STATUTORY INSTRUMENTS

1977 No. 90

DEFENCE

The Imprisonment and Detention (Army) (Amendment) Rules 1977

Made - - - -	19*th January* 1977
Laid before Parliament	4*th February* 1977
Coming into Operation	1*st March* 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 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 1977 and shall come into operation on 1st March 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 (Army) Rules 1956(**d**), as amended (**e**).

Amendment of the Principal Rules

2.—(1) In the heading of Part X of the Principal Rules for the words "VISITING OFFICERS" there shall be added at the end the words "AND INDEPENDENT BOARD OF VISITORS".

(2) After Rule 110 of the Principal Rules there shall be inserted the following Rules: —

"*Appointment of Independent Board of Visitors*

110A. Each military establishment (other than unit detention rooms) shall be visited in accordance with the following provisions of this Part by an Independent Board of Visitors appointed under Rule 110B below (in this Part called "an Independent Board").

Appointment and composition of Independent Boards

110B.—(1) The Secretary of State shall appoint such number of Independent Boards as from time to time he considers necessary, having regard to the number of military establishments to be visited; and he shall specify each military establishment to which any such appointment relates, so however that a military establishment shall be visited by only one Independent Board.

(**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 Instruments are S.I 1962/2387, 1967/1527, 1975/1086 (1962 III, p. 3291; 1967 III, p. 4246;1975 II, p. 3771).

(2) An Independent Board shall be composed of seven members, one of whom shall be a magistrate.

(3) The Secretary of State shall appoint the members of an Independent Board.

(4) Four members shall form a quorum.

General duties, etc., of an Independent Board

110C.—(1) An Independent Board shall, with regard to each military establishment to which their appointment relates: —

(a) inspect the military establishment, in accordance with Rule 110D below, on at least two occasions a year;

(b) inquire, whether in the course of inspection under sub-paragraph (a) above or not, into any matter into which the Secretary of State directs them to inquire or into any alleged abuses or shortcomings of which they may have notice;

and they shall report the results of each such inspection or inquiry to the Secretary of State in the following manner, namely, where the military establishment is in the United Kingdom, through the General Officer Commanding the Division or District in which it is situated, or where it is overseas, through the Commander in Chief of the Command in which it is situated.

(2) An Independent Board shall record each visit by them to a military establishment in the journal kept by the establishment for that purpose, and may note in the journal any observations they wish to make.

Duties, etc., of an Independent Board on inspection

110D.—(1) On inspection an Independent Board shall satisfy themselves about the state of the premises of the military establishment, the administration of the establishment, and the treatment of the soldiers under sentence.

(2) In particular, but without affecting the generality of paragraph (1) above, an Independent Board shall on inspection—

(a) see all soldiers under sentence, and hear (in private, if the Board think fit) any complaints or requests which any such soldier may wish to make to them;

(b) inspect the food prepared and provided for soldiers under sentence;

(c) inspect such of the Army forms and books maintained in connection with these Rules as they think fit.

(3) An Independent Board shall, if they consider it necessary, report to the Secretary of State, in the manner specified in paragraph (1) of Rule 110C above, upon any complaint or request made to them under paragraph (2)(a) above or with regard to any food which they have inspected under paragraph (2)(b) above and found to be unsatisfactory.

(4) Where an Independent Board make a report about food under paragraph (3) above, the commandant of the military establishment to which the report relates shall take immediate steps to provide satisfactory food.".

3. In Rule 29(3) of the Principal Rules, for the words "A Board of Visitors" there shall be substituted the words "A Visiting Disciplinary Board".

4. In Rule 37(h) of the Principal Rules, for the words "the commandant and visiting officers" there shall be substituted the words "the commandant and visiting officers and an Independent Board of Visitors".

5. In Rule 43(2) of the Principal Rules, for the words "a Board of Visitors", there shall be substituted the words "a Visiting Disciplinary Board".

6. In Rule 59 of the Principal Rules—

(a) In paragraph (1) of that Rule, after the words "a visiting officer" there shall be inserted the words "or an Independent Board of Visitors" and after the word "him" there shall be inserted the words "or them";

(b) In paragraph (5) of that Rule, at the end there shall be added the words "or to an Independent Board of Visitors who shall deal with any such complaint as provided in Rule 110D";

(c) In paragraph (8) of that Rule for the words "and a visiting officer" there shall be substituted the words ", visiting officer and Independent Board of Visitors".

7. In Rule 71 of the Principal Rules, in the heading to that Rule and wherever else they occur, for the words "Board of Visitors" there shall be substituted the words "Visiting Disciplinary Board".

8. In Rule 84(2) of the Principal Rules, for the words "Visiting Officer", wherever appearing, there shall be substituted the words "Visiting Officer or Independent Board of Visitors".

9. In Rule 104 of the Principal Rules:—

In paragraph (2) of that Rule—

(a) for the words "Boards of Visitors" there shall be substituted the words "Visiting Disciplinary Boards";

(b) after the words "(which relate to Visiting Officers);" there shall be inserted "Rules 110A to 110D inclusive—(which relate to Independent Boards of Visitors);".

Dated this 19th day of January 1977.

Fred Mulley,
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 by making provision for the appointment of Independent Boards of Visitors. By Rule 2 of these amending Rules, after Rule 110 of the Principal Rules there are inserted Rules 110A to 110D. Rule 110A provides that every military establishment (as defined in section 143(1) of the Army Act 1955) other than unit detention rooms, shall be visited by such a Board. Rule 110B provides for the appointment by the Secretary of State of such Boards and of the seven members of which each is to be comprised. Rules 110C and 110D provide for the duties of the Board on their inspection of a military establishment, and as to their reporting the results of the inspection to the Secretary of State. These duties of inspection include a requirement for the Board to see all soldiers under sentence and to hear any complaints by them, to inspect the food provided for soldiers under sentence, and to inspect such of the Army forms and books maintained by the establishment as they think fit. Rules 3–9 of these amending Rules make consequential amendments to the Principal Rules. These include the need to rename the Board of Visitors in Rule 29(3) as a Visiting Disciplinary Board.

SI 1977/90
ISBN 0-11-070090-2

