

No. 6 of 2008

VIRGIN ISLANDS

VIRGIN ISLANDS CADET CORPS ACT, 2008

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I Assent

**(Sgd.) DAVID PEAREY,
Governor.**

13th August, 2008

VIRGIN ISLANDS

No. 6 of 2008

An Act to provide for the establishment, organisation and management of the Virgin Islands Cadet Corps and for related matters.

[Gazetted 28th August, 2008]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title and
commencement.

1. This Act may be cited as the Virgin Islands Cadet Corps Act, 2008 and shall commence on an appointed day.

Interpretation.

2. In this Act, unless the context otherwise requires

“Adjutant” means the Officer responsible for the daily running and supervision of staff, of the Cadet Headquarters;

“appointed day” means a day the Governor may appoint by a Proclamation or Notice published in the *Gazette*;

“authorised school” means an educational institution authorised by the Governor acting in accordance with the advice of the Cadet Corps Council under section 8(1), to form a school Cadet Corps;

“banking institution” means a banking institution licensed in the Territory;

“Board” means the Virgin Island Cadet Corps Board established under section 5;

“cadet” means a serving non-commissioned member of the Virgin Islands Cadet Corps;

“Cadet Corps” means the Virgin Islands Cadet Corps established under section 3;

“Cadet Corps Council” means the National Security Council established under section 57 (1) of the Virgin Islands Constitution Order 2007 and for purposes of this Act, the Minister responsible for Education;

“Commandant” means the commanding Officer of the Virgin Islands Cadet Corps;

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1678

“Corps” means Cadet Corps;

“financial year” means the period of twelve months ending on the 31st day of December in each year;

“local force” means the Royal Virgin Islands Police Force or other locally established regular or volunteer force;

“Minister” means the Minister responsible for Education;

“minor” means a person under the age of eighteen;

“non-commissioned officer” means a cadet who holds the rank of Under Officer, Warrant Officer, Sergeant, Corporal or Lance Corporal;

“Officer” means a commissioned cadet officer;

“parent” includes guardian;

“special events” includes camps , anniversary parades and major parades;

“student” means a person attending an educational institution;

“Unit” means a school Cadet Corps declared by the Governor acting in accordance with the advice of the Cadet Corps Council to be a unit; and

“Warrant Officer” means a cadet who holds the rank of a Unit Sergeant Major or the Corps Sergeant Major;

3. (1) There is established by this Act a body called the Virgin Islands Cadet Corps.

Establishment of
Cadet Corps.

(2) The Cadet Corps shall consist of

- (a) Cadet companies of students of authorised secondary schools enrolled with the approval of the principal; and
- (b) the Commandant and Officers appointed, and other cadets enlisted, under this Act.

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(3) Without limiting the effect of section 21 of the Interpretation Act, the Cadet Corps is a body corporate

- (a) with a common seal;
- (b) capable of suing and being sued in its corporate name;
- (c) with the power to enter contracts in its corporate name and in relation to contracts with third parties, be deemed to have the same power as an individual who is *sui juris*; and
- (d) with the right to acquire and hold real and personal property for purposes for which it is established and to dispose of or charge that property at pleasure.

Aim of Cadet Corps.

4. The aim of the Cadet Corps is to provide progressive cadet training to foster self-discipline, confidence, self-reliance, initiative, teamwork, an interest in policing, loyalty to the Territory, respect for others, spiritual development and a sense of service to other people.

Establishment of Board.

5. (1) There is established by this Act, a governing board for the Cadet Corps known as the Virgin Islands Cadet Corps Board (referred to in this Act as “the Board”).

Schedule 1

(2) The constitution and proceedings of the Board shall be as set out in Schedule 1.

Functions of the Board.

6. (1) The Board shall,

- (a) formulate policies for the Cadet Corps;
- (b) manage the affairs of the Cadet Corps;
- (c) prepare and present the annual budget estimates for the Board and operations of the Cadet Corps, to the Government; and

- (d) perform functions, discharge duties and exercise powers as the Cadet Corps Council may in writing assign to the Board.

(2) The Board shall advise the Cadet Corps Council, on matters pertaining to the Cadet Corps.

(3) The Cadet Corps shall be managed from a Cadet Headquarters designated by the Board, and through an Adjutant who is the administrative head of the Cadet Headquarters.

7. (1) The Board shall establish a curriculum for the training of cadets and shall ensure that cadets undergo a programme of activities including the following Training Curriculum.

- (a) drills;
- (b) first aid;
- (c) orienteering;
- (d) field craft;
- (e) water safety;
- (f) fire prevention;
- (g) public speaking and effective communication;
- (h) civic and cultural education;
- (i) physical training and wellness; and
- (j) leadership.

(2) The training curriculum established under section (1) shall be balanced and broad-based.

(3) The Board may revise the training curriculum whenever the Board considers it necessary and expedient to do so.

8. (1) The Governor acting in accordance with the advice of the Cadet Corps Council may, by Notice published in the *Gazette*, authorise Formation of a Cadet Corps Unit in a school.

- (a) the formation of a Cadet Corps Unit out of students attending any government-assisted or private educational institution; and
- (b) the Cadet Corps Unit to be attached to an established local force for purposes of any special training.

(2) A Cadet Corps formed pursuant to subsection (1) shall be managed in accordance with this Act.

(3) For purposes of this Act, a government established educational institution is deemed to be an authorised school.

(4) A principal of any government-assisted or private educational institution desiring the formation of a school Cadet Corps Unit shall, after consultation with the board of management of that educational institution, make an application in writing to the Minister for consideration by the Cadet Corps Council.

(5) An application for authorisation shall contain

- (a) a request for the affiliation of the school Cadet Corps Unit to the Virgin Islands Cadet Corps; and
- (b) any information which might bear on the question of granting authority for the formation of the school Cadet Corps Unit.

(6) The Governor acting in accordance with the advice of the Cadet Corps Council may, revoke an authorisation given under subsection (1).

Enlistment of a cadet.

9. (1) The Board may on an application in the prescribed form, enlist a student of an authorised school in the Cadet Corps,

- (a) if the student has attained the age of eleven years;
- (b) if the student has the approval, in writing, of his or her principal; and
- (c) in the case of a minor, has the consent of a parent.

Schedule 2

(2) A person shall, prior to the person's enlistment as a cadet, make before an Officer, the cadet's promise set out in Schedule 2.

Uniform and equipment.

10.(1) Each cadet shall be clothed and equipped in a manner prescribed by Regulations made under this Act.

(2) Where a cadet is supplied with equipment, any uniform or article at the public expense, the cadet shall hold the uniform, equipment or article at the order or direction of the Board.

(3) A cadet who destroys, misplaces or damages equipment, any uniform or article handed to the cadet on or during his or her enlistment in the Cadet Corps, is personally liable to the Board for the replacement or repair cost of the equipment or article, unless he or she proves to the satisfaction of the Board

that the destruction, misplacement or damage of the equipment, uniform or article did not result from negligence on his or her part.

(4) A parent or guardian of a minor enrolled as a cadet is deemed to have accepted liability for any uniform, equipment or article issued to the child or ward, if destroyed, misplaced or damaged.

11. (1) A person ceases to be a cadet

Termination of membership.

- (a) when, subject to subsection (2), the person ceases to be a student of an authorised school;
- (b) if the person is dismissed from the Cadet Corps; or
- (c) if the person resigns from the Cadet Corps.

(2) The Board may on an application by a person who has ceased to be a student of an authorised school, permit that person to remain in the Cadet Corps in the same Unit, if

- (a) the person's age is less than nineteen years;
- (b) the person is at the time of the application enrolled as a student at the H. Lavity Stoutt Community College or some other recognised tertiary education institution; and
- (c) in the opinion of the Board the circumstances of the case warrant it.

12. Each Cadet Corps Unit shall

Training and command of Cadet Corps Units.

- (a) be trained by an Officer or officer of the Royal Virgin Islands Police Force, posted or attached to the Cadet Corps; and
- (b) be under the command of an Officer assigned by the Board to that Unit.

13. (1) The Cadet Corps shall be under the command of a Commandant and other Officers.

Appointment of Commandant and other Officers.

(2) The Commandant shall be appointed by the Governor, acting in accordance with the advice of the Cadet Corps Council given upon the recommendation of the Board.

(3) Any other Officer of the Cadet Corps shall be appointed by the Board acting on the recommendation of the Commandant after consultation with the Commissioner of Police.

(4) The Commandant shall subject to the approval of the Board, designate an Officer as the Adjutant.

(5) The Adjutant shall act as the Commandant in the absence of the Commandant.

(6) A Commandant and any other Officer of the Cadet Corps shall be a fit and proper person.

Qualification of
Commandant
and other
Officers.

14. (1) A person is eligible to be appointed as a Commandant if the person is over the age of twenty but under the age of fifty-five years, and is

(a) a serving member of the local force; or

(b) a citizen of the Territory of the British Virgin Islands and has completed a basic para-military or relevant military training course conducted locally or overseas and whom the Board deems an asset to the Cadet Corps.

(2) A person is eligible to be appointed as an Officer if the person is

(a) a serving member of the local force;

(b) a teacher of an authorised school; or

(c) a retired member of the local force or a civilian, who has completed a basic training course conducted locally or overseas and whom the Board deems an asset to the Cadet Corps.

(3) Pursuant to subsection (2)(c), a retired member of the local force or civilian desirous of becoming a Cadet Officer may apply to the Board, in writing.

(4) The application shall be submitted with

(a) Curriculum Vitae containing two character references;

(b) a birth certificate;

(c) a recent police certificate of character; and

(d) a recent passport sized photograph.

(5) A person

- (a) promoted from an Officer rank to a higher rank in the Officer grade,
- (b) appointed to the rank of an Officer, or
- (c) promoted from a non-commissioned rank to the rank of an Officer,

shall, before taking up his or her duties in that rank, take the oath or affirmation of allegiance set out in Schedule 2.

Schedule 2

(6) The appointment of a Commandant or other Officer of the Cadet Corps shall be by an instrument of appointment.

(7) A person shall receive an Officer's Commission in accordance with the form set out in Schedule 3, if the person is

Schedule 3

- (a) the Commandant;
- (b) appointed as an Officer;
- (c) promoted from a non-commissioned rank to the rank of an Officer; or
- (d) promoted to a higher rank in the Officer grade.

15. (1) A cadet may be appointed or promoted to the rank of a Corps Sergeant Major by the Board acting on the recommendation of the Commandant.

Appointment or promotion to Unit Sergeant Major or Corps Sergeant Major.

(2) A cadet may be appointed or promoted to the rank of a Unit Sergeant Major by the Board on the recommendation of the Commandant acting on the advice of the commanding Officer of the Unit.

16.(1) The Governor acting in accordance with the advice of the Cadet Corps Council may for cause, revoke the appointment of the Commandant by a Notice published in the *Gazette*.

Revocation of appointments.

(2) The Board may for cause, revoke the appointment of an Officer by Notice in writing published in the *Gazette*.

17.(1) The Commandant may, in writing addressed to the Cadet Corps Council, resign from the Cadet Corps.

Resignations.

- (2) A cadet may
- (a) in writing addressed to the Commandant, and
 - (b) in the case of a minor, with the written consent of a parent,

resign from the Cadet Corps.

Notification of appointments etc. in *Gazette*.

18. The appointment, promotion, resignation, absence or removal from office, or the death, of the Commandant or an Officer shall be published by the Board, by a Notice in the *Gazette*.

No power of command over local force.

19. The Commandant, an Officer and a non-commissioned officer shall not have command over a member of the local force, except where

- (a) the officer is a serving member of the local force; and
- (b) by virtue of the Commandant, Officer or non-commissioned officer's substantive rank in the local force, the Commandant, Officer or non-commissioned officer is entitled to that privilege or to exercise that power.

Annual inspection of the Cadet Corps.

20. The Commandant shall conduct an annual inspection of the Cadet Corps.

Funds and resources.

21. The funds and resources of the Cadet Corps shall consist of

- (a) monies provided by the Government for purposes of this Act;
- (b) a grant made to the Cadet Corps by the Government;
- (c) a grant made by any person with the approval of the Board;
- (d) money derived from fund-raising activities organised, by or for, the Cadet Corps; and
- (e) monies or property derived by way of gifts, bequests, trusts or donations, or in any other manner approved by the Board.

Bank account.

22.(1) A bank account shall be opened by the Board for the Cadet Corps, at a banking institution appointed by the Board.

(2) The funds and resources of the Cadet Corps shall be paid into the bank account opened under subsection (1).

(3) Expenses of the Cadet Corps shall be charged against monies lodged with the bank.

23.(1) The Board shall keep accounts of its transactions to the satisfaction of the Cadet Corps Council, and the accounts shall be audited annually by a qualified auditor appointed by the Board, with the approval of the Cadet Corps Council. Accounts and audit.

(2) The Board shall present to the Cadet Corps Council a statement of its accounts audited in accordance with subsection (1), within four months after the expiry of every financial year.

24. (1) The Board shall, within six months from the end of its financial year, prepare and furnish to the Cadet Corps Council, a report on its operations during the financial year. Annual report.

(2) The Cadet Corps Council shall cause a copy of the report with the audited accounts to be submitted to the Cabinet for consideration.

(3) The Minister shall cause a copy of the report with the audited accounts to be laid before the House of Assembly.

25.(1) A person who submits false information or forged documents to the Board to support an application for enlistment as the Commandant or an Officer commits an offence and is liable on summary conviction to a fine not exceeding three thousand dollars or to a term of imprisonment not exceeding one year, or both. Offences.

(2) A person who

(a) holds himself or herself out as the Commandant, an Officer or a cadet knowing that he or she is not; or

(b) impersonates the Commandant, an Officer or a cadet,

commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to a term of imprisonment not exceeding one year, or both.

26. The Cadet Corps Council may make Regulations as it considers necessary or expedient for carrying out the purposes of this Act, but in particular make Regulations Regulations.

(a) for the formation, organization and administration of the

Cadet Corps;

- (b) for promotion within ranks in the Cadet Corps;
- (c) to create ranks in the Officer grade;
- (d) to establish the relative responsibilities and command of each rank in the Cadet Corps;
- (e) for the size, establishment and organization of school cadet Units;
- (f) for the disciplinary code to be followed in respect of cadets;
- (g) for the safety of government property and penalties for loss of and damage to government property;
- (h) for the description of accoutrements, badges of rank, uniforms and necessaries to be supplied to Officers and cadets;
- (i) for the programme of training, projects and qualification tests to be undertaken by cadets;
- (j) for the discharge of cadets;
- (k) for the protection and safety of cadets;
- (l) for the inspection of cadets;
- (m) specifying the conditions for promotion in the non-commission officer grade; and
- (n) for the attendance of training and other parades.

SCHEDULE 1

[Section 5 (2)]

CONSTITUTION AND PROCEEDINGS OF THE VIRGIN ISLANDS CADET CORPS BOARD

1. The Board shall comprise of the following members:
 - (a) the Commissioner of Police;
 - (b) the Director of Youth Affairs;
 - (c) an attorney nominated by the Attorney General;
 - (d) not more than three members, nominated by the Minister for Education, who shall be
 - (i) a principal of an authorized school;
 - (ii) a prominent member of the business community; and
 - (iii) some other person as the Minister considers appropriate; and
 - (e) the Commandant who shall be an *ex-officio* member.
2. The persons specified in paragraph 1 of this Schedule shall be appointed by the Cadet Corps Council, by an instrument of appointment.
3. Subject to the provisions of this Schedule, the term of office of a member of the Board shall be specified in the instrument of appointment and shall not exceed three years.
4. A member of the Board appointed by the Cadet Corps Council shall, on the expiration of the member's term of office be eligible for reappointment.
5. The Cadet Corps Council shall appoint any of the persons specified in paragraph 1 as the Chairperson of the Board.
6. The Board shall elect a person from among its members to hold the office of the Deputy Chairperson and other executive officers as the Board thinks necessary to carry out its functions.
7. The Adjutant shall be the secretary to the Board.
8. The Cadet Corps Council may for cause, revoke the appointment of any member of the Board except the members appointed by virtue of paragraph 1 (1)(a), (b) and (e) of this Schedule.

9. A member of the Board appointed by the Cadet Corps Council may, in writing addressed to the Cadet Corps Council, resign his or her office.
10. The appointment, revocation of appointment or resignation of a member of the Board appointed by the Cadet Corps Council shall be published in the *Gazette*.
11. Subject to this Schedule, the Board shall regulate its own procedures.
12. The Chairperson may at anytime convene a meeting of the Board whenever the Chairperson considers that the business of the Board so requires, but shall convene a meeting at least once in every quarter.
13. Decisions of the Board shall be reached by consensus, however in the event of a vote, if there is equality, the Chairperson shall have a casting vote.
14. The validity of any proceedings of the Board shall not be affected by vacancy in its membership or defect in the appointment of a member of the Board.
15. The Chairperson and three other members of the Board shall constitute a quorum.
16. The Board may appoint a sub-committee or co-opt a person or persons to attend meetings of the Board for the purpose of assisting or advising the Board, but that person shall not have a right to vote.

SCHEDULE 2

[Section 14(5) and 9(2)]

Promise of Enlistment

I..... solemnly and sincerely promise that I will serve Her Majesty Queen Elizabeth II, her heirs, successors and the Territory of the Virgin Islands with honour and distinction.

I will faithfully obey all lawful commands I may receive and do everything within my power to promote the best interest of the Virgin Islands Cadet Corps so long as I remain a member. So help me God.

.....

Signature of cadet

Promised before me thisday of...../.....
(Month) (Year)

.....

Signature of Officer

Oath/Affirmation of Allegiance

I..... (do solemnly swear/ do solemnly, sincerely, truly declare and affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs,

successors and the Territory of the Virgin Islands with honour and distinction according to law; and I will obey all lawful commands I may receive as Officer of the Virgin Islands Cadet Corps. So help me God.

.....

Signature of Officer taking oath/affirmation

Sworn before me thisday of...../.....
(Month) (Year)

.....

His Excellency the Governor

SCHEDULE 3

[Section 14(7)]

HER MAJESTY THE QUEEN’S COMMISSION

I.....
..... Governor of the Territory of the Virgin Islands (British),
acting under the command of Her Majesty the Queen Elizabeth II do
give to
.....
.....

Greetings and reposing a special trust in your loyalty, courage and good conduct, do by these presents constitute and appoint you to be an officer in the Virgin Islands Cadet Corps (for.....years)* from the day of 20.....

You are therefore to discharge your duty as an officer in the rank of or other rank

carefully and diligently as you are in the manner and on the occasion, to exercise and will discipline in your duties, the officers and cadets as may be placed under your orders from time to time; and use your best endeavours to keep them in good order and discipline. I do hereby command officers and cadets under your command to obey you as their superior officer, and you to observe and follow orders and directions as from time to time you shall receive from me or any of your superior officers in pursuance of the trust reposed in you.

Givenat
.....
this.....day of20.....

*To be omitted in the case of a commission granted for an indefinite period.

Passed by the House of Assembly this 22nd day of July, 2008.

(Sgd.) ROY HARRIGAN,
Speaker.

(Sgd.) ALVA MCCALL,
Clerk of the House of Assembly.