STATUTORY INSTRUMENTS

1961 No. 2009

ARMY

The Certificates of Arrest and Surrender of Deserters and Absentees (Army) (Amendment) Regulations, 1961

Made - - - - 19*th October*, 1961
Coming into Operation 1*st January*, 1962

The Secretary of State for War, in exercise of the powers conferred upon him by section 189 of the Army Act, 1955(a), as modified by section 30 of the Army and Air Force Act, 1961(b), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as "The Certificates of Arrest and Surrender of Deserters and Absentees (Army) (Amendment) Regulations, 1961" and shall come into operation on the first day of January, nineteen hundred and sixty-two.

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

2. The Certificates of Arrest and Surrender of Deserters and Absentees (Army) Regulations, 1956(d), shall have effect as though for Part I of the Schedule thereto there were substituted the Schedule to these Regulations.

Dated this 19th day of October, 1961.

John Profumo.

(a) 3 & 4 Eliz. 2. c. 18.
(b) 9 & 10 Eliz. 2. c. 52.
(c) 52 & 53 Vict. c. 63.
(d) S.I. 1956/657 (1956 I, p. 363).

SCHEDULE

PART I

Certificate in accordance with section 189(1) of the Army Act, 1955

I CERTIFY that on the.....day of....., 19..., there was brought before the.....
(*name and description of court*)
Court at....., (*place*) being a court of summary jurisdiction,

Number.....

Rank.....

Name.....

Unit or corps.....

a member of the regular forces alleged to be an illegal absentee who had

.....
(*insert as appropriate* "been arrested by" *or* "surrendered to")

.....
(*insert the name of the person who effected the arrest or to whom surrender was made*)

at ..... (*place*) at ..... (*time*) on the ..... (*date*) 19...

and that he was dealt with in accordance with the provisions of section 187 of the Army Act, 1955.

Delete this paragraph if no admission made.

The said member of the regular forces admitted that he had been illegally absent from the said unit or corps

at .....
(*place from which he absented himself if known*)

Dated this day of , 19 .

..... (Signature)

..... (Description)
(*As to the persons qualified to sign, see note*)

NOTE

The following persons are authorised to sign under section 30 of the Army and Air Force Act, 1961:—

(1) *in England, Wales and the Isle of Man, a justice of the peace or the clerk of the court;*

(2) *in Scotland, the clerk of the court;*

(3) *in Northern Ireland, a resident magistrate or the clerk of petty sessions for the petty sessions district in which the court sat;*

(4) *in Jersey and Guernsey, a magistrate or a person for the time being authorised to act as a magistrate;*

(5) *in Alderney, the chairman of the Court of Alderney or the person for the time being authorised to act as chairman of that court;*

(6) *in Sark, the Seneschal or the Deputy Seneschal; and*

(7) *in a colony, protectorate or trusteeship territory under the United Nations, a magistrate or the official (by whatever designation known) who exercises in the court functions similar to those exercised in England by the clerk of a court of summary jurisdiction.*

EXPLANATORY NOTE

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

These Regulations amend the Certificates of Arrest and Surrender of Deserters and Absentees (Army) Regulations, 1956, by substituting a new, and shorter, form of certificate which must be handed over with an absentee or deserter from the Army when he is delivered into military custody as a result of proceedings before a court of summary jurisdiction. The new form provides, in conformity with section 30 of the Army and Air Force Act, 1961, for clerks of courts to sign such certificates as well as, in general, justices of the peace.