CHAPTER 5.

An Act to amend section sixteen of the Allotments (Scotland) Act, 1922. [29th April 1926.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of 12 & 13 Geo. 5. c. 52, s. 16.

1. Notwithstanding the provisions of section sixteen of the Allotments (Scotland) Act, 1922, any local authority may, if they deem it expedient, take proceedings under the provisions of the Allotments Acts relating to allotments if, in the opinion of the local authority, the expenses referred to in the said section may reasonably be expected, after the proceedings are taken, to exceed the receipts of the local authority under these provisions by no greater amount than would be produced by a rate of one penny in the pound.

Short title, construction and extent.

2.—(1) This Act may be cited as the Allotments (Scotland) Act, 1926; and the Allotments (Scotland) Acts, 1892 to 1922, and this Act may be cited as the Allotments (Scotland) Acts, 1892 to 1926, and shall be construed together as one Act.

(2) This Act shall extend to Scotland only.

CHAPTER 6.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and Air Force. [29th April 1926.]

WHEREAS the raising or keeping of a standing army within the United Kingdom in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of land forces

should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of one hundred and fifty-nine thousand four hundred, including those to be employed at the depôts in the United Kingdom for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions:

7 & 8 Geo. 5. c. 51. And whereas under the Air Force (Constitution) Act, 1917, His Majesty is entitled to raise and maintain the air force, and it is judged necessary that the whole number of such force should consist of thirty-five thousand five hundred, including those employed as aforesaid, but exclusive of the numbers serving as aforesaid, and the provisions of the Air Force Act are due to expire at the same dates as the provisions of the Army Act:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet, nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law or to the Air Force Act, in their duty, that an exact discipline be observed and that persons belonging to the said forces who mutiny or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military or air force discipline, be brought

to a more exemplary and speedy punishment than the usual forms of the law will allow:

And whereas the Army Act and the Air Force Act will expire in the year one thousand nine hundred and twenty-six on the following days:—

(*a*) in Great Britain and Ireland, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and

(*b*) elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of July:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Army and Air Force (Annual) Act, 1926.

Army Act and Air Force Act to be in force for specified times.

2.—(1) The Army Act and the Air Force Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament (that is to say):—

(*a*) Within Great Britain and Ireland, the Channel Islands, and the Isle of Man, from the thirtieth day of April, one thousand nine hundred and twenty-six, to the thirtieth day of April, one thousand nine hundred and twenty-seven, both inclusive; and

(*b*) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July, one thousand nine hundred and twenty-six, to the thirty-first day of July, one thousand nine hundred and twenty-seven, both inclusive.

(2) The Army Act and the Air Force Act, while in force, shall apply to persons subject to military law or to the Air Force Act, as the case may be, whether within or without His Majesty's dominions.

(3) A person subject to military law or to the Air Force Act shall not be exempted from the provisions of the Army Act or Air Force Act by reason only that the number of the forces for the time being in the service of

His Majesty, exclusive of the marine forces, is either greater or less than the numbers hereinbefore mentioned.

Prices in respect of billeting.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act or the Air Force Act the prices specified in the First Schedule to this Act.

AMENDMENTS OF ARMY AND AIR FORCE ACTS.

PART I.

AMENDMENTS OF ARMY ACT APPLICABLE ALSO TO THE AIR FORCE ACT.

Amendment of s. 18 of Army Act.

4. In paragraph (4) of section eighteen of the Army Act (which relates to disgraceful conduct), for the words "or embezzles" there shall be substituted the words "embezzles or fraudulently misapplies."

Amendment of s. 44 of Army Act.

5. In section forty-four of the Army Act (which relates to the scale of punishments by courts-martial) after paragraph (*g*) there shall be inserted:

"(*gg*) Stoppages."

Amendments of s. 52 of Army Act.

6.—(1) The following subsection shall be substituted for subsection (1) of section fifty-two of the Army Act (which relates to the administration of oaths):—

"(1) An oath in the prescribed form shall be administered by the prescribed person to every member of every court-martial before the commencement of the trial."

(2) In subsection (2) of the said section after the word "writer" there shall be inserted the words "or interpreter."

Amendments of s. 56 of Army Act.

7.—(1) The following subsections shall be inserted after subsection (4) of section fifty-six of the Army Act (which makes conviction of a less offence permissible on a charge of a greater offence):—

"(4A) An accused charged before a court-martial with striking may be found guilty of using or offering violence.

(4B) An accused charged before a court-martial with using violence may be found guilty of offering violence.

(4C) An accused charged before a court-martial with using threatening language may be found guilty of using insubordinate language."

(2) The following subsection shall be inserted after subsection (5) of the said section:—

"(6) Where an accused is charged before a court-martial with a civil offence and the charge is one upon which, if he had been tried by a civil court he might have been found guilty of any other offence, the court-martial shall have power to find him guilty of that offence."

Amendment of s. 130 of Army Act.

8. The following subsection shall be substituted for subsection (2) of section one hundred and thirty of the Army Act (which contains provisions in cases of insane persons):—

"(2) Where, on the trial by court-martial of a person charged with an offence, it appears that such person did the act or made the omission with which he is charged, but that he was insane at the time when he did or made the same, the court shall find specially that the accused was guilty of the act or omission charged but was insane at the time when he did the act or made the omission, and such person shall be kept in custody in the prescribed manner until the directions of His Majesty thereon are known."

Amendment of s. 161 of Army Act.

9. In section one hundred and sixty-one of the Army Act (which relates to the limitation of time for the trial of offences), after the word "Provided" there shall be inserted the words "that a soldier who has "fraudulently enlisted during a period of re-engagement "shall only forfeit the service rendered during such "re-engagement, and."

Amendment of provisions relating to execution of sentences, &c.

10.—(1) With a view to simplifying the provisions of the Army Act which relate to the execution of sentences of penal servitude, imprisonment and detention, the nature and locality of the penal establishments in which those sentences are to be served, and the

treatment to be accorded to soldiers under sentence, the following amendments shall be made in the said Act:—

(*a*) For sections fifty-eight to sixty-eight inclusive there shall be substituted the provisions contained in Part I. of the Second Schedule to this Act:

(*b*) For sections one hundred and thirty-one to one hundred and thirty-five inclusive there shall be substituted the provisions contained in Part II. of the said Schedule:

(*c*) The proviso contained in Part III. of the said Schedule shall be inserted after proviso (1A) to section forty-four.

(2) This section shall not come into operation until the first day of October, nineteen hundred and twenty-six.

Application to Air Force.

11. References in this Part of this Act to the Army Act shall be deemed to include references to the Air Force Act, and the provisions of this Part of this Act (including the Second Schedule thereto) shall in their application to the Air Force Act have effect subject to any of the general modifications set out in Part I. of the Second Schedule to the Air Force Constitution Act, 1917, which apply, and also with the substitution of "military prison" and "military detention barrack" for "air force prison" and "air force detention barrack."

PART II.

AMENDMENTS OF ARMY ACT.

Amendments of ss. 48 and 49 of Army Act.

12.—(1) The following paragraph shall be inserted at the end of section forty-eight of the Army Act (which enacts certain rules with respect to general and district courts-martial):—

"(10) If it becomes necessary to convene a court-martial under this Act at any place where in the opinion of the convening officer the necessary number of military officers is not available to form such a court, or where in his opinion such a necessary number could not be made available without serious injury to the

interests of the service, such opinion to be expressed in the order convening the court, and to be conclusive, then the said convening officer may, subject to any directions which may be given by the Army Council and with the consent of the proper air force authority, nominate any air force officer to preside over the court, or nominate as members of the court any necessary number of air force officers in addition to or in lieu of military officers:

Provided that no air force officer shall be qualified to perform any function in relation to such court-martial unless he is of equal seniority and equivalent rank to that which would have been required by the provisions of this Act if he had been a military officer."

(2) In subsection (2) of section forty-nine of the Army Act (which relates to field general courts-martial) after the word "Act" there shall be inserted the words "except paragraph (10) thereof."

Amendment of provisions as to billeting.

13.—(1) The provisions of section one hundred and eight A of the Army Act (which relates to billeting in cases of emergency) shall have effect in case of emergency notwithstanding that directions have not been given for embodying all or any part of the territorial army, and accordingly in subsection (1) of that section the words "where directions have been given for embodying all or any part of the Territorial Army" shall be omitted.

(2) In subsection (4) of section one hundred and eighty-one of the Army Act (which contains modifications of the Act with respect to the auxiliary forces), after the word "behalf" there shall be inserted the words "or when called out for actual military service for purposes of defence in the United Kingdom."

Amendments of ss. 82, 100 and 161 of Army Act.

14.—(1) In subsection (1) of section eighty-two of the Army Act (which relates to enlistment for general service and appointment to corps), the words "of the regular forces" shall be omitted, and in subsection (2) of the said section for the words "to some corps of the regular forces" there shall be substituted the words

" to such corps as the competent military authority may " think fit."

(2) In subsection (2) of section one hundred of the Army Act (which relates to the validity of attestation and enlistment or re-engagement), for the words " in any " corps of His Majesty's regular forces " there shall be substituted the words " of the regular forces."

(3) In section one hundred and sixty-one of the Army Act (which relates to liability to military law in respect of the time for trial of offences), for the words " in any corps of His Majesty's regular forces " there shall be substituted the words " as a soldier of the regular " forces."

PART III.

AMENDMENTS OF THE AIR FORCE ACT.

Amendment of s. 179A of Air Force Act.

15. In subsection (2) of section one hundred and seventy-nine A of the Air Force Act (which prescribes the modifications of that Act with respect to sailors and soldiers attached to the Air Force) for the words " when " not subject to the Naval Discipline Act " there shall be substituted the words " other than one who remains " subject to the Naval Discipline Act by virtue of " subsection (1A) of section one hundred and seventy-" five or subsection (1A) of section one hundred and " seventy-six of this Act."

Amendment of s. 190 of Air Force Act.

16. The following paragraph shall be inserted after paragraph (8) of section one hundred and ninety of the Air Force Act (which relates to the interpretation of terms in that Act):—

" (9) The expression 'Royal Warrant' includes an order of His Majesty signified under the hand of a Secretary of State."

SCHEDULES.

FIRST SCHEDULE.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where meals furnished.	Tenpence per night for the first soldier and eightpence per night for each additional soldier.
Breakfast as specified in Part I. of the Second Schedule to the Army Act.	Sevenpence each.
Dinner as so specified - - - -	Tenpence.
Supper as so specified - - - -	Fourpence.
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Tenpence per night for the first soldier and eightpence per night for each additional soldier.
Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	Two shillings and twopence per day.
Stable room without forage - - -	Sixpence per day.
Lodging and attendance for officer - -	Three shillings per night.

Note.—An officer shall pay for his food.

In the application of this Schedule to the Air Force references to the Air Force Act and airman shall be substituted for references to the Army Act and soldier.

SECOND SCHEDULE.

Part I.

Sections to be substituted for ss. 58 to 68 of the Army Act.

Penal Servitude.

58. Where a sentence of penal servitude is passed by a court-martial, the military convict shall, as soon as practicable, be committed to a penal servitude prison to undergo his sentence according to law : Effect of sentence of penal servitude.

2ND SCH. —*cont.*

Provided that where the sentence was passed for an offence committed on active service, the competent military authority may order that any part of the sentence, not exceeding two years, shall be served in a military prison in accordance with rules made for the purpose under this Act, and in such case the provisions of this Act with respect to penal servitude (except those relating to the treatment of a military convict on arrival at a penal servitude prison), shall, with respect to the part of the sentence to be so served, have effect as though for references to a penal servitude prison there were substituted references to a military prison.

Place in which sentence to be served.

59. The penal servitude prison to which a military convict is committed shall be a penal servitude prison in the United Kingdom, unless the convict—

(*a*) was sentenced in India or a colony, and belongs to a class of persons with respect to whom the Secretary of State by declaration laid before both Houses of Parliament has declared that by reasons of climate, place of birth, place of enlistment or otherwise, transfer to the United Kingdom would not be beneficial; or

(*b*) was enlisted in a colony, and belongs to a class of persons so enlisted with respect to whom the Secretary of State has arranged with the Governor of that colony that they may, if sentenced to penal servitude, be transferred to or kept in the colony and there undergo sentence,

in either of which cases he may undergo his sentence in India or the colony, as the case may require.

Interim custody of military convict before arrival at penal servitude prison.

60.—(1) Until transferred to a penal servitude prison a military convict—

(*a*) if in the United Kingdom or a foreign country, shall be kept in military custody;

(*b*) if in India or a colony, may be kept in military custody or in civil custody, or partly in one description of custody and partly in the other, and may, by order of the competent military authority, from time to time be transferred from military custody to civil custody and from civil custody to military custody as occasion may require.

(2) A military convict in India or a colony may, whilst in civil custody in any prison, be dealt with, in respect of hard labour and otherwise, according to the rules of that prison.

Committal, removal, release, &c., of military convict.

61.—(1) An order of the competent military authority shall be a sufficient warrant for the committal of a military convict to a penal servitude prison.

2ND SCH. —*cont.*

(2) An order of the competent military authority shall be a sufficient authority for the transfer of the military convict from military custody to civil custody and from civil custody to military custody, and his removal from place to place, and for his detention in civil custody, and generally for dealing with such convict in such manner as may be thought expedient until he is transferred to a penal servitude prison.

(3) A military convict at any time either before or after his arrival at a penal servitude prison, may, if his sentence is remitted, be released by order of the competent military authority.

(4) A military convict may, during his conveyance from place to place, or when on board ship or otherwise, be subjected to such restraint as is necessary for his safe conduct and removal.

Treatment of military convict in penal servitude prison.

62. After a military convict has arrived at a penal servitude prison to undergo his sentence, he shall be dealt with in the same manner as an ordinary civil prisoner under sentence of penal servitude; and all enactments relating to a person sentenced to penal servitude by a competent civil court shall, so far as circumstances admit, apply accordingly.

Imprisonment and Detention.

Effect of sentence of imprisonment or detention.

63.—(1) Where a sentence of imprisonment is passed by a court-martial, the military prisoner shall undergo the term of his imprisonment either in a military prison, or detention barrack, or in other military custody, or in a civil prison, or partly in one way and partly in another.

(2) Where a sentence of detention is passed by a court-martial or a commanding officer, the person on whom that sentence has been passed shall undergo the term of his detention either in a detention barrack, or in military custody, or partly in one way and partly in the other, but not in a prison.

Place in which sentence to be served.

64.—(1) Subject to the provisions of this section, a military prisoner or soldier under sentence of detention who was sentenced or is undergoing his sentence in the United Kingdom shall not be removed to a prison or detention barrack elsewhere, unless he was enlisted in a colony and belongs to a class of persons so enlisted with respect to whom the Secretary of State has arranged with the Governor of that colony that they may, if sentenced to imprisonment or detention, be transferred to the colony and there undergo sentence, in which case he may be removed to a prison or detention barrack in that colony.

(2) The competent military authority may give directions for delivery into military custody of any military prisoner or

2ND SCH. —*cont.*

soldier undergoing detention, and the removal of such prisoner or soldier, whether with his corps or separately, to any place beyond the seas where the corps or any part thereof to which for the time being he belongs is serving or under orders to serve.

(3) A military prisoner or soldier under sentence of detention who was sentenced in a foreign country shall undergo his sentence either in that foreign country, or in any foreign country in which the force with which he is serving may be, or in the United Kingdom, or in such other place as may be prescribed.

(4) A military prisoner or soldier under sentence of detention who was sentenced in India or a colony shall undergo his sentence either in India or in that colony (as the case may be), or in such other part of His Majesty's dominions as may be prescribed, or in the United Kingdom:

Provided that—

(*a*) if the term of his sentence exceeds twelve months, he shall be transferred as soon as practicable to a prison or detention barrack in the United Kingdom, unless—

(i) he belongs to a class of persons with respect to whom the Secretary of State by declaration laid before both Houses of Parliament has declared that by reasons of climate, place of birth, place of enlistment or otherwise, transfer to the United Kingdom would not be beneficial; or

(ii) the court for special reasons otherwise orders;

and any order which may be made under this provision by the court may be made by the confirming authority in confirming the finding and sentence, and in the case of any commutation or remission of sentence may be made by the authority commuting or remitting the sentence; and

(*b*) a military prisoner or soldier undergoing detention in India or a colony shall not, for longer than is absolutely necessary, be detained in any civil prison other than a prison in respect of which arrangements have been made by the Secretary of State under this Act with the Governor-General of India or the Governor of the colony.

Interim custody of military prisoner or soldier undergoing detention.

65. A military prisoner or soldier undergoing detention may until he reaches the prison or detention barrack in which he is to undergo his sentence, be kept in military custody or in civil custody, or partly in one description of custody and partly in the other, and may, by order of the competent military authority, from time to time be transferred from military custody to civil custody, and from civil custody to military custody as occasion may require.

2ND SCH. —*cont.*

Committal, removal, release, &c., of military prisoner or soldier undergoing detention.

66.—(1) An order of the competent military authority shall be a sufficient warrant for the committal of a military prisoner to prison or a detention barrack, or a soldier under sentence of detention to a detention barrack.

(2) An order of the competent military authority shall be a sufficient authority for the transfer of a military prisoner from prison to a detention barrack, or vice versa, or from one prison or detention barrack to another prison or detention barrack, or for the transfer of a soldier undergoing detention from one detention barrack to another, or for the delivery into military custody of a military prisoner or a soldier undergoing detention.

(3) A military prisoner or a soldier undergoing detention may at any time, if his sentence is remitted, be released by order of the competent military authority.

(4) A military prisoner or a soldier undergoing detention may, during his conveyance from place to place, or when on board ship or otherwise, be subjected to such restraint as is necessary for his safe conduct and removal.

Treatment and classification of prisoners in civil prisons.

67.—(1) A military prisoner while in a civil prison shall be confined, kept to hard labour, and otherwise dealt with in the same manner as an ordinary prisoner under a like sentence of imprisonment.

(2) Where the hospital or place for reception of sick persons in a prison or a detention barrack is detached from the prison or detention barrack, a military prisoner or a soldier undergoing detention may be detained in that hospital or place, and conveyed to or from the same as circumstances require.

(3) Whereas it is expedient that a clear difference should be made between the treatment of prisoners convicted of breaches of discipline and the treatment of prisoners convicted of offences of an immoral, dishonest, shameful, or criminal character, or sentenced to be discharged from the service with ignominy, a Secretary of State shall from time to time make rules for the classification and treatment of such prisoners.

Commencement of Sentence and Interpretation of Provisions as to Punishment.

Commencement of sentence and interpretation of provisions as to punishments.

68.—(1) The term of penal servitude, imprisonment, or detention to which a person subject to military law is sentenced by a court-martial, whether the sentence has been revised or not, and whether the person is already undergoing sentence or not shall (save as otherwise expressly provided in this Act), be reckoned to commence on the day on which the original sentence and proceedings were signed by the president of the court-martial.

2ND SCH. —*cont.*

(2) For the purpose of the provisions of this Act relating to penal servitude, imprisonment and detention unless the context otherwise requires—

(*a*) The expression "military convict" means a person under sentence of penal servitude passed by a court-martial:

(*b*) The expression "military prisoner" means a person under sentence of imprisonment passed by a court-martial:

(*c*) The expression "civil custody" means the custody of the police or other lawful civil authority, authorised to retain in custody civil prisoners, and includes confinement in a civil prison:

(*d*) The expression "military prison" means a building or part of a building set apart as such under this Act and includes (unless the Secretary of State otherwise directs) an air force prison:

(*e*) The expression "detention barrack" means a building or part of a building set apart as such under this Act, and includes (unless the Secretary of State otherwise directs) an air force detention barrack:

(*f*) The expression "civil prison" means any prison in the United Kingdom in which offenders sentenced by a civil court to imprisonment can for the time being be confined, and any prison in India or a colony in which European offenders so sentenced can for the time being be confined:

(*g*) The expression "penal servitude prison" means any prison or place in which a person sentenced to penal servitude by a civil court in the United Kingdom can for the time being be confined, either permanently or temporarily, and any prison or place in India or a colony in which persons sentenced to penal servitude by a civil court in India or the colony can for the time being be confined:

Provided that where there is no such prison or place in a colony the expression "penal servitude prison" shall, as respects that colony, mean a civil prison:

(*h*) The expression "competent military authority" means in relation to persons—

(i) in the United Kingdom, the Army Council, and any prescribed officer;

(ii) in India or a colony any prescribed officer;

(iii) in a foreign country, the officer commanding the force to which the person under sentence belonged at the time of his being sentenced, and any prescribed officer:

2ND SCH. —*cont.*

Provided that different officers may be so prescribed as the competent military authority for different purposes of the said provisions, and provision may be made by rules of procedure as to whether the competent military authority, in relation to any person under sentence, shall be the competent military authority in the place where the sentence was passed or the competent military authority in the place where that person may be.

PART II.

SECTIONS TO BE SUBSTITUTED FOR SS. 131 TO 135 OF THE ARMY ACT.

General Provisions as to Prisons and Detention Barracks.

Duty of governor of prison to receive prisoners, deserters and absentees without leave.

131.—(1) The governor of every prison in the United Kingdom shall receive and confine, until discharged or delivered over in due course of law—

(*a*) all prisoners sent to such prison in pursuance of this Act; and

(*b*) every person delivered into his custody as a deserter or absentee without leave by any person conveying him under legal authority on production of the warrant of a court of summary jurisdiction on which such deserter or absentee without leave has been taken or committed, or of some order from a Secretary of State which order shall continue in force until the deserter or absentee without leave has arrived at his destination.

(2) Every such governor shall also receive into his custody for a period not exceeding seven days any soldier in military custody upon delivery to him of a written order purporting to be signed by the commanding officer of such soldier.

(3) The provisions of this section with respect to the governor of a prison in the United Kingdom shall apply to a person having charge of any police station or other place in which prisoners may legally be confined.

Establishment and regulation of military prisons and detention barracks.

132.—(1) It shall be lawful for a Secretary of State, and in India for the Governor-General, to set apart any building or part of a building under the control of the Secretary of State or Governor-General as a military prison or detention barrack.

(2) It shall be lawful for a Secretary of State, and in India for the Governor-General, from time to time to make, alter, and repeal rules—

(*a*) for the government, management, and regulation of military prisons and detention barracks; and

(*b*) for the appointment and removal and powers of inspectors, visitors, governors, and officers thereof; and

2ND SCH. —*cont.*

(*c*) for the labour of military or other prisoners and soldiers undergoing detention therein, and for enabling such prisoners or soldiers to earn, by special industry and good conduct, a remission of portion of their sentence; and

(*d*) for the safe custody of such prisoners or soldiers and the maintenance of discipline among them, and the punishment by personal correction, restraint or otherwise of offences committed by such prisoners or soldiers:

Provided that—

(i) such rules shall not authorise corporal punishment to be inflicted for any offence, nor render the imprisonment or detention more severe than it is under the law in force for the time being in any public prison in England subject to the Prison Act, 1877; and

40 & 41 Vict. c. 21.

61 & 62 Vict. c. 41.

50 & 51 Vict. c. 71.

(ii) all the regulations made under the Prison Act, 1898, as to the duties of gaolers and medical officers and all regulations contained in the Coroners Act, 1887, as to the duties of coroners with respect to inquests in prisons and detention barracks, shall be contained in such rules, so far as the same can be made applicable.

The Secretary of State and Governor-General shall by rule under this subsection make special provision as to the treatment of military convicts under sentence for an offence committed on active service who, in pursuance of the provisions of this Act, are required to serve part of their sentences in a military prison.

28 & 29 Vict. c. 126.

(3) Rules under this section may apply to military prisons and detention barracks any enactments of the Prison Act, 1865, imposing punishments on any persons not prisoners.

(4) All rules made by a Secretary of State in pursuance of this section shall be laid before Parliament as soon as practicable after they are made.

Provisions as to military prisons and detention barracks on active service.

133. In any country in which operations against the enemy are being conducted, the powers of a Secretary of State under the last foregoing section with respect to military prisons and detention barracks shall be exerciseable by the officer commanding-in-chief in the field, and shall include a power of declaring any place to be a military prison or a detention barrack, and the limitations contained in that section on the power of making rules as to the punishment of prisoners and soldiers undergoing detention and as to the severity of imprisonment and detention shall not apply: Provided that nothing in this section, or in any rules made thereunder, shall authorise flogging or other corporal punishment to be inflicted for any offence.

2ND SCH. —*cont.*

Inquests on deaths in military prisons and detention barracks in India.

134.—(1) On all occasions of death by violence or attended with suspicious circumstances, in any military prison or detention barrack in India, an inquest shall be held to make inquiry into the cause of death.

(2) The commanding officer shall cause notice to be given to the nearest magistrate duly authorised to hold inquests, and such magistrate shall hold an inquest into the cause of any such death, in the manner and with the powers provided in the case of similar inquiries held under the law for the time being in force in India for regulating criminal procedure.

(3) Where there is no such magistrate available, the commanding officer shall convene a court of inquest which shall be convened and shall hold the inquest in such manner as may be prescribed.

Arrangements as to civil prisons in India or colony.

135. A Secretary of State may from time to time make arrangements with the Governor-General of India or the Governor of a colony for the reception in any prison in India or in such colony of prisoners under this Act and of deserters or absentees without leave from His Majesty's service, on payment of such sums as may be provided by the arrangement and the governor of any prison to which any such arrangement relates shall be under the same obligation as the governor of a prison in the United Kingdom to receive and detain such prisoners, deserters and absentees without leave, and the provisions of section one hundred and thirty-one of this Act shall apply accordingly with this modification, that the reference to orders from a Secretary of State shall be construed as including orders from the Governor-General of India or the Governor of the colony as the case may be.

PART III.

PROVISO TO BE INSERTED IN S. 44 OF THE ARMY ACT.

(1B) An offender under this Act shall not be subject to imprisonment or detention for more than two consecutive years, whether under one or more sentences.