paragraph (1) may within twenty-one days of receiving the Commanding Officer's reasons under paragraph (2) appeal to the Promotions Board against the decision.

(4) The Promotions Board may reject or allow an appeal under paragraph (3), and shall in either event communicate its decision on the appeal to the Commanding Officer, who shall then act in conformity with the Board's decision.

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### **Award of commission in special cases**

18 (1) Notwithstanding Orders 16 and 17, the Governor may, in a case to which this Order applies, award a commission to a person under the procedure set forth in this Order.

(2) This Order applies to the case where the Commanding Officer is of opinion that a person has qualifications entitling him to special consideration for the grant of a commission.

(3) In a case to which this Order applies—

(a) a person may be awarded a commission without attending a potential officers selection course or going before a selection board;

(b) a person may be appointed to a rank higher than that of Second Lieutenant.

(4) In a case to which this Order applies, the Commanding Officer shall make a recommendation to the Promotions Board, which shall consider the recommendation and then make its own recommendation to the Governor.

### **Promotion of officers**

19 (1) The Governor may at any time promote an officer to a higher rank under the procedure set forth in this Order.

(2) The Commanding Officer shall make the requisite recommendation to the Promotions Board, which shall consider the recommendation and then make its own recommendation to the Governor.

(3) The rules of eligibility for the purposes of this Order are as follows—

(a) a Second Lieutenant is eligible for promotion to Lieutenant if he has served one year as a Second Lieutenant;

(b) a Lieutenant is eligible for promotion to Captain if he has served three years as a Lieutenant and has passed a Lieutenant to Captain promotion examination;

(c) a Captain is eligible for promotion to Major if he has served four years as a Captain and has been certified by the commandant of an overseas company commanders course as having satisfactorily completed that course;

(d) a specialist officer -



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- (i) if of or above the age of 30 and not already a Captain, is eligible for promotion to Captain after three years commissioned service in his speciality;
- (ii) if not already a Major, is eligible for promotion to Major after five years as a Captain;
- (iii) may not be promoted to a rank higher than Major; and
- (iv) may be exempted by the Commanding Officer from any or all military training outside his speciality.

### **Supersession of officers**

20 (1) Where an officer is to be superseded for promotion, the Commanding Officer shall inform him -

- (a) of the reasons for his proposed supersession; and
- (b) of his right to an interview with the Governor about the proposed supersession,

before notice of the promotion or appointment involving his supersession is published.

(2) An officer intending to exercise his right to an interview under paragraph (1) shall make application for that purpose to the Commanding Officer.

### **Gazetting of officers' promotions**

21 The Commanding Officer shall gazette every substantive promotion of an officer.

### **Acting appointments of officers**

22 (1) The Commanding Officer may at any time appoint an officer to an acting rank to fill a vacancy temporarily.

(2) A person may be appointed under paragraph (1) to a rank which he is not qualified to hold substantively.

(3) The Commanding Officer may at any time relieve an officer of his acting rank.

(4) The holding of an acting rank does not affect an officer's substantive rank or seniority.

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### **Promotion to warrant officer**

23 (1) The Governor may at any time promote a senior non-commissioned officer to be a warrant officer under the procedure set forth in paragraph (2).

(2) The Commanding Officer shall make the requisite recommendation to the Promotions Board, which shall consider the recommendation and then make its own recommendation to the Governor.

### **Other promotions**

24 Subject to Orders 15 to 23 above, promotion of a member of the Regiment is in the power of the Commanding Officer.

### **Annual reports**

25 The Commanding Officer shall not later than 1st July in every year submit to the Governor, as the senior reporting officer, a report in writing, to be called an "annual report", on the conduct and efficiency of every officer, warrant officer and senior non-commissioned officer.

## **PART VI**

### **THE PROMOTIONS BOARD**

#### **The Promotions Board**

26 (1) There shall continue to be a Promotions Board, with the constitution and functions set forth in these Orders.

(2) The Board shall consist of a Chairman, and not fewer than four nor more than six other members, appointed by the Governor.

#### **Tenure of Board Members**

27 (1) A member of the Board holds office for a term of one year from the date of his appointment.

(2) If the Governor is of opinion that a member of the Board has become unfit or unable to continue as a member of the Board, he shall so declare by notice in writing to the Chairman, and that member's membership thereupon determines.

(3) A member of the Board may resign at any time by notice in writing to the Governor.

(4) A person appointed to fill the place of a member ceasing to be a member by virtue of paragraph (2) or (3) holds office for the unexpired portion only of that member's term.

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- (5) A past member of the Board may be re-appointed.

### **Meetings, etc**

28 (1) The Chairman or, failing him, such member of the Board as the Chairman may select, shall preside over meetings of the Board.

- (2) Three members form a quorum for meetings of the Board.

(3) An act of the Board is not invalid by reason only of a vacancy in the Board's membership or a defect in a member's appointment.

(4) Any question for decision by the Board shall be decided by a majority of the members present and voting. Each member present has one vote except that the person presiding has a second vote if there is a tie.

### **Secretary**

29 The Governor shall appoint a secretary to the Board, who shall keep minutes in proper form.

### **Reports, etc**

30 The Board shall furnish the Governor with such returns and other information regarding the activities of the Board as he may from time to time require.

### **Power to regulate proceedings**

31 Subject to this Order, the Board may regulate its proceedings as it sees fit.

## **PART VII**

### **PERIOD OF SERVICE**

#### **Period of service of volunteers**

32 A volunteer may be enlisted, or, in the case of a person who is serving and wishes to serve beyond the period referred to in subsection (1) of section 28 of the Act, be re-engaged, for periods in each case not exceeding four years at the Commanding Officer's discretion.

#### **Normal rules for termination of service**

33 (1) This Order governs the termination of service in any case where termination of service is not otherwise regulated by the Act or these Orders.

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(2) Subject to this Order, the service of a man of the Regiment terminates either—

- (a) on his reaching the age of 45; or
- (b) on his completing 25 years of service,

whichever of those events first occurs.

(3) Subject to paragraph (4), a Lieutenant's service terminates on his reaching the age of 32.

(4) If the Commanding Officer considers that it is in the interests of the Regiment that a Lieutenant should continue to serve after he has reached the age of 32, he shall make a recommendation for the purpose to the Promotions Board, which shall consider the recommendation and then make its own recommendation in the matter to the Governor; and the Governor may then direct that the officer's service shall continue for a period not exceeding one year.

(5) Subject to paragraph (6), a Captain's service terminates on his reaching the age of 42.

(6) Paragraph (4) applies in relation to a Captain mutatis mutandis as it applies in relation to a Lieutenant, except that the Commanding Officer's recommendation on a Captain must be accompanied by a medical report on the officer by the Defence Medical Board.

(7) Subject to paragraphs (8) and (9), a specialist officer's service terminates on his reaching the age of 50.

(8) A specialist officer's service may with his agreement be extended for periods of a year at a time or less to enable him to serve up to but not beyond his fifty-fifth birthday.

(9) The Commanding Officer may at any time recommend to the Governor, and the Governor may then determine, that a specialist officer who is not a member of the Regiment's permanent staff shall resign his commission or retire, whether or not he has reached the age of 50.

(10) Paragraphs (2) to (9) of this Order do not apply in relation to a person who immediately before the date of commencement of these Orders was—

- (a) a contributor as defined in subsection (1) of section 2 of the Public Service Superannuation Act 1981; and
- (b) either—
  - (i) below the rank of Lieutenant; or

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- (ii) above the rank of Captain,

in the Regiment; and, instead, Order 22 of the 1977 Orders as in force immediately before that date shall, in so far as that Order then had effect in relation to him, continue in force in relation to him on and after that date notwithstanding its revocation by Order 40 of these Orders.

### **Voluntary resignation or retirement by officers**

34 (1) This Order governs the case of an officer who wishes of his own motion to resign his commission or to retire.

(2) Such an officer shall make application in writing for the purpose to the Governor through the Commanding Officer.

(3) An officer who has served as an officer for ten years or more is entitled to retire.

(4) An officer who has served as an officer for three years or more but less than ten years may resign his commission with the Governor's permission.

(5) An officer who has served as an officer for less than three years may resign his commission with the Governor's permission if in the Governor's opinion there are exceptional reasons warranting that course.

### **Voluntary return of officers to active service**

35 (1) This Order governs the case where an officer—

(a) has resigned his commission and wishes to be re-commissioned; or

(b) has retired and wishes to return to the active list.

(2) Such an officer shall make application in writing for the purpose to the Governor through the Commanding Officer, who shall refer the application to the Promotions Board with his recommendation. The Promotions Board shall consider the Commanding Officer's recommendation and shall then make its own recommendation to the Governor.

(3) An application cannot be made under paragraph (2)—

(a) by a specialist officer who is 55 years of age or older; or

(b) by any other officer who is 45 years of age or older.

(4) The Governor may, after considering a recommendation made pursuant to paragraph (2), grant such an application.

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### **Termination of officer's service on medical grounds**

36 (1) If the Commanding Officer has reason to believe that an officer is medically unfit to perform his duties, he shall order him to undergo a medical examination by the Defence Medical Board.

(2) The report of the Defence Medical Board upon such an examination shall place the examined officer in one of the following grades—

Grade I: fit for all duties;

Grade II: fit for administrative duties only, but with the possibility of being placed in Grade I within twelve months;

Grade III: fit for administrative duties only, and unlikely ever to be placed in Grade I or II;

Grade IV: unfit to serve in any capacity.

(3) Where the Defence Medical Board places an examined officer in Grade III, the Commanding Officer shall recommend to the Governor through the Promotions Board whether the officer's service should be terminated; and the Governor shall after obtaining the advice of the Promotions Board determine whether and, if so, when the examined officer's service shall be terminated.

(4) Where the Defence Medical Board places an examined officer in Grade IV, the officer's service shall terminate on such date as the Commanding Officer determines.

### **Procedure where officer is charged with inefficiency**

37 (1) If the Commanding Officer considers that an officer has become inefficient to the point where, in the Commanding Officer's opinion, the exercise of the Governor's powers under section 31 of the Act is or may be justified, then he shall make a report on the matter to the Promotions Board.

(2) A report under paragraph (1) shall be accompanied by—

(a) all annual reports made on the officer in question; and

(b) the Commanding Officer's recommendation for dealing with the case,

and shall also be signed by the officer himself.

(3) An officer on whom a report is made under paragraph (1) has the right to appear before, and make representations to, the Promotions Board in his own defence against any allegations made

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against him in that report, and the Board shall take any such representations into account.

(4) Where the Promotions Board receives a report under paragraph (1), it shall make to the Governor such recommendations concerning the case as it thinks fit and, if the case is one where the Governor is minded to exercise his powers under section 31 of the Act in relation to the officer in question, he shall take the Commanding Officer's report and the Board's recommendations into account before he exercises those powers.

### **Procedure where officer is charged with misconduct, etc.**

38 (1) If the Commanding Officer considers that an officer has committed neglect of duty or misconduct of such a kind that, in the Commanding Officer's opinion, the exercise of the Governor's powers under section 31 of the Act is or may be justified, then the Commanding Officer shall make a report on the matter to the Governor.

- (2) A report under paragraph (1) shall be accompanied by—
- (a) all annual reports made on the officer in question; and
  - (b) the Commanding Officer's recommendations for dealing with the case,

and shall also be signed by the officer himself.

(3) Where the Governor receives a report under paragraph (1) and the case is one where he is minded to exercise his powers under section 31 of the Act in relation to the officer in question, he shall take the contents of the report into account before he exercises those powers.

### **Procedure where warrant officer or senior n.c.o. is charged with inefficiency or misconduct, etc**

39 (1) Where a warrant officer or a senior non-commissioned officer has been discharged by the Commanding Officer under subsection (1) of section 29 of the Act, this Order has effect pursuant to subsection (2) of that section to afford to the warrant officer or senior non-commissioned officer concerned a right of appeal.

(2) An appeal under this Order shall be made to the Governor through the Promotions Board, before which the discharged warrant officer or senior non-commissioned officer has the right to appear and make representations in his own behalf, and which otherwise may hear evidence, examine documents and otherwise regulate the Board's procedure.

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(3) Upon the conclusion of its proceedings under paragraph (2), the Board shall make such recommendations as it thinks fit to the Governor, who may thereupon determine the appeal.

### **PART VIII**

#### **SUPPLEMENTAL**

##### **Revocation of S.R.& O. No. 6 of 1977**

40       The 1977 Orders are revoked.

##### **Commencement**

41       These Orders come into operation on 1st April 1993.



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**SCHEDULE**

**(ORDER 10(1))**

**THE DEFENCE ACT 1965 - MILITARY REGISTRATION**

PART I - TO BE RETAINED AT POLICE STATION AND FORWARDED  
WEEKLY TO:

ADMINISTRATOR, DEFENCE

P. O. BOX WK 146

WARWICK WKBX

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.....	.....
SURNAME	FORENAMES
((PLEASE PRINT))	((PLEASE PRINT))
DATE OF BIRTH:.....	PLACE OF BIRTH .....
HOME ADDRESS: .....	TELEPHONE NO: .....
.....	
.....	
DO YOU WISH TO VOLUNTEER FOR SERVICE TO BEGIN NEXT YEAR?	
.....	.....
DATE	SIGNATURE

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PART II - TO BE RETAINED BY PERSON REPORTING

MILITARY SERVICE - SOME FACTS

1. Now that you have completed this form, keep this part as a receipt  
- you must inform the Administrator, Defence, P. O. Box 146,  
Warwick WK BX (tel. 238-2162) of any change of address.
2. A computer ballot is held each year in August, when persons are  
picked for service the next year.

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3. You may volunteer to complete your service early rather than await selection. When you are drawn by ballot, your name will be published in a weekend newspaper and you will be told to report for a Medical Examination in October.
4. You will serve for 3 years + 2 months. This service will include up to 70 evening training drills (each 2 hours) held at Warwick Camp, and attendance at a two weeks camp in Bermuda in year 1 and overseas in years 2 and 3.
5. If you have any queries, call at Warwick Camp or telephone 238-2162 any working day.

PART III - TO BE COMPLETED BY POLICE OFFICER AND HANDED WITH PART II TO THE PERSON REPORTING

This is to certify that I have received the completed Registration Information Form pertaining to:

.....

Signed:.....

Rank:.....

Police Station Stamp:

THIS IS PROOF THAT YOU HAVE REPORTED AS REQUIRED BY LAW.  
RETAIN IT CAREFULLY.

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Made this 26th day of February, 1993

Lord Waddington  
Governor