STATUTORY INSTRUMENTS

1962 No. 1242

ROYAL NAVY

The Naval Detention Quarters (Amendment) Rules 1962

Made - - - -	14*th June* 1962
Laid before Parliament	18*th June* 1962
Coming into Operation	19*th June* 1962

The Admiralty in exercise of the powers conferred on them by section 82 of the Naval Discipline Act 1957(a), and by section 17 of the Courts-Martial (Appeals) Act 1951(b), as amended by the Administration of Justice Act 1960(c), and of all other powers them enabling, hereby make the following Rules:—

1.—(1) These Rules shall come into operation on the nineteenth day of June 1962 and may be cited as the Naval Detention Quarters (Amendment) Rules 1962.

(2) 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. The Naval Detention Quarters Rules 1959(e) shall be amended as follows:—

(1) In Rule 18, the following paragraph shall be substituted for paragraph (2):—

"(2) has appealed against his conviction to the Courts-Martial Appeal Court, or where the decision of that Court in regard to such appeal is the subject of an appeal, or of an application for leave to appeal, to the House of Lords under section 1 of the Administration of Justice Act 1960, and he is entitled or ordered to be present at any place for the purpose of Part I of the Courts-Martial (Appeals) Act 1951, or of the Administration of Justice Act aforesaid; or"

(2) In Rules 22, 23, 24, 25 and 26 the words "man under sentence" shall in every case be substituted for the words "man under naval sentence of imprisonment or detention".

(3) In Rule 81 the following provisions shall be inserted immediately after paragraph (3):—

"(4) (*a*) The commanding officer may grant to a man in Stage III during each week 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 commanding officer. Except in special circumstances the commanding officer shall not allow a period of parole on a Saturday or Sunday.

(*b*) Parole shall not be granted in accordance with paragraph (4) (*a*) of this Rule unless, in the opinion of the commanding officer, the conduct of the man under sentence continues to be satisfactory. If the

(a) 5 & 6 Eliz. 2. c. 53. (b) 14 & 15 Geo. 6. c. 46. (c) 8 & 9 Eliz. 2. c. 65.
(d) 52 & 53 Vict. c. 63. (e) S.I. 1959/61 (1959 II, p. 2436).

conduct of the man under sentence is not satisfactory the commanding officer may refuse to grant or may curtail the period of parole in any week. If the conduct of the man under sentence is good more than one period of parole may be granted in any week. The commanding officer may award punishments to a man under sentence if that man:—

(i) fails to return to the naval detention quarters at the end of a period of parole;

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

(iii) returns from parole in a state of insobriety."

(4) In Rule 82 the following paragraph shall be inserted immediately after paragraph (3):—

"(4) The provisions of Rule 81 (4) of these Rules shall apply to a man under sentence during Stage IV of his sentence".

(5) Rule 88 shall be revoked.

(6) In Rule 97 —

in paragraph (1)—

For the words:—"The provisions of sections 39 to 42 inclusive of the Prison Act 1952(a)", there shall be substituted the words "The provisions of section 39, as amended by section 41 of and the Fourth Schedule to the Criminal Justice Act 1961(b), and of sections 40 to 42 inclusive of the Prison Act 1952, and of subsection (2) of section 22 of the Criminal Justice Act 1961"; and the following words shall be inserted at the end of the paragraph—"and in the said subsection (2) of section 22 of the Criminal Justice Act 1961, for the words from "or other institution" to "or detention" there shall be substituted the words "or who, being a man under sentence";

in paragraph (2)—

For the words "Sections 39 to 42 of the Prison Act 1952," there shall be substituted the words "Sections 39 (amended as above stated) to 42 inclusive of the Prison Act 1952, and subsection (2) of section 22 of the Criminal Justice Act 1961".

(7) In the Third Schedule—

In section 39 as set out in the Schedule, for the words "two years" there shall be substituted the words "five years";

and the following shall be inserted as an additional heading and paragraph at the end of the Schedule:—

"Subsection (2) of section 22 of the Criminal Justice Act 1961, as modified to apply in relation to naval detention quarters and men under sentence therein by virtue of subsection (3) of section 82 of the Naval Discipline Act 1957, and subsection (3) of the said section 22.

Harbouring escaped persons

22.—(2) If any person knowingly harbours a person who has escaped from a naval detention quarters or who, being a man under sentence, is otherwise unlawfully at large, or gives to any such person any assistance with intent to prevent, hinder or interfere with his being taken into custody, he shall be liable—

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 52. (b) 9 & 10 Eliz. 2. c. 39.

(*a*) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both ;

(*b*) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both ".

Dated this 14th day of June 1962.

Carrington,
C. Ian Orr-Ewing,
Two of the Lords Commissioners of the Admiralty.

EXPLANATORY NOTE

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

These Rules amend the Naval Detention Quarters Rules 1959. The principal changes are that provision is made :—

(1) for the temporary custody of men under naval sentence of imprisonment or detention on their attendance in connection with appeals to the House of Lords under the Administration of Justice Act 1960 ;

(2) for the release or removal of men serving an army or air force sentence of imprisonment or detention in naval detention quarters ;

(3) for the parole of men under sentence ;

(4) for the revocation of Rule 88, which dealt with the discharge of persons of unsound mind. This is now covered by the provisions of the Mental Health Act 1959, and the Mental Health (Scotland) Act 1960 ;

(5) to take account of the increased penalty for offences under section 39 of the Prison Act 1952 (which relates to assisting prisoners to escape and is applied by the said Rules pursuant to section 82 of the Naval Discipline Act 1957) provided for by section 22 (1) of the Criminal Justice Act 1961 ;

(6) to apply with the necessary modifications the provisions of section 22 (2) of the Criminal Justice Act 1961, which relates to the harbouring of escaped persons.