STATUTORY INSTRUMENTS

1983 No. 1853

DEFENCE

The Imprisonment and Detention (Army) (Amendment) Rules 1983

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 Army 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 (Army) (Amendment) Rules 1983, and shall come into operation on 1st February 1984.

Amendment of principal regulations

2. The Imprisonment and Detention (Army) Rules 1979 (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 1975;";

(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 from 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.18.
(b) S.I. 1979/1456, as amended by S.I. 1980/723.

(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 military sentence of imprisonment, detention or detention under a custodial order, may be released from a military 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 military sentence of imprisonment, detention or detention under a custodial order may be released from a military establishment in accordance with any provision of these Rules under which a soldier 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" in the words "or, being a pregnant woman, has requested facilities to enable her to marry";

(i) in Rule 27(1) by the deletion of the word "same" and by the substitution therefor of the word "safe";

(j) in Rule 41(2)(g) by the deletion of the words "cigarettes, tobacco or sweets" and by the substitution therefor of the words "cigarettes or tobacco";

(k) 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";

(l) in Rule 75—

(i) by the deletion of the words "A person on whom a military sentence of imprisonment or detention has been passed in a military establishment or an overseas establishment:—" and by the substitution therefor of the words "A person on whom a military sentence of imprisonment or detention has been passed and which is to be served in a military 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:—";

(ii) by the deletion of the words "for purposes of" and by the substitution therefor of the words "for the purposes of";

(m) in Rule 80(2)—

(i) by the deletion of the words "chief of Police" wherever they appear and by the substitution therefor of the words "Chief Officer of Police";

(ii) 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";

(n) 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,";

(o) in Rule 86(2)(f) by the deletion of the word "admonishment" and by the substitution therefor of the word "admonition";

(p) in Rule 95(5) by the deletion of "(3)" and the substitution therefor of "(4)";

(q) 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";

(r) 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";

(s) 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 Form 12 set out in Part I of the Schedule hereto;]

[B] [C] by the addition of the new Form [12] [13] 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;

(t) 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(*s*)

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 a military, naval or air-force 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 Army Act 1955 .....
.....(e)] (f);

(g) And whereas on the ..... day of .....19..... the said sentence was suspended under section 120 of the Army 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.....](h);

Now therefore, in pursuance of the Army Act 1955, and of all other powers me enabling, 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 Army 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 Army 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 Army 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 lieutenant-colonel 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 a military, naval or air-force establishment in the United Kingdom, or an establishment overseas

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 $\frac{\text{imprisonment}}{\text{detention}}$ (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 Army Act 1955 .....
.....(e)] (f);

(g) And whereas on the ..... day of .....19.... the said sentence was suspended under section 120 of the Army 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 Army 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);

(j) And whereas the $\frac{\text{confirming officer}}{\text{reviewing authority}}$ (d) has [under section 127 of the Army 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 (Army) Rules 1979 directed that the said person shall serve

(j) ..... years and .....days of his sentence in the United Kingdom] (d) [under the Imprisonment and Detention (Army) Rules 1979 directed that the said person shall serve the whole of his sentence outside the United Kingdom] (h);

Now, therefore, in pursuance of the Army 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 military, naval or air-force 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 Army 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 (Army) Rules 1979 directed that the sentence shall be served in the United Kingdom;

(p) Now, therefore, in pursuance of the Army 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 military custody to undergo his/her sentence according to law in such civil prison or military, naval or air-force 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 military, naval or air-force 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 military custody and detained in military or civil custody so far as appears necessary or proper for effecting of his/her transfer to the said civil prison or military, naval or air-force 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 military, naval or air-force establishment being necessary

For the purpose of carrying the above order into effect and in pursuance of the Army 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 Army 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 Army 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 Army 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 of 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 (Army) Rules 1979 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 (Army) Rules 1979 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 lieutentant-colonel 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 a military 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 a military sentence of $\frac{\text{imprisonment}}{\text{detention}}$ / detention under a custodial order (d);

Now, therefore, in pursuance of the Army 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 military custody to ..... (e) and that the [Governor,](a) 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 military custody and detained in military [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 lieutenant-colonel 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 a military 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 a military sentence of $\frac{\text{imprisonment}}{\text{detention}}$ / detention under a custodial order (d)

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

Now, therefore, in pursuance of the Army 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 military 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 military 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 Army 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 .....(g) 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 lieutenant-colonel 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 lieutenant-colonel 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 a military 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 ..... (c) on .....(d) for the purpose of .... (e);

Now, therefore, in pursuance of the Army 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 military 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 military 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 Army 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 lieutenant-colonel or corresponding rank (this does not include retired officers employed by the Civil Service).

FORM 8

Order for the temporary committal to military or civil custody of a person under military sentence of imprisonment, detention or detention under a custodial order

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

Whereas (b) .....
..... is a person in military custody in pursuance of an military sentence of imprisonment / detention / detention under a custodial order (c);

Now, therefore, in pursuance of section 129(2) of the Army 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 military 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, or by an officer not below field rank serving on the staff of the headquarters of the local commander in whose area the military establishment is situated (such officers would not include retired officers employed by the Civil Service).

FORM 9

Order for the return to military custody of a person under military 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 Army 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 military 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 Army 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 Army 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 Army 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 a military, naval or air-force 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 ..... court-martial (b)/
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
term 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 Army Act 1955 ....(e)] (f);

(g) Now, therefore, in pursuance of the Army Act 1955, and of all other powers me enabling, I do hereby order the Commandant or other person in charge of .. ..(a) 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.

(h) And whereas in accordance with the provisions of the Army 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 Army 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 military custody and be detained in such custody pending transfer to an appropriate institution in accordance with the direction of the Secretary of State.

(i) And I do further order that the Commandant or other person in charge of any military, naval or air-force 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 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 military custody and detained in military custody so far as appears necessary or proper for effecting of his/her transfer to the said military, naval or air-force 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) 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 imprisonment and it has been commuted to one of detention under a custodial order subsitute the words "to imprisonment for a term of .....which sentence has been duly confirmed in accordance with the Army Act 1955 but has been commuted into a sentence of detention under a custodial order for .....

(g) This paragraph must only be used where the person is to be detained in military custody in the United Kingdom.

(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 lieutenant-colonel 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 Army Act* 1955

1. .....[1] of .....[2] (hereinafter called the offender) who was born on .....[3] appeared before a Court-Martial held at .....[4] and as confirmed by me he/she[5] was on .....[6] found guilty of an offence punishable under the Army Act 1955 with imprisonment, namely .....[7]
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 .....[8] with effect from .....[9]

DATED this day of 19 .

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

PART III

"PART II

FORM 13

Rule 24

Order for the release of a person undergoing a military 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 $\frac{\text{imprisonment}}{\text{detention}}$ / 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 Army 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 a soldier serving a sentence of detention awarded by his commanding officer it may be signed only by his commanding officer."

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 Army 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 (Army Rules) 1979 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 a formal or clarificatory nature.

SI 1983/1853
ISBN 0-11-037853-9

