L.N. 80 of 1998

MALTA ARMED FORCES ACT
(CAP. 220)

Emergency Volunteer Reserve Force (Appointments and Conditions of Service) Regulations, 1998

IN exercise of the powers conferred by section 4 of the Malta Armed Forces Act, and all other powers enabling him, the President of Malta made the following regulations:–

Citation and commencement.

1. These regulations may be cited as The Emergency Reserve Force (Appointments and Conditions of Service) Regulations, 1998, and shall come into force in the 10th March, 1998.

Definitions.

2. (1) In these regulations, unless the context otherwise requires –

"the Act" means the Malta Armed Forces Act;

"Commander" means the Commander, Armed Forces of Malta appointed under the Armed Forces of Malta (Designation, Command and Establishment) Order, 1970, and in his absence or inability to act includes the Deputy Commander, or any other officer appointed to act as Commander, appointed under the Order aforesaid; L.N. 90 of 1970.

"determine" in relation to the Minister means determine by order or instruction (whether issued by him or under his authority) or in such other form, as the Minister may deem appropriate;

"force" means the Emergency Volunteer Reserve Force (EVRF);

"recruiting officer" shall be construed in accordance with regulation 6 of these regulations.

(2) Save as provided in paragraph (1) of this regulation, in these regulations words and expressions shall have the meaning as they have in the Act.

PART I

Officers

Appointments, Promotion and Retirements

Commissioning of officers.

3. (1) Officers shall be commissioned by the President acting on the advice of the Minister.

(2) For the purpose of giving advice under this regulation, the Minister may do or cause to be done any one or more of the following:–

(a) cause to be advertised in the Gazette any vacancies in the force it is intended to fill;

(b) call for applications by prospective candidates for commissions in the force with a view to obtaining a commission in the force;

(c) determine the qualifications and other conditions for the grant of commissions in the force;

(d) determine the qualifications and other conditions for direct entry into the force as officers and/or the circumstances in which such direct entry is to take place;

(e) determine the rank and seniority in which a person will be granted a commission;

(f) distinguish between combatant and non-combatant officers, and make sure other distinctions as he may deem proper;

(g) make such other provision or arrangement for the selection, appointment and commissioning of officers in the force as he may deem appropriate.

Appointments, promotion and retirements.

L.N. 91 of 1970.

4. Appointments, promotions and the retirement of officers shall be authorised by the Minister after consultation with the Commander, in line with the Armed Forces of Malta (Regular Force) (Appointments and Conditions of Service) Regulations, 1970.

Pay and Allowances

5. The scales of pay and allowances for officers and men shall be such as the Minister may from time to time determine and announce. Pay and allowances.

PART II
Men
Enlistment, Service, Promotion, Employment and Discharge

6. Any officer of the Regular Force or of the force authorised in that behalf by the Commander may enlist recruits in the force and such officer shall be a recruiting officer for the purpose of the Act and of these regulations. Recruiting officers.

7. The procedure for enlisting a person in the force shall be the following:– Procedure for attestation.

(a) the recruiting officer must first ensure that the person to be enlisted is in possession of the Notice Paper as in the Second Schedule to these regulations, containing the general conditions of service to be entered into, and that the person understands it and wishes to be enlisted;

(b) the recruiting officer shall warn the person to be enlisted that if he makes any false answer to the questions to be read out to him he will be liable to be punished as provided by the Act;

(c) he shall then read, or cause to be read, to that person the questions set out in the attestation paper as in the Third Schedule to these regulations, and satisfy himself that he understands each of those questions and that his answers thereto have been duly recorded in the attestation paper;

(d) he shall then ask that person to make and sign the declaration set out in the attestation paper as to the truth of the answers and shall administer to him the oath of allegiance set out in the attestation paper;

(e) upon signing the declaration and taking the oath the said person shall become a man of the force:

(f) the recruiting officer shall by signature attest, in the manner required by the attestation paper, that the requirements of the Act as to the attestation of the recruit have been carried out and shall deliver the attestation paper duly dated to the Officer-in-Charge-Records;

(g) when the recruit is finally approved for service by the Commanding Officer of the unit responsible for recruit training, the officer by whom he is approved shall at his request furnish him with a certified copy of the attestation paper.

Selection of candidates.

8. Candidates shall be selected by means of entrance tests and an interview, to be held in such a manner as the Minister may determine and must –

(a) be citizens of Malta;

(b) not have dual or other nationality except Maltese;

(c) be between the age of 18 and 35 years;

(d) be fit for full employment in the force;

(e) be certified to possess such minimum medical standards as the Minister may from time determine.

Initial engagement.

9. Successful candidates shall be enlisted on an initial engagement of three years.

Re-engagement.

10. Such percentage of men enlisted on an initial engagement under the immediately foregoing regulation as the Minister may, according to the exigencies of the service, determine, may be allowed to serve for a second engagement of three years.

Purchase of discharge.

11. Discharge from the force may be purchased against such payment as the Minister may from time to time determine.

Promotion.

12. Promotion shall be made subject to recommendation based on efficiency, seniority, qualifications and selection to fill a vacancy.

Discharge.

13. (1) In addition to any other case provided by the Act or of any regulations, rules or orders made thereunder, service may be terminated in the cases and manner hereafter provided:–

(a) a recruit who has been attested but has not been finally approved may be rejected and discharged by his Commanding Officer on any of the following grounds –

(i) that he is unlikely to become an efficient soldier;
or

(ii) that he is a misfit or an undesirable influence;
or

(iii) that he is likely to bring discredit on the service;
or

(iv) for any other reason in the interest of the service;

(b) a man of the force who during his service is convicted by a civil court of an offence committed before his enlistment, or is convicted of an offence against section 18 or 66 of the Act, may have his service terminated by the Commander;

(c) a man of the force whose retention in the service is considered undesirable on account of –

(i) inefficiency; or

(ii) persistent petty breaches of discipline insufficient to warrant discharge for misconduct under sub-paragraph (d) of this paragraph; or

(iii) persistent indebtedness which has led to inefficiency or to indisipline or to any action by the man that has repeatedly brought the service into disrepute,

and in respect of whom the provisions of paragraph (2) of this regulation have been observed, may have his service terminated by the Commander;

(d) a man of the force who during his service has been sentenced –

(i) by a civil court or a court-martial to imprisonment;

(ii) by a civil court to detention; or

(iii) by a court-martial to a period of detention which on confirmation is for twelve months or more,

shall be discharged unless in the opinion of the Commander his retention is desirable in the interests of the service;

(e) a man of the force who has been convicted by a civil court or by a court-martial of an offence involving –

(i) serious dishonesty or violence; or

(ii) disgraceful conduct of a cruel, indecent or unnatural kind; or

(iii) contravention of any enactment relating to dangerous drugs,

but has been awarded a lesser sentence than would warrant discharge under sub-paragraph (d) of this paragraph, may be discharged by the Commander if, on the Commanding Officer's recommendation to that effect, he considers the man's discharge to be in the interests of the service.

For the purpose of this sub-paragraph a person who has been placed on probation or has been discharged absolutely or conditionally by a civil court shall not be deemed to have been convicted;

(f) a man of the force may be discharged by the Commanding Officer if he has become medically unfit for further service and is likely to remain so permanently, and is so certified in a manner satisfactory to the Commanding Officer;

(g) the Commander may permit the termination of service by a man of the force free of charge at his request on compassionate grounds;

(h) a man of the force may be discharged by the Commander in any case in which the Commander is satisfied that, in the interest of the service, a man's service is no longer required or should be terminated;

(i) a man of the force shall be discharged on appointment to a commission in the force.

PART III

Officers and Men

Call Out of Reservers

Call out.

14. Call out of reservers in case of national danger or any such other emergency shall be in terms of sections 32 to 35 of the Act.

Training

Training.

15. Subject always to the provisions of section 36 of the Act, volunteers of the force, will be required to undergo training as follows:

(a) an annual camp lasting eight days;

(b) forty (40) training periods of not less than one hour, with not more than four periods being carried out in any one day. If a volunteer is unable to attend for any one or more of the eight days at the annual camp, he will be obliged to do an extra four training periods for every camp day missed.

Discipline

Discipline.

16. Officers and men of the force shall be subject to Parts III, IV, V, VI, VII and VIII of the Act during any time or period that individuals are undergoing their training obligations or are called out on permanent service in terms of section 32 of the Act.

Leave

Annual leave.

17. Members of the force have no entitlement to annual leave, except when called out on permanent service in terms of section 32 of the Act. The regulation applicable to the Regular Force would then apply.

Compassionate leave.

18. (1) Compassionate leave may be granted in any of the following cases:–

(a) death, imminent death or dangerous illness of spouse, child, parent or other recorded next of kin;

(b) for urgent reasons of an exceptional or personal nature, when the presence of the individual concerned is essential to lessen domestic hardship.

(2) Except in extreme urgency, the compassionate circumstances shall be verified before leave is granted. In cases of extreme urgency leave may be granted immediately and the circumstances investigated as soon as possible afterwards.

(3) Authority to grant compassionate leave shall be the responsibility of the Commanding Officer.

Medical leave.

19. (1) Special medical leave may be authorised by the Commanding Officer, provided that it is recommended by the medical officer for periods not exceeding eight days.

(2) Personnel who are unable to report for duty due to illness shall contact their unit as soon as practicable.

Terminal leave.

20. Members of the force are not entitled to terminal leave.

Documentation.

21. All leave shall be recorded on the individual's record of leave.

Medical Facilities

Medical facilities for officers and men.

22. (1) During the period or periods when undergoing training obligations, officers and men shall be entitled to free medical treatment by a medical officer appointed for that purpose, in a medical centre equipped for that purpose.

(2) Officers and men shall be entitled to hospitalisation without any charge to them.

(3) Officers and men who are unable to report for duty due to illness or injury shall be visited by a medical officer during working hours.

Medical treatment.

23. When members of the force are called out on permanent service in terms of section 32 of the Act, they will be eligible for all medical treatment as applicable to members of the Regular Force.

FIRST SCHEDULE

Oath of Allegiance to be taken by Officer on Commissioning

I ..... swear/solemnly declare, that I will be faithful and bear true allegiance to the People and the Republic of Malta and its Constitution, and that I will, as in duty bound, honestly and faithfully defend the Republic of Malta against all enemies, and will observe and obey all orders of the President of Malta and officers set over me.

....
(Date) (Signature)

The said ..... has taken the oath/solemnly declared before me at.....on this.....day of .....of the year.....

.....
(Signature and authority
of person administering oath)

SECOND SCHEDULE

Notice Paper

Notice to be given under Section 6(1) of the Malta Armed Forces Act, Cap. 220, to a person offering to enlist in the Emergency Volunteer Reserve Force.

This paper sets out the general conditions of the various enlistments and the questions you will be required to answer before the officer who will attest you for the Emergency Volunteer Regular Force.

General conditions of enlistment

1. You must serve for the whole term for which you enlist. You will have the chance to purchase your discharge during the early months of your service. The military authorities have the right to discharge you at any time if your services are no longer required.

Types of enlistment

2. (a) You will be enlisted on an initial engagement of 3 years.

(b) A the end of the 3 years you may be allowed to re-engage for further 3 years subject to the quota for re-engagements existing at the time.

General

3. You may be enlisted into the Emergency Volunteer Reserve Force if there is a vacancy and you are duly qualified. While in the Force to which you are appointed you may be posted from one unit or branch to another.

4. When you have been attested you will be subject to military law, and you will be required to carry out whatever duties may be ordered by those in authority over you.

5. No guarantee can be given that you will be employed on any particular duties.

6. (a) If this is your first enlistment in the Emergency Volunteer Reserve Force you will be entitled to claim your discharge on payment of a sum not exceeding Lm150, provided that the claim is made after the expiration of two months and before the expiration of three months from attestation.

(b) If you make a claim for discharge during the appropriate period you will then be discharged with all convenient speed unless, when you make your claim, an Order has been made ordering soldiers on the Reserve Force for permanent service. In such a case your discharge will be deferred for as long as the Order remains in force.

7. You will be liable to forfeit service if you are found guilty of, or confess to, deserting the service. Such forfeit service will not count towards the period of service for which you enlisted and consequently the date of your discharge, and will alter the dates of the ends of the periods on which you have a right to terminate your service, and the dates on which notice should be given.

8. You may be discharge if you make a false answer to any of the question at the end of this Paper or because of any other irregularities concerned with your enlistment.

9. Examples of other grounds on which you may be discharged before the termination of your engagement by order of the competent military authority are misconduct, unfitness on medical grounds or the benefit of the public service.

10. If and when a soldier would otherwise be entitled to be discharged, he is liable to be proceeded against by court martial, or is serving a sentence of imprisonment or detention, his discharge will be postponed. What is said above about entitlement to be discharged must be read subject to this.

11. If, when you would otherwise become entitled to be discharged, you are serving with the Force: —

(a) while a state of war exists, or

(b) while soldiers in the reserve are called out for permanent service,

you may be retained with the Force for further period not exceeding twelve months.

THIRD SCHEDULE

ATTESTATION PAPER

Army No. ..... Nature of Engagement .....

Emergency Volunteer Reserve Force

General Instruction for completing the Attestation Paper

1. The Recruit will first be given a copy of the Notice Paper.

2. Any alterations in the Attestation Form will be initialled in ink by the Recruiting Officer.

QUESTIONS TO BE PUT TO THE RECRUIT BEFORE ENLISTMENT

Under the provisions of sections 18 and 66 of the Malta Armed Forces Act, if a person knowingly makes a false answer to any of the questions contained in the Attestation Paper, he renders himself liable to punishment.

Q. 1. What is your full name	(a) Christian or Forename(s)	(b) Surname
Q. 2. What is your address?	Q. 3. What is the date of Birth?	
Q. 4 Where were you born? (Give town and Country)	Q. 5. Do you have dual nationality?	

Q. 6. What is the nationality at birth of:

(a) yourself?	(c) your mother?	(e) your wife?
(b) your father?	(d) your paternal grandfather?	

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N.I. No.

Father's name

Q. 7. Are you single, married widowed?	Q. 8. How many children are dependent on you?	Q. 9. What is your profession?

Q. 10. Do you belong to or have you ever served in the Armed Forces of Malta or any other Military or disciplined Force? If so, state which, and the periods of service and the reasons for and the dates of discharge.

Q. 11. Have you ever been charged before any civil court with an offence of which you have not been acquitted (even though you may only have been absolutely or conditionally discharged, or placed on probation)? If so, give full particulars of each charge.

Q. 12. Have you ever been rejected for service in the Armed Forces of Malta or any other military or disciplined Force? If so, on what grounds?

Q. 13. Do you know the general conditions of the enlistment to be entered into?

Q. 14. Are you willing to serve for three years with the Emergency Volunteer Reserve Force?

SOLEMN DECLARATION

I,..... , do solemnly declare that the above answers made by me to the above questions are true, and that I am willing to fulfil the engagement made.

....

(Date) (Signature of Recruit) (Signature of Witness)

Note: As soon as the Recruit signs the above declaration and swears on oath, he becomes a soldier of the Reserve Force of the Armed Forces of Malta and thus subject to military law.

SOLEMN DECLARATION BY RECRUIT ON ATTESTATION

I, ... swear/solemnly declare, that I will be faithful and bear true allegiance to the People and the Republic of Malta and its Constitution and that I will, as duty bound, honestly and faithfully defend the Republic of Malta against all enemies, and will observe and obey all orders of the President of Malta, and of the officers set over me.

(So help me God)

....
signature date

The said ..... has sworn on oath/solemnly declare before

me at..... on .....of the year.....

.....
(signature and authority
of person administrating oath)

Religious denomination .....

CERTIFICATE OF RECRUITING OFFICER

The Recruit named above was cautioned by me that if he knowingly made any false answer to any of the questions above he would be liable to be punished as provided in the Malta Armed Forces Act.

The questions above were then read to the recruit in my presence.

I have taken care that he understands each question, and that his answer to each question has been duly entered.

I have taken care to see that the Recruit has received a copy of the Notice Paper, and I am satisfied that he is fully aware of the terms and general conditions of service on which he has entered.

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I am satisfied from the evidence produced or the statements made by the Recruit that he has attained the minimum age for the man's service.

The said recruit has made and signed the Declaration and taken the Oath/solmn declaration before me at.....on this .....

day of..... of the year .....

Rank..... Appointment .....

Signature of Recruiting Officer .....

CERTIFICATE OF MEDICAL EXAMINATION

I/WE have examined this Recruit in accordance with current instructions and have assessed him as follows:

P	U	L	H	E	E	M	S

Date .....

Signature/s of Medical Officer/s.....

CERTIFICATE OF APPROVING OFFICER

I CERTIFY that this attestion paper of the above-named Recruit is properly completed and that the required forms relative to his enlistment appear to have been complied with. I accordingly approve, and appoint him to THE EMERGENCY VOLUNTEER RESERVE FORCE..

Date ..... Signature of Approving Officer .....

Place .....