



# SUPPLEMENT TO The Edinburgh Gazette

*Of TUESDAY the 23rd of MARCH 1915.*

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**Published by Authority.**

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**THURSDAY, MARCH 25, 1915.**

At the Court at Buckingham Palace, the 23rd day of March 1915.

PRESENT :

The KING'S Most Excellent Majesty in Council.

**W**HEREAS by an Order in Council dated the 28th day of November 1914, His Majesty was pleased to make Regulations (called the Defence of the Realm (Consolidation) Regulations, 1914), under the Defence of the Realm Consolidation Act, 1914, for securing the public safety and the defence of the Realm :

And whereas the said Act has been amended by the Defence of the Realm (Amendment) Act, 1915, and the Defence of the Realm (Amendment) (No. 2) Act, 1915 :

And whereas for the purpose of giving effect to the said Amending Acts, and for other purposes, it is expedient that there should be made in the said Regulations such amendments as hereinafter appear :

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

1. After Regulation 2 the following Regulation shall be inserted :—

“ It shall be lawful for the Admiralty or Army Council to take possession of any

unoccupied premises for the purpose of housing workmen employed in the production, storage, or transport of war material.”

2. At the end of Regulation 7 the following paragraph shall be inserted :—

“ For the purpose of ascertaining the amount of the output of any such factory or workshop or any plant therein, the Admiralty or Army Council may require the occupier of any such factory or workshop, or any officer or servant of the occupier, or where the occupier is a company any director of the company, to furnish to the Admiralty or Army Council such particulars as to such output as they may direct, and if any such person fails to comply with any such requirement he shall be guilty of an offence against these Regulations.”

3. For Regulation 8 the following Regulation shall be substituted :—

“ The Admiralty or Army Council may take possession of any factory or workshop or of any plant belonging thereto without taking possession of the factory or workshop itself, and may use the same for His Majesty's naval or military service at such times and in such manner as the Admiralty or Army Council may consider

necessary or expedient, and the occupier and every officer and servant of the occupier of the factory or workshop, and where the occupier is a company, every director of the company, shall obey the directions of the Admiralty or Army Council as to the user of the factory or workshop or plant, and if he fails to do so he shall be guilty of an offence against these Regulations."

4. After Regulation 8 the following Regulation shall be inserted :—

"8A. It shall be lawful for the Admiralty or Army Council—

(a) to require any work in any factory or workshop to be done in accordance with the directions of the Admiralty or Army Council, given with the object of making the factory or workshop or the plant or labour therein as useful as possible for the production of war material ;

(b) to regulate or restrict the carrying on of work in any factory or workshop or remove the plant therefrom, with a view to increasing the production of war material in other factories or workshops,

and the occupier and every officer and servant of the occupier of the factory or workshop, and where the occupier is a company, every director of the company shall obey the directions, regulations, or restrictions of the Admiralty or Army Council so given, and if he fails to do so he shall be guilty of an offence against these Regulations."

5. At the end of the first paragraph of Regulation 14, the following proviso shall be inserted :—

"Provided that if the person with respect to whom it is proposed to make such an order as aforesaid undertakes to comply with such conditions as to reporting to the police, restriction on movements, or otherwise as may be imposed on him, the order may, instead of requiring him to cease to reside in any locality, authorise him to continue to reside therein if he complies with such conditions as to the matters aforesaid as may be specified in the order, and if any person in respect of whom such an order is made fails to comply with any such condition he shall be guilty of an offence against these Regulations."

6. In Regulation 22, after the words "without the written permission of the Postmaster-General" there shall be inserted the word "make," and after the words "no person shall sell any such apparatus to any person who has not obtained such permission as aforesaid" there shall be inserted the words "and any person having in his possession or under his control any such apparatus, whether with or without the permission of the Postmaster-General, shall on demand deliver the apparatus to the Postmaster-General, or as he may direct."

In the second paragraph of the same Regulation, after the words "any apparatus

for sending or receiving messages by telegraphy" there shall be inserted the words "wireless telegraphy."

7. For Regulation 24 the following Regulations shall, as from the fifth day of April nineteen hundred and fifteen, be substituted :—

24. No person shall without lawful authority transmit (otherwise than through the post) or convey, to or from the United Kingdom, or receive or have in his possession for such transmission or conveyance, any letter or any written message for any other person, and if any person contravenes this provision he shall be guilty of an offence against these Regulations.

This Regulation shall not apply to "shipowners' letters" as defined by section thirty of the Post Office Act, 1908, nor to any other class of letters or written messages that may be for the time being exempted by order of the Secretary of State.

"24A. If any person sends from the United Kingdom, whether by post or otherwise, any letter or other document containing any matter written in any medium which is not visible unless subjected to heat or some other treatment, he shall be guilty of an offence against these Regulations."

8. In Regulation 45 the following words shall be inserted after the words "has been duly issued" :—

"or allows any other person to have possession of any pass, permit, or passport issued to him, or applies to any building, structure, premises or vehicle, any lights, letters or marks, for the time being used to indicate that buildings, structures, premises, or vehicles, to which they are applied are used for naval or military purposes, or any lights, letters or marks, so nearly resembling the same as to be calculated to deceive."

9. The following Regulation shall be substituted for Regulation 56 :—

(1) Except as otherwise provided by this Regulation, a person alleged to be guilty of an offence against these Regulations may be tried either by court-martial, or by a civil court with a jury, or by a court of summary jurisdiction.

(2) Where a person is alleged to be guilty of an offence which is by these Regulations declared to be a summary offence he may be tried by a court of summary jurisdiction and not otherwise.

(3) Where a person is alleged to be guilty of an offence other than an offence declared by these Regulations to be a summary offence, the case shall be referred to the competent naval or military authority who shall forthwith investigate the case and determine whether or not the case is to be proceeded with, and if it is to be proceeded with, whether or not it is an offence of such a minor character as

can adequately be dealt with by a court of summary jurisdiction.

- (4) If it is determined that the case is not to be proceeded with, the alleged offender, if in custody, shall (unless he is detained on some other charge) forthwith be released.

- (5) If it is determined that the case is to be proceeded with, but that the offence is of such a minor character as aforesaid, the offender may be tried by a court of summary jurisdiction and not otherwise.

- (6) If it is determined that the case is to be proceeded with and that the offence is not of such a minor character as aforesaid, then—

(a) if the offender is a British subject and is not a person subject to the Naval Discipline Act or to military law, and he claims, in the manner hereinafter provided, to be tried by a civil court with a jury instead of being tried by a court-martial, the case shall be handed over, for the purposes of trial, to the civil authority;

(b) if the offender, being a British subject, does not make any such claim, or if the offender is not a British subject or is a person subject to the Naval Discipline Act or to military law, the competent naval or military authority shall, subject to any general or special instructions given by the Admiralty or Army Council, order the case to be tried by court-martial, or, where in pursuance of such instructions the case is not to be tried by court-martial, shall order it to be handed over, for purposes of trial, to the civil authority.

- (7) Any case which is handed over to the civil authority may be tried by a civil court with a jury:

Provided that if on further investigation it appears to the prosecution that a case so handed over to the civil authority is of such a character as can be adequately dealt with by a court of summary jurisdiction it may, if the Admiralty or Army Council consent, or in Scotland if the Lord Advocate after consultation with the Admiralty or Army Council so directs, be so dealt with.

- (8) For the purpose of enabling such a claim as aforesaid to be made, the competent naval or military authority shall, as soon as practicable after his arrest, give to the alleged offender notice in writing, in the form set out in Part I. of the Schedule to these Regulations, of the general nature of the charge and of his right (if he is a British subject and not a person subject to the Naval Discipline Act or to military law) to claim to be tried by a civil court with a jury instead of being tried by court-martial:

Provided that it shall not be necessary to give such a notice if the offence is an offence which is by these Regulations declared to be a summary offence or it has been determined that the

offence is an offence of such a minor character as aforesaid.

- (9) A person to whom such a notice has been given may if he is a British subject and not a person subject to the Naval Discipline Act or to military law, within six clear days from the date when it was so given to him claim to be tried by a civil court with a jury instead of being tried by court-martial by giving notice in writing to that effect to the competent naval or military authority in the form set out in Part II. of the Schedule to these Regulations.

- (10) If the alleged offender is in custody he shall, if he is to be tried by court-martial, be kept in or handed over to military custody, and, if he is to be tried otherwise than by court-martial, be kept in or handed over to civil custody.

- (11) In England and Ireland offences against these Regulations shall not be prosecuted before a civil court with a jury except by or with the consent of the Attorney-General for England or Ireland, as the case may be, nor before a court of summary jurisdiction by any person, other than the competent naval or military authority or a person authorised by him, or an officer of police, an officer of customs and excise, or an aliens officer, except with the consent of the Attorney-General for England or Ireland, as the case may be.

- (12) For the purposes of this Regulation the expression "British subject" includes a woman who has married an alien but who before marriage was a British subject.

10. After Regulation 56 the following Regulation shall be inserted:—

56A. Any offence tried by a civil court with a jury shall be deemed to be a felony, and on conviction of the offender he shall be liable to such punishment as might have been inflicted under Regulation 57 if the case had been tried by a general court martial.

Where sentence of death is passed by such a civil court, the court may order the sentence to be executed in any manner in which a court martial may order a sentence of death to be executed. If the manner in which the sentence is to be executed is by shooting, the court may direct that the offender be handed over to the military authority, and in such case the sentence shall be executed as if it had been passed by a court martial, but in England shall not be carried into execution until after such time as is allowed by the Criminal Appeal Act, 1907, for giving notice of appeal or notice of application for leave to appeal under that Act, nor pending such appeal or application; or in Scotland until after such date as may be specified in the sentence.

In England and Ireland a court of quarter sessions shall not have jurisdiction to try such a felony.

In Scotland the court having jurisdiction to try such a felony shall be the High Court of Justiciary.

For the purpose of the trial of a person for such a felony, the offence shall be deemed to have been committed either at the place in which the same actually was committed, or in any place in the United Kingdom in which the offender may be found, or to which he may be brought for the purpose of speedy trial.

11. In Regulation 57, after the figure "22" there shall be inserted the figure "24."

12. After Regulation 58 the following Regulation shall be inserted:—

58A. Whenever His Majesty by Proclamation suspends the operation of section one of the Defence of the Realm (Amendment) Act, 1915, either generally or as respects any specified area, then, as respects all offences committed against these Regulations, or (as the case may be), all such offences committed within the specified area, so much of Regulation 56 as relates to trial by a civil court with a jury, and in particular paragraphs (6) to (10) thereof, shall, so long as the Proclamation remains in force, cease to have effect, without prejudice however to any proceedings under the said section which may be pending at the date of the issue of such Proclamation, and in lieu of the said paragraphs, the following provision shall have effect:—

"If it is determined that the case is to be proceeded with and that the offence is not of such a minor character as aforesaid, the case may be tried by court martial, and notwithstanding anything in Regulation 57 a field general court martial convened by an officer authorised to convene such a court martial shall have the like jurisdiction to deal with the case as in the last-mentioned Regulation is conferred on a general court martial."

13. At the end of Regulation 62 the following paragraph shall be inserted:—

"For the purposes of these Regulations, the expression 'war material' includes arms, ammunition, warlike stores and equipment, and everything required for or in connection with the production thereof."

14. The amendment specified in the Second Schedule to these Regulations, which relate to minor details, shall be made in the Regulations specified in the first column of the said Schedule.

15. At the end of the Regulations there shall be inserted, as a Schedule, the First Schedule hereinafter set forth.

ALMERIC FITZROY.

## SCHEDULES.

### FIRST SCHEDULE.

#### PART I.

##### *Form of Notice to be given to an Alleged Offender.*

To (*here insert name of alleged offender*).

You are hereby informed that the general nature of the charge against you is (*here state general nature of the charge*).

If you are a British subject [or (*in the case of a woman who has married an alien*) were before marriage to an alien a British subject] and are not a person subject to the Naval Discipline Act or to military law you are entitled to claim to be tried upon the said charge[s] by a civil court with a jury [or in Scotland by the High Court of Justiciary] instead of by a court martial.

If you are entitled and wish to make such a claim you must sign the form appended hereto and send it within six clear days from the receipt of this notice to the competent naval or military authority at the address designated below.

Dated the                      day of                      1915.

Signature

Competent naval or military authority.

Address (*Here insert address to which the claim is to be sent*).

N.B.—The competent naval or military authority should cause a record to be made of the date when this notice is received by the alleged offender.

#### PART II.

##### *Form of Claim to be appended to the Notice in Part I.*

To the competent naval or military authority at (*the address of the competent naval or military authority should be here inserted*).

I,                                      , am a British subject [was before my marriage to an alien a British subject] and am not a person subject to the Naval Discipline Act or to military law, and I claim to be tried for the said offence by a civil court with a jury [or in Scotland by the High Court of Justiciary] instead of by a court martial.

Signed

This claim may be sent by registered post, or if you are in custody by delivering it to the person in whose custody you are.

The competent naval or military authority should cause a record to be made of the date when the claim is given to him.

## SECOND SCHEDULE.

## MINOR AMENDMENTS.

Regulation 12 . .	The word " resident " shall be omitted.
Regulation 29 . .	At end, insert the following paragraph :— " No person shall trespass on any work of defence, arsenal, factory, dockyard, ship, telegraph, or signalling station or office, belonging to, or used for the service of His Majesty, and if he does so he shall be guilty of an offence against these Regulations."
Regulation 30 . .	For the words " or sale " there shall be substituted the words " sale, transfer, or disposal," after the word " sells " there shall be inserted the words " transfers or disposes of," and after the word " sale " where it secondly occurs there shall be inserted the words " transfer or disposal."
Regulation 41 . .	After the words " or other official uniform," there shall be inserted " or any badge supplied or authorised by the Admiralty or Army Council." For the words " any uniform," there shall be substituted " any uniform or badge." For the words " any such uniform," there shall be substituted " any such uniform or badge." After the words " a member of His Majesty's Forces," there shall be inserted " or any such badge as aforesaid to any person not authorised to wear the same."
Regulation 43 . .	After the words " shall obstruct," there shall be inserted the words " knowingly mislead."
Regulation 45 . .	After the word " document," where that word first occurs, there shall be inserted the words " or any passport," and after the word " document," where it secondly and thirdly occurs, there shall be inserted the words " or passport."
Regulation 46 . .	For the words " is found," there shall be substituted the words " is or has been found."
Regulation 49 . .	After the word " knows " there shall be inserted the words " or has good reason for believing."
Regulation 54 . .	The words " unless satisfied that they are of an innocent nature " shall be omitted.

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Published at the EXCHEQUER CHAMBERS, Parliament Square, Edinburgh.

Printed by MORRISON & GIBB LTD., Printers to His Majesty's Stationery Office, Tanfield.

\* \* \* *This Gazette is filed at His Majesty's Stationery Office, London, and at the Office of the Dublin Gazette.*

Thursday, March 25, 1915.

Price Ninepence.

