# 1967 No. 1527

# DEFENCE

## The Imprisonment and Detention (Army) (Fourth Amendment) Rules 1967

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| *Made* - - - - | *17th October* 1967 |
| *Laid before Parliament* | *20th October* 1967 |
| *Coming into Operation* | *21st October* 1967 |

The Secretary of State, in exercise of the powers conferred upon him by sections 122 and 123 of the Army Act 1955(a) and of 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) (Fourth Amendment) Rules 1967, and shall come into operation on 21st October 1967.

*Interpretation*

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

*Amendments*

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

(1) The following shall be substituted for Rule 14 and the heading to that Rule:—

> "*Place in which military sentences of imprisonment shall be served in the United Kingdom*
>
> 14. The whole or a part of a military sentence of imprisonment which a soldier is required to serve in the United Kingdom shall be served in a civil prison."

(2) In Rule 45, in paragraph (1) the words "of imprisonment" shall be inserted after the words "soldier under sentence".

(3) In Rule 70 a semi-colon shall be substituted for the final full stop and the following shall be added:—

> "(*g*) relegation of a soldier under sentence who is classified as being in Stage II in a military corrective training centre to Stage I."

(4) In Rule 96 a comma shall be substituted for the final full stop and the following shall be added:—

> "or, if to return to civil life at the termination of their sentences, be better equipped for such return."

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

(5) The following shall be substituted for Rule 97 and the heading to that Rule:—

"*Special privileges at military corrective training centres*

97. Soldiers under sentence in a military corrective training centre shall be classified as belonging to three stages, which shall be known as Stage I, Stage II and Stage III. Stage I shall be the lowest stage, and soldiers under sentence in that stage shall have no privileges. A soldier under sentence in Stage II shall have some privileges, and a soldier under sentence in Stage III shall have more privileges than a soldier under sentence in Stage II. The commandant shall ensure that all soldiers under sentence have an equal opportunity of progressing through the stages."

(6) The following shall be substituted for Rule 98 and the heading to that Rule:—

"*Organisation of military corrective training centres*

98. (1) Subject to the following paragraph of this Rule the commandant of a military corrective training centre shall so organise it as to provide—

(*a*) one wing or section (to be known as a detention wing) for soldiers under sentence who have been sentenced to dismissal from Her Majesty's service as well as detention;

(*b*) one wing or section for soldiers under sentence in Stage I and Stage II, other than those specified in sub-paragraph (*a*) of paragraph (1) of this Rule, whose characters before they were sentenced for the offences in respect of which they are serving their sentences were good;

(*c*) one wing or section for soldiers under sentence in Stage I and Stage II, other than those specified in sub-paragraph (*a*) of paragraph (1) of this Rule, whose characters before they were sentenced for the offences in respect of which they are serving their sentences were bad or poor, or who have previously served a period of imprisonment or detention, or who have been transferred from a military prison or detention barracks; and

(*d*) one wing or section for soldiers under sentence in Stage III, other than those specified in sub-paragraph (*a*) of paragraph (1) of this Rule.

(2) The commandant of a military corrective training centre shall however not be required to organise a military corrective training centre in accordance with paragraph (1) of this Rule if, in his opinion, it would not be reasonable to divide it into wings or sections, or where the accommodation provided or the circumstances are such that it would be impracticable so to divide it."

(7) The following shall be substituted for Rule 99:—

"99. (1) In every military corrective training centre, in so far as the accommodation and circumstances permit, the commandant shall segregate some soldiers under sentence from other soldiers under sentence in accordance with the provisions of paragraphs (3), (4), (5) and (6) of this Rule.

(2) The commandant shall decide, subject to any directions from higher authority, how far it is practicable, having regard to the accommodation and circumstances, to arrange for such segregation.

(3) Subject to paragraphs (1) and (2) of this Rule the commandant of a military corrective training centre which is not divided into wings or sections shall segregate from each other soldiers under sentence of the following categories:—

(*a*) soldiers under sentence who have previously served a period of imprisonment or detention, or who have been transferred from a military prison or detention barracks, or have borne a bad character;

(*b*) soldiers under sentence who have previously borne a poor character;

(*c*) soldiers under sentence who have previously borne a good character;

and, if possible, within category (*c*) the commandant shall segregate soldiers under sentence who have previously borne a good character under 21 years of age from soldiers under sentence who have previously borne a good character of 21 years of age and over.

(4) Subject to paragraphs (1) and (2) of this Rule the commandant of a military corrective training centre divided into wings or sections shall segregate from each other soldiers under sentence in a detention wing of the following categories:—

(*a*) soldiers under sentence who have previously served a period of imprisonment or detention, or who have been transferred from a military prison or detention barracks, or have borne a bad character;

(*b*) soldiers under sentence who have previously borne a poor character;

(*c*) soldiers under sentence who have previously borne a good character;

and, if possible, within category (*c*) the commandant shall segregate soldiers under sentence who have previously borne a good character under 21 years of age from soldiers under sentence who have previously borne a good character of 21 years of age and over.

(5) Subject to paragraphs (1) and (2) of this Rule the commandant of a military corrective training centre divided into wings or sections shall segregate soldiers under sentence in a wing or section specified in sub-paragraph (*b*) of paragraph (1) of Rule 98 under 21 years of age from soldiers under sentence in the same wing or section of 21 years of age or over.

(6) Subject to paragraphs (1) and (2) of this Rule the commandant of a military corrective training centre divided into wings or sections shall segregate soldiers under sentence in a wing or section specified in sub-paragraph (*c*) of paragraph (1) of Rule 98 who have previously borne a poor character from soldiers under sentence who have previously served a period of imprisonment or detention, or have been transferred from a military prison or detention barracks, or have borne a bad character."

(8) The following shall be inserted as Rule 99A and as the heading to that Rule:—

"*Educational and Vocational Training in a Detention Wing of a Military Corrective Training Centre*

99A. Where the Defence Council or an officer authorised by them lays down a syllabus for the educational and vocational training of soldiers under sentence in a detention wing, educational and vocational training shall be carried out in accordance with such syllabus."

(9) In Rule 100 the words "subject to the provisions of Rule 97" shall be inserted after the word "and".

(10) In Rule 102, in paragraph (2) the words "subject to the provisions of paragraph (4) of this Rule" shall be inserted after the word "but" and sub-paragraph (*f*) shall be omitted.

(11) In Rule 102 at the end of paragraph (3) the following shall be added:—

"unless the soldier under sentence is in a detention wing"

(12) The following paragraph shall be added at the end of Rule 102:—

"(4) A soldier in a detention wing in Stage III of his sentence shall not be allowed the privileges set out in sub-paragraphs (*d*), (*e*) and (*g*) of paragraph (2) of this Rule."

(13) In Rule 103, at the beginning of paragraph (1) the following shall be added:—

"Subject to the provisions of paragraph (3) of this Rule."

(14) The following paragraph shall be added at the end of Rule 103:—

"(3) This Rule shall not apply to a soldier under sentence in a detention wing."

(15) In the Second Schedule—

For the figures "14" and "2s. 6d." in sub-paragraph (*a*) of paragraph 1 there shall be substituted the figures "11" and "3s. 6d." respectively.

For the figure of "6s. 0d." in sub-paragraph (*b*) of paragraph 1 there shall be substituted the figure "8s. 9d."

For the figure "4½d." in paragraph 2 there shall be substituted the figure "7d."

For the figure "2s. 6d." at each place where it appears in paragraph 4 there shall be substituted the figure "3s. 6d."

For the figures "2s. 3d." and "4½d." in paragraph 5 there shall be substituted the figures "3s. 6d." and "7d." respectively.

For the figure "2s. 6d." in paragraph 6 there shall be substituted the figure "3s. 6d."

For the figure "2s. 6d." in paragraph 7 there shall be substituted the figure "3s. 6d."

*Denis Healey,*
One of Her Majesty's Principal Secretaries of State.

Dated 17th October 1967.

## EXPLANATORY NOTE

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

These Rules further amend the Imprisonment and Detention (Army) Rules 1956. The principal amendments are as follows:—

(*a*) Provision is made for all military sentences of imprisonment in the United Kingdom to be served in civil prisons;

(*b*) The rates payable under the earnings scheme applicable to military establishments designated by the Secretary of State as establishments where productive work is done are increased;

(*c*) The punishments which may be awarded by a company commander are extended to include downgrading from Stage II to Stage I;

(*d*) The Rules dealing with the organisation of military corrective training centres are amended in certain respects—in particular to make provision for a detention wing and the training of soldiers under sentence in a detention wing.