STATUTORY INSTRUMENTS

1974 No. 702

DEFENCE

The Imprisonment and Detention (Army) (Amendment) Rules 1974

Made - - - -	10*th April* 1974
Laid before Parliament	23*rd April* 1974
Coming into Operation	14*th May* 1974

The Secretary of State, in exercise of the powers conferred upon him by sections 119, 122, 123, 124, 126, 127 and 129 of the Army 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 (Army) (Amendment) Rules 1974 and shall come into operation on 14th May 1974.

(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 (Army) Rules 1956**(d)**, as amended **(e)**.

Amendments to the Principal Rules

2.—(1) In Rule 2(2) of the Principal Rules, in the interpretation of the expression "the Act" there shall be added after "Army Act 1955" the words "as amended from time to time" and for references to section 209 of that 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) In Rule 47 of the Principal Rules there shall be added at the end the following paragraphs:

"(8) A soldier 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 soldier to the military establishment.

(a) 1955 c. 18.
(b) 1968 c. 20.
(c) 1889 c. 63.
(d) S.I. 1956/1914 (1956 I, p. 310).
(e) The relevant amending Instrument is S.I. 1962/2387 (1962 III, p. 3291).

(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 soldiers under sentence who are in close confinement or on restricted diet as a punishment shall not be entitled to an issue of, or to have in their possession, sweets or chocolates."

(4) In Rule 50 of the Principal Rules for the words "soldiers under sentence" there shall be substituted "persons to whom this Rule applies" and "soldier" and "a soldier under sentence" shall be amended accordingly and there shall be added at the end the following paragraph:

"(5) This Rule applies to

(*a*) soldiers under sentence in a military establishment;

(*b*) persons detained in safe custody in a military 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."

(5) In Rule 57 of the Principal Rules—

(*a*) for the words "soldier under sentence" there shall be substituted "person on whom a military 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 a military sentence of detention has been passed, in a military, naval or air-force prison,".

(6) In Rule 63(2)(*a*) of the Principal Rules, specifying the authorities or persons to be notified by the commandant on an escape of a person serving a military sentence of imprisonment or detention, there shall be inserted after (ii) the following:

"(iii) The Central Criminal Record and Intelligence Office RMP (CCRIO);" and the remaining persons and authorities shall be renumbered accordingly.

Dated this 10th day of April 1974.

Roy Mason,

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 (Army) Rules 1956 mainly by the introduction of an issue of sweets and chocolates to prisoners who are non-smokers and by a qualified extension of the censorship rules to other persons in military custody. Amendments are included 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 changes in the command structure within the United Kingdom.

SI 1974/702
ISBN 0-11-040702-4

