Regulations 12, 13 *and* 14 contain provisions as to the method of execution, the arrangements to be made where an execution is carried out under military arrangements, for the completion and disposal of the death certificate and warrant.

Regulation 15 provides for the method of burial of a person upon whom a sentence of death has been carried out.

Regulation 16 applies the regulations, subject to possible modifications, in relation to death sentences carried out in overseas establishments.

In the *First Schedule* forms of committal to, and removal from, prisons and other establishments are prescribed.

The *Second Schedule* prescribes the forms of death warrant and certificate.

1956 No. 1914

The Imprisonment and Detention (Army) Rules, 1956

Made - - - -	*3rd December,* 1956
Laid before Parliament	*10th December,* 1956
Coming into Operation	*1st January,* 1957

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The Secretary of State for War, 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 17 of the Courts-Martial (Appeals) Act, 1951(b) as amended by the Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955(c), and of all other powers him enabling, hereby makes the following Rules:—

PART I

PRELIMINARY

Citation and Commencement

1. These rules may be cited as the Imprisonment and Detention (Army) Rules, 1956, and shall come into operation on the 1st day of January, 1957.

Interpretation

2.—(1) The Interpretation Act, 1889(d), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(2) In these Rules, unless the context otherwise requires—

"the Act" means the Army Act, 1955;

"air-force establishment" means an air-force prison or any other establishment under the control of the Secretary of State for Air where persons may be required to serve air-force sentences of imprisonment or detention;

"air-force prison" means separate premises under the control of the Secretary of State for Air and primarily allocated for persons serving air-force sentences of imprisonment;

"commandant" means—

(*a*) in relation to a military establishment, being a military prison or military detention barracks or military corrective training centre, the officer appointed as commandant or superintendent thereof, and any officer from time to time acting in his place;

(a) 3 & 4 Eliz. 2. c. 18. (b) 14 & 15 Geo. 6. c. 46. (c) 3 & 4 Eliz. 2. c. 20.
(d) 52 & 53 Vict. c. 63

(*b*) in relation to a military establishment, being unit detention rooms, the commanding officer of the unit providing the rooms in accordance with these Rules;

"confirming officer" means in relation to a person under a sentence of imprisonment or detention passed by court-martial, the officer by whom that sentence was confirmed;

"court-martial" means a court-martial under the Army Act, 1955, the Air Force Act, 1955, or the Naval Discipline Act;

"legal adviser" means, in relation to a soldier under sentence, a person who is qualified as a barrister-at-law or a solicitor according to the law of England or Northern Ireland; a person who is qualified as an advocate or as a solicitor according to the law of Scotland; with the approval of the commandant, any person who is recognised by him in any country or territory outside the United Kingdom as having rights and duties similar to those of a barrister-at-law or solicitor in England; a clerk in the full-time employment of any such person as aforesaid authorised by that person to interview a soldier under sentence; and any naval, military, or air-force officer representing or assisting a prisoner for the purposes of his defence or in connection with a petition or an appeal;

"local commander" means, in relation to a military establishment, any officer not below the rank of brigadier or corresponding rank superior in command to the commandant;

"naval establishment" means any establishment under the control of the Admiralty where persons may be required to serve sentences of imprisonment or detention under the Naval Discipline Act and any reference in these Rules to a naval prison shall include a reference to naval detention quarters;

"overseas establishment" means an establishment under the control of the authorities of a country or territory outside the United Kingdom in which military sentences of imprisonment or detention may be served wholly or partly in accordance with arrangements made by a Secretary of State with those authorities pursuant to section 126 of the Act;

"reconsidering authority" means, in relation to a person under a military or air-force sentence of imprisonment or detention, an officer specified in regulations made under section 114 of the Act or section 114 of the Air Force Act, 1955, as an officer by whom such sentences may be reconsidered;

"reviewing authority" means, in relation to a person under a military or air-force sentence of imprisonment or detention, the authority responsible for reviewing that sentence under the Act or the Air Force Act, 1955, and, in relation to a person serving a sentence of imprisonment or detention under the Naval Discipline Act, the Admiralty;

"room" means, any cell or room and any other place of confinement within any premises and any premises comprised of huts or tents or any part of such premises;

"soldier" includes any man or woman who is subject to military law and is not an officer or a person subject to Part II of the Act by virtue of section 209 thereof;

"superintendent" means any officer of field rank or corresponding rank appointed to superintend a military establishment in respect of which the senior full-time member of the staff is not an officer;

"unit" means either any independent portion of a corps which is not higher in the corps organisation than a battalion or its equivalent or an equivalent body of troops;

and other expressions have the same meanings as they have in the Act.

Savings

3. Where, before the coming into operation of these Rules, any order, regulation, transfer, appointment, designation, agreement, record, entry, attachment, certificate or warrant has been made, or any direction or notice has been given, or any proceeding has been taken, or any other thing has been done, in the exercise of any power or jurisdiction under or by virtue of any rules made under the Army Act it shall, if in force immediately before the commencement of these Rules, and so far as it could have been made, given, effected, taken or done immediately after the coming into operation of these Rules, under or by virtue of these Rules, continue in force and have effect as if made, given, effected, taken or done under or by virtue of these Rules.

PART II

Control and Inspection of Military Establishments

Control of military establishments

4. All military establishments shall be under the control of the Secretary of State.

Inspectors of military establishments

5. The Secretary of State may appoint one or more Inspectors of Military Establishments.

Inspection of military establishments

6.—(1) It shall be the duty of an Inspector of Military Establishments to inspect military establishments and to report to the Secretary of State on all military establishments other than unit detention rooms at least once in every year. Inspectors of Military Establishments shall also be responsible to the Secretary of State for the training of staff for employment in military establishments and for advising on the appointment and posting of officers for employment on the staffs of military establishments.

(2) In the case of military establishments outside the United Kingdom, the local commander shall from time to time inspect, or arrange for the inspection on his behalf, of any military establishment in the area of his command in addition to the inspection of those establishments by Inspectors of Military Establishments.

PART III

Provision, Classification and Use of Military Establishments

Places in which persons may be required to serve military sentences of imprisonment or detention

7. Subject to and in accordance with the provisions of these Rules the places in which persons may be required to serve the whole or any part of military sentences of imprisonment or detention passed upon them shall be military, naval and air-force establishments, civil prisons, and overseas establishments:

Provided that, save for the purposes of temporary custody in accordance with Rule 22, no person on whom a military sentence of detention has been passed shall be required to serve any part of such sentence in a prison.

Classification of military establishments

8.—(1) Military establishments shall consist of establishments of the following classes:—

(*a*) military prisons;

(*b*) military detention barracks;

(*c*) military corrective training centres; and

(*d*) unit detention rooms.

(2) Combined military establishments may be provided consisting of two or more military establishments of different classes:

Provided that no combined military establishment shall include unit detention rooms of a unit of the women's forces.

Provision of military establishments other than unit detention rooms

9. Military prisons, military detention barracks, military corrective training centres, and combined military establishments may be provided—

(*a*) in the United Kingdom, only by the Secretary of State; and

(*b*) outside the United Kingdom, by the Secretary of State, or by the officer commanding an independent command, being an officer who is directly responsible to the Army Council in matters of military administration.

Provision of unit detention rooms

10. Unit detention rooms may be provided by the commanding officer of any unit, being an officer not below the rank of lieutenant-colonel or corresponding rank, and shall be provided by the commanding officer of any unit, whatever his rank, if required to do so by higher authority.

Places where officers and certain civilians may serve military sentences of imprisonment

11. An officer, and a person to whom Part II of the Act applies by virtue of section 209 of the Act, upon whom a military sentence of imprisonment has been passed shall be required to serve that sentence in a civil prison in the United Kingdom:

Provided that—

(*a*) where the sentence was passed on him out of the United Kingdom, and he is a person of any such class as is specified in Rule 20, he shall be required to serve his sentence in a military establishment or an overseas establishment;

(*b*) where the sentence was for a term of more than twelve months and was passed out of the United Kingdom, he shall be required to serve in a military establishment or an overseas establishment that part of his sentence which he is required to serve out of the United Kingdom in pursuance of a direction given by the confirming officer or reviewing authority under section 127 of the Act; and

(*c*) where the sentence was for a term not exceeding twelve months and was passed out of the United Kingdom, he may, if the confirming officer or the reviewing authority so directs, be required to serve the whole or any part thereof in a military establishment or an overseas establishment.

Soldiers sentenced in the United Kingdom

12. Save as provided in Rule 21, a soldier upon whom a military sentence of imprisonment or detention has been passed in the United Kingdom shall be required to serve that sentence in the United Kingdom.

Soldiers sentenced out of the United Kingdom

13. A soldier upon whom a military sentence of imprisonment or detention has been passed out of the United Kingdom shall be required to serve that sentence :—

(*a*) if the sentence is for a term of more than twelve months, in the United Kingdom :

Provided that—

(i) if he is a person of any such class as is specified in Rule 20, he shall be required to serve the sentence out of the United Kingdom ; and

(ii) he shall be required to serve out of the United Kingdom that part of his sentence which he is required so to serve in pursuance of a direction given by the confirming officer or reviewing authority under section 127 of the Act ;

(*b*) if the sentence is for a term not exceeding twelve months, out of the United Kingdom unless the confirming officer or reviewing authority otherwise directs.

Places in which sentences shall be served

14. A soldier shall serve the whole or any part of a military sentence of imprisonment which he is required to serve in the United Kingdom—

(1) in a civil prison—

(*a*) in any case where the sentence is for a term of not less than two years ;

(*b*) in any case where the confirming officer or reviewing authority directs that it shall be so served being a case where—

(i) the soldier was sentenced to be discharged with ignominy from Her Majesty's forces in addition to being sentenced to imprisonment ;

(ii) the sentence is for a term of not less than three months and the soldier claimed at his trial that the offence in respect of which it was passed was committed by reason of his conscientious objection to performing military duty or obeying a military order ;

(iii) the sentence was passed in respect of an offence against section 70 of the Act ; or

(iv) for any other reason the confirming officer or reviewing authority certifies that it is undesirable for the soldier to serve his sentence in a military establishment ; and

(2) in a military establishment, in any other case.

Places where military sentences of imprisonment may be served out of the United Kingdom

15. A soldier shall serve the whole or any part of a military sentence of imprisonment which he is required to serve out of the United Kingdom in a military establishment or an overseas establishment.

Places in which military sentences of detention may be served in the United Kingdom

16. A soldier shall serve the whole or any part of a military sentence of detention which he is required to serve in the United Kingdom in a military establishment, not being a military prison.

Places in which military sentences of detention may be served out of the United Kingdom

17. A soldier, other than a woman, shall serve the whole or any part of a military sentence of detention which he is required to serve out of the United Kingdom in a military establishment, not being a military prison or, if his sentence is for a term exceeding twelve months and no suitable military establishment is available, in an overseas establishment not being a prison.

Places in which women may serve military sentences of imprisonment or detention

18.—(1) A woman shall serve the whole or any part of a military sentence of imprisonment in a civil prison or an overseas establishment or in unit detention rooms of a unit of the women's forces.

(2) A woman shall serve the whole or any part of a military sentence of detention in unit detention rooms of a unit of the women's forces.

Service of military sentences in naval and air-force establishments

19. Notwithstanding anything hereinbefore contained a soldier under military sentence of imprisonment or detention may be required to serve the whole or any part of a military sentence of imprisonment or detention passed upon him in a naval or air-force establishment instead of in a military establishment in any case where no accommodation is available in a military establishment in the country where he is for the time being or where having regard to all the circumstances of the case it is, in the opinion of his commanding officer, desirable that he should do so:

Provided that no soldier under a military sentence of detention shall be required to serve any part of that sentence in a naval or air-force prison save as provided by Rule 22, and no woman under a military sentence of imprisonment or detention shall be required to serve any part of that sentence in a naval or air-force establishment other than one provided exclusively for the accommodation of women.

Removal of persons under sentence to the United Kingdom

20. For the purpose of subsection (3) of section 127 of the Act, the following shall be the classes of persons in relation to whom removal to the United Kingdom would not be beneficial:—

(*a*) persons of non-European descent, whose health might in the opinion of the confirming officer or the reviewing authority be adversely affected by the climate of the United Kingdom;

(*b*) persons who were born out of the United Kingdom and whose domicile at the date of their sentence was in a place out of the United Kingdom; and

(*c*) persons enlisted for local service out of the United Kingdom.

Removal from the United Kingdom of persons serving sentences there

21. A person who is serving a military sentence of imprisonment or detention in the United Kingdom may, by order of the confirming officer, reviewing authority or reconsidering authority, be removed out of the United Kingdom—

(*a*) to any colony in which he was enlisted; or

(*b*) to any place out of the United Kingdom where the corps or any part thereof to which for the time being he belongs is serving or is under orders to serve,

but not to any other place.

Temporary custody of persons under sentence

22. Notwithstanding anything hereinbefore contained and subject to section 125 of the Act, where a person on whom a military sentence of imprisonment or detention has been passed—

(1) is awaiting admission to any prison or other establishment or is in transit from one prison or establishment to another; or

(2) is being removed from one country or place to another; or

(3) has appealed against his conviction to the Courts-Martial Appeal Court, and is entitled or ordered to be present at any place for the purposes of Part I of the Courts-Martial (Appeals) Act, 1951; or

(4) is required or entitled to be present at any civil court, court-martial, or inquiry; or

(5) is, for any other reason connected with military duty, required to be removed temporarily from the prison or other establishment where he is for the time being serving his sentence to some other place;

he may be detained temporarily—

(*a*) on the written order of his commanding officer in civil custody for a period not exceeding seven days in accordance with subsection (2) of section 129 of the Act; or

(*b*) on the written order of his commanding officer or the commandant or other person in charge of the establishment or prison where he is for the time being—

(i) in any military, naval or air-force establishment Provided that a person on whom a military sentence of detention has been passed shall not be detained in a military, naval or air-force prison for longer than seven days on any one occasion; or

(ii) in such other form of military, naval or air-force custody as may be determined by his commanding officer or the commandant or other person in charge of the said establishment or prison.

Committal to and removal from prisons and others establishments

23. Subject to the provisions of section 125 of the Act, no person under military sentence of imprisonment or detention shall be committed to a civil prison or overseas establishment, or to a military, naval or air-force establishment or form of custody, or removed from one country or place to another, or from one prison or establishment or form of custody to another, save in pursuance of an order made in that one of the forms specified in Part I of the First Schedule to these Rules which is appropriate to the circumstances of the case, and every such order shall be duly completed in accordance with the instructions contained in that behalf in the said Part I and signed by an officer of such rank and appointment as are therein specified.

Release from military sentences of imprisonment or detention

24. No person under military sentence of imprisonment or detention shall be released from a military, naval, air-force or overseas establishment or form of custody otherwise than—

(*a*) in accordance with an order of the Courts-Martial Appeal Court or other civil court of competent jurisdiction;

(*b*) in accordance with an order made in the form specified in Part II of the First Schedule to these Rules and signed by an officer of such rank and appointment as are there specified ; or

(*c*) on the expiration of his sentence, less any remission allowed in accordance with these Rules:

Provided that where the sentence expires as aforesaid on a Sunday, Christmas Day or Good Friday the person shall be released on the previous day and the uncompleted day of his sentence shall be deemed to be remitted.

Authority for release from military establishments

25. A soldier under sentence shall not be released from imprisonment or detention in a military establishment except in accordance with the provisions of Rule 24 or—

(*a*) in accordance with any provision of these Rules under which a soldier may be removed from places, establishments, or forms of custody to any other place, establishment or form of custody ; or

(*b*) for the purposes of medical examination, observation or treatment for such period and subject to such conditions as the commandant, acting on the advice of the medical officer, may determine.

Temporary release

26.—(1) The commandant of a military establishment may authorise the temporary release from a military establishment on compassionate grounds of a soldier under sentence in the cases and subject to the conditions set out in this Rule.

(2) The cases in which a soldier under sentence may be released temporarily under paragraph (1) of this Rule are:—

(*a*) where the death or dangerous illness of a near relative occurs and the commandant is satisfied that the presence of the soldier under sentence is desirable ;

(*b*) where damage has been suffered by any premises occupied by the soldier's family or near relatives, and the commandant is satisfied that the presence of the soldier under sentence is desirable ;

(*c*) where the soldier under sentence could make arrangements preliminary to or consequent upon the birth of a child, and the commandant is satisfied that the presence of the solder under sentence is desirable for that purpose ;

(*d*) where the soldier under sentence has requested facilities to enable him to marry a woman who is expecting a child ;

(*e*) where there are domestic difficulties concerning the soldier under sentence or his family and the commandant is satisfied that the personal attendance of the soldier under sentence is desirable.

(3) The conditions subject to which the commandant of a military establishment may authorise the temporary release of a soldier under sentence are:—

(*a*) that the soldier under sentence shall comply with any conditions laid down by the commandant and to be observed by or in relation to the soldier under sentence during the period of his temporary release, including any conditions as to custody during the period of temporary release and as to the place or places where the soldier may or may not go during that period ;

(*b*) that if the soldier under sentence fails to comply with any condition subject to which he was temporarily released the period of his temporary release shall thereby be terminated, and it shall be the duty of the soldier under sentence to return forthwith to the military establishment.

(4) The period of temporary release shall not count as part of the sentence served by the soldier.

Detention of soldiers in safe custody

27. On receipt by the commandant of a military establishment of an order in writing made by the commanding officer of a soldier who has been remanded for trial by court-martial, or has been tried and is awaiting promulgation of the finding and sentence of a court-martial, or is awaiting investigation or disposal of a charge against him, the commandant may detain him in safe custody in the military establishment if:—

(*a*) there is accommodation available in the military establishment in which the soldier may be segregated from soldiers under sentence; and

(*b*) the commandant can make arrangements for the soldier to be supplied with the ordinary rations of a soldier, not being a soldier under sentence.

PART IV

REMISSION

Remission of sentence

28.—(1) Subject to the provisions of any of these Rules which provide for or authorise the forfeiture of remission, a soldier under sentence in a military establishment or an overseas establishment shall be entitled to have part of his sentence remitted in accordance with the following provisions:—

(*a*) if his sentence does not exceed twenty-four days—nil;

(*b*) if his sentence exceeds twenty-four days but does not exceed twenty-eight days—a period equal to the number of days by which the sentence exceeds twenty-four days;

(*c*) if his sentence exceeds twenty-eight days—one third of the period of his sentence except in a case where this would result in the soldier under sentence serving less than twenty-four days when the period of remission shall be such period as will reduce the period of his sentence which he is required to serve to twenty-four days.

(2) For the purpose of calculating remission in accordance with paragraph (1) of this Rule fractions of a day shall be ignored.

Records of remission

29.—(1) The commandant of a military establishment shall maintain a record of the remission to which the soldier is entitled in accordance with the last foregoing Rule, and of any remission forfeited in accordance with any of these Rules.

(2) The commandant or an officer authorised by him shall verify at frequent intervals the records maintained in accordance with this Rule.

(3) The records maintained in accordance with this Rule shall be produced to a Board of Visitors, the commandant, and any company commander to whom the commandant has delegated jurisdiction under these Rules, on each occasion when the soldier under sentence has been brought before them or him on a charge that the soldier under sentence has committed an offence against these Rules, but the said records shall not be so produced until there has been a finding that the soldier under sentence is guilty of

an offence with which he has been charged, or a decision has been reached that the alleged offence shall be reported to the local commander, or the commanding officer of the soldier under sentence disposes of the charge otherwise than in accordance with any jurisdiction conferred by these Rules.

Automatic forfeiture of remission

30. One day's remission of the sentence of a soldier under sentence in a military establishment or an overseas establishment shall be forfeited in respect of each period of two days and in respect of each odd day on which the soldier under sentence is unable to carry out the work or training which would otherwise be required of him by reason of—

(*a*) his sickness occasioned by his own misconduct;

(*b*) his undergoing a sentence of a civil court; or

(*c*) his being in the lawful custody of any civil authority.

Restoration of forfeited remission

31. Remission forfeited under these Rules may be restored by order of:—

(*a*) the Army Council;

(*b*) the reviewing authority;

(*c*) the reconsidering authority;

(*d*) the commandant with the approval of the reviewing authority or the reconsidering authority.

Effect on remission of subsequent sentences

32.—(1) If, while a soldier under sentence is serving a military sentence of imprisonment or detention in a military establishment (in this Rule referred to as "the earlier sentence"), a further sentence of imprisonment or detention has been passed on or awarded to him (in this Rule referred to as "the later sentence"), the remission to which he is entitled shall be calculated as follows:—

(*a*) in a case where the later sentence is to run consecutively with the earlier sentence, he shall serve the earlier sentence (less any remission to which he is entitled), and a new record of remission calculated in accordance with the foregoing Rules shall then be prepared in relation to the later sentence;

(*b*) in a case where the later sentence is to run concurrently with the earlier sentence, a new record of remission calculated in accordance with the foregoing Rules shall be prepared, and the date of his release shall be the date on which he would be released on the earlier sentence, or the date on which he would be released on the later sentence, whichever is the later.

(2) For the purpose of calculating the remission in respect of the earlier sentence under subparagraph (*b*) of paragraph (1) of this Rule, the date on which the soldier under sentence would be released shall be the date on which he would be released having regard to the period of remission to which he was entitled on the date of the passing or award of the later sentence less, in the case of a sentence passed by court-martial, a period equal to any period of remission forfeited between the date of the passing of the later sentence and the promulgation thereof.

(3) Any reference in this Rule to the date on which a sentence by court-martial is passed shall include, in a case where the court directs pursuant to subsection (7) of section 4 of the Courts-Martial (Appeals) Act, 1951, that a sentence shall begin to run from the day on which the Court dismisses an application for leave to appeal, that day.

PART V

Treatment, Employment, Discipline and Control of Soldiers under Sentence

Application of Part V of these Rules

33. This Part of these Rules shall apply, except where otherwise stated or the context otherwise requires, to all soldiers under sentence in military establishments.

Rules to be brought to the notice of soldiers under sentence

34. A copy of this Part of these Rules, or a sufficient abstract thereof in a form approved by the Secretary of State, shall be displayed conspicuously in every military establishment in such places that it can be seen from time to time by every soldier under sentence.

Purposes of training and treatment

35. The purposes of the training and treatment of soldiers under sentence are to establish in them the will, and to fit them, to become better soldiers and citizens.

Corporal punishment and the use of force

36.—(1) Corporal punishment shall not be inflicted on soldiers under sentence.

(2) In the treatment of a soldier under sentence force shall not be used unnecessarily, but if the use of force is necessary no more force shall be used than is necessary.

Admission to military establishments

37. On admission to a military establishment the following procedure shall be observed:—

(*a*) The order or warrant of committal shall be examined, and the attention of the commandant shall be directed to any omission or irregularity;

(*b*) Except for that amount of his clothing and other articles which a soldier under sentence is authorised to have in his possession, his equipment, and every other article or thing which accompanies the soldier on admission (whether the same is his own property or not) shall be taken from him. Clothing, equipment, and any other public or service property shall be dealt with in accordance with the regulations or instructions of the Service to which the soldier under sentence belongs, and the remainder shall be retained by the commandant for safe custody. A record of such property shall be kept and the said record shall be signed by the soldier under sentence and by a member of the staff of the military establishment. The said property (other than perishable articles) shall be returned to the soldier under sentence on release if he is willing to acknowledge its return by signing a record that it has been delivered up to him. Money shall be kept in safe custody or paid into an account at a bank and the equivalent amount paid to the soldier on release or disposed of at the discretion of the commandant by sending it to any person at the request of the soldier. Perishable articles shall be disposed of at the discretion of the commandant who shall, so far as practicable, take account of the soldier's wishes in relation to them;

(*c*) At the discretion of the commandant, any property which he holds in safe custody on behalf of a soldier under sentence may be delivered or sent to a relative or friend of the soldier under sentence;

(*d*) The soldier under sentence shall be searched in accordance with these Rules to ensure that he has not in his possession any article or thing which he is not authorised to have;

(*e*) The soldier under sentence shall be weighed and his weight recorded;

(*f*) Within twenty four hours of admission (or within forty eight hours in a case where the soldier under sentence has been medically examined and certified as fit to undergo his sentence either on the day of admission or the previous day) the soldier under sentence shall be medically examined by a medical officer;

(*g*) The religious denomination (if any) of a soldier under sentence shall be recorded and a chaplain of that denomination shall be informed of his admission. If the soldier under sentence has not declared his religious denomination, or if no chaplain of that denomination has been appointed in respect of the military establishment, notification of the soldier's admission shall be given to the Church of England chaplain or, as the case may be, to a chaplain of a denomination other than that of the soldier under sentence;

(*h*) Within twenty four hours of admission the commandant or a member of the staff of the military establishment shall satisfy himself that a soldier under sentence has read, or has had explained to him, the Rules governing his conduct, treatment, employment and discipline, and the means by which he may bring complaints to the notice of his commanding officer, the commandant and visiting officers, in accordance with the Act and these Rules.

Accommodation of soldiers under sentence

38.—(1) No room shall be used for the confinement of a soldier under sentence unless it is certified by a medical officer that its size, lighting, heating, ventilation and fittings are adequate for health, and that it allows the soldier under sentence to communicate at any time with a member of the staff of the military establishment, and any certificate so given in relation to a room in which more than one soldier may be accommodated shall state the maximum number of soldiers under sentence who may be confined therein.

(2) The size of rooms intended for occupation by soldiers under sentence shall be such as to provide at least 600 cubic feet capacity for each soldier under sentence accommodated therein unless in any particular case, having regard to the exigencies of the service, the local commander authorises the temporary accommodation of soldiers under sentence in accommodation of smaller capacity.

(3) In every military establishment special rooms shall be provided for the temporary confinement of soldiers under sentence who are refractory or violent.

(4) Every soldier under sentence shall be provided with separate bedding, and, where circumstances are such that beds can be provided, with a separate bed.

(5) Two soldiers shall never be confined in one room. The confinement must be solitary or of at least three men in the room.

Provision of miscellaneous accommodation in military establishments

39. The commandant shall set aside within a military establishment the following accommodation:—

(*a*) A medical detention room or rooms where soldiers under sentence may be given medical examinations, observation, treatment and attention on the occasions when in the opinion of the medical officer any such examination, observation, treatment or attention is required, and the soldier under sentence is not sufficiently ill to necessitate his admission to hospital;

(*b*) A room or rooms where soldiers under sentence may receive visits authorised by or under these Rules.

Daily routine

40. Subject to the provisions of these Rules with reference to the number of hours of work or training to be done by persons under sentence therein the daily routine of a military establishment shall be determined by the commandant in accordance with any instructions issued from time to time by or under the authority of the Army Council.

Work and training of soldiers under sentence

41.—(1) Subject to the provisions of paragraph (4) of this Rule, and Rule 42, during the whole of his sentence a soldier under sentence shall be engaged in work or training for not more than nine, nor less than six, hours a day (excluding times for meals), but a soldier shall not be engaged in work or training until he has been examined by a medical officer and certified as fit for the type of work and training which it is intended that he shall do.

(2) Training in military prisons and detention barracks shall consist of periods of physical training for the preservation of health.

(3) Training in military corrective training centres shall be of a nature and shall be carried out in accordance with any syllabus laid down by the Army Council or an officer authorised by them.

(4) Nothing in this Rule shall require that a soldier shall be engaged in work or training at any time when he is:—

(*a*) in close confinement;

(*b*) undergoing restricted diet as a punishment;

(*c*) excused work or training on medical grounds on the advice of a medical officer;

(*d*) excused work by the commandant or engaged in some other activity authorised by or under these Rules.

Sundays and public holidays

42.—(1) On Sundays, Christmas Day and Good Friday a soldier shall not be engaged on any work or training except work which is necessary for the service of the military establishment.

(2) A soldier under sentence whose Sabbath is on a day other than a Sunday shall not be required to do more work or training on that day than other soldiers are required to do on a Sunday, but such a soldier may be required to do work or training on Sundays.

Work in association

43.—(1) Subject to the following paragraphs of this Rule a soldier under sentence who is employed in productive work shall work in association with other soldiers under sentence.

(2) If it appears to the commandant of a military establishment that it is desirable—

(*a*) in the interests of the soldier under sentence ; or

(*b*) for the maintenance of good order and discipline ;

that during any period a soldier under sentence should not work in association with others, he may arrange for that soldier to work in a room or place apart from other soldiers under sentence:

Provided that a soldier under sentence shall not be required to work apart from other soldiers under sentence under the provisions of this Rule for more than seven days or, if authorised by a Board of Visitors, fourteen days.

(3) In deciding whether a soldier under sentence shall work apart from other soldiers under sentence, and whether such a soldier ought to resume work in association with others, the commandant shall take into consideration any advice which he may be given by a medical officer.

Unauthorised work

44. A soldier under sentence shall not be employed directly or indirectly for the private benefit or advantage of any person, nor in any way contrary to these Rules or the orders of the commandant.

Earnings Scheme

45.—(1) In military establishments where productive work is done a soldier under sentence shall be credited with weekly or daily sums of money related to the length of sentence which he has completed, as provided in the Second Schedule hereto. He shall not be entitled to payment of the said sums in cash until his release, but during his sentence he may be provided from the canteen of the military establishment with tobacco, cigarettes, and other articles of a retail value equal to the credits earned by him.

(2) The Army Council may from time to time issue instructions for the increase of the scales of earnings authorised by this Rule.

(3) No soldier under sentence shall be entitled to be credited with earnings in accordance with this Rule unless he is of good conduct and does the work assigned to him to the satisfaction of the commandant. He may also be deprived of earnings as a punishment in accordance with these Rules.

(4) This Rule shall apply only to military establishments designated by the Secretary of State as establishments to which the earnings scheme shall apply.

Rations for soldiers under sentence

46.—(1) The food provided for soldiers under sentence shall be of a nutritional value adequate for health and strength and of wholesome quality, well prepared and served, and reasonably varied.

(2) The commandant and members of the staff of a military establishment shall endeavour to ensure that every soldier under sentence (other than a soldier undergoing restricted diet as a punishment) receives the rations to which he is entitled. A soldier under sentence may complain if he believes that he is not getting the rations to which he is entitled, but he shall have no right to have his ration or any part of it weighed.

Smoking by soldiers under sentence

47.—(1) A soldier under sentence in a military establishment shall be asked as soon as practicable after his admission whether he is a smoker or a non-smoker. If he states that he is a non-smoker he will be required to sign a certificate to that effect. If he states that he is a smoker he may smoke tobacco and cigarettes to the extent authorised by this Rule.

(2) Soldiers under sentence shall be authorised to smoke any cigarettes issued to them free, or obtained by them from the canteen of the military establishment as a result of any credit to which they may be entitled from earnings authorised by these Rules. No soldier under sentence shall be entitled to smoke tobacco or cigarettes obtained in any other manner.

(3) No soldier under sentence shall smoke or have in his possession any tobacco, cigarettes or matches or lighter, or any naked light for the purpose of igniting tobacco or cigarettes, except at such times as are authorised in accordance with the standing or other orders of the commandant.

(4) The scales of cigarettes which may be issued free to soldiers under sentence shall be laid down in ration scales or other instructions issued from time to time by the Army Council, and the first day of issue shall be the day after the admission of the soldier to the military establishment.

(5) No soldier under sentence who has signed a certificate that he is a non-smoker shall be entitled either to a free issue of cigarettes, or to purchase tobacco or cigarettes with his earnings.

(6) No soldier under sentence shall be entitled to smoke cigarettes issued free on any day other than the day of issue.

(7) Forfeiture of tobacco or cigarettes (whether free issue or by withdrawing the right to purchase them with earnings from a canteen) may not be ordered as a punishment, but it may be ordered 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 smoke or have in their possession any tobacco or cigarettes.

Letters

48.—(1) A soldier under sentence shall be allowed to write letters as follows:—

(*a*) on admission to a military establishment—one letter; and

(*b*) in every week of his sentence following the week in which he was admitted—one letter.

(2) Writing paper, envelopes, and other materials required to enable a soldier to write the letters authorised by these Rules shall be provided and, subject to the provisions of Rule 50, the letters shall be posted, free of expense to the soldier under sentence.

(3) A soldier under sentence may receive—

(*a*) any number of letters; and

(*b*) newspapers, journals and periodicals at the discretion of the commandant.

Parcels

49.—(1) A parcel addressed to a soldier under sentence shall be opened and examined by or under the authority of the commandant in the presence of the soldier to whom it is addressed. Any article which the soldier under sentence is prohibited from or not authorised to receive shall be retained in safe keeping by the commandant and handed to the soldier on release, except in the case of perishable articles, which may be disposed of in accordance with the directions of the commandant by returning them to the sender or otherwise.

(2) A soldier under sentence is prohibited from receiving any articles but with the consent and at the discretion of the commandant he may receive toilet requirements, books, newspapers and other articles:

Provided that a soldier serving in stage III of a sentence in a military corrective training centre may be allowed to receive any articles or classes of articles which soldiers serving that stage of their sentence are permitted to receive.

Censorship

50.—(1) The commandant of a military establishment or any officer deputed by him may scrutinise letters written by or addressed to soldiers under sentence.

(2) The commandant may withhold from a soldier under sentence the whole or any part of a letter addressed to that soldier, but he shall communicate to the soldier any part of the letter which is unobjectionable.

(3) The commandant may withhold a letter written by a soldier under sentence, but in that case he shall give the soldier an opportunity of writing in its place another letter which does not contain the material to which the commandant objects. If any letter contains a complaint relating to the military establishment or the treatment of the soldier under sentence the commandant shall draw the attention of the soldier to his rights as to complaints.

(4) In any case where the commandant withholds a letter written by or addressed to a soldier under sentence he shall record the fact and his reasons for so acting in a journal.

Visits by relatives and friends

51.—(1) A soldier under sentence may receive visits from his relatives and friends at the discretion of the commandant, and such visits shall take place within the military establishment at times and places determined by the commandant.

(2) Any visit authorised under this Rule shall be within the sight and hearing of the commandant or a member of the staff of the military establishment.

Visits by legal advisers

52.—(1) The commandant shall provide reasonable facilities for a soldier under sentence who is interested in legal proceedings, or proposed legal proceedings, to be visited by his legal adviser. At the discretion of the commandant he may also be visited by his legal adviser with reference to other legal business.

(2) Any visit authorised by or pursuant to this Rule shall be within the sight, but not the hearing, of the commandant or a member of the staff of the military establishment.

Visits for the purpose of investigating offences

53.—(1) The commandant may permit a soldier under sentence to be visited by a constable or, on the written order of a staff officer or a provost officer of the Navy, Army or Royal Air Force, by any officer or other person whose duty it is to investigate the commission, or suspected commission, of an offence.

(2) The commandant shall permit any person to visit a soldier under sentence if that person is authorised to visit him by a warrant or an order of a court.

Medical attention

54. The commandant shall ensure that every soldier under sentence who is—

(*a*) in close confinement; or

(*b*) subject to any form of mechanical restraint; or

(*c*) undergoing restricted diet as a punishment; or

(*d*) sick, or complains of sickness;

shall be seen by a medical officer at least once every day. The medical officer shall also see daily every soldier under sentence to whom his attention is especially directed by the commandant.

Medical Officer—functions

55. The medical officer shall have the care of the mental and physical health of soldiers under sentence, and the commandant shall act in accordance with his advice in relation to those matters unless to do so would be contrary to any Act or these Rules, or the officer in charge of the medical services of the command in which the military establishment is situated otherwise directs.

Medical Officer—attendance

56. The medical officer shall attend at once, or as soon as the occasion requires, on receiving from the commandant information of the illness of a soldier under sentence.

Appeals

57. The manner in which a soldier under sentence in a military establishment or an overseas establishment, who has appealed, or desires to appeal, to the Courts-Martial Appeal Court against his conviction by court-martial may be taken to, kept in custody at, and brought back from any place at which he is entitled to be present for the purposes of Part I of the Courts-Martial (Appeals) Act, 1951, or any place to which the Courts-Martial Appeal Court or a Judge thereof may order him to be taken for the purposes of any proceedings of that Court, shall be as follows:—

(*a*) he may be taken to, kept in custody at, and brought back from any such place as aforesaid in military, naval or air-force custody;

(*b*) he may be kept in custody at any such place as aforesaid in any manner ordered by the Courts-Martial Appeal Court or a judge thereof, or in a military, naval or air-force establishment, in a civil prison, or in a police station: Provided that he shall not be kept in a civil prison or in a police station for periods exceeding seven days at any one time.

Facilities for soldiers under sentence who wish to petition or appeal

58.—(1) The commandant of a military establishment shall bring to the notice of soldiers under sentence therein their rights to petition or appeal. In addition to any other means chosen by the commandant for this purpose a notice shall be exhibited in every military establishment in a form prescribed from time to time by the Army Council to notify a soldier of his rights to petition or appeal, and such notices shall be exhibited in such places as to be seen by all soldiers under sentence.

(2) The commandant of a military establishment shall permit a soldier under sentence who intends to petition or appeal, or whose appeal is pending, for the purposes of the petition or appeal, to receive visitors, to be provided with reasonable quantities of writing materials, to write and receive letters, and to prepare and hand personally or to send by post to his legal adviser confidential written communications as instructions in connection with the

petition or appeal. Any such confidential written communication shall be exempt from censorship unless the commandant has reason to believe that it contains material unrelated to the purposes of the petition or appeal, when it may be subject to censorship in accordance with these Rules.

(3) For the purposes of a petition or an appeal a soldier under sentence may receive a visit from a medical adviser, being a registered medical practioner, selected by him or on his behalf by relatives or friends.

Complaints

59.—(1) A soldier under sentence who considers himself wronged in any matter may complain to the commandant of the military establishment in which he is serving his sentence or to a visiting officer on the occasion of a visit by him.

(2) In a case where there is a company commander of a soldier under sentence he shall forward any complaint which he wishes to make to the commandant through his company commander.

(3) It shall be the duty of the commandant of a military establishment to investigate any complaint made to him in accordance with this Rule and to take any steps for redressing the matter complained of which appear to him to be necessary.

(4) A soldier under sentence may complain to his commanding officer as provided in section 181 of the Act, and it shall be the duty of his company commander, if any, to forward the said complaint to the commandant, and of the commandant to forward it to the commanding officer of the soldier under sentence.

(5) In addition, and without prejudice to the rights of a soldier under sentence to make a complaint in accordance with the Act and the foregoing provisions of this Rule, a soldier under sentence who has not in his opinion received redress for any complaint made by him to the commandant or in accordance with section 181 of the Act, may complain to the Visiting Officer, who shall deal with any such complaint as provided in Rule 109.

(6) Without prejudice to the duties of a commandant and a company commander under this Rule, a commandant or company commander who believes that, in making a complaint where he thinks himself wronged, a soldier under sentence has made a statement affecting the character of an officer, warrant officer, non-commissioned officer or soldier subject to military law, which he knows to be false or does not believe to be true, or has wilfully suppressed any material facts, may call the attention of the soldier under sentence to the provisions of section 67 of the Act, so that the soldier under sentence may, if he so wishes, withdraw his complaint or any such statement as aforesaid.

(7) In the application of this rule to a person under an air-force sentence of imprisonment or detention for references to sections of the Act there shall be substituted references to the corresponding sections of the Air Force Act, 1955.

(8) In the application of this Rule to a person under a sentence of imprisonment or detention by virtue of the Naval Discipline Act the provisions of this Rule which refer to sections of the Act shall not apply but he may, in addition to his rights under this Rule to complain to the commandant and a visiting officer, complain to his commanding officer in any manner in which he is authorised to complain otherwise than in accordance with the Rules.

Searching soldiers under sentence

60.—(1) On admission to a military establishment a soldier under sentence shall be searched in accordance with Rule 61.

(2) The commandant of a military establishment may order that a soldier under sentence shall be searched at any time while he is serving his sentence.

Method of searching

61. The following provisions of this Rule shall be observed in relation to the search of any person in a military establishment pursuant to this Rule:—

(*a*) every search shall take place in the presence of at least two members of the staff;

(*b*) no person shall be present at any search except the commandant or members of the staff of the military establishment and, in particular, no soldier under sentence shall be present at the search of any other soldier under sentence;

(*c*) no woman shall be searched except by a woman, and no woman shall be searched in the presence of any male person.

Persons of unsound mind

62.—(1) If a person serving a military sentence of imprisonment or detention in a military establishment is a person of a description referred to in sub-paragraph (*a*), (*b*) or (*c*) of subsection (1) of section 16 of the Act, the commandant shall notify the Army Council or an officer deputed by them, so that on discharge that person may be received in a mental hospital, in accordance with the provisions of the said section.

(2) If a person serving an air-force sentence of imprisonment or detention in a military establishment is a person of the description referred to in sub-paragraph (*a*), (*b*) or (*c*) of subsection (1) of section 16 of the Air Force Act, 1955, the commandant shall notify the Air Council or an officer deputed by them, so that on discharge that person may be received in a mental hospital, in accordance with the provisions of the said section.

(3) If a person serving a sentence of imprisonment or detention by virtue of the Naval Discipline Act in a military establishment which is not in England shall become insane, the commandant shall forthwith notify the Admiralty so that they may take action pursuant to section 80 of the Naval Discipline Act.

Escapes

63.—(1) Any member of the staff of a military establishment who discovers that a soldier under sentence has escaped shall immediately report the fact to the commandant.

(2) If a soldier under sentence in a military establishment escapes, the commandant shall immediately inform the authorities and persons specified below in the cases there specified—

(*a*) If the person who has escaped was serving a military sentence of imprisonment or detention, the authorities or persons who shall be notified are—

(i) the Chief Officer of Police in the area in which the military establishment is situated (if in the United Kingdom), or the local police of the said area (if outside the United Kingdom);

(ii) the nearest unit or detachment of the Corps of Royal Military Police;

(iii) the local commander;

(iv) the officer in charge of records of the arm or branch of the service to which the soldier belongs;

(v) the regimental paymaster of the arm or branch of the service to which the soldier belongs;

(vi) an Inspector of Military Establishments.

(*b*) If the person who has escaped was serving an air-force sentence of imprisonment or detention, the authorities or persons who shall be notified are—

(i) the Chief Officer of Police in the area in which the military establishment is situated (if in the United Kingdom), or the local police of the said area (if outside the United Kingdom);

(ii) the nearest unit or detachment of the Corps of Royal Military Police;

(iii) the nearest unit or detachment of Royal Air Force Provost and Security Services;

(iv) the local commander;

(v) the commanding officer of the person who has escaped;

(vi) the officer in charge of Royal Air Force records;

(vii) an Inspector of Military Establishments.

(*c*) If the person who has escaped was serving a sentence of imprisonment or detention passed on him by virtue of the Naval Discipline Act, the authorities or persons who shall be notified are—

(i) the Chief Officer of Police in the area in which the military establishment is situated (if in the United Kingdom), or the local police of the said area (if outside the United Kingdom);

(ii) the nearest unit or detachment of the Corps of Royal Military Police;

(iii) a naval provost marshal;

(iv) the local commander;

(v) the Admiralty, or any officer deputed by them for the purpose;

(vi) an Inspector of Military Establishments.

Duration of sentences of persons who escape

64. The following shall be the authorities specified under these Rules for the purposes of the proviso to subsection (2) of section 119 of the Act:—

(*a*) in the case of a person upon whom a military sentence of imprisonment or detention was passed by court-martial, the reviewing authority or the reconsidering authority;

(*b*) in the case of a person to whom a military sentence of detention has been awarded by his commanding officer, that officer.

Deaths

65.—(1) If a soldier under sentence in a military establishment dies, the commandant shall:—

(*a*) if the death occurs in the United Kingdom, immediately report the matter to the coroner having jurisdiction in the place where the military establishment is situated;

(*b*) if the death occurs outside the United Kingdom, report the matter either—

(i) to any local civil authority authorised or required to inquire into the cause of death or, if there is no such authority—

(ii) to a higher military authority, requesting that a Board of Inquiry may be convened with reference to the death, in accordance with the Board of Inquiry (Army) Rules, 1956(a).

(2) Nothing in this Rule shall affect the duty of the commandant or any other military authority to record or report the death in accordance with the requirements of any enactment or any other rules, regulations, or instructions.

Offences against discipline

66. A soldier under sentence commits an offence against these Rules if he—

(1) commits an offence of a nature which might be dealt with summarily by the commanding officer of a soldier of the regular forces;

(2) treats with disrespect any member of the staff of a military establishment, any visitor thereto or any person employed thereat;

(3) is idle, careless or negligent;

(4) behaves irreverently at Divine Service;

(5) uses any abusive, insolent, threatening or other improper language;

(6) is indecent in any act or gesture;

(7) communicates with any other soldier under sentence without authority;

(8) leaves his room or place of work or other appointed place without permission;

(9) commits any nuisance;

(10) has in his room or possession any unauthorised article, or attempts to obtain such an article;

(11) gives to or receives from any person any unauthorised article;

(12) makes repeated and groundless complaints;

(13) fails to observe or comply with any conditions as to parole;

(14) attempts to commit any of the offences referred to in subparagraphs (2), (7), (8), (9), (10) and (11) of this Rule.

Jurisdiction of commandant and company commander

67.—(1) The commandant of a military establishment shall have jurisdiction to punish a soldier under sentence who commits an offence against these Rules.

(2) A company commander under the command of the commandant of a military establishment may have jurisdiction delegated to him by the commandant to punish a soldier under sentence who commits an offence against these Rules.

Procedure for dealing with offences

68.—(1) A soldier under sentence who, while serving his sentence, commits any offence against the Act, the Naval Discipline Act, the Air Force Act, 1955, or against these Rules shall be dealt with in accordance with the following provisions of this Rule.

(2) When any member of the staff of a military establishment reports to the commandant the commission of such an offence as is referred to in

(a) S.I. 1956/630 (p. 207 above).

paragraph (1) of this Rule by a soldier under sentence, the commandant shall deal with it as follows. If the alleged offence is one which the commandant has no jurisdiction to punish, or if, although the commandant has jurisdiction, it appears to him that the punishment he might award would be inadequate, he shall report the alleged offence to the local commander with a request that the soldier shall be dealt with either under Rule 71 or under military, naval or air force law (as the case may be). In any other case the procedure set out in paragraph (3) of this Rule shall be observed.

(3) The commandant shall ensure that a soldier under sentence who is alleged to have committed an offence against these Rules shall be informed of the offence which he is alleged to have committed. He shall then be brought before the commandant, and the evidence against him shall be heard in the presence of the soldier under sentence unless he agrees that written evidence may be used. If written evidence is used punishment shall not be awarded unless he has been given an opportunity of questioning the accuracy of any written statement. The soldier under sentence shall be given a proper opportuntiy of hearing the facts against him and of presenting his case. The commandant shall inform the soldier under sentence whether he finds him guilty or not guilty of committing any offence which he is alleged to have committed.

Punishments which may be awarded by a commandant

69.—(1) The commandant of a military establishment may award any of the punishments set out in paragraph (2) of this Rule to a soldier under sentence who has been found by him to have committed any offence against these Rules.

(2) The punishments referred to in paragraph (1) of this Rule are:—

(*a*) close confinement for a period not exceeding three days;

(*b*) restricted diet No. 1 for a period not exceeding three days;

(*c*) restricted diet No. 2 for a period not exceeding fifteen days;

(*d*) deprivation of mattress for a period not exceeding three days;

(*e*) forfeiture of remission of sentence for a period not exceeding fourteen days;

(*f*) deprivation of library books;

(*g*) forfeiture or reduction of earnings;

(*h*) extra military instruction;

(*i*) admonishment.

(3) In the case of a soldier under sentence who is classified as being in Stage II or Stage III in a military corrective training centre, in addition to the punishments referred to in paragraph (2) of this Rule, the following punishments may be awarded:—

(*a*) relegation from a higher to a lower stage;

(*b*) forfeiture of special rates of pay.

(4) Awards of restricted diet No. 1 and restricted diet No. 2 shall comply with the conditions with reference thereto contained in these Rules.

Punishments which may be awarded by a company commander

70. The commandant of a military establishment may delegate to a company commander under his command, being a member of the staff of a military establishment, jurisdiction to award the following maximum punishments to a soldier under sentence who is found by the company commander to have committed an offence against these Rules:—

(*a*) restricted diet No. 2 for a period not exceeding seven days;

(*b*) deprivation of mattress for one day;

(*c*) forfeiture of remission of sentence for a period not exceeding three days;

(*d*) deprivation of library books for a period not exceeding fourteen days;

(*e*) extra military instruction, not exceeding three periods of 45 minutes each;

(*f*) admonishment.

Boards of Visitors

71.—(1) The local commander may from time to time appoint Boards of Visitors to exercise disciplinary powers at any military establishment within the area of his command.

(2) A Board of Visitors shall consist of three officers of field rank (or corresponding rank) one of whom shall be not below the rank of lieutenant-colonel (or corresponding rank) unless the exigencies of the service make it impracticable, when the Board may consist of two field officers (or officers of corresponding rank) only, one of whom shall be not below the rank of lieutenant-colonel or corresponding rank.

(3) A Board of Visitors shall have the same jurisdiction as a commandant, and may award the punishments which may be awarded by a commandant, subject to the following modifications:—

(*a*) the maximum period of close confinement which they may award shall be fourteen days;

(*b*) the maximum period which they may award on restricted diet No. 1 shall be fifteen days, with the intervals prescribed by Rule 74;

(*c*) the maximum period which they may award on restricted diet No. 2 shall be twenty-one days;

(*d*) the maximum period of forfeiture of remission which they may award shall be the whole of the period of remission, but if they award forfeiture of remission which exceeds twenty-eight days the commandant shall report the matter to the reviewing authority who may mitigate or remit the award.

(4) A Board of Visitors shall investigate and deal with every charge brought against a soldier under sentence which they are required and have jurisdiction to hear and determine in accordance with these Rules. When they are satisfied that the soldier under sentence has had the charges sufficiently explained to him, that all the oral evidence has been heard in his presence, that he has had an opportunity of reading and questioning the accuracy of any documentary evidence and that he has had a proper opportunity of presenting his case and questioning any witnesses, they may—

(*a*) dismiss any charge which they find not to have been proved;

(*b*) record a finding of guilty and award any punishment which they are authorised by these Rules to award in respect of any charge which they find to have been proved.

Corporal punishment prohibited

72. The commandant and members of the staff of a military establishment shall not inflict or cause or permit to be inflicted corporal punishment on any soldier under sentence.

Restricted diets No. 1 *and No.* 2

73.—(1) Restricted diet No. 1 shall consist of 1 lb. of bread per day with unrestricted water.

(2) Restricted *diet* No. 2 shall consist of—

Breakfast—

Porridge, 1 pint, containing 3 ozs. oatmeal;

Bread, 8 ozs.

Margarine, ½ oz.

Cocoa, 1 pint, containing ¾ oz. cocoa, 1 fluid oz. milk (or 4/5 oz. tinned milk) and ½ oz. sugar.

Dinner—

Bread, 4 ozs.

Soup, 1½ pints, containing 3 ozs. split peas; 3 ozs. dried beans; 4 ozs. potatoes; 4 ozs. carrots; salt, and, on Wednesdays and Saturdays only, 4 ozs. meat (bone in).

Supper—

Bread, 8 ozs.

Margarine ½ oz.

Cocoa, 1 pint containing ¾ oz. cocoa, 1 fluid oz. milk (or 4/5 oz. tinned milk), and ½ oz. sugar.

Conditions with reference to the award of restricted diet No. 1

74.—(1) A soldier under sentence shall not undergo restricted diet No. 1 for any consecutive period exceeding three days at a time, and if he is awarded restricted diet No. 1 for a period exceeding three days his diet shall consist for alternate and equal periods not exceeding three days of:—

(*a*) 1 lb. of bread per day with unrestricted water; and

(*b*) the ordinary ration for soldiers under sentence.

(2) On the days on which a soldier is undergoing restricted diet No. 1 he shall not attend parades, nor shall he be required to undertake any task of labour, but he may be permitted to carry out very light work in his room.

(3) A soldier under sentence who has undergone restricted diet No. 1 shall not be required to undergo any further period on that diet in respect of any other offence until an interval has elapsed equal to the period of restricted diet No. 1 already undergone.

(4) Every soldier under sentence undergoing restricted diet No. 1 shall be visited every day by the commandant or his deputy and by the medical officer.

Conditions with reference to the award of restricted diet No. 2

75.—(1) A soldier under sentence undergoing restricted diet No. 2 shall attend parades and carry out work and training at the discretion of the commandant, but he shall not be required to do any heavy work.

(2) If a soldier under sentence who is undergoing restricted diet No. 2 is found guilty of an offence against these Rules, he may, notwithstanding the provisions of Rule 74, be required to undergo restricted diet No. 1 for a period not exceeding three days, and on the expiration of that period he may be required to undergo the remainder of the period on restricted diet No. 2:

Provided that the period spent on restricted diet No. 1 shall count as part of the period originally ordered on restricted diet No. 2.

Conditions affecting restricted diet No. 1 *and restricted diet No.* 2

76.—(1) A soldier who has undergone restricted diet for a consecutive period of twenty-one days shall resume the ordinary ration for soldiers under sentence for a period of at least seven days before any further period of restricted diet may commence.

(2) A soldier under sentence undergoing restricted diet shall not be issued with or permitted to have in his possession tobacco or cigarettes.

(3) No soldier under sentence shall be required to undergo restricted diet No. 1 or restricted diet No. 2 unless the medical officer has certified that he is fit to do so.

Close confinement

77.—(1) No soldier under sentence shall be placed in close confinement unless he has been certified by the medical officer as fit to undergo that punishment.

(2) A soldier in close confinement shall not be permitted to attend Divine Service and, except on the recommendation of the medical officer, shall not be permitted any exercise.

(3) A soldier under sentence in close confinement shall not be deprived of his room furniture or books, nor be subjected to any form of discipline which has not been lawfully ordered in accordance with these Rules.

(4) A soldier under sentence undergoing close confinement shall be visited at least once every day by the commandant or his deputy and the medical officer and, in addition, at least once every three hours, by a member of the staff of the military establishment who shall be detailed to do so.

Mechanical restraint

78.—(1) No soldier under sentence shall be subjected to any form of mechanical restraint as a punishment.

(2) Mechanical restraint of soldiers under sentence may be used for the purposes of safe custody during the removal of a soldier under sentence from one place or establishment to another and in the circumstances and under the conditions authorised by these Rules.

Authorisation of mechanical restraint

79.—(1) If it appears to the commandant of a military establishment that a soldier under sentence ought to be placed under mechanical restraint to prevent him from injuring himself or others, or damaging property or creating a disturbance, he may issue a written order that mechanical restraint shall be applied to a soldier under sentence, specifying the date and hour when restraint is to be applied, and the period, not exceeding twenty-four hours, during which it shall be applied. Immediately thereafter he shall notify the local commander and the medical officer that he has made the said order and the terms thereof.

(2) On receiving the said notification the medical officer shall examine the soldier under sentence and inform the commandant if, in his opinion, there is any objection on medical grounds to application of the mechanical restraint ordered. If he makes any such objection the commandant shall revoke or modify his order in accordance with the recommendation of the medical officer.

(3) The commandant of a military establishment shall ensure that no soldier is kept under mechanical restraint for any period longer than is necessary, nor for any period exceeding twenty-four hours unless the local commander orders in writing that the mechanical restraint shall continue for a longer period not exceeding forty-eight hours.

(4) No type of mechanical restraint shall be used except a type authorised by these Rules.

(5) Whenever mechanical restraint is applied or removed an officer or senior member of the staff of a military establishment shall be present, and the name of the officer and any other member of the staff present on every such occasion shall be recorded.

Types of mechanical restraint

80.—(1) The articles referred to in sub-paragraphs (*a*), (*b*) and (*c*) of this Rule, which shall conform with patterns approved by the Secretary of State, may be used as instruments of restraint:—

(*a*) handcuffs—figure of eight, swivel or curb chain, not exceeding for the pair twenty-two ounces in weight;

(*b*) strait waistcoat—stout white duck lined with swansdown, fastened at the back by lacing with strong webbing tapes through eleven eyelets on each side, the sleeves covering the entire arms and hands, and being secured by strong webbing tapes laced through the three eyelets on each side of the cuffs, the upper parts of the arms being tied round with three sets of strong webbing tapes sewn to the back of the sleeves;

(*c*) body belt—double leather sewn together, fastened by a lock at the waist, with steel wristlets at equal distances at the sides in which the wrists may be locked, the whole not exceeding four pounds in weight.

(2) Nothing in this Rule shall preclude the use of a canvas suit in those cases where its use is authorised by Rule 84.

The use of handcuffs

81. The commandant of a military establishment who orders the use of handcuffs on a soldier under sentence shall state in his written order authorising their use whether they are to be placed with the hands to the front or to the rear of the body. When they are placed to the rear of the body they shall be moved to the front during meals and for sleeping.

The use of the strait waistcoat

82.—(1) The strait waistcoat shall not be used except under the direction of a medical officer. It may be used only when restraint is necessary to prevent a soldier under sentence from injuring himself or others, or to prevent him from destroying clothing or other articles.

(2) The medical officer shall visit every soldier restrained in a strait waistcoat at least once in every twenty-four hours, and more often if he thinks it necessary. He shall record in his journal all such visits, the periods of restraint, and the reasons for its application.

(3) A strait waistcoat shall never be applied for more than twenty-four hours consecutively. If at the end of that period the medical officer considers that it must necessarily be continued he shall so order, but the restraint shall not be applied until the soldier under sentence has been free of any form of mechanical restraint for at least one hour.

(4) The medical officer shall inform the commandant in writing when the restraint is discontinued.

The use of the body belt

83.—(1) The body belt may be used only for restraining a soldier under sentence who is of violent conduct and for whom no other means of restraint is appropriate.

(2) Subject to paragraph (1) of this Rule, the provisions of Rule 82 as to the use of a strait waistcoat shall apply in relation to the use of a body belt.

The use of the canvas suit

84.—(1) The commandant of a military establishment may order a soldier under sentence to wear a canvas suit, consisting of frock and trousers made of canvas sail cloth, not exceeding twelve pounds in weight. Such an order may be made only in cases where the soldier under sentence destroys or attempts to destroy his clothing or refuses to wear uniform.

(2) The commandant shall report to the Visiting Officer on the occasion of every visit any subsisting orders made by him under paragraph (1) of this Rule, and shall arrange for the Visiting Officer to see every soldier under sentence who is wearing a canvas suit.

(3) The commandant shall record every order made under this Rule, the date from which any soldier under sentence is required to wear a canvas suit and the date when he authorises its removal.

PART VI

Religion, Education and Welfare

Books of religious instruction

85. The commandant shall, so far as practicable, make available for the use of every soldier under sentence such books of religious observance or instruction as are recognised for the use of his denomination and approved by the Secretary of State for War.

Chaplains

86.—(1) Chaplains when present in a military establishment for the purposes of their duties shall abide by these Rules and the standing or other orders for the regulation thereof and consult the commandant concerning the discharge of their duties.

(2) The commandant shall provide a book in which chaplains may record any matters which they wish to bring to the notice of the commandant.

(3) The commandant shall afford facilities to chaplains to have access to soldiers under sentence for the purpose of giving them religious instruction at times approved by him.

Duties of Chaplains

87.—(1) A chaplain of the same denomination as a soldier under sentence shall visit him on admission, and thereafter from time to time at proper and reasonable times, and shortly before his release. In a case where there is no chaplain of the same denomination as the soldier, the commandant shall arrange for the soldier to be visited by a minister of his own denomination, if the soldier under sentence so wishes and it is practicable to make the arrangements. In such cases the soldier under sentence shall be informed of the provisions of this Rule as soon as possible after his admission.

(2) The commandant shall daily make available to chaplains a list of soldiers under sentence who are sick, or undergoing punishment in pursuance of these Rules, and shall afford facilities for them to be visited, if requested by a chaplain or by the soldier under sentence.

(3) In appropriate cases a chaplain shall officiate at the burial of a soldier under sentence who dies in a military establishment.

Divine Service

88.—(1) Chaplains shall, whenever possible, conduct Divine Service in military establishments on Sundays and on other customary days and on such other convenient occasions approved by the commandant as they may decide.

(2) A soldier under sentence shall be allowed to attend the Divine Service of his denomination as often as he wishes, and any soldier undergoing punishment under these Rules may attend Divine Service unless he is in close confinement or excluded therefrom because of his disorderly conduct, or because it is apprehended that his conduct would be disorderly.

Education

89.—(1) The commandant of a military establishment shall—

(*a*) provide educational training at such times as are available, and in accordance with any syllabus laid down by the Army Council;

(*b*) where there is accommodation available, provide an information room in which soldiers under sentence, other than those in close confinement, may study current world affairs, read books, pamphlets and newspapers, and consult maps and books of reference. At the discretion of the commandant soldiers in close confinement may be permitted to use the information room at such times, and subject to such conditions, as he thinks fit;

(*c*) where wireless sets and loud-speakers are provided, make full use of them for broadcasting news and educational matters to soldiers under sentence;

(*d*) encourage soldiers under sentence to assist in the education of other soldiers under sentence;

(*e*) take a special interest in providing the rudiments of education to any illiterate soldiers under sentence;

(*f*) encourage other educational activities when circumstances permit;

(*g*) encourage soldiers under sentence to study any special subjects in which they are interested and, at his discretion, allow them to be provided with the text-books and reference books which will enable them to do so.

Welfare

90.—(1) The commandant of a military establishment shall appoint an officer to act as welfare officer, and afford facilities for soldiers under sentence to consult the welfare officer when occasion requires.

(2) The welfare officer shall keep written records of the matters on which he is consulted by soldiers under sentence and if he has not completed any correspondence or other dealings in connection therewith when a soldier under sentence who is returning to his unit is released from a military establishment, he shall send to the commanding officer of the soldier a report on those matters accompanied by any relevant papers and correspondence.

PART VII

Miscellaneous Rules and Offences relating to Military Establishments

Unlawful conveyance of spirits or tobacco into military establishments

91. No person shall, without the authority of the commandant of a military establishment, bring or attempt to bring into a military establishment or to a soldier under sentence any spirituous or fermented liquor or tobacco, or place any such liquor or tobacco outside the military establishment with *intent* that it shall come into the possession of a soldier under sentence, nor shall any member of the staff of a military establishment allow any such liquor or tobacco to be sold or used in the military establishment.

Unlawful introduction of other articles

92. No person shall without lawful authority convey or attempt to convey any letter or any other thing into or out of the military establishment or to a soldier under sentence, or place it anywhere outside the military establishment with intent that it shall come into the possession of a soldier under sentence.

Offences in relation to military establishments and soldiers under sentence

93.—(1) The provisions of sections 39 to 42 inclusive of the Prison Act, 1952(a), shall apply in relation to military establishments and soldiers under sentence, subject to the following modifications:—

For references to—	there shall be substituted—
" officer "	" any member of the staff of a military establishment "
" prisoner "	" soldier under sentence "
" prison "	" military establishment "
" regulations of a prison "	" Imprisonment and Detention (Army) Rules "
" The Prison Commissioners "	" The commandant or other officer in charge of a military establishment "

(2) Sections 39 to 42 of the Prison Act, 1952, as modified in accordance with paragraph (1) of this Rule, are set out in the Third Schedule to these Rules.

Admission of visitors and others to military establishments

94.—(1) No unauthorised person shall enter a military establishment or make any sketch or take any photograph or communicate with any person under sentence therein, and no such person shall remain therein after being requested to leave by the commandant or any person acting under his authority. In deciding whether to grant, or grant subject to conditions or refuse permission to enter a military establishment the commandant shall have regard to the orders of any court of competent jurisdiction, the provisions of these Rules and the directions or instructions of any higher military authority.

(2) The commandant of a military establishment may grant permission to any person to enter a military establishment subject to any conditions and, without prejudice to the generality of the foregoing words, he may make it a condition of granting permission to any person to enter or do anything within a military establishment that such a person agrees to being examined and searched if requested.

(3) The commandant may order the removal from a military establishment of any person who, without authority, enters a military establishment, or makes any sketch or takes any photograph therein, or refuses to be examined or searched, or fails to comply with any condition imposed by the commandant under this Rule.

(4) Any member of the staff of a military establishment who suspects that a visitor or any other person has committed any offence under sections 39 to 42 inclusive of the Prison Act, 1952, as modified by these Rules, or against these Rules, or of being in improper possession of any property used or intended for use in the military establishment shall stop that person and inform the commandant immediately, so that the commandant may, if he thinks fit, order that person to be examined and searched.

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 52.

PART VIII

MILITARY CORRECTIVE TRAINING CENTRES

Application of these Rules to military corrective training centres

95. This Part of these Rules contains special rules which apply to military corrective training centres and, subject thereto, all the provisions of these Rules shall apply to military corrective training centres.

Purposes of military corrective training centres

96. A military corrective training centre is a military establishment intended to provide corrective treatment combined with military training for soldiers under sentence so that they may, in consequence of such treatment and training, return to their units as better soldiers.

Organisation of military corrective training centres

97.—(1) The commandant of a military corrective training centre shall so organise it as to provide one wing or section for soldiers whose characters before they were sentenced for the offences in respect of which they are serving their sentences were good, and the other wing or section for those whose characters before they were sentenced as aforesaid were bad or poor.

(2) This Rule shall not apply to a military corrective training centre provided for so few soldiers that it would not be reasonable to divide it into wings or sections, or to a military corrective training centre where the accommodation provided or the circumstances are such that it would be impracticable so to divide it.

Special privileges at military corrective training centres

98. Soldiers under sentence in a military corrective training centre, or in each wing or section thereof in those cases where the centre is so organised, 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 the fewest privileges. A soldier under sentence in Stage II shall have more privileges than a soldier under sentence in Stage I, and a soldier under sentence in Stage III shall have more privileges than a soldier under sentence in either Stage I or Stage II. The commandant shall ensure that all soldiers under sentence have an equal opportunity of progressing through the stages.

Segregation in military corrective training centres

99.—(1) In every military corrective training centre, in so far as the accommodation and circumstances permit, the commandant shall ensure that certain descriptions of soldiers under sentence are segregated from other descriptions of soldiers under sentence. It shall be left to the commandant to decide, subject to any directions from higher authority, how far it is practicable to arrange for segregation, but the object shall be to segregate soldiers under sentence—

(*a*) 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;

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

(*c*) who have previously borne a good character and, if possible, segregating those under twenty-one years of age from those of twenty-one years of age and over.

(2) In arranging to segregate soldiers under sentence in accordance with this Rule, the commandant shall bear in mind that the principle is to ensure that soldiers of bad character cannot influence other descriptions of soldiers under sentence.

Stage I

100. On admission to a military corrective training centre a soldier under sentence shall be in Stage I, and he shall remain in Stage I for such period as the commandant may determine.

Stage II

101.—(1) The commandant may upgrade a soldier to Stage II when he considers that he is responding to corrective training and his standard of military proficiency has improved.

(2) A soldier in Stage II of his sentence shall be employed in accordance with the usual time-table, except that between 7 o'clock and 8.15 o'clock in the evening each day he shall be allowed the privilege of free unescorted movement within the stage compound, and he shall be allowed to write three letters each week subject to the provisions of Rule 50 (which relates to censorship).

Stage III

102.—(1) The commandant may upgrade a soldier from Stage II to Stage III when he considers that his continued response to corrective training and the increase in his military proficiency justify it.

(2) A soldier under sentence in Stage III shall be employed in accordance with the usual time-table, but he will be allowed the following privileges:—

(*a*) free and unescorted movement within the limits laid down by the commandant from time to time except when detailed for any parade or duty;

(*b*) the measure of surveillance by members of the staff shall be reduced in accordance with the directions of the commandant;

(*c*) he shall be permitted to retain in his possession any article or class of articles which soldiers under sentence in Stage III may be authorised by the commandant from time to time to retain in their possession, and any other article which he may have been authorised to have or retain in his possession by or on behalf of the commandant;

(*d*) he may purchase articles in accordance with any general or special approval of the commandant;

(*e*) he may be granted parole on the conditions set out in Rule 103;

(*f*) he shall be paid the pay which is authorised to be paid to a soldier under sentence in Stage III at a military corrective training centre by any Royal Warrant for Pay from time to time in force;

(*g*) he shall be allowed to send an unlimited number of letters and parcels, which shall not be subject to the provisions of Rule 50 (which relates to censorship) unless the commandant is authorised by superior military authority to apply the provisions of that Rule. Except for one letter each week, the provisions of paragraph (2) of Rule 48 (which concerns the furnishing of writing paper and postage free of cost to the soldier under sentence) shall not apply to the letters and parcels referred to in this sub-paragraph;

(*h*) he shall be given the normal scale of rations for soldiers who are not under sentence in place of the scale authorised for soldiers under sentence;

(*i*) he shall be allowed to smoke in the precincts of the stage compound when not detailed for work or training, and the restrictions on smoking and being in possession of tobacco or cigarettes contained in Rule 47 shall not apply to him.

(3) The following privileges or concessions which are available to other soldiers under sentence shall not apply to a soldier in Stage III of his sentence in a military corrective training centre, namely, free postage (except as provided in sub-paragraph (*g*) of the foregoing paragraph), free cigarettes, or the free issue of toilet requirements and cleaning materials.

Stage III—Parole

103.—(1) The commandant of a military corrective training centre may grant to a soldier under sentence in a military corrective training centre during each week of Stage III of his sentence a period of parole, commencing at such hour in the day after 6 o'clock in the morning and ending not later than midnight on the same day as may be determined by the commandant. Except in special circumstances the commandant shall not allow a period of parole on a Saturday or Sunday.

(2) Parole shall not be granted in accordance with paragraph (1) of this Rule unless, in the opinion of the commandant, the conduct of the soldier under sentence continues to be satisfactory. If the conduct of the soldier is not satisfactory the commandant may refuse to grant or may curtail the period of parole in any week. If the conduct of the soldier under sentence is good more than one period of parole may be granted in any week. The commandant of a military corrective training centre may award punishments to a soldier under sentence in Stage III in a military corrective training centre if that soldier:—

(*a*) fails to return to the military corrective training centre at the end of a period of parole;

(*b*) fails to observe any of the conditions under which he is granted parole;

(*c*) returns from parole in a state of insobriety.

PART IX

Unit Detention Rooms

Application of these Rules to unit detention rooms

104.—(1) This Part of these Rules shall apply in relation to unit detention rooms and, subject to the provisions of paragraphs (2) and (3) of this Rule, all the provisions of these Rules shall apply in relation to unit detention rooms.

(2) The following provisions of these Rules shall not apply in relation to unit detention rooms:—

Rule 39—(which relates to the provision of miscellaneous accommodation in military establishments);

Rules 55 and 56—(which relate to the functions of a medical officer, his attendance and consultations);

Rule 67, paragraph (2) and Rule 70—(which relate to the jurisdiction and powers of punishment of a company commander);

Rule 71—(which relates to Boards of Visitors);

Rule 89—(which relates to education);

Rule 90—(which relates to welfare);

Rules 107 to 110 inclusive—(which relate to Visiting Officers);

Rules 111 to 113 inclusive—(which relate to the commandant and members of the staff of military establishments).

(3) The provisions of the Rules specified below shall apply in relation to unit detention rooms subject to the modifications specified with reference thereto respectively:—

Rule 41, paragraph (1), the reference in this paragraph of this Rule (which relates to work and training of soldiers under sentence) to work or training for a period of not more than nine, nor less than six, hours, shall apply in relation to unit detention rooms of a unit of the women's forces as if it were a reference to work or training for a period of not more than eight, nor less than six, hours;

Rule 59—so much of this Rule (which relates to complaints) as refers to a company commander and a visiting officer shall not apply in relation to unit detention rooms;

Rule 64—(which relates to the rations of soldiers under sentence) shall not authorise a ration scale for a woman in unit detention rooms of a unit of the women's forces inferior to the usual ration scale for members of the women's forces generally;

Rule 69, sub-paragraphs (*b*), (*c*), (*d*) and (*g*), and Rules 73 to 76 inclusive (which Rules relate to the punishment of offences against these Rules) shall not apply in relation to unit detention rooms of a unit of the women's forces;

Rules 78 to 84 inclusive—(which relates to mechanical restraint) shall—

(*a*) not apply in relation to unit detention rooms of a unit of the women's forces; and

(*b*) apply in relation to unit detention rooms (other than unit detention rooms of a unit of the women's forces) only in so far as they relate to mechanical restraint by means of handcuffs.

Setting up unit detention rooms

105. Unit detention rooms shall be under the control of the commanding officer of the unit under whose authority they were set up, or of the commanding officer of another unit to which they are appropriated by order of an officer not below the rank of colonel, or corresponding rank, commanding any command or other area, garrison or place, or any formation or body of troops of Her Majesty's forces.

Segregation in unit detention rooms

106. Soldiers under sentence in unit detention rooms shall be segregated from any soldiers confined therein awaiting trial by court-martial, or disposal by a commanding officer or appropriate superior authority, or awaiting promulgation of sentence.

PART X

Visiting Officers

Appointment of visiting officers

107. The local commander shall ensure that an officer (not below field rank or corresponding rank), in these Rules referred to as a "visiting officer", visits each military establishment (other than unit detention rooms) within his command once each week. A written order appointing him shall be given to each visiting officer.

Duties of visiting officer

108.—(1) A visiting officer ordered to visit a military establishment shall duly attend in accordance with the instructions contained in the order appointing him.

(2) On arrival at a military establishment a visiting officer shall, if required, produce the order appointing him to the commandant or any officer or other person acting on his behalf.

(3) The visiting officer shall not inspect the staff, buildings or premises of a military establishment.

(4) Subject to the provisions of paragraph (6) of this Rule, a visiting officer shall on the occasion of every visit see all the soldiers under sentence in the military establishment either on parade or in their rooms. Soldiers under sentence in close confinement or in a medical detention room shall be seen in their rooms or in the medical detention room, as the case may be.

(5) Subject to the provisions of paragraph (6) of this Rule, a visiting officer shall ask all soldiers under sentence if they have any complaints to bring to the notice of the visiting officer. This question shall be asked by him and not by any member of the staff on his behalf, and the question shall not be qualified in any way, nor shall a soldier's right to complain be made subject to any condition. A soldier under sentence who wishes to complain shall be asked by the visiting officer if he wishes to make his complaint there and then or whether he wishes to see him privately. If the soldier under sentence wishes to make his complaint privately the commandant shall arrange that a room is placed at the disposal of the visiting officer in which he may hear any complaint made by the soldier under sentence. If the commandant thinks fit a member of the staff may be present to ensure that there is no breach of discipline by the soldier under sentence, but, at the discretion of the visiting officer, that member of the staff shall remain within sight but out of hearing.

(6) A visiting officer shall satisfy himself that he has seen all soldiers under sentence in the military establishment, except any whom he is requested not to see on the advice of the medical officer on medical grounds.

Investigation of complaints by a visiting officer

109.—(1) A visiting officer shall inquire fully into every complaint made to him, and the commandant shall place at his disposal any witness or evidence he requires. The visiting officer shall ascertain if any complaint made to him had previously been made to the commandant or other officer of the staff of the military establishment and of the nature of any action taken in relation thereto.

(2) On completion of the investigation of any complaint made to him a visiting officer shall deal with it in the following manner:—

(*a*) if, in his opinion, the complaint was not justified, he shall so inform the soldier under sentence who made the complaint;

(*b*) if, in his opinion, the complaint was justified, he shall inform the soldier under sentence who made the complaint that he will report the matter to the local commander.

(3) A visiting officer shall not in any circumstances offer any redress to a soldier under sentence.

(4) On completion of each visit a visiting officer shall make a report to the local commander, including a full report of every complaint made to him and of the result of his investigation thereof.

Redress of complaints made to a visiting officer

110. On receipt of a complaint reported to him by a visiting officer the local commander shall investigate and take any steps for redressing the matter complained of which appear to him to be necessary.

PART XI

Staff of Military Establishments

Appointment of commandant and staff

111.—(1) The commandant, officers and other members of the staff of military establishments in the United Kingdom (other than unit detention rooms) shall be appointed by or in accordance with the directions of the Secretary of State.

(2) The commandant, officers and other members of the staff of military establishments outside the United Kingdom (other than unit detention rooms) shall be appointed either by the Secretary of State or by or in accordance with the directions of the local commander.

Duties of commandant

112.—(1) The commandant of a military establishment shall :—

(*a*) exercise a close and constant supervision of the military establishment and, if practicable, visit and inspect daily all parts of the establishment in which soldiers under sentence are working or training. He shall also visit the military establishment during the night at least once a week. He shall make frequent inspections of rooms occupied or used by soldiers under sentence and satisfy himself that foods intended for their consumption are properly stored, cooked and served ;

(*b*) supervise and control the duties of the officers and other members of the staff of the military establishment, and satisfy himself that the details and rosters of duties are prepared and maintained in accordance with any directions of the Secretary of State and in a manner to ensure the efficiency of the establishment :

(*c*) maintain discipline amongst the officers and other ranks who are appointed to serve under his command as members of the staff of the military establishment ;

(*d*) issue from time to time standing orders for the staff and for particular sections and members of the staff, and examine any orders so issued from time to time so that they may be revised and maintained in accordance with current requirements ;

(*e*) from time to time call the attention of all members of the staff to the provisions of the Official Secrets Acts, 1911 to 1939 ;

(*f*) instruct the officers and staff of the military establishment to maintain discipline with firmness, but without more repression or restriction than is required for the safe custody of the soldiers under sentence in a well-ordered community life ;

(*g*) encourage members of the staff to enlist the willing co-operation of soldiers under sentence by their own example and leadership ;

(*h*) interview every soldier under sentence as soon as possible after his admission to a military establishment and shortly before his release therefrom ;

(*i*) arrange for any soldier under sentence who is to be discharged from Her Majesty's forces to be interviewed shortly before his release from a military establishment in the United Kingdom by an official of the Ministry of Labour and National Service with reference to his future civil employment ;

(*j*) provide a soldier under sentence who is discharged from Her Majesty's forces on release from a military establishment in the United Kingdom with—

(i) a cash payment in respect of subsistence not exceeding £1 ;

(ii) travel at the public expense to a place of residence in the United Kingdom or the Irish Republic selected by the soldier under sentence, in those cases where the commandant is satisfied that the soldier under sentence is without available means for the purpose;

(iii) civilian clothing, on terms that the soldier under sentence shall pay the cost thereof, except in those cases where provision is made for the free issue of civilian clothing or the soldier under sentence can arrange for civilian clothing to be sent to him.

Duties of members of the staff of military establishments

113. Members of the staff of military establishments shall:—

(*a*) carry out their duties in accordance with these Rules, the standing orders of the military establishment, and the orders of the commandant;

(*b*) in relation to the soldiers under sentence, preserve an attitude of firmness tempered with understanding, and avoid any form of harsh treatment; set an example of integrity and fairness; endeavour to create a feeling of respect and confidence among the soldiers in their charge, studying the characteristics of the soldiers under sentence and endeavouring to bring out the best in them;

(*c*) direct the attention of the commandant to any soldier under sentence who may appear not to be in good health, though he may not complain, or whose state of mind appears to be deserving of special notice or care, so that arrangements may be made for the soldier under sentence to be seen by the medical officer;

(*d*) watch the soldiers under sentence in their various movements and employments throughout the day and use vigilance to prevent unauthorised communication between soldiers under sentence;

(*e*) prevent prohibited articles from being secreted for the purpose of being conveyed to soldiers under sentence, and immediately report any such occurrence;

(*f*) take care that no ladders, planks, wheelbarrows, ropes, chains, implements, clothing, or materials of any kind likely to facilitate escape, are left in any place where they might be accessible to soldiers under sentence;

(*g*) take the utmost care to guard against accidents by fire; report any apparent danger of such an accident, and not carry any naked light about within the military establishment;

(*h*) call attention to any defect in the sanitation or ventilation which may come to their notice;

(*i*) satisfy themselves, when on night duty, as to the correctness of the number of soldiers in their charge, and that the rooms are securely locked for the night;

(*j*) examine the state of the rooms, bedding, locks and bolts under their charge from time to time, and report thereon as required;

(*k*) seize all prohibited articles and deliver them forthwith to the commandant;

(*l*) when on night-watch, patrol the military establishment during the period of their duty, and record their patrols in the manner required;

(*m*) when on gate duty, record the name of every person passing through the gate and keep a record of all stores that pass through the gate; examine all articles brought in or taken out of the military establishment

and stop any person suspected of bringing in or attempting to bring in any prohibited article, or of carrying out or attempting to carry out any property intended to remain in the military establishment for the purposes thereof.

Dated this 3rd day of December, 1956.

John Hare.

FIRST SCHEDULE

PART I

FORM 1

Rule 23

Order for the committal of a soldier to a military, naval or air-force establishment on an award of detention by his Commanding Officer.

To the Commandant or other person in charge of.....(*a*)

Whereas No..... Rank..... Name..... of the..... Regiment/Corps was on the.....day of.....19....., awarded detention for a period of.....days by his/her Commanding Officer for the offence[s] of.....
.....
.....
.....(*b*)

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) .....(*c*)

Rank and Appointment.....

(*a*) Insert the name of the establishment.

(*b*) Set out the statement (not the particulars) of the offence and the relevant sections of the Army Act, 1955. Where there is more than one offence, the statement of each must be set out.

(*c*) This form must be signed by the Commanding Officer of the person concerned.

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 No. ..... Rank ..... Name..... of the.....Regiment/Corps was by a .....(*b*) Court-Martial held at..... convicted of the offence[s] of
.....
.....
.....(*c*)
and, by a sentence passed on the..... day of..... 19....., sentenced to [imprisonment/detention for a term of.....(*e*)

commencing on the said day, which sentence has been duly confirmed in accordance with the provisions of the Army Act, 1955, ...
.....(*d*);](*e*)

(*f*) [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.](*g*) 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 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) ..... (*i*).

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 "General", "District", or "Field General" as the case may be.

(*c*) Here set out the statement (not the particulars) of the offence and the relevant sections of the Army Act, 1955. Where there is more than one offence the statement of each must be set out.

(*d*) If any part of the sentence has been remitted on confirmation insert "with a remission of.....".

(*e*) 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.....", or, where the original sentence was imprisonment and it has been commuted to one of detention substitute "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 .....".

(*f*) Omit this recital if the sentence has not been suspended.

(*g*) Omit these words where the person has not been committed prior to suspension of sentence. If he has been committed and the sentence has been subsequently suspended, insert the period of imprisonment or detention undergone from the date of sentence to the date of suspension.

(*h*) Omit these words where not applicable. A separate committal order is required for each sentence.

(*i*) The committal form must be signed by the Commanding Officer of the person concerned, any officer under whose command that person is for the time being, or by an administrative staff officer not below the rank of lieutenant-colonel or corresponding rank.

FORM 3

Order for the committal of a person sentenced to imprisonment or detention by a Court-Martial held out of 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.

Whereas No. ..... Rank.....Name..... of the.....Regiment/Corps was by a.....(*a*) Court-Martial held at.....convicted of the offence[s] of

.....

.....

.....(*b*)

and by a sentence passed on the .....day of.....19....., sentenced [to imprisonment/detention (*c*) for a term of.....commencing on the said day, which sentence has been duly confirmed in accordance with the provisions of the Army Act, 1955,.....(*d*);](*e*).

(*f*) 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.](*g*) 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 (*c*) [and it was ordered that the sentence should run concurrently/consecutively (*c*) with a sentence of.....passed on the.....day of..... 19.....,](*h*).

(*i*) And Whereas the confirming officer/reviewing authority (*c*) 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] [, under the Imprisonment and Detention (Army) Rules, 1956, directed that the said person shall serve.....days of his sentence in the United Kingdom;](*c*)

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.....(*j*) to receive the said person into his custody and to retain him/her to undergo.....years and.....days of his/her sentence according to law;

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.

(*k*) 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 the confirmation of the sentence;

(*l*) And Whereas the confirming officer/reviewing authority (*c*) has, under the Imprisonment and Detention (Army) Rules, 1956, directed that the sentence shall be served in the United Kingdom;

(*m*) 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;

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 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).....(*n*)

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.....(*o*) at.....(*o*) 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 purposes of transfer, and for so doing this shall be sufficient warrant.

Signed at.....this .....day of.....19.....

(Signature).....(*n*)

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..... ..... at.....(*p*) to undergo [the remainder of](*q*) 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).....(*n*)

Rank and Appointment.....

(*a*) Insert " General ", " District " or " Field General " as the case may be.

(*b*) Here set out the statement (not the particulars) of the offence and the relevant sections of the Army Act, 1955. Where there is more than one offence the statement of each must be set out.

(*c*) Delete as necessary.

(*d*) If any part of the sentence has been remitted on confirmation insert " with a remission.....".

(*e*) Where the original sentence was for 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....."; or, where the original sentence was imprisonment and it has been commuted to one of detention substitute " 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.....".

(*f*) Omit this recital if the sentence has not been suspended.

(*g*) Omit these words where the person has not been committed prior to suspension of sentence. If he has been committed and the sentence has been subsequently suspended, insert the period of imprisonment or detention undergone from the date of sentence to the date of suspension.

(*h*) Omit these words where not applicable. A separate committal order is required for each sentence.

(*i*) These paragraphs must be used only where a part of the sentence is to be served overseas before return to the United Kingdom.

(*j*) Insert the name and location of the prison or other establishment where part of the sentence is to be served overseas.

(*k*) 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 out of the United Kingdom.

(*l*) 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, 1956, that it shall be served wholly in the United Kingdom.

(*m*) This paragraph is to be used in conjunction with one or other of the two preceding paragraphs, where the sentence is to be served wholly in the United Kingdom.

(*n*) This form must be signed by the Commanding Officer of the person concerned, 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.

(*o*) Insert 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.

(*p*) Insert the name and location of the prison or other establishment where the person concerned is to serve his/her sentence on arrival in the United Kingdom.

(*q*) Omit these words where the whole sentence is to be served in the United Kingdom.

FORM 4

Order for the removal out of the United Kingdom of a person serving a military sentence of imprisonment or detention in the United Kingdom.

To the Governor, Commandant or other person in charge of.....
.....(*a*).

Whereas No..... Rank.....
Name..... of the..... Regiment/Corps is now in your custody undergoing a military sentence of $\frac{\text{imprisonment}}{\text{detention}}$(*b*);

And Whereas the $\frac{\text{confirming officer}}{\text{reviewing authority}}$ $\frac{\text{reviewing authority}}{\text{reconsidering authority}}$ (*b*) has ordered that the said person be removed out of the United Kingdom to.....(*c*) being [the colony in which he was enlisted]/[the place where the [part of the] (*d*) corps to which he for the time being belongs is $\frac{\text{serving}}{\text{under orders to serve}}$](*b*);

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 to.....
.....(*c*) in military custody to undergo [the remainder of](*e*) his/her sentence according to law in such military, naval, air-force or overseas establishment as may be appointed on his/her arrival.

And I do further order that the Governor, Commandant or other person in charge of the establishment to which the said person is brought on his/her arrival in .....(*c*) shall receive him/her into his custody and retain him/her to undergo [the remainder of](*e*) 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 his/her transfer.

Signed at..... this..... day of..... 19....., (Signature) .....(*f*)

Rank and Appointment.....

(*a*) Insert the name and address of the prison or other establishment.

(*b*) Delete as necessary.

(*c*) Insert the name of the colony or place to which the person is to be removed.

(*d*) Delete if not applicable.

(*e*) Delete if no part of the sentence has yet been served.

(*f*) This form must be signed by the Commanding Officer of the person concerned, 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.

FORM 5

Order for the transfer of a person undergoing a military sentence of imprisonment or detention from one prison or other establishment to another.

To the Governor, Commandant or other person in charge of..... .....(*a*).

Whereas No..... Rank..... Name..... of the..... Regiment/Corps is now in your custody undergoing a military sentence of $\frac{\text{imprisonment}}{\text{detention}}$ (*b*);

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.....(*c*) and that the Governor, 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, 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 his/her transfer.

Signed at..... this..... day of..... 19....., (Signature) .....(*d*)

Rank and Appointment.....

(*a*) Insert the name of and address of the prison or other establishment where the person concerned is undergoing sentence.

(*b*) Delete as necessary.

(*c*) Insert the name and address of the prison or other establishment to which the person is to be transferred.

(*d*) This form must be signed by the Commanding Officer of the person concerned, 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.

FORM 6

Order for the temporary removal in custody of a person undergoing a military sentence of imprisonment or detention.

To the Governor, Commandant or other person in charge of.....
.....(*a*).

Whereas No..... Rank.....
Name..... of the.....Regiment/Corps
who is now in your custody undergoing a military sentence of $\frac{\text{imprisonment}}{\text{detention}}$ (*b*) 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 to deliver the said person to the officer, warrant officer or non-commissioned officer producing this Order;

And I do further order 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.....(*c*) on.....(*d*) for the said purpose, and thereafter, unless he/she is released in due course of law, to return him/her to the above-named establishment 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 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 military 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.....(*h*) 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)..... (*i*)
Rank and Appointment.....

(*a*) Insert name and address of the prison or other establishment where the person concerned is serving his/her sentence.

(*b*) Delete as necessary.

(*c*) Insert the place where the person concerned is required to attend.

(*d*) Insert the date or dates when attendance is required.

(*e*) Insert the purpose for which the person concerned is required to attend, e.g., " to give evidence before a Board of Inquiry into . . . . . ", or " to be present at the hearing by the Courts-Martial Appeal Court of his/her appeal to that Court " or as the case may require.

(*f*) This form must be signed by the Commanding Officer of the person concerned, any officer in or under whose command he is for the time being or by an administrative staff officer not below the rank of lieutenant-colonel or corresponding

rank. This form must not be used by the Governor, Commandant or other person in charge of the establishment where the person concerned is serving his/her sentence.

(*g*) Insert the name and location of the prison or other establishment to which the person is to be sent.

(*h*) Insert the name of the prison or other establishment.

(*i*) This form must be signed by the Commanding Officer of the person concerned, any officer in or under whose command he is for the time being, or by an administrative staff officer not below the rank of lieutenant-colonel or corresponding rank.

FORM 7

Order for the temporary removal in custody of a person undergoing a military sentence of imprisonment or detention. (Form for use by Governor, Commandant or other person in charge of the establishment where the person concerned is serving his/her sentence).

To.....

Whereas No.....Rank.....

Name.....of the.....Regiment/Corps, is now in my custody undergoing a sentence of $\frac{\text{imprisonment}}{\text{detention}}$(*a*) and is required to be present at.....(*b*) on.....(*c*) for the purpose of.....

.....(*d*);

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 bring him/her to.....(*b*) on.....(*c*) 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).....(*e*)

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 military custody to.....

.....(*f*) 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*) Delete as necessary.

(*b*) Insert the place where the person concerned is required to attend.

(*c*) Insert the date or dates when attendance is required.

(*d*) Insert the purpose for which the person concerned is required to attend, e.g. " 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 to that Court ", or as the case may require.

(*e*) This form is for use only by the Governor, Commandant or other person in charge of the establishment where the person concerned is serving his/her sentence and must be signed by him or his deputy.
(*f*) Insert the name and location of the prison or other establishment to which the person is to be returned.
(*g*) Insert the name of the prison or other establishment.
(*h*) This form must be signed by the Commanding Officer of the person concerned, 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.

FORM 8

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

To.....(*a*)
.....
Whereas No..... Rank.....
Name.....of the.....Regiment/Corps
is a person in military custody in pursuance of a military sentence of $\frac{\text{imprisonment}}{\text{detention}}$(*b*);

Now, therefore, in pursuance of subsection (2) of section 129 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).....(*c*)
Rank and Appointment.....

(*a*) Insert " the Governor, H.M. Prison....."
" the Superintendent,.....Prison ",
" The Officer in charge of.....Police Station " or as the case may require.
(*b*) Delete as necessary.
(*c*) This form must be signed by the Commanding Officer of the person concerned.

FORM 9

Order for the return to military custody of a person under military sentence of imprisonment or detention who is temporarily detained in civil custody.

To.....
.....(*a*)
Whereas No.....Rank.....
Name.....of the ..... Regiment/Corps, is now in your custody in pursuance of subsection (2) of section 129 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 over the said person into military custody to the officer
warrant officer (*b*) producing this Order.
non-commissioned officer

Signed at..... this ..... day of.....19.....
(Signature).....(*c*)
Rank and Appointment.....

(*a*) Insert " the Governor, H.M. Prison.....",
" the Superintentent, ...Prison ",
" the Officer in charge of.....Police Station " or as the case may require.
(*b*) Delete as necessary.
(*c*) This form must be signed by the Commanding Officer of the person concerned.

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 No..... Rank.....
Name..... of the.....Regiment/Corps was guilty of.....(*e*);

And Whereas the said Court-Martial did order the said person to be $\frac{\text{imprisoned}}{\text{undergo detention}}$(*f*) for a period of.....days;

Now, therefore, in pursuance of subsection (2) of section 57 of the Army Act, 1955 and of all other powers them enabling, the Court hereby order you to receive the said person into your custody to undergo $\frac{\text{imprisonment}}{\text{detention}}$(*f*) accordingly and for so doing this shall be your warrant.

Signed at..... this..... day of
.....19.....

(Signature)..... (*g*)

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 and name of the person being tried.
(*d*) Insert the place where the Court-Martial was sitting.
(*e*) Insert the statement of the offence under section 57 (1) (*e*) or (*f*) of the Army Act, 1955.
(*f*) Delete as necessary.
(*g*) This form must be signed by the President of the Court-Martial.

PART II

Rule 24

FORM A

Order for the release of a person undergoing a military sentence of imprisonment or detention.

To the Governor, Commandant or other person in charge of.....
.....(*a*)

Whereas No..... Rank..... Name.....
of the..... Regiment/Corps is now in your custody undergoing a sentence of $\frac{\text{imprisonment}}{\text{detention}}$(*b*) $\frac{\text{passed by court-martial}}{\text{awarded by his/her Commanding Officer}}$(*b*);

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) ..... (*c*)

Rank and Appointment.....

(*a*) Insert the name and address of the establishment.
(*b*) Delete as necessary.
(*c*) This form must be signed by the reviewing or reconsidering authority or an officer authorised to do so by the Army Council, and in the case of a soldier serving a sentence of detention awarded by his Commanding Officer, only by his Commanding Officer.

SECOND SCHEDULE

Rule 45

EARNINGS OF SOLDIERS UNDER SENTENCE

Soldiers under sentence:—	*Rates per week*
1. (*a*) During the first week of sentence following the usual pay day, and during each of the following seven weeks...	1s. 4d.
(*b*) During the ninth week of sentence	2s. 0d.
(*c*) During the tenth and subsequent weeks, at least	2s. 0d.
(*d*) During the said tenth week and subsequent weeks of his sentence a soldier under sentence who shows skill, diligence, and a sense of responsibility in carrying out the work required of him may, at the discretion of the commandant, be granted maximum weekly increments of 3d. per week until he is earning a maximum of	4s. 0d.

2. In respect of any part of a week before the first week of a sentence following a usual pay day a soldier under sentence may earn 2½d. a day, and during the last days of his sentence before release, following a usual pay day, he may earn for each day one-sixth of the rate of pay which he was earning in the week preceding the last usual pay day.

3. For the purposes of calculating a soldier's earnings in accordance with this Schedule, Sundays shall be included, and days during which a soldier is undergoing restricted diet as a punishment shall be excluded.

4. If the commandant considers that the skill, diligence and sense of responsibility shown by a soldier under sentence are less than they should be, the rate of earnings to which he is from time to time entitled in excess of 2s. per week may be reduced by such amount as the commandant thinks fit, but so that it shall not be reduced below 2s. per week.

5. A soldier under sentence who is in a medical detention room of a military establishment or in a hospital shall not be entitled to be credited with earnings greater than 2s. 0d. per week, or for any period less than a week, 3½d. a day.

6. When a soldier under sentence is admitted to hospital the commandant shall endeavour to arrange with the Commanding Officer of the hospital that goods may be issued each week to the soldier from the canteen to a maximum retail value of 2s. 0d. per week or such lower value equal to the rate of the weekly earnings of the soldier under sentence immediately before he was admitted to hospital and any sum standing to his credit, and the commandant shall pay to the Commanding Officer of the hospital from time to time sums equal to the value of the goods so issued.

7. On the release of a soldier under sentence on completion of his sentence he shall be entitled to be paid in cash the balance of any earnings standing to his credit.

THIRD SCHEDULE

Rule 93

Sections 39 *to* 42 *of the Prison Act*, 1952, *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

Assisting soldier under sentence to escape

39. Any person who aids any soldier under sentence in escaping or attempting to escape from a military establishment or who, with intent to facilitate the escape of any soldier under sentence, conveys anything into a military establishment or to a soldier under sentence or places anything anywhere outside a military establishment with a view to its coming into the possession of a soldier under sentence, shall be guilty of felony and liable to imprisonment for a term not exceeding two years.

Unlawful conveyance of spirits or tobacco into military establishments, etc.

40. Any person who contrary to the Imprisonment and Detention (Army) Rules brings or attempts to bring into the military establishment or to a soldier under sentence any spirituous or fermented liquor or tobacco, or places any such liquor or any tobacco anywhere outside the military establishment with intent that it shall come into the possession of a soldier under sentence and any member of the staff of a military establishment who contrary to those Rules allows any such liquor or any tobacco to be sold or used in the military establishment, shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding twenty pounds or both.

Unlawful introduction of other articles

41. Any person who contrary to the Imprisonment and Detention (Army) Rules conveys or attempts to convey any letter or any other thing into or out of the military establishment or to a soldier under sentence or places it anywhere outside the military establishment with intent that it shall come into the possession of a soldier under sentence shall, where he is not thereby guilty of an offence under either of the two last preceding sections, be liable on summary conviction to a fine not exceeding ten pounds.

Display of notice of penalties

42. The commandant or other officer in charge of a military establishment shall cause to be affixed in a conspicuous place outside every military establishment a notice of the penalties to which persons committing offences under the three last preceding sections are liable.

EXPLANATORY NOTE

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

These Rules, which are made under the Army Act, 1955, and the Courts-Martial (Appeals) Act, 1951, make provision with respect to the following matters:—

Part I Preliminary.

Part II relates to the control and inspection of military establishments, being places under the control of the Secretary of State where persons under military sentences of imprisonment or detention may serve their sentences.

Part III relates to the provision, classification and use of military establishments and for the committal of soldiers under sentence to these establishments, civil prisons and overseas establishments.

Part IV contains the Rules with reference to remission of sentences.

Part V contains a code for the treatment, employment, discipline and control of soldiers under sentence, and includes safeguards as to the size and type of accommodation used for their confinement; provision whereby they may participate in an earnings scheme; provisions as to rations, medical attention, complaints and offences against the Rules and as to the punishments which may be awarded in respect of such offences.

Part VI concerns the welfare of soldiers under sentence, religion and education and provisions with reference to chaplains.

Part VII sets out certain Rules with reference to military establishments which must be observed, not only by soldiers under sentence, but also by the public by virtue of sections 39 to 42 of the Prison Act, 1952, as modified to apply in relation to military establishments.

Part VIII contains special rules which apply to military corrective training centres which are military establishments where soldiers who can benefit from it are given military and other training which will assist them to become better soldiers.

Part IX contains special rules which apply to unit detention rooms.

Part X provides for the appointment of visiting officers and defines their duties, which include weekly visits to all military prisons, detention barracks and corrective training centres so that soldiers under sentence shall have an opportunity to make complaints.

Part XI contains Rules to be observed by commandants and staffs of military establishments.

These Rules replace the Rules for Military Detention Barracks and Military Prisons, 1947 (S.R. & O. 1947/1744 (Rev. II, p. 914)) and the Rules for the Management of Barrack Detention Rooms, 1951, both of which cease to have effect on the coming into operation of the Army Act, 1955. These Rules do not make any substantial changes in the system of administering military establishments or the treatment, discipline and control of soldiers under sentence.

1956 No. 561

The Field Punishment (Army) Rules, 1956

Made - - - -	*5th April*, 1956
Laid before Parliament	*19th April*, 1956
Coming into Operation	*1st January*, 1957

The Secretary of State for War, in exercise of the powers conferred upon him by section 73 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 Field Punishment (Army) Rules, 1956, and shall come into operation on the first day of January, nineteen hundred and fifty-seven.

Interpretation

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

(2) In these Rules, except where the context otherwise requires:—

"offender" means a person subject to military law who has been awarded field punishment by sentence of a court-martial or by a commanding officer under Part II of the Army Act, 1955;

"personal restraint" means restraint by handcuffs; and

other expressions have the same meanings as they have in the Army Act, 1955.

(a) 3 & 4 Eliz. 2. c. 18. (b) 52 & 53 Vict. c. 63.