STATUTORY INSTRUMENTS

1961 No. 2436

ROYAL AIR FORCE

Board of Inquiry (Air Force) (Amendment) Rules, 1961

Made - - - -	19*th December*, 1961
Laid before Parliament	29*th December*, 1961
Coming into Operation	1*st January*, 1962

The Secretary of State, in exercise of the powers conferred upon him by section 135 of the Air Force Act, 1955(a), as amended by section 26 of the Army and Air Force Act, 1961(b), and of all other powers enabling him in that behalf, hereby makes the following Rules:—

Citation, Interpretation and Commencement

1.—(1) These Rules may be cited as the Board of Inquiry (Air Force) (Amendment) Rules, 1961.

(2) The Interpretation Act, 1889(c), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(3) These Rules shall come into operation on the first day of January, 1962.

Amendment of Principal Rules

2. The Board of Inquiry (Air Force) Rules, 1956(d) shall be amended as follows:—

(1) In Rule 2, in paragraph (2), in the definition of "civilian witness" for the words "to which the Visiting Forces (Application of Law) Order, 1954(e) applies" there shall be substituted a comma and the words "that it to say, any such body, contingent or detachment of the forces of any country as is for the time being a visiting force for the purposes of any of the provisions of the Visiting Forces Act, 1952(f);

(2) For Rule 7 there shall be substituted the following:—

"7. (1) Subject to paragraph (2) of this Rule a board shall consist of a president who shall be an officer not below the rank of flight lieutenant or corresponding rank and be subject to air force law, the Naval Discipline Act, 1957(g), or military law, and not less than two other members, each of whom shall be either an officer, warrant officer, non-commissioned officer or a person of corresponding rank so subject, or a person not so subject who is in the service of the Crown.

(2) The authority shall appoint the president by name, and each remaining member of the board either by name or, in the case of a person subject to air force law, the Naval Discipline Act, 1957, or military law, by detailing a commanding officer to appoint from persons under his command a person of a specified rank".

(a) 3 & 4 Eliz. 2. c. 19. (b) 9 & 10 Eliz. 2. c. 52. (c) 52 & 53 Vict. c. 63.
(d) S.I. 1956/579 (1956 II, p. 2014). (e) S.I. 1954/635 (1954 II, p. 2465).
(f) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67. (g) 5 & 6 Eliz. 2. c. 53.

(3) In Rule 11—

(*a*) In paragraph (1) after the words "witness or other person" where they first appear there shall be inserted a comma and the words "being a witness or other person subject to air force law, the Naval Discipline Act, 1957, or military law,";

(*b*) there shall be added the following paragraph—

"(3) This Rule shall also apply to a witness or other person who, though not subject to air force law, the Naval Discipline Act, 1957, or military law, is in the service of the Crown and may be affected in his character or professional reputation by the findings of the board";

(4) In Rule 13, in paragraph (3)—after the words "reasonably practicable" there shall be inserted the words "without inconvenience or without delaying the proceedings".

Dated this 19th day of December, 1961.

Julian Amery,
One of Her Majesty's Principal Secretaries of State.

EXPLANATORY NOTE

(*This Note is not part of the Rules, but is intended to indicate their general purport.*)

These Rules make the following amendments to the Board of Inquiry (Air Force) Rules, 1956:—

(*a*) certain minor amendments of definitions (Rule 1);

(*b*) amendments concerning the constitution of boards of inquiry (Rule 7) and the persons who may be affected by the findings of a board (Rule 11), consequent upon certain provisions of the Army and Air Force Act, 1961; and

(*c*) an amendment concerning the administration of oaths (Rule 13), consequent upon the provisions of the Oaths Act, 1961.

The references quoted are to provisions of the Board of Inquiry (Air Force) Rules, 1956.