

Nigeria Defence Academy Act

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NIGERIAN DEFENCE ACADEMY

An Act to enable the Nigerian Defence Academy to continue to be a military institution, with power to award its own degrees in accordance with academic standards prescribed by the National Universities Commission and to make provision for other related matters.

[1st September, 1984]

[Commencement.]

WHEREAS the Nigerian Defence Academy was established in 1964 to give military, academic and other relevant training to officer cadets of the Armed Forces of Nigeria:

AND WHEREAS the said Academy continues to conduct its activities in the best and highest military and academic tradition.

1. Status of the Academy, etc.

The Nigerian Defence Academy (in this Act referred to as "the Academy") shall continue to be a military institution and shall have powers to award its own degrees in accordance with the highest academic standards as may be prescribed by the National Universities Commission.

2. Mission of the Academy

The Academy shall provide each officer cadet with the knowledge, skills and values necessary to meet the requirements of a military officer through military, academic and character development.

Objects of the Academy

3. Objects of the Academy

The objects of the Academy shall be to-

- (a) provide each officer cadet with a broad, balanced curriculum, consisting of military and academic training, general and professional military education, designed to serve as a foundation for his progressive development as an officer in the Armed Forces of Nigeria;
- (b) develop in each officer cadet, a commitment to those moral qualities required for leadership that are defined by the ideals of unity, honour and service to the country;
- (c) provide the necessary leadership training opportunities for the officer cadet to help his capabilities and skills as a leader;
- (d) develop in each officer cadet, the physical attributes and skill necessary to meet the requirements of a commissioned officer;
- (e) encourage the advancement of learning and hold out the opportunity of acquiring higher education in liberal, scientific, engineering and any other discipline to officer cadets of the Armed Forces of Nigeria and those of any other nations that the Federal Government of Nigeria, may, from time to time, decide;
- (f) prepare officer cadets to earn degrees in those disciplines which are of special interest to the needs and aspirations of the Armed Forces of Nigeria.

4. Establishment of the Nigerian Defence Academy Council

There is hereby established for the Academy a Council to be known as the Nigerian Defence Academy Council (in this Act referred to as "the Council") which shall, for all or any of the purposes of this Act, initiate or approve the policy of the Academy, and accordingly the Council may give to the Academy directions of a general or specific nature.

5. Membership of the Council

The Council shall consist of-

- (a) the Minister of Defence who shall be the chairman;

- (b) the Chief of Defence Staff;
- (c) the Chief of Army Staff;
- (d) the Chief of Naval Staff;
- (e) the Chief of Air Staff;
- (f) the Commandant of the Academy;
- (g) the Permanent Secretary of the Ministry of Defence who shall be a member and Secretary to the Council.

6. Meetings of the Council

The Council shall meet as and when necessary for the performance of its functions under this Act, and shall meet at least once a year in accordance with the provisions of the First Schedule to this Act.

7. Implementation of policy

- (1) No policy initiated in any way other than as provided for in section 4 of this Act shall be implemented without prior reference to and approval of the Council.
- (2) The deliberations of the Council shall not be inquired into by any court of law.

8. Boards and committees

There is hereby established for the Academy, the boards, committees and other bodies whose composition and functions shall be as provided in the Second Schedule to this Act.

9. Appointment of the Commandant

(1) There shall be appointed for the Academy, a Commandant, whose appointment and removal from office shall be in accordance with military posting, and who shall be responsible to the Council for-

- (a) giving to the Council such information as to the activities of the Academy as the chairman of the Council may require
- (b) authorizing programmes and plans for giving effect to policy approved by the Council or to any direction of the Council subject to all or any of the powers in this section as may be delegated to him by the Council.
- (2) The fact that any power has been delegated to the Commandant pursuant to sub-section (1) of this section shall not preclude the Council itself from exercising them in any special case.
- (3) The powers referred to in subsection (2) of this section shall include-
 - (a) the executive control over the military and civilian staff of the Academy;
 - (b) the supervision of accounts and records;
 - (c) the preparation for approval of programmes and plans necessary to carry into effect approved policy or any directive of the Council;
 - (d) the interpretation of such policy to other staff of the Academy;

(e) the making of any staff recommendations to the Council; and

(f) the establishment of organisational structures, committees and definitions of duties:

Provided that nothing in this Act shall be deemed to detract from the military powers of command of the Commandant.

10. Appointment of the Deputy Commandant

There shall be appointed for the Academy a Deputy Commandant, whose appointment and removal from office shall be in accordance with military posting, and who shall assist the Commandant in the running of the Academy in accordance with the provisions of this Act.

11. Appointment of other staff

There shall be appointed for the Academy, other members of staff, in accordance with the provisions of the Third Schedule to this Act.

12. Power to create offices and department

Notwithstanding the provisions of the Third Schedule to this Act, the Council shall have power to create any office or department, necessary for the efficient running of the Academy.

13. Posting of staff to the Academy

(1) The Nigerian Army, Navy and Airforce may post officers, soldiers, rating and airmen, from time to time, to fill administrative, teaching and other military or academic vacancies in the Academy.

(2) The Council may appoint such persons as civilian members of the academic staff of the Academy for teaching, research, academic and administration as it considers necessary and may approve terms and conditions of service including provision for the payment of pensions.

(3) Newly appointed members of staff of the Academy shall, unless exempted by the Minister, take such oaths as to secrecy and other members as the Minister may, from time to time, direct.

14. Commissioning of cadet

(1) A cadet shall be commissioned by the Order of the President after satisfying all military and academic requirements as provided in this Act.

(2) Any cadet withdrawn before commissioning on disciplinary grounds or such other grounds except on medical or compassionate reasons shall not be granted the use of the Academy degree certificate or transcript, as the case may be.

15. Union activities

(1) No civilian personnel employed in any capacity, whether or not a member of a trade union, shall engage or take part in any union activities.

(2) Any civilian personnel who contravenes the provisions of subsection (1) of this section, is guilty of an offence and liable on conviction to a fine of not less than N5,000 or more than N20,000 or to imprisonment for a term of not less than six months or to both such fine and imprisonment.

16. Interpretation

In this Act, unless the context otherwise requires-

"Academy" means the Nigerian Defence Academy established under section 1 of this Act;

"Council" means the Nigerian Defence Academy Council established under section 4 of this Act;

"Minister" means Minister charged with responsibility for defence matters.

17. Short title

This Act may be cited as the Nigerian Defence Academy Act.

SCHEDULES

FIRST SCHEDULE [Section 6.]

Transitional provisions as to functions, etc.

1. The first meeting of the Council under this Act shall be convened by the chairman on such date and in such manner, as he may determine.
2. The meeting of the Academy Board under this Act shall be convened by the Commandant on such date and in such manner as he may determine.
3. Subject to any direction to the contrary, which may be given in that regard by the Council, any person who was a member of the staff of or was employed by the Nigerian Defence Academy, Kaduna before the coming into effect of this Act shall become the holder of the appointment at the Academy with such status, designation and functions which correspond as nearly as may be to those which appertained to him as member of staff or such an employee.

SECOND SCHEDULE

[Section 8.]

Nigerian Defence Academy Statute No. 1

ARRANGEMENT OF ARTICLES

ARTICLE

1. The Academy Board
2. Functions of the Academy Board.
3. The Academy Advisory Council.
4. The Academy Co-ordination Committee.
5. The Military Training Committee.
6. The Academic Committee.
7. The Academic Durbar.
8. Rules and procedure for meetings of the Academic Durbar.
9. Organisation of the academic work of the Academy and Faculty Boards.

10. Dean of the Faculty.
11. Appointment of principal officers of the academic branch
12. Appointment of other Academic and non-academic staff of the branch.
13. Miscellaneous staff provisions.
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15. Short title

Nigerian Defence Academy Statute No. 1

The Academy Board

1. The Academy Board shall consist of-
 - (a) the Commandant, who shall be the chairman;
 - (b) the Deputy Commandant;
 - (c) the Academy Provost;
 - (d) the Director of Military Training;
 - (e) the Cadet Brigade Commander;
 - (f) the Deans of Faculties;
 - (g) the Heads of Colleges;
 - (h) the Chief Instructor, Army Wing;
 - (i) the Chief Instructor, Naval Wing;
 - (j) the Chief Instructor, Airforce Wing
 - (k) members of the Academy, not exceeding two in number, as may be appointed by the Academy Coordination Committee; and
 - (l) the Registrar of the Academy, who shall be the Secretary.

Functions of the Academy Board

2. (1) The Academy Board shall have the power to approve curricula and programmes taught or to be taught in the Academy.
- (2) The Board shall also consider and approve examination and other assessment results in both academic and military subjects, determine the class of degree of each cadet and approve the award of degrees.
- (3) The decisions of the board on all matters pertaining to training, assessment, certification, promotion, relegation and withdrawal of cadets, shall be final and shall not be enquired into by any court of law.

The Academy Advisory Council

3. (1) The Academy Advisory Council shall consist of-

- (a) the Commandant, who shall be the chairman;
- (b) the Deputy Commandant;
- (c) the Academy Provost
- (d) the Directors of Training at Joint Headquarters, Army Headquarters, Naval Headquarters and the Nigerian Airforce Headquarters;
- (e) the Directors of Education Corps in the Army, Navy and Air force;
- (f) the representative of Permanent Secretary of the Ministry of Defence not below grade level 16;
- (g) one representative each of Federal Ministry of Education and Federal Ministry of Science and Technology not below the grade level 16;(h) two representatives of other Nigerian Universities not below the post of reader;
- (i) one alumnus not below the rank of Colonel or its equivalent;
- (j) one member of the Academic Committee appointed by the Commandant;
- (k) one representative of the National Universities Commission not below USS 15;
- (l) the Commander TTG;
- (m) the Commandant of the Naval College, Onura-Port-Harcourt; and
- (n) the Registrar of the Academy who shall be the Secretary.

(2) It shall be the function of the Academy Advisory Council to advise the Academy on any matter relating to training policies and programmes.

The Academy Co-ordination Committee

4. (1) The Academy Co-ordination Committee shall consist of-

- (a) the Deputy Commandant, who shall be the chairman;
- (b) the Academy Provost;
- (c) the Director of Military Training;
- (d) the Cadet Brigade Commander;
- (e) the Registrar of the Academy;
- (f) one civilian member, to be appointed by the Commandant;
- (g) the General Staff Officer, Grade 1 (training), who shall be the Secretary.

(2) Subject to the provisions of this Act, the Academy Co-ordination Committee shall perform the following functions, that is-

- (a) deliberate on the performance of all cadets in both military and academic subjects at the end of every semester;
- (b) determine the passes and failures among cadets of all courses in accordance with the criteria for passing or failing as laid down in the Academy assessment policy;

(c) determine and recommend to the Academy Board in accordance with the Academy assessment policy, the cadets who-

(i) qualify for graduation or passing out or commissioning; (ii) deserve to be given awards;

(iii) merit promotion to the next higher term;

(iv) deserve to be allowed to resit in the subject failed;

(v) deserve to be relegated to the next lower class for poor performance;

(vi) deserve to be withdrawn from the Academy for poor performance.

The Military Training Committee

5. (1) The Military Training Committee shall consist of-

(a) the Director of Military Training, who shall be the chairman;

(b) the Cadets Brigade Commander;

(c) the Chief Instructor, Army Wing;

(d) the Chief Instructor, Naval Wing;

(e) the Chief Instructor, Airforce Wing;

(f) the Battalion Commanders;

(g) two representatives of the Academic Branch to be appointed by the Commandant;

(h) the Academy Adjutant;

(i) the General Staff Officer Grade 1, (Training), who shall be the Secretary.

(2) Subject to the provisions of the Act, the Military Training Committee shall, in relation to its teaching unit, exercise the following functions, that is-

(a) advise the Academy Board on all matters relating to the organisation of military training, instructions and research into military aspects of the subject taught by that teaching unit of the Academy, including the curricula and the examinations connected with those subjects;

(b) monitor and regulate the conduct and progress of cadets in that teaching unit and report thereon to the Academy Board;

(c) deliberate on the performance of all cadets in military subjects at the end of each semester;

(d) determine the passes and failure among cadets of all terms, in accordance with the criteria for passing or failure, as laid down in the Academy assessment policy for military subjects.

(3) The Military Training Committee, shall also determine and recommend to the Academy Co-ordination Committee, in accordance with Academy assessment policy, the cadets who –

(a) qualify for graduation, passing out or commissioning;

(b) deserve to be given awards, such as-

(i) the Sword of Honour;

- (ii) the Gold Medal;
- (iii) the Silver Medal;
- (iv) the Indian Shield;
- (v) the Service Silver Medal;
- (c) merit promotion to the next higher class;
- (d) deserve to be allowed a resit in any military subject failed
- (e) deserve to be warned for poor performance in certain military subjects and certain aspects of cadet life;
- (f) deserve to be relegated to the next lower class for poor performance; or
- (g) deserve to be withdrawn from the Academy for poor performance.

The Academic Committee

6. (1) There shall be an Academic Committee which shall have control of the academic affairs to the Academy and be responsible, subject to the control of the Academy Board, for all academic matters.

(2) The Academic Committee shall, except when sitting as prescribed under paragraph (3) of Article 12 of this Statute, consist of-

- (a) the Academy Provost, who shall be the chairman;
- (b) the Deans of Faculties;
- (c) the Heads of Academic Departments;
- (d) all Professors, whether Heads of Departments or not;
- (e) the Academy Librarian;
- (f) two members representing each faculty;
- (g) two military members of the Academy to be appointed by the Commandant, one of whom shall be from the Director of Military Training; and
- (h) the Academy Registrar, who shall be the Secretary.

(3) The Academic Committee shall exercise such powers of the Academy Board as the Academy Board may, from time to time, delegate to it. (4) The Academic Committee shall have the following functions, that is to-

- (a) organise and control the teaching of academic courses, to cadets and the examinations thereto;
- (b) determine the passes and failures among cadets of all courses in accordance with the criteria for passing or failing, as laid down in the Academic assessment policy;
- (c) determine and recommend to the Academy Co-ordination Committee, in accordance with the Academic assessment policy, the cadets who-
- (i) qualify for graduation or passing out or commissioning;

- (ii) deserve to be given the academic awards;
- (iii) merit promotion to the next higher class;
- (iv) deserve to be allowed a resit in the subjects failed;
- (v) deserve to be warned for poor performance in certain academic subjects;
- (vi) deserve to be relegated to the lower class for poor performance in academics
- (vii) deserve to be withdrawn from the Academy for poor performance in academics;
- (d) deal with matters relating to admission into departments and faculties
- (e) recommend to the Academy Board persons to be appointed as external examiners for the degree examinations;
- (f) deal with matters relating to cadets research projects;
- (g) any other functions assigned to it, from time to time, by the Academy Board.

The Academic Durbar

7. (1) There shall be an Academic Durbar, whose membership shall consist of all members of the academic staff and graduate members of the administrative staff, with the Commandant or the Deputy Commandant, as the chairman.
- (2) The Academic Durbar shall meet once at the end of each academic semester, making it two meetings in the academic year.
- (3) The functions of Academic Durbar shall be primarily to enable staff, as a body, express their views on academic affairs.
- (4) The Academic Durbar shall be a body through which the recommendations of members are transmitted to the Academy Board or Council.
- (5) The functions of the Academic Durbar shall not include those of an association of University teachers concerned with salaries and conditions of service, nor a staff club, concerned with general amenities of social activities, it shall only be concerned with all matters affecting the academic well-being of the Academy.

Rules and procedure for meetings of the Academic Durbar

8. (1) The Council shall maintain a Register containing the names of all members of the Academic Durbar, which shall be kept by the Academy Registrar.
- (2) The Academic Durbar shall meet at the end of each academic semester of an academic year.
- (3) Additional meetings may be called by the Commandant or the Deputy Commandant.
- (4) A standing committee of the Academic Durbar shall prepare the agenda for each meeting of the Academic Durbar, and arrange follow-up action on matters agreed by the Academic Durbar.
- (5) The composition of this standing committee shall be as directed by the Commandant or the Deputy Commandant.

Organisation of the academic work of the Academy and Faculty Boards

9. (1) Each Faculty shall be divided into such number of departments as may be prescribed.
- (2) There shall be established in respect of each Faculty, a faculty board which, subject to the provisions of this Statute and to the directions of the Commandant shall-
- (a) regulate the teaching and study of, and the conduct of examinations connected with the subjects assigned to the Faculty;
- (b) deal with any other matter assigned to it by statute or by the Commandant or by the Academy Board; and
- (c) advise the Commandant or the Academy Board on any matter referred to it by the Commandant or the Academy Board.
- (3) Where a Faculty consists of two or more colleges or schools, each college or school shall have its own board of studies, which shall be responsible to and be under the control of the Academic Committee, set up under Article 6 of this Statute.
- (4) Each Faculty Board shall consist of-
- (a) the Provost;
- (b) the Dean of the Faculty;
- (c) the persons severally in charge of the Departments of the Faculty;
- (d) such number of the lecturers assigned to the Faculty and having prescribed qualifications as the Faculty Board may determine; and
- (e) such number of persons whether or not members of the Academy as the Faculty Board may, with the general or special approval of the Academy Board, determine.
- (5) The quorum of the Faculty Board shall be eight members or one-third of the members of the Faculty Board, whichever is greater, and subject to the provisions of this statute and any provisions made by regulations on this behalf, the Faculty Board may regulate its own procedure.

The Dean of Faculty, etc.

10. (1) The Dean of a Faculty shall be appointed in such manner and hold office for such term and subject to such conditions, as may be prescribed by regulations.
- (2) If there is no professor in a Faculty, the office of the Dean of the Faculty shall be held by a member of the Faculty holding the rank of Reader or Senior Lecturer or senior military officer of comparative academic experience, on the basis of seniority as may be determined by the Commandant.
- (3) The Dean shall be the chairman at all meetings of the Faculty Board when he is present and he shall be a member of all committees and other boards appointed by the Faculty, and when the Dean is absent from any meeting, the most senior member present shall preside at the meeting.
- (4) The Dean of a Faculty shall exercise general superintendence over the academic and administrative affairs of the Faculty, and it shall be the function of the Dean to present cadets for the conferment of degrees, after having qualified for the degree of the Academy at examinations held in the departments.

(5) The Dean of Faculty may be removed from office by the Commandant for good cause and in the event of a vacancy occurring, following the removal of a Dean, an acting Dean may be appointed by the Commandant, provided that arrangement shall be made for a new Dean to be appointed in the manner prescribed within a period of three months from the date when the acting Dean assumed office.

(6) For the purposes of paragraph (5) of this Article, "good cause" shall mean-

(a) conviction for any offence which the Commandant considers to be such as to render the person concerned unfit for the discharge of the functions of his office; or

(b) any physical or mental incapacity which the Commandant, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office; or

(c) conduct of a scandalous or other disgraceful nature, which the Commandant considers to be such as to render the person concerned unfit to continue to hold his office; or

(d) conduct which the Commandant considers to be such as constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service; or

(e) conduct which the Commandant considers to be generally of such nature as to render the continuous appointment or service of the person concerned prejudicial or detrimental to the interest of the Academy.

Appointment of principal officers of the Academic Branch

11. (1) When a vacancy occurs in the office of the Academy Registrar, Academy Librarian or Directors of non-academic positions, a Selection Committee shall be constituted, consisting of-

(a) the Commandant;

(b) the Deputy Commandant;

(c) the Provost; and

(d) two members appointed by the Academy Board.

(2) The Selection Committee, after making such inquiries as it thinks fit, shall recommend a candidate to the Academy Council for appointment to the vacant post, and after considering the recommendation of the Selection Committee, the Academy Council may make an appointment to that post.

Appointment of other academic and non-academic staff of the Academic Branch

12. (1) An interview panel to interview candidates, not above the grade of Senior Lecturer or equivalent shall be constituted, consisting of-

(a) the Deputy Commandant who shall be the chairman;

(b) the Academy Provost;

(c) the Deans and Directors of the relevant faculties;

(d) the Heads of the Departments concerned, except that if the Head of Department is himself a candidate, he shall not serve on the interview panel;

(e) the Academy Registrar, who shall be the Secretary of the interview panel;

(f) at least two persons recommended by the Dean to the Provost and such persons must have knowledge of the subject or field in respect of which candidates are being assessed or interviewed, and must not be of lower status than that of the post being interviewed for.

(2) For the purpose of filling any vacancies occurring in the post of Professor or Reader, the Academic Committee set up under paragraph (1) of Article 6 of this Statute, shall sit as a Selection Board, to select and recommend to the Academy Board, suitable persons to fill the vacant posts.

(3) The Academic Committee, when sitting as a Selection Board, under paragraph 2 of this Article, shall consist of-

(a) the Commandant;

(b) the Deputy Commandant;

(c) the Provost;

(d) the Dean and Directors of the Faculty of the teaching unit concerned;

(e) the Heads and Directors of the College concerned

(f)

four members of the Academy Board appointed by the Board, at least two of whom shall be members of the staff of the Faculty or academic unit concerned;

(g) two other persons who are not members of the academic staff, appointed, from time to time, by the Academy Board; and

(h) the Registrar who shall be the Secretary.

(4) Each Selection Board shall have the power to interview candidates directly.

Miscellaneous staff provisions

13 The terms and conditions of service, including those relating to remuneration, allowances, benefits and discipline of the administrative, professional and technical staff shall be as provided in the Act or the conditions of service of senior academic and non-academic staff, as prescribed, from time to time, by the Academy Council as the case may be.

Interpretation

14. In this Statute, the expression "the Act" means the Nigerian Defence Academy Act and any expression defined in the Act, has the same meaning as in this Statute.

Short title and commencement

15. This Statute may be cited as the Nigerian Defence Academy Statute No 1 and shall be deemed to have come into force on 1st September, 1984.

THIRD SCHEDULE [Section 11, 12.]

Principal officers of the Academy

1. Appointment of an Academy Provost

There shall be appointed for the Academy an Academy Provost, (in this Act referred to as "the Provost") who shall be responsible to the Commandant for the co-ordination of all academic and administrative activities of the Academic branch and shall be the chairman of the Academic Committee set up under Article 6 of the Defence Academy Statute No.1, set out in the Second Schedule to this Act and shall perform such other functions as the Council

or the commandant, as the case may be, shall assign to him from time to time.

2. Director of Military Training

There shall be a Director of Military Training, who shall be the Chief Military Training Officer of the Academy and shall be responsible to the Commandant, for the day-to-day training relating to military subjects.

3. Cadet Brigade Commander

There shall be a Cadet Brigade Commander, who shall be responsible to the Commander for the overall administration, welfare, discipline, moral development and grooming of the gentlemen cadets.

4. Director of administration

There shall be a Director of Administration, who shall be the chief administrative officer of the Academy and be responsible to the Commandant, for the day-to-day administrative work of the Academy, except as regard those for which the Provost and the Director of Finance are responsible, in accordance with paragraphs 1 and 7 of this Schedule.

5. Director of Logistics

There shall be a Director of Logistics who shall be the Chief Logistic Officer of the Academy and shall be responsible to the Commandant for overall logistics support and maintenance.

6. Academy Registrar

There shall be an Academy Registrar, who shall be responsible to the Commandant for the day-to-day administrative work of the Academic Branch.

7. Director of Finance

There shall be a Director of Finance, who shall be the chief finance officer of the Academy and shall be responsible to the Commandant, for the day-to-day administration and control of the financial affairs of the Academy.

8. Academy Librarian

There shall be an Academy Librarian who shall be responsible to the Provost, for the administration of the library services in the Academy and its Camps, Colleges, Faculties, Schools, Departments, Institutions and other teaching or research units.

9. (1) The employees specified in this Schedule shall be appointed in such manner as may be specified by military tradition or statutes of the Academy and shall hold office accordingly.

(2) Any question as to the scope of the responsibilities of the specified employees shall be determined by the Council or the Commandant, as the case may be.

10. Method of resignation

(1) Any officer referred to in the provisions of this Schedule may resign his office-

(a) in line with military tradition; or

(b) if a civilian, by notice to the Council, through the Commandant.

(2) Subject as may be otherwise specified, a person who has ceased to hold an office so mentioned otherwise than by removal for misconduct, shall be eligible for re-appointment to that office.