1961 No. 2395

ARMY

The Imprisonment and Detention (Army) (Amendment) Rules, 1961

Made - - - -	13*th December*, 1961
Laid before Parliament	21*st December*, 1961
Coming into Operation	1*st January*, 1962

The Secretary of State for War, in exercise of the powers conferred upon him by section 122 of the Army Act, 1955(a) and of all other powers him enabling, hereby makes the following Rules:—

Citation and Commencement

1. These rules may be cited as the Imprisonment and Detention (Army) (Amendment) Rules, 1961, and shall come into operation on the 1st day of January, 1962.

Interpretation

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

Amendment of Imprisonment and Detention (Army) Rules, 1956

3. The Imprisonment and Detention (Army) Rules, 1956(c), shall be amended as follows:—

(1) In Rule 93—

in paragraph (1)—

for the words "The provisions of sections 39 to 42 inclusive of the Prison Act, 1952," there shall be substituted the words "The provisions of section 39, as amended by section 41 of and the Fourth Schedule to the Criminal Justice Act, 1961(d), and of sections 40 to 42 inclusive of the Prison Act, 1952, and of subsection (2) of section 22 of the Criminal Justice Act, 1961,"; and

the following words shall be inserted at the end of the paragraph—

"and in the said subsection (2) of section 22 of the Criminal Justice Act, 1961, for the words from "or other institution" to "or detention" there shall be substituted the words "or who, being a person under military sentence of imprisonment or detention,".

In the said enactments as so applied the expressions "military establishment" and "military sentence of imprisonment or detention" shall have the same meanings as they have in the Army Act, 1955"

in paragraph (2)—

for the words "Sections 39 to 42 of the Prison Act, 1952," there shall be substituted the words "Sections 39 (amended as above stated) to 42 inclusive of the Prison Act, 1952, and subsection (2) of section 22 of the Criminal Justice Act, 1961,".

(a) 3 & 4 Eliz. 2. c. 18. (b) 52 & 53 Vict. c. 63. (c) S.I. 1956/1914 (1956 I, p. 310).
(d) 9 & 10 Eliz. 2. c. 39.

(2) In the Third Schedule—

in section 39 as set out in the Schedule, for the words "two years" there shall be substituted the words "five years";

and the following shall be inserted as an additional heading and paragraph at the end of the Schedule:—

"*Subsection* (2) *of section* 22 *of the Criminal Justice Act,* 1961, *as modified to apply in relation to military establishments and persons under sentence therein by virtue of subsection* (3) *of section* 122 *of the Army Act,* 1955, *and subsection* (3) *of the said section* 22

Harbouring escaped persons

22.—(2) If any person knowingly harbours a person who has escaped from a military establishment or who, being a person under military sentence of imprisonment or detention is otherwise unlawfully at large, or gives to any such person any assistance with intent to prevent, hinder or interfere with his being taken into custody, he shall be liable—

(*a*) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds, or to both;

(*b*) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both."

John Profumo.

Dated this 13th day of December, 1961.

EXPLANATORY NOTE

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

These Rules amend the Imprisonment and Detention (Army) Rules, 1956, firstly to take account of the increased penalty for offences under section 39 of the Prison Act, 1952 (which relates to assisting prisoners to escape and is applied by the said Rules pursuant to section 122 of the Army Act, 1955) provided for by section 22 (1) of the Criminal Justice Act, 1961; and secondly to apply with the necessary modifications the provisions of section 22 (2) of that Act, which relates to the harbouring of escaped persons.