STATUTORY INSTRUMENTS

1976 No. 2165

DEFENCE

The Imprisonment and Detention (Air Force) (Amendment) Rules 1976

Made - - -	15th December 1976
Laid before Parliament	30th December 1976
Coming into Operation	31st January 1977

The Secretary of State, in exercise of the powers conferred upon him by sections 119, 122, 123, 124, 126, 127 and 129 of the Air Force Act 1955(**a**), and section 52 of the Courts-Martial (Appeals) Act 1968(**b**) and of all other powers enabling him in that behalf, hereby makes the following Rules:

Citation, Commencement and Interpretation

1.—(1) These Rules may be cited as the Imprisonment and Detention (Air Force) (Amendment) Rules 1976 and shall come into operation on 31st January 1977

(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) In these Rules "the Principal Rules" means the Imprisonment and Detention (Air Force) Rules 1956(**d**), as amended (**e**).

Amendments to the Principal Rules

2.—(1) In Rule 2(2) of the Principal Rules in interpretation of the expression "the Act" there shall be added after "Air Force Act 1955" the words "as amended from time to time" and for references to section 209 of the Act wherever they appear in the Principal Rules there shall be substituted references to sections 208A or 209 thereof.

(2) Rule 22(3) of the Principal Rules shall be deleted.

(3) Rule 41(4)(*b*) of the Principal Rules shall be deleted.

(4) In Rule 46(2) of the Principal Rules the words "(other than an airman undergoing restricted diet as a punishment)" shall be deleted.

(5) In Rule 47 of the Principal Rules:

(*a*) in paragraph (7) the words "or on restricted diet as a punishment" shall be deleted;

(**a**) 1955 c. 19 (**b**) 1968 c. 20 (**c**) 1889 c. 63

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

(**e**) The relevant amending instruments are S.I. 1965/839, 1968/874 (1965 I, p. 2334; 1968 II, p. 2306)

(*b*) there shall be added at the end, the following paragraphs:

"(8) An airman under sentence who is a non-smoker shall be issued with sweets and chocolates of an equivalent value to the issue of cigarettes, as laid down in the ration scales or other instructions issued from time to time by the Defence Council, and the first day of issue shall be the day after the admission of the airman to the air-force establishment.

(9) Forfeiture of sweets or chocolates may not be ordered as a punishment, but sweets and chocolates may be withheld on the advice of a medical officer during any period of sickness, and airmen under sentence who are in close confinement shall not be entitled to an issue of, or to have in their possession, sweets or chocolates."

(6) in Rule 48 of the Principal Rules:—

(*a*) for paragraph (1) there shall be substituted:—

"(1) An airman under sentence in Stage I shall be allowed to write two letters every week during his sentence in an air-force establishment";

(*b*) in paragraph (2) after the words at the end "airman under sentence" there shall be added "in Stage I. These items shall not be issued free of expense to the airman under sentence in any other Stage in an air-force establishment."

(7) In Rule 50 of the Principal Rules for the words "airmen under sentence" there shall be substituted "persons to whom this Rule applies" and "airman" and "an airman under sentence" shall be amended accordingly and there shall be added at the end, the following paragraph:

"(5) This Rule applies to

(*a*) airmen under sentence in an air-force establishment;

(*b*) persons detained in safe custody in an air-force establishment pursuant to Rule 27 of these Rules;

Provided that in relation to a person to whom this Rule applies by virtue of sub-paragraph (*b*) above:

(i) no letter, or any part of a letter, written by or addressed to such a person shall be withheld without reference to higher authority;

(ii) any confidential communication between such a person and his legal adviser shall be exempt from censorship unless the commandant has reason to believe it contains matter unrelated to the case in respect of which the person is detained in safe custody."

(8) In Rule 57 of the Principal Rules:

(*a*) for the words "airman under sentence" there shall be substituted "person on whom an air-force sentence of imprisonment or detention has been passed";

(*b*) there shall be inserted after the word "conviction", in both places, "(or, where applicable, sentence)";

(*c*) in the proviso there shall be inserted after the words "a police station" the words "or, in the case of a person on whom an air-force sentence of detention has been passed, in a naval, military or air-force prison,"

(9) The following Rules of the Principal Rules shall be deleted:

Rules 69(2)(*b*) and (*c*), 69(4), 70(*a*), 71(3)(*b*) and (*c*), 73, 74, 75 and 76.

(10) In Rule 101 of the Principal Rules there shall be added at the end the following paragraph:

"(3) The following privileges or concessions which are available to other airmen under sentence shall not apply to an airman in Stage II of his sentence in an air-force corrective training centre, namely free postage, free cigarettes or sweets and chocolates, or the free issue of toilet requirements, cleaning and writing materials."

(11) In Rule 102 of the Principal Rules:—

(*a*) in sub paragraph (2)(*g*) there shall be deleted all words from "Excep for one letter each week" to the end of that sub-paragraph;

(*b*) for paragraph (3) there shall be substituted:—

"(3) The following privileges or concessions which are available tc other airmen under sentence shall not apply to an airman in Stage II of his sentence in an air-force corrective training centre, namely free postage, free cigarettes or sweets and chocolates, or the free issue o toilet requirements, cleansing and writing material."

(12) For Rule 103(3) of the Principal Rules there shall be substituted:—

"(3) An airman under sentence in a detention wing may be granted parole twice during the last month of his sentence."

(13) In Rule 104(3) of the Principal Rules for the words "Rules 69, paragrapl (2), sub-paragraphs (*b*), (*c*), (*d*) and (*g*) and Rules 73 to 76 inclusive" there shal be substituted the words "Rule 69, paragraph (2), sub-paragraphs (*d*) and (*g*)".

(14) In the Second Schedule of the Principal Rules at paragraph 3 thereof al the words following the word "included" shall be deleted, and a full stop shall be substituted for the comma.

Dated 15th December 1976.

Fred Mulley,
One of Her Majesty's Principa 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 mainly by removing from them any provision for restricted diet to be awarded as a punishment, by the introduction of an issue of sweets and chocolates to airmen who are non-smokers, by increasing the number of letters that an airman in Stage I of his sentence at an air-force establishment may write from one to two a week, by removing from them any entitlement for an airman in Stage II or III of his sentence to receive free issues of cigarettes, sweets or chocolates, toilet requirements, cleaning and writing materials now that he receives a special rate of pay to cover their purchase, and by a qualified extension of the censorship rules to other persons in air-force custody.

The Rules are also amended to reflect changes made by the Armed Forces Act 1971 (c. 33) (affecting the application of the Rules to civilians and relating to their right of appeal to the Courts-Martial Appeal Court against sentence as well as against conviction) and to provide that an airman under sentence in a detention wing of an air-force establishment may be granted parole twice during the last month of his sentence.

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