STATUTORY INSTRUMENTS

# 1983 No. 1854

## DEFENCE

## The Imprisonment and Detention (Air Force) (Amendment) Rules 1983

| | |
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| *Made* - - - - | *6th December* 1983 |
| *Laid before Parliament* | *15th December* 1983 |
| *Coming into Operation* | *1st February* 1984 |

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 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 1983, and shall come into operation on 1st February 1984.

*Amendment of principal regulations*

**2.** The Imprisonment and Detention (Air Force) Rules 1980 (**b**) shall be amended—

*(a)* in Rule 2 by the insertion, after the definition of "court-martial" of the following definition—

"custodial order" means a custodial order referred to in—

(i) section 71AA of and Schedule 5A to the Army Act 1955;

(ii) section 71AA of and Schedule 5A to the Air Force Act 1955;

(iii) section 43AA of and Schedule 4A to the Naval Discipline Act 1957;";

*(b)* in Rule 13(b) by the deletion of the word "outside" and the substitution of the word "in";

*(c)* in Rule 18 by the addition of the following new paragraph—

"(3) A woman in respect of whom a custodial order has been made shall, pending reception into an appropriate institution, be detained in service detention rooms set apart for members of the women's forces.";

*(d)* in Rule 22—

(i) by the deletion of the words "section 125 of" and by the substitution therefor of the words "sections 71AA and 125 of and schedule 5A to";

(ii) by the deletion of the words "passed" wherever they appear and by the substitution therefor of the words "passed, or in respect of whom a custodial order has been made";

(**a**) 1955 c.19.
(**b**) S.I. 1980/2005.

*(e)* in Rule 23—

(i) by the deletion of the words "section 125 of" and by the substitution therefor of the words "sections 71AA and 125 of and schedule 5A to";

(ii) by the insertion, after the words "imprisonment or detention" of the words ", or in respect of whom a custodial order has been made,";

*(f)* in Rule 24 by the insertion, after the words "imprisonment or detention" of the words ", or in respect of whom a custodial order has been made,";

*(g)* by the deletion of Rule 25 and by the substitution therefor of the following new Rule—

"**25.**—(1) A person under air-force sentence of imprisonment, detention or detention under a custodial order, may be released from an air-force establishment for the purposes of medical examination, observation, or treatment, for such period and under such conditions as the commandant, acting on the advice of the medical officer, may lay down.

(2) A person under air-force sentence of imprisonment, detention or detention under a custodial order may be released from an air-force establishment in accordance with any provision of these Rules under which an airman may be removed from any place, establishment, or form of custody, to any other place, establishment, or form of custody.";

*(h)* in Rule 26(2)(d) by the insertion after the word "child" or the words "or, being a pregnant woman, has requested facilities to enable her to marry";

*(i)* in Rule 68(4) by the deletion of the words "may not be withheld" and by the substitution therefor of the words ", to his Member of the European Parliament, or to the European Commission of Human Rights, may not be delayed";

*(j)* in Rule 75 by the deletion of the words "A person on whom an air-force sentence of imprisonment or detention has been passed in an air-force establishment or an overseas establishment:—" and by the substitution therefor of the words "A person on whom an air-force sentence of imprisonment or detention has been passed and which is to be served in an air-force establishment or an overseas establishment, or who is temporarily detained in such an establishment whilst awaiting reception into a specified institution in pursuance of a custodial order:—";

*(k)* in Rule 80(2) by the deletion of the words "imprisonment or detention" wherever they appear and the substitution of the words "imprisonment, detention or temporarily detained pending reception in a specified institution in pursuance of a custodial order";

*(l)* in Rule 81(a) by the insertion after the words "was passed" of the words ", or in respect of whom a custodial order was made,";

*(m)* in Rule 98(3)(d) by the deletion of the words "an Independent Board" and by the substitution therefor of the words "the Independent Board";

*(n)* in Rule 109(1) by the deletion of the words "imprisonment or detention" wherever they appear and the substitution therefor of the words "imprisonment, detention or detention under a custodial order";

*(o)* in Schedule 1—

(i) in Part I thereof—

A. by the deletion of Forms 2, 3, 5, 6, 7, 8, 9 and 10 and by the substitution of the Forms set out in Part I of the Schedule hereto;

B. by the addition of the new Forms set out in Part II of the Schedule hereto;

(ii) by the deletion of Part II thereof and by the substitution of the new Part II set out in Part III of the Schedule hereto;

(iii) by the deletion of Part III thereof and by the substitution of the new Part III set out in Part IV of the Schedule hereto.

*(p)* in Schedule 3 by the insertion in Part I of the form therein prescribed, after the words "imprisonment/detention" of the words "/detention under a custodial order".

*Michael Heseltine,*
One of Her Majesty's Principal
Secretaries of State.

Dated this 6th day of December 1983.

Rule 2(*O*)

## SCHEDULE

### PART I

### "FORM 2

*Order for the committal of a person sentenced to imprisonment or detention by a court-martial to a civil prison, an overseas establishment or an air-force, naval or military establishment*

to the governor, commandant or other person in charge of .....
..... (a)
Whereas (b) .....
.....
was by a ..... (c) court-martial held at .....
..... convicted of the offence(s) of:
.....
.....
..... (d)
and by a sentence passed on the ..... day of .....19.....
sentenced to [imprisonment/detention for a term of .....
..... (f) commencing on the said day, which sentence has been duly confirmed in accordance with the provisions of the Air Force Act 1955 .....
.....(e)] (f);

(g) { And whereas on the ..... day of .....19..... the said sentence was suspended under section 120 of the Air Force Act 1955, [after a period of ..... years and ..... days of the sentence had been undergone] (h) and the suspension of the sentence was determined under the said section 120 on the ..... day of ..... 19....., by an order committing the said person to imprisonment/detention [and it was ordered that the sentence should run concurrently/consecutively with a sentence of ..... passed on the ..... day of ..... 19.....](i);

Now therefore, in pursuance of the Air Force Act 1955, and of all other powers enabling me, I hereby order you to receive the said person into your custody and to retain him/her to undergo his/her sentence according to law and for so doing this shall be your warrant.

Signed at ..... this .....day of .....19.....
(Signature) ..... (j)
Rank and Appointment .....

(a) Insert the name and address of the prison or other establishment. A person sentenced to detention must not be committed to a prison.

(b) Insert the name, number, rank and unit where the person concerned is a serviceman or servicewoman and the name, address and profession if the person is a civilian.

(c) Insert 'General', 'District' or 'Field General' as the case may be.

(d) Here set out the statement (not the particulars) of the offence and the relevant sections of the Air Force Act 1955. If there is more than one offence, the statement of each one must be set out.

(e) If any part of the sentence has been remitted on confirmation insert here "with a remission of .....".

(f) Where the original sentence was death and has been commuted to imprisonment or detention, for the words in brackets substitute the words "to suffer death which sentence has been duly confirmed in accordance with the provisions of the Air Force Act 1955 but has been commuted into imprisonment/detention for a term of .....

....." where the original sentence was imprisonment and it has been commuted to one of detention substitute the words "to imprisonment for a term of ....., which sentence has been duly confirmed in accordance with the provisions of the Air Force Act 1955 but has been commuted into a sentence of detention for .....".

(g) Delete this recital if the sentence has not been suspended.

(h) Delete the words in the brackets where the person has not been committed prior to the suspension of the sentence. Where the person has been committed and the sentence was subsequently suspended insert here the period of imprisonment or detention already served before the date of the suspension.

(i) Delete the words in the brackets where not applicable. A separate committal order is required for each sentence.

(j) The Commital form must be signed personally by the commanding officer of the person named in it, any officer under whose command he is for the time being serving, or by an administrative staff officer not below the rank of wing commander or corresponding rank (this does not include retired officers employed by the Civil Service).

## FORM 3

*Order for the committal of a person sentenced to imprisonment or detention by a court-martial/Standing Civilian Court held outside the United Kingdom where all or part of the sentence is to be served in a civil prison, or an air-force, naval or military establishment in the United Kingdom, or an establishment overseas*

(g) Whereas (a) .....
.....
was by a ..... (b) court martial/Standing Civilian Court held at .....
convicted of the offence(s) of:
.....
.....
..... (e)
and by a sentence passed on the .....day of .....
19...., sentenced [to $\frac{\text{imprisonment}}{\text{detention}}$ (d) for a term of .....
commencing on the said day, which sentence when one imposed by a court-martial has been duly confirmed in accordance with the provisions of the Air Force Act 1955 .....
.....(e)] (f);

(j) And whereas on the ..... day of .....19....
the said sentence was suspended under section 120 of the Air Force Act 1955, [after a period of ..... years and .....
days of the sentence had been undergone] (h) and the suspension of the sentence was determined under the said section 120 of the Air Force Act 1955 on the .....day of .....19...., by an order committing the said person to $\frac{\text{imprisonment}}{\text{detention}}$ (d) [and it was ordered that the sentence should run $\frac{\text{concurrently}}{\text{consecutively}}$ (d) with a sentence of .....
..... passed on the .....day of .....19....] (i);

And whereas the $\frac{\text{confirming officer}}{\text{reviewing authority}}$ (d) has [under section 127 of the Air Force Act 1955 directed that the said person shall not be removed to the United Kingdom until he has served ..... years and ..... days of his sentence] (d) [under the Imprisonment and Detention (Air Force) Rules 1980 directed that the said person shall

serve ..... years and .....days of his sentence in the United Kingdom] (d) [under the Imprisonment and Detention (Air Force) Rules 1980 directed that the said person shall serve the whole of his sentence outside the United Kingdom] (k);

(j) Now, therefore, in pursuance of the Air Force Act 1955, and of all other powers me enabling, I do hereby order the Governor, Commandant or other person in charge of .....(l) to receive the said person into his custody and to retain him/her to undergo [ ..... ..... years and .....days of] (d) his/her sentence according to law and for so doing this shall be sufficient warrant;

[And I do further order that the said person shall after completion of the said part of his/her sentence, or at such earlier date as may be ordered, be transferred to the United Kingdom to undergo the remainder of his/her sentence according to law in such civil prison or air-force naval or military establishment as may be appointed on his/her arrival in the United Kingdom;] (m)

(n) And whereas in accordance with the provisions of section 127 of the Air Force Act 1955 the said person is required to be removed to the United Kingdom as soon as practicable after confirmation of the sentence;

(o) And whereas the $\frac{\text{confirming officer}}{\text{reviewing authority}}$ (d) has, under the Imprisonment and Detention (Air Force) Rules 1980 directed that the sentence shall be served in the United Kingdom;

(p) Now, therefore, in pursuance of the Air Force Act 1955, and of all other powers me enabling, I do hereby order that the said person shall be transferred to the United Kingdom in air-force custody to undergo his/her sentence according to law in such civil prison or air-force, naval or military establishment as may be appointed on his/her arrival in the United Kingdom;

(m) And I do further order that the Governor, Commandant or other person in charge of any civil prison or air-force, naval or military establishment to which the said person may be brought in the United Kingdom, shall receive him/her into his custody and retain him/her to undergo his/her sentence according to law and for so doing this shall be sufficient warrant;

And I do further order that the said person shall be conveyed in air-force custody and detained in air-force or civil custody so far as appears necessary or proper for effecting of his/her transfer to the said civil prison or air-force, naval or military establishment in the United Kingdom.

Signed at ..... this .....day of .....19.....
(Signature) ..... (q)
Rank and Appointment .....

*In the case of a committal to any intermediate prison or air-force, naval or military establishment being necessary*

For the purpose of carrying the above order into effect and in pursuance of the Air Force Act 1955, and of all other powers me enabling, I do hereby order the Governor, Commandant or other person in charge of ..... .....(r) at .....(r) to receive the above named person into his custody and to detain him/her until he/she can be transferred in pursuance of the above order and to produce him/her when required for the purpose of transfer and for so doing this shall be sufficient warrant.

Signed at ..... this .....day of .....19.....
(Signature) ..... (q)
Rank and Appointment .....

*Order on arrival in the United Kingdom*

In pursuance of the Air Force Act 1955, and of all other powers me enabling, I do hereby order the above-named person to be transferred to .....
.....(s) at .....(s) to undergo [the remainder of] (t) his/her sentence according to law;

And I do further order the Governor, Commandant or other person in charge of the said ..... to receive the said person into his custody and to retain him/her accordingly and for so doing this shall be sufficient warrant.

Signed at ..... this .....day of .....19....
(Signature) ..... (q)
Rank and Appointment .....

(a) Insert the name, number, rank and unit where the person concerned is a serviceman or servicewoman and the name, address and profession if the person is a civilian.

(b) Insert 'General', 'District' or 'Field General' as the case may be. Where the sentence was passed by a court-martial delete the words "Standing Civilian Court". Where the sentence was passed by a Standing Civilian Court delete the words "court-martial".

(c) Here set out the statement (not the particulars) of the offence. If there is more than one offence the statement of each one must be set out.

(d) Delete if not applicable.

(e) If any part of the sentence has been remitted on confirmation insert "with a remission .....".

(f) Where the original sentence was death and has been commuted to imprisonment or detention, for the words in brackets substitute the words "to suffer death, which sentence has been duly confirmed in accordance with the provisions of the Air Force Act 1955 but has been commuted into imprisonment/detention for a term of .....". Where the original sentence was imprisonment and it has been commuted to one of detention substitute the words "to imprisonment for a term of ....., which sentence has been duly confirmed in accordance with the provisions of the Air Force Act 1955 but has been commuted into a sentence of detention for .....".

(g) Delete this recital if the sentence has not been suspended.

(h) Delete the words in brackets where the person had not been committed prior to the suspension of the sentence. If he has been committed and the sentence was subsequently suspended, insert the period if imprisonment or detention undergone from the date of the sentence to the date of suspension.

(i) Delete the words in the brackets if not applicable. A separate committal order is required for each sentence.

(j) These paragraphs must only be used where the whole or part of the sentence is to be served overseas before returning to the United Kingdom. Delete if not applicable.

(k) The words in the brackets are only to be used when an order has been made under Rule 20 of the Imprisonment and Detention (Air Force) Rules 1980 for the whole of the sentence to be served outside the United Kingdom. Delete if not applicable.

(l) Insert the name and location of the prison or other establishment where the whole or part of the sentence is to be served overseas.

(m) The words in the brackets are to be deleted only where an order has been made for the whole sentence to be served outside the United Kingdom. These words will, therefore, only be deleted when note (k) applies.

(n) This paragraph must be used where the sentence exceeds twelve months and no direction has been given for any part of it to be served outside the United Kingdom. Delete if not applicable.

(o) This paragraph must be used where the sentence does not exceed twelve months but a direction has been given under the Imprisonment and Detention (Air Force) Rules 1980 that it shall be wholly served in the United Kingdom. Delete if not applicable.

(p) This paragraph must be used in conjunction with one or other of the two preceding paragraphs ((n) or (o)) where the whole sentence is to be served in the United Kingdom. Delete if not applicable.

(q) This form must be signed personally by the commanding officer of the person named in it, any officer in or under whose command he/she is for the time being serving, or by an administrative staff officer not below the rank of wing commander or corresponding rank (this does not include retired officers employed by the Civil Service).

(r) Insert here the name and location of the prison or other establishment where the person concerned is to be detained temporarily while awaiting transfer to the united Kingdom.

(s) Insert here the name and location of the prison or other establishment where the person concerned is to serve his/her sentence in the United Kingdom when he/she arrives there.

(t) Delete the words in the brackets when the whole of the sentence is to be served in the United Kingdom.

## FORM 5

*Order for the transfer of a person undergoing an air-force sentence of imprisonment, detention or detention under a custodial order from one prison or other establishment to another*

To the [Governor] (a) Commandant or other person in charge of .....
..... (b)

Whereas (c) .....
..... is now in your

custody undergoing an air-force sentence of $\frac{\text{imprisonment}}{\text{detention}}$ / $\frac{\text{detention under}}{\text{a custodial order}}$ (d);

Now, therefore, in pursuance of the Air Force Act 1955, and of all other powers me enabling, I hereby order you to deliver up the said person to the officer, warrant officer or non-commissioned officer producing this Order;

And I do further order that the said person shall be transferred in air-force custody to ..... (e) [and that the Governor, Commandant or other person in charge thereof shall receive him/her into his custody and retain him/her to undergo his/her sentence according to law] (a) and for so doing this shall be sufficient warrant;

And I do further order that the said person shall be conveyed in air-force custody and detained in air-force [or civil custody] (a) so far as appears necessary or proper for effecting his/her transfer.

Signed at ..... this ..... day of ..... 19....
(Signature) ..... (f)
Rank and Appointment .....

(a) Delete in the case of detention under a custodial order.

(b) Insert the name and address of the prison or other establishment where the person concerned is undergoing sentence.

(c) Insert the name, number, rank and unit where the person concerned is a serviceman or servicewoman and the name, address and profession if the person is a civilian.

(d) Delete as applicable.

(e) Insert the name and address of the prison or other establishment to which the person concerned is to be transferred.

(f) This form must be signed personally by the commanding officer of the person named in it, any officer in or under whose command he is for the time being serving, or by an administrative staff officer not below the rank of wing commander or corresponding rank (this does not include retired officers employed by the Civil Service).

## FORM 6

*Order for the temporary removal in custody of a person undergoing an air-force sentence of imprisonment, detention or detention under a custodial order*

To the [Governor,] (a) Commandant or other person in charge of .....
..... (b)

Whereas (c) .....
..... who is now in your

custody undergoing an air-force sentence of $\frac{\text{imprisonment}}{\text{detention}}$ / $\frac{\text{detention under}}{\text{a custodial order}}$ (d)

is required to be present at ..... (e)
on .....(f), for the purpose of .....
..... (g);

Now, therefore, in pursuance of the Air Force Act 1955, and of all other powers me enabling, I hereby order you to deliver the said person to the officer, warrant officer or non-commissioned officer producing this Order;

And I do further order that the said officer, warrant officer or non-commissioned officer and all other officers, warrant officers or non-commissioned officers into whose custody the said person may be delivered to keep him/her in air-force custody and bring him/her to .....
.....(e) on ..... (f)
for the said purpose and thereafter, unless he/she is released in due course of law, to return him/her to .....(b) or such other establishment as may be appointed by proper air-force authority and for so doing this shall be sufficient warrant.

Signed at ..... this .....day of .....19.....
(Signature) ..... (h)
Rank and Appointment .....

*If the establishment to which the person is to be returned is altered*

In pursuance of the Air Force Act 1955, and of all other powers me enabling, I hereby order that the above-named person shall be returned in air-force custody to .....(i) [there to undergo the remainder of his/her sentence according to law] (a);

And I do further order the [Governor,] (a) Commandant or other person in charge of the said .....(i) to receive him/her into his custody and to retain him/her accordingly and for so doing this shall be sufficient warrant.

Signed at ..... this .....day of .....19.....
(Signature) ..... (j)
Rank and Appointment .....

(a) Delete in the case of detention under a custodial order.

(b) Insert the name and address of the prison or other establishment where the person concerned is undergoing sentence.

(c) Insert the name, number, rank and unit where the person concerned is a serviceman or servicewoman and the name, address and profession if the person is a civilian.

(d) Delete as applicable.

(e) Insert the place where the person concerned is required to attend.

(f) Insert the date or dates on which the attendance is required.

(g) Insert here the purpose for which the attendance of the person concerned is required, eg "to give evidence before a board of inquiry to ..... ....." or "to be present at the hearing by the Courts-Martial Appeal Court of his/her appeal" or as the case may require.

(h) This form must be signed personally by the commanding officer of the person named in it, any officer in or under whose command he is for the time being serving, or by an administrative staff officer not below the rank of wing commander or corresponding rank (this does not include retired officers employed by the Civil Service). This form must not be used by the Governor, Commandant or other person in charge of the prison or establishment where the person concerned is serving his/her sentence.

(i) Insert here the name and address of the prison or other establishment to which the person concerned is to be sent.

(j) This part of the form must be signed personally by the commanding officer of the person named in it, any officer in or under whose command he is for the time being serving, or by an administrative staff officer not below the rank of wing commander or corresponding rank (this does not include retired officers employed by the Civil Service).

## FORM 7

*Order for the temporary removal in custody of a person undergoing an air-force sentence of imprisonment, detention or detention under a custodial order. (Form for the use of the Governor, Commandant or other person in charge of a prison or other establishment where the person concerned is serving his/her sentence)*

To .....

Whereas (a) ..... is now in my custody undergoing a sentence of $\frac{\text{imprisonment}}{\text{detention}}$ / detention under a custodial order (b) and is required to be present at ..... (d) on ..... (c) for the purpose of ..... (c);

Now, therefore, in pursuance of the Air Force Act 1955, and of all other powers me enabling, I hereby order you and every other officer, warrant officer and non-commissioned officer into whose custody the said person may be delivered to keep him/her in air-force custody and to bring him/her to ..... (c) on ..... (d) for the said purpose and thereafter, unless he/she is released in due course of law, to return him/her to my custody or to such other establishment as may be appointed by proper air-force authority and for so doing this shall be sufficient warrant.

Signed at ..... this ..... day of .....19....
(Signature) ..... (f)
Rank and Appointment .....

*If the establishment to which the person concerned is to be returned is altered*

In pursuance of the Air Force Act 1955, and of all other powers me enabling, I hereby order that the above-named person shall be returned to air-force custody to ..... (g)
there to undergo the remainder of his/her sentence according to law;

And I do further order the [Governor,] Commandant or other person in charge of the said ..... (g)
to receive the said person into his custody and to retain him/her accordingly and for so doing this shall be sufficient warrant.

Signed at ..... this .....day of .....19....
(Signature) ..... (h)
Rank and Appointment .....

(a) Insert the name, number, rank and unit where the person concerned is a serviceman or servicewoman and the name, address and profession if the person is a civilian.

(b) Delete as applicable.

(c) Insert the place where the person concerned is required to attend.

(d) Insert the date or dates on which the attendance is required.

(e) Insert the purpose for which the attendance of the person concerned is required, eg "to give evidence at a board of inquiry into ..... ....." or "to be present at the hearing by the Courts-Martial Appeal Court of his/her appeal", or as the case may require.

(f) This part of the form is for use only by the Governor, Commandant or other person in charge of the establishment where the person concerned is undergoing sentence. It must be signed by the Governor, Commandant or other person in charge of the establishment or his deputy, or the commanding officer of the person concerned.

(g) Insert here the name and location of the prison or establishment to which the person concerned is to be sent. A person detained under a custodial order is not to be sent to a prison.

(h) This part of the form must be signed personally by the commanding officer of the person named in it, any officer in or under whose command he is for the time being serving, or by an administrative staff officer not below the rank of wing commander or corresponding rank (this does not include retired officers employed by the Civil Service).

## FORM 8

*Order for the temporary committal to air-force or civil custody of a person under an air-force sentence of imprisonment, detention or detention under a custodial order*

To .....
..... (a)
Whereas (b) .....
..... is a person in air-force custody in pursuance of an air-force sentence of $\frac{\text{imprisonment}}{\text{detention}}$ / detention under a custodial order (c);

Now, therefore, in pursuance of section 129(2) of the Air Force Act 1955, and of all other powers me enabling, I hereby order you to keep the said person in custody for a period not exceeding seven days unless the said person is earlier discharged or delivered over in due course of law and for so doing this shall be your warrant.

Signed at ..... this .....day of .....19....
(Signature) ..... (d)
Rank and Appointment .....

(a) Insert: "The Governor, H.M. Prison .....",
"The Superintendent ..... Prison",
"The Officer in Charge of .....
Police Station",
"The Commandant ....." (for air-force establishments),
or as the case may require.

(b) Insert the name, number, rank and unit where the person concerned is a serviceman or servicewoman and the name, address and profession if the person is a civilian.

(c) Delete as applicable.

(d) This form must be signed personally by the commanding officer of the person named in it.

## FORM 9

*Order for the return to air-force custody of a person under an air-force sentence of imprisonment, detention or detention under a custodial order who is temporarily detained in civil custody*

To .....
..... (a)
Whereas (b) .....
.....
is now in your custody in pursuance of section 129(2) of the Air Force Act 1955;

Now, therefore, in pursuance of the said Act, and of all other powers me enabling, I hereby order you to deliver the said person into air-force custody to

the officer / warrant officer / non-commissioned officer (c)

producing this Order.

Signed at ..... this .....day of .....19....
(Signature) ..... (d)
Rank and Appointment .....

(a) Insert: "The Governor, H.M. Prison", "The Superintendent .....
.....Prison", "The Officer in Charge .....
.....Police Station",
or as the case may require.

(b) Insert the name, number, rank and unit where the person concerned is a serviceman or servicewoman and the name, address and profession if the person is a civilian.

(c) Delete as applicable.

(d) This form must be signed personally by the commanding officer of the person named in it.

FORM 10

*Order for the committal of a person ordered to undergo imprisonment or detention under section* 57(2) *of the Air Force Act* 1955 *for contempt of a court-martial*

To the Governor, Commandant or other person in charge of .....
..... (a)

Whereas a ..... (b) court-martial for the trial of ..... (c) of which I am the President was on this day sitting at ..... (d);

And whereas the said court-martial did find (e) .....
.....
guilty of contravening the provisions of paragraph ..... (f) of section 57(1) of the Air Force Act 1955.

And whereas the said court-martial did order the said person to $\frac{\text{be imprisoned}}{\text{undergo detention}}$ (g) for a period of ..... days;

Now, therefore, in pursuance of section 57(2) of the Air Force Act 1955, and of all powers them enabling, the court hereby order you to receive the said person into your custody to undergo $\frac{\text{imprisonment}}{\text{detention}}$(g) accordingly and for so doing this shall be your warrant.

Signed at ..... this .....day of .....19....
(Signature) ..... (h)
Rank and Appointment .....

(a) Insert the name and address of the prison or other establishment.

(b) Insert 'General', 'District' or 'Field General' as the case may be.

(c) Insert the rank (if any) and name of the person(s) being tried.

(d) Insert the place where the court-martial was sitting.

(e) Insert the name, number, rank and unit where the person concerned is a serviceman or servicewoman and the name, address and profession if the person is a civilian.

(f) Insert the paragraph of section 57(1) under which the person was convicted.

(g) Delete as applicable.

(h) This form must be signed by the President of the court-martial."

PART II

"FORM 11

*Order for the committal of a person sentenced to detention under a custodial order by a court-martial/Standing Civilian Court to an air-force, naval or military establishment in the United Kingdom, or an establishment overseas, for the period before such person is received into an appropriate institution*

Whereas (a) .....
.....
was by a ..... (b) court-martial/
Standing Civilian Court held at .....
convicted of the offence(s) of: .....
.....
.....
..... (c)
and by a sentence passed on the ..... day of
.....19...., sentenced to detention under a custodial order for a
period of .....

.....commencing on the said day [which sentence being one imposed by a court-martial has been duly confirmed in accordance with the provisions of the Air Force Act 1955 ..... .....(d)] (e);

Now, therefore, in pursuance of the Air Force Act 1955, and of all other powers me enabling, I do hereby order the Commandant or other person in charge of ..... (f) .....(g) to receive the said person into his custody and to retain him/her pending transfer to an appropriate institution in accordance with the directions of the Secretary of State or the sooner completion of the term of his sentence.

And whereas in accordance with the provisions of the Air Force Act 1955 the said person is required to be removed to the United Kingdom as soon as practicable after confirmation of the sentence;

Now, therefore, in pursuance of the Air Force Act 1955, and of all other powers me enabling, I do hereby order that the said person shall be transferred to the United Kingdom in air-force custody and be detained in such custody pending transfer to an appropriate institution in accordance with the direction of the Secretary of State.

And I do further order that the Commandant or other person in charge of any air-force, naval or military establishment to which the said person may be (h) brought in the United Kingdom, shall receive him/her into his custody and retain him/her to undergo his/her sentence pending transfer to an appropriate institution in accordance with the direction of the Secretary of State.

And I do further order that the said person shall be conveyed in air-force custody and detained in air-force custody so far as appears necessary or proper for effecting of his/her transfer to the said air-force, naval or military establishment in the United Kingdom.

Signed at ..... this .....day of .....19....
(Signature) ..... (j)
Rank and Appointment .....

(a) Insert the name, number, rank and unit where the person concerned is a serviceman or servicewoman and the name, address and profession if the person is a civilian.

(b) Insert 'General', 'District' or 'Field General' as the case may be. Where the sentence was passed by a court-martial delete the words "Standing Civilian Court". Where the sentence was passed by a Standing Civilian Court delete the words "court-martial".

(c) Here set out the statement (not the particulars) of the offence. If there is more than one offence the statement of each one must be set out.

(d) If any part of the sentence has been remitted on confirmation insert "with a remission .....".

(e) Delete if not applicable.

(f) This paragraph must only be used where the person is to be detained in air-force custody in the United Kingdom.

(g) Insert the name and address of the establishment.

(h) These paragraphs must be used where the person is sentenced overseas.

(i) Delete if not applicable.

(j) This form must be signed personally by the commanding officer of the person named in it, any officer in or under whose command he/she is for the time being serving, or by an administrative staff officer not below the rank of wing commander or corresponding rank (this does not include retired officers employed by the Civil Service).

## FORM 12

*Particulars of a custodial order under section* 71AA *of the Air Force Act* 1955

1. .....(a) of Royal Air Force Station .....(b) (hereinafter called the offender) who was born on .....(c) appeared before a Court-Martial held at .....(d) and as confirmed by me he/she (e) was on .....(f) found guilty of an offence punishable under the Air Force Act 1955 with imprisonment, namely .....(g)
2. The sentence of the said Court-Martial, as confirmed by me, is that the offender be committed to such appropriate institution as the Secretary of State may direct for a period of .....(h) with effect from .....(i)

DATED this day of 19 .

Signature .....
Rank .....
Appointment .....
Confirming Officer

(a) Insert the offender's number rank and name in full.
(b) Insert the name of the offender's unit at the date of trial.
(c) Insert the offender's date of birth.
(d) Insert the name of the unit or other place at which the court sat.
(e) Delete as necessary.
(f) Insert the date on which the court found the offender guilty.
(g) State brief details of the offence(s).
(h) Insert the maximum period of the custodial order.
(i) Insert the date on which the court sentenced the offender."

PART III

"PART II

## FORM 13

Rule 24

*Order for the release of a person undergoing an air-force sentence of imprisonment, detention or detention under a custodial order*

To the Governor, Commandant or other person in charge of .....
.....(a)

Whereas (b) .....
.....is now in your custody undergoing a sentence of imprisonment / detention / detention under a custodial order (c)

passed by court-martial / awarded by his/her commanding officer (c); / passed by Standing Civilian Court

Now, therefore, in pursuance of the Air Force Act 1955, and of all other powers me enabling, I do hereby order you to release the said person from custody.

Signed at ..... this .....day of .....19....
(Signature) ..... (d)
Rank and Appointment .....

(a) Insert the name and address of the prison or other establishment.

(b) Insert the name, number, rank and unit where the person concerned is a serviceman or servicewoman and the name, address and profession if the person is a civilian.

(c) Delete as applicable.

(d) This form must be signed by the reviewing or reconsidering authority or an officer authorised to do so by the Defence Council. In the case of an airman serving a sentence of detention awarded by his commanding officer it may be signed only by his commanding officer."

PART IV

"PART III

FORM 14

Rule 27

*Order for the reception in an Air Force, Naval or Military establishment under the provisions of Rule* 27 *of the Imprisonment and Detention (Air Force) Rules* 1980 *of a person subject to Air Force law or subject to Part II of the Act by virtue of section* 208A *or* 209 *of the Act*

To .....
.....
.....

(a)

Whereas (b) .....
.....
is a person (subject to air force law) (subject to Part II of the Air Force Act 1955 by virtue of s.208A or s.209 thereof) and (who has been remanded for trial by court-martial) (in whose case steps have been taken by higher authority in relation to a charge with a view to it being tried by Standing Civilian Court) (who has been tried and is awaiting promulgation of the finding and sentence of a court-martial) (who is awaiting investigation and disposal of a charge against him); Now, therefore, in pursuance of Rule 27 of the Imprisonment and Detention (Air Force) Rules 1980, and of all other powers me enabling, I hereby order you to detain the said person in safe custody (in a naval establishment) (in a military establishment) until the said person is discharged or delivered over in due course of law, and for so doing this shall be your warrant.

Signed at ..... this .....day of .....19....
Signature ..... (b)
Rank and Appointment .....

Notes:

(a) Insert "The Commandant .....", "The Officer Commanding ....." or as the case may require.

(b) Insert the name, number, rank and unit where the person concerned is a serviceman and the name, address and profession if the person is a civilian.

## FORM 15

*Order for the delivery over of a person subject to Air Force law or subject to Part II of the Act by virtue of section 208A or 209 of the Act who is detained in an Air Force, Naval or Military establishment under the provisions of Rule 27 of the Imprisonment and Detention (Air Force) Rules* 1980

To .....(a)
.....
.....

Whereas (b) .....
.....
is now in your custody under the provision of Rule 27 of the Imprisonment and Detention (Air Force) Rules 1980, Now, therefore, in pursuance of the said Rules and of all other powers me enabling, I hereby order you to deliver over the said person in/into Air Force custody to the officer / warrant officer / non-commissioned officer (c) producing this Order.

Signed at ..... this .....day of .....19....
(Signature) ..... (d)
Rank and Appointment .....

Notes:

(a) Insert "The Commandant .....", "The Officer Commanding ....." or as the case may require.

(b) Insert the name, number, rank and unit where the person concerned is a serviceman and the name, address and profession if the person is a civilian.

(c) Delete as necessary.

(d) This form must be signed by the commanding officer of the person concerned."

## EXPLANATORY NOTE

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

The Armed Forces Act 1981 (c.55) (as amended by the Criminal Justice Act 1982 (c.48)) amended the Air Force Act 1955 so as to enable imprisonment and detention rules to be made in regard to persons detained under a custodial order. The principal object of these Rules is to amend the Imprisonment and Detention (Air Force Rules) 1980 so that they apply in the case of persons detained under a custodial order.

The only other amendment of substance is an amendment to the existing Rule 68(4) which provides that a letter written to a Member of Parliament may not ordinarily be withheld. In future this provision will provide that a letter written to a Member of Parliament, to a Member of the European Parliament or to the European Commission of Human Rights may not ordinarily be delayed. In addition, the Rules contain a number of amendments to the principal Rules of formal or clarificatory nature.

SI 1983/1854
ISBN 0-11-037854-7

