NAVY

1952 No. 387

The Naval Detention Quarters (Amendment) Rules, 1952

Made - - - -	28*th February*, 1952
Laid before Parliament	29*th February*, 1952
Coming into Operation	1*st May*, 1952

The Admiralty, by virtue of the powers conferred on them by Sub-section (2) of Section 81 of the Naval Discipline Act(**a**) and Section 17 of the Courts-Martial (Appeals) Act, 1951(**b**), hereby make the following rules:—

1. These rules may be cited as the Naval Detention Quarters (Amendment) Rules, 1952, and these rules, and the rules referred to in Article 3 of these rules, may be cited together as The Naval Detention Quarters Rules, 1912 to 1952.

2. These rules shall come into operation on the 1st day of May, 1952.

3. After Article 149B of the Rules and Regulations dated 31st August, 1912, made by the Admiralty under Section 81 of the Naval Discipline Act for Naval Detention Quarters(**c**) as amended by the Naval Detention Quarters (Amendment) Rules, 1941(**d**), the Naval Detention Quarters (Amendment) Rules, 1946(**e**), and the Naval Detention Quarters (Amendment) Rules, 1947(**f**), there shall be inserted the following new articles.

"APPEALS UNDER THE COURTS-MARTIAL (APPEALS) ACT, 1951

149C. This article and the next two articles apply to:

(*a*) any person undergoing detention who intends to apply or has applied for leave to appeal under the Courts-Martial (Appeals) Act, 1951, and whose appeal has not been finally determined or abandoned; and

(*b*) any person who is detained under the provisions of Section 7 (2) of that Act.

2. Notwithstanding the fact that a person undergoing detention intends to or has applied for leave to appeal against his conviction by court-martial, he will, subject to any direction to the contrary by the Courts-Martial Appeal Court or by a Judge, continue to serve his sentence and to be subject to these rules and regulations pending the determination or abandonment of his appeal.

3. A person to whom this article applies may for the purposes of his appeal be visited by

(*a*) his legal adviser, his friend at the court-martial or a registered medical practitioner selected by himself, his friends, or his legal adviser, and such visits shall take place in the sight but not in the hearing of a member of the staff;

(*b*) any other person, and such visit shall take place within the sight and hearing of a member of the staff.

4.—(*a*) All necessary appeal forms, and writing materials to such extent as the Captain considers reasonable, shall be furnished to a person

(**a**) 29 & 30 Vict. c. 109. (**b**) 14 & 15 Geo. 6. c. 46.
(**c**) S.R. & O. 1912/1386; Rev. XVI, p. 756; 1912, p. 1049.
(**d**) S.R. &. O. 1941/410; Rev. XVI, p. 756; 1941 I, p. 706.
(**e**) S.R. & O. 1946/1917; Rev. XVI, p. 756; 1946 I, p. 1096.
(**f**) S.R. & O. 1947/2080; Rev. XVI, p. 756; 1947 I, p. 1523.

to whom this article applies who requires them for the purpose of preparing his appeal.

(*b*) A person to whom this article applies may write letters to his legal adviser or other persons for the purpose of his appeal.

(*c*) A confidential written communication prepared as instructions for the legal adviser of a person to whom this article applies may be delivered personally to such legal adviser, and such instructions, whether delivered personally or sent as a letter, shall not be treated as a letter to which Article 66 applies, unless the Captain has reason to suppose that it contains matter not relating to such instructions.

149D. Where a man under detention is an appellant within the meaning of the Courts-Martial (Appeals) Act, 1951, and is entitled to be present at any place for the purposes of Part I of that Act, or is ordered to be taken to any place by the Courts-Martial Appeal Court constituted by the said Part I, or by a Judge thereof, the Captain shall send that man under escort to the place named in the order. The appellant is to remain under escort except in so far as may be otherwise directed by the Court or a Judge thereof and except at such times as he may be confined under clause 3 of this article. The escort may consist of staff of the detention quarters or of other naval personnel.

2. When the proceedings or other purposes for which an appellant is entitled or ordered to be present or taken to any place as mentioned in clause 1 of this article are completed, he shall, subject to clauses 3 and 4 of this article, be taken under escort to the detention quarters where he is to serve his sentence.

3. Should it be necessary to spend the night away from the detention quarters, the man may be confined in any place in which a person sentenced to detention or cells or taken into naval custody may lawfully be confined. In London use may be made of the Naval Patrol Headquarters.

4. If an appellant is ordered to be released by the Courts-Martial Appeal Court, the escorting ratings are to provide him with the means of returning to the detention quarters to collect his property. On arrival the normal release routine is to be carried out forthwith.

149E. When a man is removed from detention quarters in accordance with Clause 1 of Article 149D he is to wear uniform."

Dated this 28th day of February, 1952.

A. Madden,
Allan Noble,

Two of the Lords Commissioners of the Admiralty.

EXPLANATORY NOTE

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

These rules insert new articles in the Rules and Regulations, dated 31st August, 1912, made by the Admiralty for Naval Detention Quarters.

They provide for the manner in which a person serving a sentence awarded by court-martial is to be treated, when he is entitled to be present at, or is ordered by the court or a judge to be taken to, any place, for the purpose of any proceedings of the Courts-Martial Appeal Court. They also provide for visits to an appellant for the purposes of his appeal, and for ancillary matters.