1968 No. 874

DEFENCE

The Imprisonment and Detention (Air Force) (Amendment) Rules 1968

Made - - - -	*4th June* 1968
Laid before Parliament	*17th June* 1968
Coming into Operation	*24th June* 1968

The Secretary of State, in exercise of the powers conferred upon him by sections 122 and 123 of the Air Force Act 1955(a) and of all other powers enabling him in that behalf, hereby makes the following Rules:—

Citation and Commencement

1. These Rules may be cited as the Imprisonment and Detention (Air Force) (Amendment) Rules 1968, and shall come into operation on 24th June 1968.

Interpretation

2. The Interpretation Act 1889(b) shall apply for the purposes of the interpretation of these Rules as it applies for the purposes of the interpretation of an Act of Parliament.

Amendments

3. The Imprisonment and Detention (Air Force) Rules 1956(c) as amended (d) shall be further amended as follows:—

(1) The following shall be substituted for Rule 14 and the heading to that Rule:—

"*Place in which sentences shall be served*

14. The whole or a part of an air-force sentence of imprisonment which an airman is required to serve in the United Kingdom shall be served in a civil prison."

(2) In Rule 70 a semi-colon shall be substituted for the final full stop and the following shall be added:—

"(*g*) relegation of an airman under sentence who is classified as being in Stage II in an air-force corrective training centre to Stage I."

(3) In Rule 96 a comma shall be substituted for the final full stop and the following shall be added:—

"or, if to return to civil life at the termination of their sentences, be better equipped for such return."

(a) 1955 c. 19. (b) 1889 c. 63.

(c) S.I. 1956/1981 (1956 II, p.2118).

(d) The relevant amending instrument is S.I. 1965/839 (1965 I, p.2334).

(4) The following shall be substituted for Rule 97:—

"97. (1) Subject to the following paragraph of this Rule the commandant of an air-force corrective training centre shall so organise it as to provide:—

(*a*) one wing or section (to be known as a detention wing) for airmen under sentence who have been sentenced to dismissal from Her Majesty's service as well as detention;

(*b*) one wing or section for airmen under sentence in Stage I and Stage II, other than those specified in sub-paragraph (*a*) of paragraph (1) of this Rule, whose characters before they were sentenced for the offences in respect of which they are serving their sentences were good;

(*c*) one wing or section for airmen under sentence in Stage I and Stage II, other than those specified in sub-paragraph (*a*) of paragraph (1) of this Rule, whose characters before they were sentenced for the offences in respect of which they are serving their sentences were bad or poor, or who have previously served a period of imprisonment or detention, or who have been transferred from an air-force prison or detention barracks; and

(*d*) one wing or section for airmen under sentence in Stage III, other than those specified in sub-paragraph (*a*) of paragraph (1) of this Rule.

(2) The commandant of an air-force corrective training centre shall however not be required to organise an air-force corrective training centre in accordance with paragraph (1) of this Rule if, in his opinion, it would not be reasonable to divide it into wings or sections, or where the accommodation provided or the circumstances are such that it would be impracticable so to divide it."

(5) The following shall be substituted for Rule 98:—

"98. Airmen under sentence in an air-force corrective training centre shall be classified as belonging to three stages, which shall be known as Stage I, Stage II and Stage III. Stage I shall be the lowest stage, and airmen under sentence in that stage shall have no privileges. An airmen under sentence in Stage II shall have some privileges, and an airman under sentence in Stage III shall have more privileges than an airman under sentence in Stage II. The commandant shall ensure that all airmen under sentence have as equal opportunity of progressing through the stages."

(6) The following shall be substituted for Rule 99:—

"99. (1) In every air-force corrective training centre, in so far as the accommodation and circumstances permit, the commandant shall segregate some airmen under sentence from other airmen under sentence in accordance with the provisions of paragraphs (3), (4), (5) and (6) of this Rule.

(2) The commandant shall decide, subject to any directions from higher authority, how far it is practicable, having regard to the accommodation and circumstances, to arrange for such segregation.

(3) Subject to paragraphs (1) and (2) of this Rule the commandant of an air-force corrective training centre which is not divided into wings or sections shall segregate from each other airmen under sentence of the following categories:—

(*a*) airmen under sentence who have previously served a period of imprisonment or detention, or who have been transferred from an air-force prison or detention barracks, or borne a bad character;

(*b*) airmen under sentence who have previously borne a poor character;

(*c*) airmen under sentence who have previously borne a good character; and, if possible, within category (*c*) the commandant shall segregate airmen under sentence who have previously borne a good character under 21 years of age from airmen under sentence who have previously borne a good character of 21 years of age and over.

(4) Subject to paragraphs (1) and (2) of this Rule the commandant of an air-force corrective training centre divided into wings or sections shall segregate from each other airmen under sentence in a detention wing of the the following categories:—

(*a*) airmen under sentence who have previously served a period of imprisonment or detention, or who have been transferred from an air-force prison or detention barracks, or have borne a bad character;

(*b*) airmen under sentence who have previously borne a poor character;

(*c*) airmen under sentence who have previously borne a good character; and, if possible, within category (*c*) the commandant shall segregate airmen under sentence who have previously borne a good character under 21 years of age from airmen under sentence who have previously borne a good character of 21 years of age and over.

(5) Subject to paragraphs (1) and (2) of this Rule the commandant of an air-force corrective training centre divided into wings or sections shall segregate airmen under sentence in a wing or section specified in sub-paragraph (*b*) of paragraph (1) of Rule 97 under 21 years of age from airmen under sentence in the same wing or section of 21 years of age and over.

(6) Subject to paragraphs (1) and (2) of this Rule the commandant of an air-force corrective training centre divided into wings or sections shall segregate airmen under sentence in a wing or section specified in sub-paragraph (*c*) of paragraph (1) of Rule 97 who have previously borne a poor character from airmen under sentence who have previously served a period of imprisonment or detention, or have been transferred from an air-force prison or detention barracks, or have borne a bad character."

(7) The following shall be inserted as Rule 99A and as the heading to that Rule:

"*Educational and Vocational Training in a Detention Wing of an Air-Force Corrective Training Centre*

99A. Where the Defence Council or an officer authorised by them lays down a syllabus for the educational and vocational training of airmen under sentence in a detention wing, educational and vocational training shall be carried out in accordance with such syllabus."

(8) In Rule 100 the words "subject to the provisions of Rule 98" shall be inserted after the word "and".

(9) In Rule 102, in paragraph (2) the words "subject to the provisions of paragraph (4) of this Rule" shall be inserted after the word "but" and sub-paragraph (*f*) shall be omitted.

(10) In Rule 102 at the end of paragraph (3) the following shall be added:—

"unless the airman under sentence is in a detention wing"

(11) The following paragraph shall be added at the end of Rule 102:—

"(4) An airman in a detention wing in Stage III of his sentence shall not be allowed the privileges set out in sub-paragraphs (*d*), (*e*) and (*g*) of paragraph (2) of this Rule."

(12) In Rule 103, at the beginning of paragraph (1) the following shall be added:—

"Subject to the provisions of paragraph (3) of this Rule"

(13) The following paragraph shall be added at the end of Rule 103:—

"(3) This Rule shall not apply to an airman under sentence in a detention wing."

(14) In Rule 104, in paragraph (2) the words "Rule 67, paragraph (2) and Rule 70—(which relate" shall be omitted and there shall be substituted therefor the words "Rule 70—(which relates".

(15) In the Second Schedule—

For the figures "14" and "2s 6d" in sub-paragraph (*a*) of paragraph 1 there shall be substituted the figures "11" and "3s 6d" respectively.

For the figure "6s. 0d" in sub-paragraph (*b*) of paragraph 1 there shall be substituted the figure "8s. 9d".

For the figure "4½d" in paragraph 2 there shall be substituted the figure "7d".

For the figure "2s 6d" at each place where it appears in paragraph 4 there shall be substituted the figure "3s 6d".

For the figures "2s 3d" and "4½d" in paragraph 5 there shall be substituted the figures "3s 6d" and "7d" respectively.

For the figure "2s 6d" in paragraph 6 there shall be substituted the figure "3s 6d".

For the figure "2s 6d" in paragraph 7 there shall be substituted the figure "3s 6d".

Dated 4th June 1968.

Denis Healey,
One of Her Majesty's Principal Secretaries of State.

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules further amend the Imprisonment and Detention (Air Force) Rules 1956. The principal amendments are as follows:—

(*a*) Provision is made that the whole or a part of an air-force sentence of imprisonment which is to be served in the United Kingdom shall be served in a civil prison;

(*b*) The earnings scheme applicable to air-force establishments designated by the Secretary of State as establishments where productive work is done is amended in certain respects;

(*c*) The punishments which may be awarded by an officer in charge are extended to include downgrading from Stage II to Stage I;

(*d*) The Rules dealing with the organisation of air-force corrective training centres are amended in certain respects—in particular to make provision for a detention wing and the training of airmen under sentence in a detention wing;

(*e*) The restriction which prevents a Station Commander from delegating his powers of punishment in relation to offenders under sentence in service detention rooms is removed.

STATUTORY INSTRUMENTS

1968 No. 875

AGRICULTURE

HILL LANDS

The Hill Cattle (Breeding Herds) (England and Wales) Scheme 1968

Made - - - -	30*th May* 1968
Laid before Parliament	13*th June* 1968
Coming into Operation	14*th June* 1968

The Minister of Agriculture, Fisheries and Food, in pursuance of sections 13, 14 and 15 of the Hill Farming Act 1946(a), as extended by section 43 of the Agriculture Act 1967(b), and all his other enabling powers, with the approval of the Treasury, hereby makes the following scheme:—

Citation, commencement and extent

1. This scheme, which may be cited as the Hill Cattle (Breeding Herds) (England and Wales) Scheme 1968, shall come into operation on 14th June 1968 and shall apply to England and Wales.

Interpretation

3.—(1) In this scheme, unless the context otherwise requires—

"the Act" means the Hill Farming Act 1946, as amended by any other enactment;

"breeding cow" means a female bovine animal which has borne a calf;

"county district" has the meaning assigned to it in section 305 of the Local Government Act 1933(c);

"hill land" has the meaning assigned to it in paragraph 6 of this scheme;

"in-calf heifer" means a female bovine animal which is in-calf for the first time at 1st January next preceding the qualifying day and which calves before the qualifying day;

"the Minister" means the Minister of Agriculture, Fisheries and Food;

"qualifying day" means 4th June (or, if the Minister so appoints, such other date in June) in any year in respect of which a subsidy payment falls to be made.

(2) The Interpretation Act 1889(d) shall apply to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament.

Subsidy payments

4.—(1) Subject to the provisions of this scheme, the Minister may, in respect of the year 1968 and each of the four next succeeding years, make subsidy

(a) 1946 c. 73. For change of title of the Minister, see S.I. 1955/554 (1955 I, p. 1200).
(b) 1967 c. 22. (c) 1933 c. 51. (d) 1889 c. 63.

payments in respect of cattle grazed on hill land (being cattle of a description to which this scheme applies) to the person who is the occupier of the land at the beginning of the qualifying day or to one of the persons referred to in sub-paragraphs (2) and (3) below.

(2) Where at the beginning of the qualifying day the occupier of any land is grazing cattle on common land used with it, any payment in respect of those cattle may be made to him.

(3) In any other case where at the beginning of the qualifying day cattle are being grazed on land subject to customary grazing rights, any payment in respect of those cattle may be made, at the Minister's discretion, either to their owner at that time or to the person then responsible for their care and management.

Description of cattle

5.—(1) Subject to the provisions of the next succeeding sub-paragraph, this scheme shall apply to breeding cows and in-calf heifers of such type and quality as may from time to time be approved by the Minister forming part of a regular breeding herd, that is to say, a herd of cows and in-calf heifers maintained throughout their normal breeding life for the purpose of breeding store cattle.

(2) This scheme shall not apply to cows kept solely for domestic milk supply.

Hill land

6.—(1) In this scheme "hill land" means—

(*a*) land in those parts of England and Wales specified in Part I of the Schedule to this scheme which is—

(i) land situated in an area consisting predominantly of mountains, hills or heath, or

(ii) land situated outside such an area in the county districts and parish specified in column 2 of Part II of the said Schedule, shown opposite the counties and county borough in which such districts and parish are respectively situated specified in column 1 of the said Part II,

being in either case land which is, or by improvement could be made, suitable for use for the breeding, rearing and maintenance of sheep or cattle but not, in the opinion of the Minister, for the carrying on, to any material extent, of dairy farming, the production, to any material extent, of fat sheep or fat cattle or the production of crops in quantity materially greater than that necessary to feed the number of sheep or cattle capable of being maintained on the land;

(*b*) in relation to the years 1968 and 1969, land (not being hill land as mentioned in sub-paragraph (1)(*a*) above) which at any time within the period of twelve months immediately preceding the qualifying day in that year was accepted by the Minister as having satisfied the conditions of the said sub-paragraph (1)(*a*).

(2) Where at any time after this scheme has come into operation land is hill land as defined in sub-paragraph (1)(*a*) above, the effect of any subsequent improvement to that land shall thereafter be disregarded in determining for the purpose of this scheme whether it is hill land as so defined.

Subsidy payments (supplementary provisions)

7.—(1) Subject to sub-paragraphs (2) and (3) of this paragraph a subsidy payment shall be of such amount as shall be prescribed by an order made by the Minister in accordance with the provisions of section 14(3) of the Act.

(2) Except in special circumstances where the Minister, with the consent of the Treasury, otherwise directs, subsidy payments shall not be made under this scheme in respect of hill cattle grazed on hill land as mentioned in paragraph 6(*a*)(ii) of this scheme unless the land in respect of which subsidy payments are claimed was, for the purposes of the Hill Cattle (Breeding Herds) (England and Wales) Scheme 1953(**a**), as extended (**b**), accepted by the Minister in respect of the year 1962, as being livestock rearing land as defined in section 1(3) of the Livestock Rearing Act 1951(**c**).

(3) Subsidy payments shall not be made under this scheme in respect of hill cattle grazed on hill land as mentioned in paragraph 6(1)(*b*) of this scheme unless the Minister is satisfied, having regard to the applicant's livestock rearing commitments entered into before the beginning of the year in respect of which subsidy payments fall to be made, that to withhold subsidy payments would involve hardship.

Number of cows, etc. qualifying for subsidy payments

8.—(1) Subject to the provisions of this paragraph the number of cattle for which subsidy payments may be made to any person in respect of any year shall be—

(*a*) the number of breeding cows and in-calf heifers in the breeding herd on 1st January next preceding the qualifying day, or in the case of a newly established or re-established herd such other day, if any, as the Minister may appoint, or

(*b*) the number of breeding cows in the herd on the qualifying day, whichever of these numbers is the less.

(2) Any temporary reduction in numbers due to the death or disposal of cattle shall be disregarded for the purposes of sub-paragraph (1)(*a*) above if the cattle are replaced by other breeding cows or in-calf heifers as soon as appears to the Minister to be reasonably practicable.

Reduction of numbers for milk production

9. If in any year, in the opinion of the Minister, an appreciable quantity of milk is produced by a herd, and is sold or used for the making on the farm of cheese for sale, the number of cattle in respect of which subsidy payments may be made under the preceding provisions of this scheme shall be reduced by the number of cows reasonably capable, in the opinion of the Minister, of producing that quantity of milk.

Limitation of eligible numbers

10.—(1) In any herd, the number of cattle in respect of which subsidy payments may be made in respect of any year under the preceding provisions of this scheme shall not exceed any of the following numbers:—

(*a*) where the number of calves born to cows in the herd is unusually low for a herd of that size, such number of breeding cows as the Minister

(**a**) S.I. 1953/1179 (1953 I, p. 42). (**b**) S.I. 1957/691 (1957 I, p. 128).
(**c**) 1951 c.18.

considers to be a reasonable proportion of the herd on the qualifying day, having regard to the number of calves so produced; or

(*b*) one cow for each five acres of hill land available for the maintenance of the herd; or

(*c*) the number of cows which in the opinion of the Minister may properly be kept on that hill land without overgrazing it.

(2) For the purposes of this paragraph the acreage of any hill land grazed by more than one herd may be apportioned by the Minister between the herds as he thinks reasonable.

(3) Where the result of a calculation under sub-paragraph (1)(*b*) above includes a fraction, it shall be rounded off to the nearest whole number, a half counting as one.

Management

11.—(1) It shall be a condition of the making of subsidy payments under this scheme that, subject to the provisions of the scheme, cattle to the number in respect of which subsidy payments may be made—

(*a*) have been maintained throughout the period of the year before the qualifying day on hill land or on land used together with such hill land for their breeding, rearing and maintenance and other activities carried on in connection therewith, and, except—

(i) in the case of cattle grazed on hill land as mentioned in paragraph 6(1)(*b*) of this scheme, or

(ii) where after the qualifying day there is a change of occupation (whether by death or otherwise) of any hill land in respect of which an application for subsidy payments is made,

are to be so maintained for the remainder of the year; and

(*b*) are grazed on the hill land at appropriate seasons in accordance with sound farming practice of the district in which the land is situated.

(2) Where by reason of exceptional circumstances it is impracticable to comply with the aforesaid condition so far as it requires the maintenance of the cattle throughout the year on hill land or on other land used together therewith, the Minister, if, in his opinion, having regard to all the circumstances including the length of the period for which the cattle have been or are to be so maintained on such land, it is right so to do, may relax the requirement to such extent as he may determine.

(3) For the purposes of this paragraph any temporary reduction in numbers due to the death or disposal of breeding cattle may be disregarded, where the Minister considers it appropriate, if they are replaced as soon as appears to him to be reasonably practicable.

(4) Where after the qualifying day there is a reduction in the numbers of cattle in the herd which are maintained or grazed in accordance with this paragraph, any consequent reduction in the number of cattle qualifying for subsidy payments in the year to which the application relates, instead of being made in respect of that year, may be made in respect of any of the next three following years.

Application for subsidy payment

12. It shall be a condition of the making of a subsidy payment under this scheme that any person who desires to be paid in accordance with the provisions of the scheme—

(*a*) shall apply in writing in such form and at such time as the Minister may from time to time require;

(*b*) shall to the best of his ability facilitate any counting or inspection of the cattle which the Minister may consider necessary and shall, if so requested, gather them at some convenient place for the purpose.

Subsidy payments to persons entitled to claim otherwise than by virtue of an assignment

13. A subsidy payment in respect of a breeding cow grazed on any land on a qualifying day may be made to any person who, if such payment had been a debt which, at the beginning of that day, accrued due to the person to whom payment might otherwise have been made under paragraph 4 of this scheme, would have been entitled to claim the payment otherwise than by virtue of an assignment.

Reduction for non-participation in improvement to common land

14. Where the Minister has in accordance with section 12 of the Act done work for making improvements for the benefit of any land which is subject to rights of common of pasture, then if the Minister, after giving any person enjoying rights of common over the land an opportunity to make representations, is satisfied that the person has benefited from the work although he did not agree to bear a part of its cost, subsidy payments which would otherwise have been payable to him under the foregoing provisions of this scheme shall be witheld equal in value to such amount as the Minister determines should have been his share of half that cost, having regard to the benefit to him from the work, after crediting him with any contribution towards that cost which he has nevertheless made.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed 29th May 1968.

(L.S.)

Cledwyn Hughes,
Minister of Agriculture, Fisheries and Food.

We approve

30th May 1968.

Harry Gourlay,
Joseph Harper,

Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

PART I

The administrative counties of Chester, Cornwall, Cumberland, Derby, Devon, Durham, Hereford, Lancaster, Monmouth, Northumberland, Salop, Somerset, Stafford, Westmorland, York (North Riding), York (West Riding).

Any county borough which is surrounded in whole or in part by any of the above-mentioned administrative counties.

Wales, excluding Anglesey.

PART II

Administrative Counties (and County Borough) Column 1	County Districts (and Parish) Column 2
England	
Chester	The rural district of Congleton
Derby	The urban district of Matlock
Devon	The rural districts of Bideford, Holsworthy, Okehampton and Tavistock
Durham	The rural districts of Barnard Castle and Lanchester, and the urban district of Stanley
Lancaster	The rural district of Lancaster
Northumberland	The rural districts of Castle Ward, Hexham and Morpeth
Stafford	The rural district of Uttoxeter
Wales and Monmouthshire	
Caernarvon	The rural districts of Gwyrfai, Lleyn and Nant Conway
	The urban districts of Criccieth, Llandudno and Portmadoc
	The municipal borough of Conway
Cardigan	The rural districts of Aberaeron, Aberystwyth, Teifiside and Tregaron
	The municipal borough of Lampeter
Carmarthen	The rural districts of Carmarthen, Llandeilo, Llanelly and Newcastle Emlyn
	The urban district of Cwmamman
Denbigh	The rural districts of Aled and Hiraethog
	The municipal borough of Colwyn Bay
Glamorgan	The rural district of Penybont
Merioneth	The rural districts of Deudraeth and Dolgellau
	The urban districts of Barmouth and Ffestiniog
Monmouth	The rural districts of Chepstow, Magor and St. Mellons, Monmouth and Pontypool
	The municipal borough of Monmouth
Pembroke	The rural districts of Cemaes, Haverfordwest and Narberth
County Borough of Swansea	The parish of Swansea

EXPLANATORY NOTE

(This Note is not part of the scheme).

This scheme, made by the Minister of Agriculture, Fisheries and Food, with the approval of the Treasury, under sections 13 to 15 of the Hill Farming Act 1946 (as extended by section 43 of the Agriculture Act 1967), specifies, in respect of the years 1968 to 1972, the conditions subject to which subsidy payments may be paid in respect of "hill cattle" grazed on "hill land"—as these terms are respectively defined in the scheme.

Apart from some redrafting, the principal changes between this scheme and the Hill Cattle (Breeding Herds) (England and Wales) Scheme 1964 (S.I. 1964/735), which governed payment until 1967, are as follows:—

(*a*) any temporary reduction in numbers during the year (except on the qualifying day) may be disregarded if the animals are promptly replaced;

(*b*) payments may be reduced if insufficient calves are born in the herd;

(*c*) when calculating stocking ratios the Minister is given express power to apportion acreages grazed in common with other herds;

(*d*) the obligation to spend part of the subsidy on improvements to the land is deleted;

(*e*) eligible land is not disqualified by subsequent improvement.

The amount of subsidy payment per animal for each year to which the scheme relates is separately prescribed by order made under section 14(3) of the 1946 Act.