STATUTORY INSTRUMENTS

1973 No. 270

DEFENCE

The Naval Detention Quarters Rules 1973

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ARRANGEMENT OF RULES

PART I

PRELIMINARY

Rule

1. Citation and Commencement.
2. Interpretation.
3. Revocation and Savings.

PART II

AIM OF THE NAVAL DETENTION QUARTERS

4. Purpose of Training and Treatment.

PART III

ADMINISTRATION AND INSPECTION OF NAVAL DETENTION QUARTERS

5. Control of naval detention quarters.
6. Appointment of commanding officer.
7. Inspection by commander-in-chief.
8. Appointment of detention quarters monthly visitor
9. Visits by monthly visitor.
10. Duties of monthly visitor.
11. Appointment of board of naval visitors.
12. Duties of board of naval visitors.
13. Investigation of complaints by board of naval visitors.
14. Inspection of food by board of naval visitors.
15. Enquiry by board of naval visitors into any abuses.
16. Reports by board of naval visitors.
17. Appointment of Independent Board of Visitors.
18. Duties of Independent Board of Visitors.
19. Investigation of complaints by Independent Board of Visitors.

Rule
20. Inspection of food by Independent Board of Visitors.
21. Enquiry by Independent Board of Visitors into any abuses.
22. Reports by Independent Board of Visitors.

PART IV

ADMISSION TO, AND REMOVAL AND RELEASE FROM, NAVAL DETENTION QUARTERS

23. Admission of men under sentence to naval detention quarters.
24. Temporary custody of persons under naval sentence.
25. Transfer of persons under naval sentence.
26. Removal of persons under naval sentence.
27. Authority for release from naval detention quarters.
28. Release from naval sentence of imprisonment and detention.
29. Removal for medical examination, observation or treatment.
30. Medical report on transfer.
31. Temporary release.
32. Reports of temporary release.
33. Extension of period of temporary release.
34. Remission of sentence.
35. Records of remission.
36. Review of sentence.
37. Authority for release on suspended sentence.
38. Restoration of eligibility for remission.

PART V

COMPLAINTS, PETITIONS AND APPEALS

39. Complaints.
40. Information regarding rights to petition and appeal.
41. Information regarding procedure for appeals.
42. Facilities for persons under sentence to petition or appeal.

PART VI

TREATMENT AND EMPLOYMENT OF MEN UNDER SENTENCE

43. Rules to be brought to the notice of men under sentence.
44. Corporal punishment and the use of force.
45. Accommodation of men under sentence.
46. Daily routine.
47. Work and training of men under sentence.
48. Sundays and public holidays.
49. Unauthorised work.
50. Earnings scheme.

Rule
51. Rations of men under sentence.
52. Smoking by men under sentence.
53. Letters.
54. Parcels.
55. Censorship.
56. Visits by relatives and friends.
57. Visits by legal adviser.
58. Visits for the purpose of investigating offences.
59. Stage I.
60. Stage II.
61. Stage III.
62. Parole.
63. Downgrading.
64. Recidivist.
65. Withdrawal of razors and knives.
66. Cleanliness.

PART VII

RELIGION, EDUCATION AND WELFARE

67. Books of religious instruction.
68. Chaplains.
69. Facilities for chaplains.
70. Divine Service.
71. Attendance at Divine Service.
72. Education.
73. Welfare.

PART VIII

CONTROL OF MEN UNDER SENTENCE IN NAVAL DETENTION QUARTERS

74. Searching of persons in naval detention quarters.
75. Escapes.
76. Mechanical restraint.
77. Authority for the use of handcuffs.
78. Order for the use of handcuffs.
79. Medical examination prior to the use of handcuffs.
80. Duration of the use of handcuffs.
81. Application and removal of handcuffs.
82. The use of handcuffs.
83. The use of special clothing.

Rule

PART IX

DISCIPLINE

84. Procedure for dealing with offences.
85. Offences against discipline.
86. Punishments which may be awarded by a commanding officer and the First Lieutenant.
87. Punishments which may be awarded by a monthly visitor.
88. Record of punishments awarded.
89. Close confinement.
90. Restricted diet.

PART X

DEATHS OF MEN UNDER SENTENCE IN NAVAL DETENTION QUARTERS

91. Deaths.
92. Inquests.
93. Coroners Acts.

PART XI

ADMISSION OF VISITORS AND OFFENCES RELATING TO NAVAL DETENTION QUARTERS

94. Application of certain provisions of the Prison Act 1952.
95. Unauthorised conveyance of spirits or tobacco into naval detention quarters.
96. Unauthorised introduction of other articles.
97. Admission of visitors and others to naval detention quarters.
98. Conditions of admission.
99. Removal of visitors and others.
100. Offences against the Prison Act 1952.

PART XII

DUTIES OF THE STAFF

101. Duties of the commanding officer.
102. Duties of the medical officer.
103. Duties of other officers and members of the staff.

PART XIII

104. Naval Detention Quarters Abroad.

SCHEDULES

First Schedule.
Second Schedule.
Third Schedule.

The Secretary of State, in exercise of the powers conferred upon him by section 82 of the Naval Discipline Act 1957(a), and by section 52 of the Courts-Martial (Appeals) Act 1968(b) and of all other powers enabling him in that behalf, hereby makes the following Rules:—

PART I

PRELIMINARY

Citation and Commencement

1. These Rules may be cited as the Naval Detention Quarters Rules 1973 and shall come into operation on the 2nd day of April 1973.

Interpretation

2.—(1) The Interpretation Act 1889(c) 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 Naval Discipline Act 1957;

"commander-in-chief" means the officer in chief command of a command in which naval detention quarters are situated;

"commanding officer" means the officer appointed by the Secretary of State or by the commander-in-chief to command the naval detention quarters or the officer detailed by the commander-in-chief to act as the commanding officer's substitute when he is absent for a period exceeding 48 hours;

"man under sentence" means a man serving a sentence of imprisonment or detention imposed under the Act and a man who is detained in naval detention quarters while serving a sentence of imprisonment or detention awarded under the Army Act 1955(d), or the Air Force Act 1955(e);

"medical officer" means a medical officer appointed or detailed for duty in naval detention quarters;

"naval detention quarters" means any premises or vessels or any parts of such premises or vessels under the control of the Secretary of State and set apart by the Defence Council as naval detention quarters;

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

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

Revocation and Savings

3. The Rules specified in the First Schedule to these Rules are hereby revoked without prejudice, however, to the validity of anything done thereunder or to any liability incurred in respect of any act or omission before the coming into operation of these Rules, and where before the coming into operation of these Rules any order, regulation, appointment, record, entry or certificate has been made, or any proceeding has been taken, or any punishment awarded, or any other thing has been done in the exercise of any power or jurisdiction under or by virtue of the said revoked Rules, it shall, if in force immediately before the date of the coming into operation of these Rules, and so far as it could have been made, taken, awarded or done immediately after the said date under or by virtue of these Rules, continue in force and have effect as if made, taken, awarded or done under or by virtue of these Rules.

(a) 1957 c. 53. (b) 1968 c. 20. (c) 1889 c. 63.
(d) 1955 c. 18 (e) 1955 c. 19

PART II

AIM OF THE NAVAL DETENTION QUARTERS

Purpose of Training and Treatment

4. The purpose of the training and treatment of men under sentence in detention quarters is to improve their service efficiency, discipline and morale and to establish in them the will to become better ratings.

PART III

ADMINISTRATION AND INSPECTION OF NAVAL DETENTION QUARTERS

Control of naval detention quarters

5. Naval Detention Quarters shall be under the administration of the commander-in-chief in whose command they are situated.

Appointment of commanding officer

6. Each naval detention quarters shall be commanded by an officer appointed by the Secretary of State or by the commander-in-chief.

Inspection by commander-in-chief

7. It shall be the duty of every commander-in-chief to inspect all naval detention quarters within his command and to report on them to the Defence Council at least once in every year.

Appointment of detention quarters monthly visitor

8. Every commander-in-chief shall appoint a naval officer to act as Detention Quarters Monthly Visitor.

Visits by monthly visitor

9. It shall be the duty of the monthly visitor to visit all detention quarters in the command at least once in every month.

Duties of monthly visitor

10.—(1) The monthly visitor shall see the men under sentence and hear any complaints or requests which any man may wish to make.

(2) The monthly visitor may, at his discretion, hear any such complaints or requests in private.

Appointment of board of naval visitors

11. Every commander-in-chief shall appoint a board of naval visitors which shall consist of two Captains RN, a medical officer, and such other additional officers as the commander-in-chief may consider desirable.

Duties of board of naval visitors

12. The board of naval visitors shall meet once in each quarter and shall inspect all detention quarters in the command and examine the books kept for the purpose of these Rules.

Investigation of complaints by board of naval visitors

13.—(1) The board of naval visitors shall see all men under sentence and hear any complaints or requests which any man may wish to make.

(2) The board of naval visitors may, at their discretion, hear any such complaints or requests in private.

(3) The board of naval visitors shall report to the commander-in-chief on such complaints or requests if in their opinion it is necessary to do so.

Inspection of food by board of naval visitors

14.—(1) The board of naval visitors shall inspect the food prepared and provided for the men under sentence.

(2) The board of naval visitors shall report to the commander-in-chief for the information of the Defence Council if in their opinion any article of food, or its preparation, is unsatisfactory.

(3) In the case of any report under paragraph (2) of this Rule the commanding officer shall take immediate steps to provide satisfactory food.

Enquiry by board of naval visitors into any abuses

15. The board of naval visitors shall enquire into any abuses or shortcomings in connection with the detention quarters that may come to their knowledge, and report to the commander-in-chief for the information of the Defence Council if in their opinion it is necessary to do so.

Reports by board of naval visitors

16. The board of naval visitors shall render a report of each visit to the commander-in-chief for the information of the Defence Council. They shall also record in the visitors' minute book their visits and any observations they may wish to make.

Appointment of Independent Board of Visitors

17. The Secretary of State shall appoint an Independent Board of Visitors comprising 5 persons of whom one shall be a magistrate.

Duties of Independent Board of Visitors

18. The Independent Board of Visitors shall meet twice a year and shall inspect all detention quarters in the Command and examine the books kept for the purpose of these Rules.

Investigation of complaints by Independent Board of Visitors

19.—(1) The Independent Board of Visitors shall see all men under sentence and hear any complaints or requests which any man may wish to make.

(2) The Independent Board of Visitors may, at their discretion, hear any such complaints or requests in private.

(3) The Independent Board of Visitors shall report to the Secretary of State through the commander-in-chief on all such complaints or requests if in their opinion it is necessary to do so.

Inspection of food by Independent Board of Visitors

20.—(1) The Independent Board of Visitors shall inspect the food prepared and provided for the men under sentence.

(2) The Independent Board of Visitors shall report to the Secretary of State through the commander-in-chief if in their opinion any article of food or its preparation is unsatisfactory.

(3) In the case of any report under paragraph (2) of this Rule, the commanding officer shall take immediate steps to provide satisfactory food.

Enquiry by Independent Board of Visitors into any abuses

21. The Independent Board of Visitors shall enquire into any abuses or short-comings in connection with the detention quarters that may come to their knowledge, and report to the Secretary of State through the commander-in-chief if in their opinion it is necessary to do so.

Reports by Independent Board of Visitors

22. The Independent Board of Visitors shall render a report of each visit to the Secretary of State through the commander-in-chief. They shall also record in the visitors' minute book their visits and any observations they may wish to make.

PART IV

ADMISSION TO, AND REMOVAL AND RELEASE FROM, NAVAL DETENTION QUARTERS

Admission of men under sentence to naval detention quarters

23.—(1) The committal order shall be produced as the authority for admission. It shall be examined and any omission or irregularity shall be reported to the commanding officer.

(2) Except for that amount of his clothing and other articles which a man under sentence is authorised to have in his possession, his equipment and every other article or thing which accompanies the man 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 man under sentence belongs, and the remainder shall be retained by the commanding officer for safe custody. A record of such property shall be kept and the said record shall be signed by the man under sentence and by a member of the staff of the naval detention quarters. The said property (other than perishable articles) shall be returned to the man 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 man on release, or disposed of at the discretion of the commanding officer by sending it to any person at the request of the man under sentence. Perishable articles shall be disposed of at the discretion of the commanding officer who shall, so far as practicable, take account of the man's wishes in relation to them.

(3) At the discretion of the commanding officer, any property which he holds in safe custody on behalf of a man under sentence may be delivered or sent to a relative or friend of the man.

(4) The man under sentence shall be weighed and his weight recorded.

(5) The man 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 (Rule 74).

(6) Within forty-eight hours of admission the man under sentence shall be medically examined by a medical officer.

(7) The religious denomination (if any) of a man under sentence shall be recorded, and this information is to be made available to the appropriate chaplain. If the man under sentence has not declared his religious denomination, or if no chaplain of that denomination has been appointed in respect of the naval detention quarters, notification of the man'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 man under sentence.

(8) Within twenty-four hours of admission the commanding officer or a member of the staff of the naval detention quarters shall satisfy himself that a man 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 monthly visitor, the board of naval visitors and the independent board of visitors in accordance with the Act and these Rules.

Temporary custody of persons under naval sentence

24. Subject to sections 83 and 84 of the Act where a man on whom a naval 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) 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, and he is entitled or ordered to be present at any place for the purpose of Part II or Part III of the Courts-Martial (Appeals) Act 1968; or

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

(4) is for any other reason 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—

(*a*) be taken to and brought back from any such place in naval, military or air force custody; and

(*b*) be detained temporarily—

(i) in civil custody for a period not exceeding seven days in accordance with sub-section (1) of section 107 of the Act; or

(ii) on the written order of the commanding officer or other person in charge of the prison or other establishment where he is for the time being, in any military, naval or air force establishment or other form of military, naval or air force custody determined by the commanding officer or other person in charge of the prison or other establishment where he is for the time being:

Provided that a man under sentence of detention shall not be detained in a prison for longer than seven days on any one occasion.

Transfer of persons under naval sentence

25.—(1) A written order by the Defence Council or the commander-in-chief or the senior naval officer present at the place where the man is confined shall be sufficient authority for the transfer of a man under a naval sentence of imprisonment or detention from one naval detention quarter to another or to any other place where he may be required to serve the sentence.

(2) The original committal order shall be attached to the order for transfer.

Removal of persons under naval sentence

26.—(1) A written order from the Defence Council or the commander-in-chief or the commanding officer at the place where the man is confined or an order of a court of competent jurisdiction shall be sufficient authority for the removal of a man under a naval sentence of imprisonment or detention from naval detention quarters for the purpose of any proceedings under the Naval Discipline Act 1957, the Army Act 1955, the Air Force Act 1955, or the Courts-Martial (Appeals) Act 1968, or before any civil court of competent jurisdiction, or for any other lawful purpose specified in the order.

(2) If a man under a naval sentence of imprisonment or detention is required for the purpose of a naval court-martial the order for his removal may be made by the officer ordering the court-martial.

(3) Such written order may provide for the custody of the man under sentence during the proceedings and for his return to naval detention quarters or transfer to any other place in which his sentence may be required to be served.

(4) Removal under this Rule shall not affect a man's sentence and any period during which he may be away from naval detention quarters under this Rule shall count as part of his sentence.

Authority for release from naval detention quarters

27. No man under sentence shall be released from naval detention quarters or from any naval, military or air force 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 under section 90 or section 92 of the Act; 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 man shall be released the previous day and the uncompleted day of his sentence shall be deemed to be remitted.

Release from naval sentence of imprisonment and detention

28.—(1) No man under sentence shall be detained in naval detention quarters after the sentence expires.

(2) A man under sentence may be released before noon on the day on which his sentence expires.

Removal for medical examination, observation or treatment

29. The commanding officer, or the officer deputed by him may authorise the removal of a man under sentence for the purpose of medical examination, observation or treatment, for such period and to such establishment and sub-

ject to such conditions, as the commanding officer, or the officer deputed by him, acting on the advice of the medical officer, may determine.

Medical report on transfer

30. Before a man under sentence is released or transferred to another detention quarters the medical officer shall examine him, record the state of his health, and communicate in writing any particulars of which he considers the medical officer of the ship or establishment to which the man is being sent should be aware.

Temporary release

31.—(1) The commanding officer may authorise the temporary release on compassionate grounds from naval detention quarters of a man under sentence subject to the conditions set out in this Rule.

(2) The conditions subject to which the commanding officer may authorise the temporary release of a man under sentence are:

(*a*) that the man under sentence shall comply with any conditions laid down by the commanding officer and to be observed by or in relation to the man 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 man under sentence may or may not go during that period;

(*b*) that if the man 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 man under sentence to return forthwith to the naval detention quarters;

(*c*) that the period of temporary release shall not exceed 10 days, provided that the commanding officer may extend the period up to a total of 28 days;

(*d*) that the conduct of the man under sentence shall in the opinion of the commanding officer have been satisfactory, although where a man has not conducted himself satisfactorily and yet his presence at home is clearly desirable, the commanding officer may, at his discretion, approve the temporary release of the man.

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

Reports of temporary release

32. The commanding officer shall report to the appropriate ship or establishment the dates of temporary release from and return to naval detention quarters of a man under sentence, in order that the man's account may be adjusted for the period of release.

Extension of period of temporary release

33. If the commanding officer considers that the period of release should be extended beyond 28 days he shall report the circumstances to the commander-in-chief, who may authorise such further extensions as he considers necessary.

Remission of sentence

34. Subject to the provisions of any of these Rules which provide for or authorise the forfeiture of such eligibility, a man under sentence in naval detention quarters whose sentence, or the total of whose consecutive sentences, exceeds 27 days may, by good conduct and industry, become eligible for remission when a portion of his sentence not exceeding one-third of the whole sentence has yet to run.

Provided that nothing in this Rule shall authorise the reduction of any such sentence or total of any consecutive sentences to less than 24 days.

Records of remission

35.—(1) The commanding officer shall ensure that an accurate record is kept of the period of remission for which each man under sentence has become eligible in accordance with the last foregoing Rule, and of any period of eligibility forfeited in accordance with any of these Rules.

(2) The record maintained in accordance with this Rule shall be produced on the occasion of each visit of the board of naval visitors and the Independent Board of Visitors.

Review of sentence

36.—(1) All sentences shall be reviewed periodically by the commanding officer and the monthly visitor.

(2) If, as a result of such review, the commanding officer or the monthly visitor is of opinion that the sentence or sentences have already produced the maximum benefit on the man under sentence having regard to the aim of naval detention quarters as set out in Part II of these Rules, he shall so report to the commander-in-chief, who shall consider what action may be taken in respect of the unexpired portion of the sentence.

Authority for release on suspended sentence

37. An order made under section 90 of the Act, that the sentence or sentences shall be suspended, shall be sufficient authority for the release of a man from naval detention quarters.

Restoration of eligibility for remission

38. Eligibility for remission forfeited under any of these Rules may be restored by order of the Defence Council or the commander-in-chief or the commanding officer.

PART V

COMPLAINTS, PETITIONS AND APPEALS

Complaints

39.—(1) A man under sentence who considers himself wronged in any matter may complain to the commanding officer, who shall ensure that ample facilities exist for complaints or requests to be made to him.

(2) It shall be the duty of the commanding officer 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.

Information regarding rights to petition and appeal

40. The commanding officer shall bring to the notice of all men under sentence their rights to petition or appeal, and he shall cause to be exhibited in the detention quarters in such places as to be seen by all men under sentence, a notice in a form prescribed from time to time by the Defence Council stating their rights in this respect.

Information regarding procedure for appeals

41. Every man under sentence of court-martial shall be advised regarding the procedure for appeal to the Courts-Martial Appeal Court, and informed of the date before which the necessary statutory petition to the Defence Council antecedent to appeal to the Court, must be submitted.

Facilities for persons under sentence to petition or appeal

42.—(1) The commanding officer of naval detention quarters shall permit a man under sentence who intends to petition or appeal, or whose appeal is pending, for the purpose 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 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 commanding officer is of the opinion that it contains material unrelated to the purpose of the petition or appeal, when it may be subject to censorship in accordance with these Rules.

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

PART VI

TREATMENT AND EMPLOYMENT OF MEN UNDER SENTENCE

Rules to be brought to the notice of men under sentence

43. A copy of this part to these Rules, or a sufficient abstract thereof shall be displayed conspicuously in every naval detention quarters in such places that it can be seen from time to time by every man under sentence.

Corporal punishment and the use of force

44.—(1) Corporal punishment shall not be inflicted on men under sentence.

(2) In the treatment of a man 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.

Accommodation of men under sentence

45.—(1) No room shall be used for the confinement of a man under sentence unless the Medical Director General of the Navy or his representative has certified that its size, lighting, heating, ventilation and fittings are adequate for health, and that it allows the man under sentence to communicate with a member of the staff of the detention quarters at any time.

(2) The size of rooms intended for occupation by men under sentence shall be such as to provide at least 600 cubic feet capacity for each man accom-

modated therein unless, in any particular case, having regard to the exigencies of the Service, the Defence Council or the commander-in-chief authorises the temporary accommodation of men under sentence in accommodation of small capacity.

(3) Any certificate given in relation to a room in which more than one man under sentence may be accommodated shall state the maximum number of men under sentence who may be confined therein.

(4) Two men under sentence shall never be confined to one room. The confinement must be solitary or of at least four men in a room.

(5) The commanding officer may at his discretion direct that young offenders be accommodated separately from other detainees.

Daily routine

46. Subject to the provisions of these Rules the daily routine of the detention quarters shall be determined by the commanding officer in accordance with any instructions issued from time to time by the Defence Council.

Work and training of men under sentence

47.—(1) Subject to the provisions of paragraph (3) of this Rule and Rule 48 during the whole of his sentence a man under sentence shall be engaged in work or training for not more than nine hours a day (excluding time for meals), but a man 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 naval detention quarters shall be of a nature and shall be carried out in accordance with any syllabus laid down by the Defence Council or an officer authorised by them.

(3) Nothing in this Rule shall require that a man 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 commanding officer or engaged in some other activity authorised by or under these Rules.

Sundays and public holidays

48.—(1) On Sundays, Christmas Day, Good Friday, such other days as may be directed, or public holidays, a man under sentence shall not be engaged in any work, except work which is necessary for the service of the detention quarters.

(2) A man 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 men are required to do on Sunday, but such a man may be required to do work or training on Sundays.

Unauthorised work

49. A man 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 commanding officer.

Earnings scheme

50.—(1) A man under sentence who has reached Stage II (Rule 60) or Stage III (Rule 61) may be paid at a rate and in such circumstances as the Defence Council may determine for carrying out productive work.

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

Rations for men under sentence

51.—(1) The food provided for men 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 commanding officers and members of the staff shall endeavour to ensure that every man under sentence (other than a man undergoing restricted diet as a punishment) receives the rations to which he is entitled. A man 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 men under sentence

52. A man under sentence shall be permitted to smoke subject to any restrictions on time and place which may be laid down by the commanding officer. Men not in receipt of earnings may, subject to good behaviour, receive a free issue of cigarettes, or confectionery in lieu thereof, on a scale laid down from time to time by the Defence Council.

Letters

53.—(1) A man under sentence shall be allowed to write two letters a week.

(2) Additional letters may be allowed at the discretion of the commanding officer.

(3) Writing paper, envelopes, and other materials required to enable a man to write the letters authorised by this Rule shall be provided and, subject to the provisions of Rule 55 the letters shall be posted, free of expense for men under sentence not in receipt of earnings.

(4) A man under sentence may receive any number of letters.

Parcels

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

(2) A man under sentence is not entitled to receive any articles but he may be allowed to receive such articles as the commanding officer thinks fit.

Censorship

55.—(1) The commanding officer or any officer deputed by him may scrutinise letters written by or addressed to men under sentence.

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

(3) The commanding officer may withhold a letter written by a man under sentence but in that case he shall give the man an opportunity of writing in its place another letter which does not contain the material to which the commanding officer objects.

(4) If any letter contains a complaint relating to the detention quarters or the treatment of a man under sentence, the commanding officer shall cause the complaint to be investigated and the man informed of his rights in the matter.

(5) If a letter is withheld the reasons shall be recorded in the commanding officer's journal.

Visits by relatives and friends

56.—(1) A man under sentence may receive visits from his relatives and friends at the discretion of the commanding officer. Such visits shall take place at the times and places determined by the commanding officer.

(2) Any visit authorised under this Rule shall be within the sight and hearing of the commanding officer or a member of the staff, unless the commanding officer directs otherwise.

Visits by legal adviser

57.—(1) The commanding officer shall provide reasonable facilities for a man under sentence who is concerned in legal proceedings, or proposed legal proceedings, to be visited by his legal adviser. At the discretion of the commanding officer a man under sentence may be visited by his legal adviser with reference to other legal matters.

(2) Any visit authorised under this Rule shall be within the sight, but not the hearing, of a member of the staff.

Visits for the purpose of investigating offences

58.—(1) The commanding officer may permit a man 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 commanding officer shall permit any person to visit a man under sentence if that person is authorised to visit him by a warrant or an order of a court.

Stage I

59.—(1) On admission to naval detention quarters a man under sentence shall be in Stage I.

(2) Subject to good behaviour a man in Stage I shall be allowed such privileges as the Defence Council may direct for men in Stage I.

Stage II

60.—(1) The commanding officer may upgrade a man under sentence to Stage II provided that his conduct has been satisfactory and his zeal and progress under training are considered by the commanding officer to merit the man's upgrading.

(2) Subject to good behaviour a man in Stage II shall be allowed such other additional privileges as the Defence Council may direct, which are not allowed to a man in Stage I. In particular he may receive such earnings appropriate to Stage II as the Defence Council may approve for a man under sentence of naval detention (Rule 50).

Stage III

61.—(1) The commanding officer may upgrade a man under sentence to Stage III provided that his conduct has been exemplary and that the commanding officer is of the opinion that his progress under training exhibits a genuine desire to reform.

(2) Subject to good behaviour a man in Stage III shall be allowed each other additional privileges as the Defence Council may direct, which are not allowed to a man in Stage I or II. In particular he may be granted parole on the conditions set out in Rule 62 and receive such earnings appropriate to Stage III as the Defence Council may approve for a man under sentence of naval detention (Rule 50).

Parole

62.—(1) The commanding officer may grant to a man in Stage III during each remaining 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.

(2) Parole shall not be granted in accordance with paragraph (1) of this Rule unless in the opinion of the commanding officer, the conduct of the man under sentence continues to be satisfactory. If the 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:

(*a*) fails to return to the naval detention quarters 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.

Downgrading

63. The commanding officer or monthly visitor may downgrade any man at his discretion to either Stage II or Stage I if he is of the opinion that his idleness or misconduct justify it.

Recidivist

64.—(1) A man who is under sentence of detention for the second time within a period of two years may be placed in a recidivist class and shall

remain there until removed by the commanding officer.

(2) Members of a recidivist class may be required to carry out training and exercise during working hours when other men under sentence are otherwise employed.

Withdrawal of razors and knives

65. If the commanding officer is of the opinion that a man under sentence will do injury to himself or others, or destroy clothing or property, if allowed to keep his razor, knife, fork or other articles, the commanding officer shall withdraw these articles from his keeping except when actually in use.

Cleanliness

66. Men under sentence shall be required to keep themselves clean and decent in their persons. Hair lengths shall conform to Fleet requirements.

PART VII

RELIGION, EDUCATION AND WELFARE

Books of religious instruction

67. The commanding officer shall, as far as practicable, make available for the use of each man under sentence a bible and such books of religious observance or instruction as are appropriate to his denomination.

Chaplains

68. Chaplains and officiating chaplains, when present in the detention quarters for the purposes of their duties, shall abide by these Rules and the standing or other orders for the regulation of the detention quarters. They shall consult the commanding officer, concerning the discharge of their duties and co-operate with him in promoting the good order of the detention quarters. They shall, as far as may be practicable, see every man of their denomination under sentence.

Facilities for chaplains

69. The commanding officer shall afford facilities to chaplains to have access to men under sentence for the purpose of giving them religious instruction at times approved by him.

Divine Service

70. Chaplains shall, whenever possible, conduct Divine Service in detention quarters on Sundays and on other customary days and on such other convenient occasions approved by the commanding officer as they may decide.

Attendance at Divine Service

71. A man under sentence shall be permitted to attend Prayers and the Divine Service of his denomination as often as they are held in the detention quarters, unless he is in close confinement or is excluded from Divine Service because of his disorderly conduct, or because it is apprehended that his conduct would be disorderly, or unless prevented by illness or any other cause which appears to the commanding officer to be reasonable. A man in close confinement may

attend Prayers and the Divine Service of his denomination at the discretion of the commanding officer.

Education

72. The commanding officer shall:

(*a*) provide educational training at such times as are available, and in accordance with any directions issued by the Defence Council;

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

(*c*) provide lectures on current affairs and matters of general and Naval interest where the maximum reformative effect may be felt.

Welfare

73. The commanding officer and staff of the detention quarters shall concern themselves with the welfare of the men under detention and make the maximum of welfare organisations.

PART VIII

CONTROL OF MEN UNDER SENTENCE IN NAVAL DETENTION QUARTERS

Searching of persons in naval detention quarters

74. The following provisions of this Rule shall be observed in relation to the search of any person in a naval detention quarters:

(*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 commanding officer or members of the staff of the naval detention quarters and, in particular, no man under sentence shall be present at the search of any other man under sentence.

Escapes

75. If a man under sentence escapes, the commanding officer shall immediately inform the following authorities:

(*a*) the commander-in-chief;

(*b*) the naval provost marshal;

(*c*) the chief officer of police in the area in which the detention quarters are situated.

Mechanical restraint

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

(2) The only authorised means of mechanical restraint is handcuffs.

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

Authority for the use of handcuffs

77. A man shall be subjected to the use of handcuffs only by order of the

commanding officer or the medical officer.

Order for the use of handcuffs

78. If the commanding officer considers that handcuffs are necessary to restrain a man under sentence from injuring himself or others, or damaging property or creating a disturbance, he may issue a written order that handcuffs shall be applied, specifying the date and hour when the restraint it to be applied, and the period, not exceeding twenty-four hours, during which it shall be applied. The commanding officer shall immediately thereafter notify the medical officer that he has made the said order and the terms thereof.

Medical examination prior to the use of handcuffs

79. On receiving the said notification, the medical officer shall examine the man under sentence and inform the commanding officer if, in his opinion, their is any objection on medical grounds to application of the handcuffs. If he makes any such objection, the commanding officer shall revoke or modify his order in accordance with the recommendation of the medical officer.

Duration of the use of handcuffs

80. No man shall be kept in handcuffs for more than twenty-four hours unless the commander-in-chief or an officer deputed by him orders in writing that the use of handcuffs shall continue for a longer period not exceeding forty-eight hours.

Application and removal of handcuffs

81. The date and hour at which handcuffs are applied or removed shall be recorded in the commanding officer's journal and each case shall be reported to the monthly visitor.

The use of handcuffs

82.—(1) A commanding officer who orders the use of handcuffs on a man under sentence shall complete the appropriate part of the form prescribed in the Second Schedule to these Rules, specifying whether they are to be placed with the hands to the front or to the rear of the body, and the date and hours of their use. When they are placed to the rear of the body, they shall be moved to the front during meals and for sleeping.

(2) The member of the staff carrying out the order shall complete the appropriate part of the said prescribed form and specify thereon the dates and hours of removal and change of position of the handcuffs.

(3) Any order for handcuffs to be used on the recommendation of the medical officer shall record that recommendation and also that officer's concurrence that the mode and time of restraint are in accordance with his opinion of the need for restraint.

The use of special clothing

83.—(1) Where a man under sentence destroys, or attempts to destroy, his clothing or refuses to wear uniform, the commanding officer may order him to wear special clothing of an approved type.

(2) The commanding officer shall report to the monthly visitor, on the occasion of every visit, any subsisting orders made by him under paragraph (1)

of this Rule and shall arrange for the monthly visitor to see every man who is wearing the clothing for which that paragraph provides.

(3) The commanding officer shall record every order made under this Rule and the periods during which, in pursuance of such order, the clothing provided for in paragraph (1) of this Rule is worn.

PART IX

DISCIPLINE

Procedure for dealing with offences

84.—(1) A man under sentence who, while serving his sentence, commits any offence against the Naval Discipline Act 1957, or against these Rules, shall be dealt with in accordance with the following provisions of this Rule.

(2) The man shall be informed of the offence which he is alleged to have committed and shall then be brought before the commanding officer, who, in the man's presence, shall hear the evidence against him. If, after hearing that evidence, the commanding officer decides that there is no case he shall dismiss the case. If he decides that there is a prima facie case and that the charge or charges if proved, would be within his power to punish, he shall give the man a full opportunity to present his case and then pronounce his finding and, if appropriate, award punishment. Otherwise the commanding officer shall, without loss of time, report the case to the monthly visitor or apply for trial by court-martial.

Offences against discipline

85. A man under sentence commits an offence against these Rules if he:

(*a*) disobeys any order of the commanding officer, or of any other officer or member of the detention quarters' staff;

(*b*) fails to comply with any of these Rules or any standing order;

(*c*) treats with disrespect any officer or member of the detention quarters' staff or any visitor or any person employed in connection with the detention quarters;

(*d*) refuses to work, or is idle, careless or negligent;

(*e*) is absent without leave from any parade which he knows he should attend;

(*f*) swears, curses or uses any abusive, insolent, threatening or other improper language;

(*g*) is indecent in act or gesture;

(*h*) uses personal violence to an officer or member of the staff or to a man under sentence;

(*i*) communicates with another man under sentence without proper authority;

(*j*) leaves his room or place of work or other appointed place without proper permission;

(*k*) in any way wilfully disfigures or damages any part of the detention quarters or any articles in his possession or to which he may have access;

(*l*) commits any nuisance;

(*m*) has in his room or possession any unauthorised article;

(*n*) gives or receives from any person any unauthorised article;

(*o*) is inattentive during work or training;

(*p*) escapes from detention quarters;

(*q*) fails to comply with any condition attaching to temporary release, or to return to detention quarters on the termination of such release;

(*r*) makes repeated and groundless complaints;

(*s*) offends in any other way against good order and discipline;

(*t*) attempts to commit any of the offences referred to in sub-paragraphs (*c*), (*h*), (*i*), (*j*), (*l*), (*n*) and (*p*) of this Rule.

Punishments which may be awarded by a commanding officer and the First Lieutenant

86.—(1) The commanding officer may, in addition to the authority given to him under Queen's Regulations for the Royal Navy, award any of the punishments set out in paragraph (2) of this Rule to a man under sentence whom he has found to have committed an offence against these Rules.

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

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

(*b*) restricted diet for a period not exceeding three days;

(*c*) downgrading to a lower stage in accordance with Rule 63;

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

(*e*) forfeiture of stage privileges;

(*f*) forfeiture of earnings (Rule 50);

(*g*) an admonition.

(3) The First Lieutenant may award any of the punishments set out in paragraph (4) of this Rule to a man under sentence whom he has found to have committed a minor offence against these Rules.

(4) The punishments referred to in paragraph (3) of this Rule are:

(*a*) forfeiture of stage privileges for a period not exceeding seven days;

(*b*) an admonition.

Punishments which may be awarded by a monthly visitor

87. The monthly visitor shall investigate any offences against these rules which may be reported to him by the commanding officer and he may award any of the following punishments:

(*a*) close confinement for a period not exceeding 14 days;

(*b*) restricted diet for a period not exceeding 15 days with intervals as laid down in Rule 90;

(*c*) downgrading to a lower stage in accordance with Rule 63;

(*d*) forfeiture of eligibility for remission of sentence for a period not exceeding twenty-eight days.

Record of punishments awarded

88. All punishments awarded shall be entered in the punishment book, which shall be examined and signed by the monthly visitor on each occasion of his inspection under Rule 9.

Close confinement

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

(2) A man in close confinement shall be confined to a room furnished in accordance with a scale laid down by the commander-in-chief.

(3) A man in close confinement may be kept on restricted diet and shall be deprived of any daily issue of cigarettes and of all books except religious books.

(4) Every man in close confinement shall be visited at least once during the day by the commanding officer and the medical officer or their respective deputies and, in addition by a member of the staff who has been detailed to do so, at intervals of not more than three hours.

(5) A man in close confinement shall not attend Divine Service unless so authorised by the commanding officer and, except on the recommendation of the medical officer, shall not be permitted to exercise.

(6) No man shall be kept in close confinement for a period exceeding 14 days.

(7) A man in close confinement shall not be subjected to any form of discipline which has not been lawfully ordered in accordance with these Rules.

Restricted diet

90.—(1) No man is to be placed on restricted diet unless he has been certified by the medical officer as fit to undergo that punishment.

(2) Restricted diet shall not be ordered for any single period exceeding fifteen days.

(3) When restricted diet is awarded for a period of three days or less the scale shall consist of one pound of bread a day with unrestricted water.

(4) When restricted diet is awarded for more than three days the scale shall consist of:

(*a*) one pound of bread a day with water, and

(*b*) the ordinary diet for men under sentence, for alternate equal periods not exceeding three days in duration, to be fixed by the commanding officer in consultation with the medical officer.

(Note: A man awarded restricted diet for twelve days would be on bread and water for a total of six days; such diet alternating with ordinary diet for periods of one, two or three days).

(5) A man on restricted diet shall be deprived of any daily issue of cigarettes.

(6) A man on restricted diet shall not be given any work of labour on the days on which his food consists solely of bread and water, but he may be permitted to carry out very light work in his room and given exercise as advised by the medical officer. He may attend Divine Service.

(7) No man who has been on restricted diet shall be placed on the diet for a fresh offence until an interval has elapsed equal to the period of restricted diet already undergone, during which interval he shall receive the ordinary diet of men under sentence.

PART X

DEATHS OF MEN UNDER SENTENCE IN NAVAL DETENTION QUARTERS

Deaths

91.—(1) If a man under sentence dies in the detention quarters the commanding officer shall:

(*a*) if the death occurs in the United Kingdom, immediately report the matter to the coroner having jurisdiction in the place where the detention quarters are 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 the commander-in-chief in order that a board of inquiry may be held.

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

Inquests

92. The commanding officer shall forward through the usual channels for the information of the Defence Council, a report of the proceedings of any inquest on a man under sentence and the finding of the coroner or jury.

Coroners Acts

93. The provisions of the Coroners Acts 1887 to 1954, shall apply to naval detention quarters as they apply to prisons, subject to the following modifications

for references to:	there shall be substituted:
"prison"	"naval detention quarters"
"prisoner"	"man under sentence"
"officer of the prison"	"officer or member of the staff"

PART XI

ADMISSION OF VISITORS AND OFFENCES RELATING TO NAVAL DETENTION QUARTERS

Application of certain provisions of the Prison Act 1952

94.—(1) The provisions of section 39 of the Prison Act 1952(**a**) as amended by Section 41 of 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 shall apply in relation to naval detention quarters and to men under sentence therein, subject to the following modifications:

(**a**) 1952 c. 52. (**b**) 1961 c. 39.

for references to:	there shall be substituted:
"officer"	"officer or member of the staff"
"prison"	"naval detention quarters"
"prisoner"	"man under sentence"
"regulations of a prison"	"Naval Detention Quarters Rules"
"The Prison Commissioners"	"The commanding officer of the naval detention quarters"

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";

(2) 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, as modified by this Rule are set out in the Third Schedule to these Rules.

Unauthorised conveyance of spirits or tobacco into naval detention quarters

95. No person shall, without the authority of the commanding officer, bring or attempt to bring into naval detention quarters, or to a man under sentence, any spirituous or fermented liquor, or tobacco, or place any such liquor or tobacco outside naval detention quarters with intent that it shall come into the possession of a man under sentence, nor shall any member of the staff of naval detention quarters allow any such liquor or tobacco to be sold or used in naval detention quarters, except as may be authorised by the commander-in-chief.

Unauthorised introduction of other articles

96. No person shall without lawful authority, convey, or attempt to convey, any letter or any other thing into or out of naval detention quarters or to a man under sentence, or place it anywhere outside naval detention quarters with intent that it shall come into the possession of a man under sentence.

Admission of visitors and others to naval detention quarters

97. No unauthorised person shall enter naval detention quarters or make any sketch or take any photograph or communicate with any man under sentence, and no such person shall remain therein after being requested to leave by the commanding officer or any person acting under his authority. In deciding whether to grant, or grant subject to conditions, or refuse permission to enter naval detention quarters, the commanding officer shall have regard to the orders of any court of competent jurisdiction, the provision of these Rules and the directions or instructions of higher authority.

Conditions of admission

98. The commanding officer may grant permission to any person to enter naval detention quarters 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 naval detention

quarters, that such a person agrees to being examined and searched if requested.

Removal of visitors and others

99. The commanding officer may order the removal from naval detention quarters of any person who, without authority, enters naval detention quarters, or makes any sketch or takes any photographs therein, or refuses to be examined or searched or fails to comply with any condition imposed by the commanding officer under these Rules.

Offences against the Prison Act 1952

100. Any member of the staff of naval detention quarters who suspects that a visitor or any other person has committed an offence under sections 39 to 42 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 naval detention quarters, shall inform the commanding officer immediately.

PART XII

DUTIES OF THE STAFF

Duties of the commanding officer

101.—(1) The commanding officer of the detention quarters shall:

(*a*) ensure that in the administration of the detention quarters and in the programme of training and treatment of men under sentence due regard is paid to the aims set out in Part II of these Rules;

(*b*) conform strictly to these Rules; exercise a close and constant supervision of the detention quarters and ensure that the officers and staff observe these Rules and any standing orders, regulations and directions that may be issued by or under the authority of the Defence Council or the commander-in-chief;

(*c*) ensure that the officers and staff of the detention quarters maintain discipline with firmness and humanity, but without undue repression or restriction;

(*d*) supervise and control the duties of the officers and staff of the detention quarters and satisfy himself that the duties are arranged and carried out in a manner to ensure the efficiency of the quarters;

(*e*) issue from time to time standing orders and ensure that they are kept up to date and complied with;

(*f*) interview every man under sentence as soon as possible after his admission to the detention quarters, and satisfy himself that the man understands the rules, regulations and standing orders with which he has to comply, the privileges he may gain by good conduct, and the consequences of idleness and misconduct;

(*g*) as far as practicable, visit and inspect daily all parts of the detention quarters in which men under sentence are working or training;

(*h*) periodically, visit the detention quarters at an uncertain hour of the night and record details of such visits in his journal;

(*i*) take every precaution to prevent the escape of men under sentence and ensure that all members of the staff are aware of their duties and responsibilities in this respect;

(*j*) at least once in each day, visit every man under punishment or restraint, and ensure that during the day every such man is visited by a member of the staff at intervals of not more than three hours;

(*k*) ensure that the attention of the medical officer is drawn, without delay, to any man who appears to require medical attention;

(*l*) have regard to the advice and recommendations of the medical officer regarding the physical or mental health or condition of any man under sentence, and the hygiene of the detention quarters, and take any necessary action;

(*m*) inform the appropriate chaplain or officiating chaplain of any case of serious illness in the detention quarters.

(2) The duties listed in paragraph (1) subsections (*f*), (*g*) and (*j*) of this Rule may be carried out by an officer deputed by the commanding officer.

Duties of the medical officer

102. The medical officer shall:

(*a*) have the care of the mental and physical health of men under sentence;

(*b*) be responsible for carrying out the medical regulations laid down;

(*c*) visit the detention quarters at least once a day and see such men as complain of illness or are undergoing punishment;

(*d*) see every man on admission and before discharge or transfer;

(*e*) in the course of each week, see every man under sentence;

(*f*) from time to time observe the men under sentence at their work and training;

(*g*) in the course of each month, inspect the food, clothing, bedding, washing and sanitary arrangements, and every part of the detention quarters, and make any necessary recommendations to the commanding officer;

(*h*) advise the commanding officer as necessary regarding the grading of the exercise of a man under sentence who has been in close confinement or on restricted diet;

(*i*) report in writing to the commanding officer and make such recommendations as he deems necessary for the alteration of the routine or the treatment or care of a man under sentence:

(i) whenever he considers that the man's mental or physical health is likely to be adversely affected by punishment or treatment;

(ii) whenever he considers that a man is unfit for detention quarters;

(iii) whenever he considers that a man is suffering from any infectious or contagious disease;

(iv) whenever he considers it necessary on medical grounds to draw special attention to his case.

(*j*) record in his journal any reports and recommendations he may make in accordance with these Rules;

(*k*) comply with these Rules and co-operate with the commanding officer in all matters affecting the health of the men under sentence and the hygienic state of the detention quarters and in maintaining discipline and good order, and the safe custody of the men under sentence;

(*l*) draw the attention of the appropriate chaplain to any man who appears to require his special attention or care;

(*m*) attend at once, or as soon as the occasion requires, on being informed of the illness of a man under sentence;

(*n*) upon the death of a man under sentence record in his journal the time the deceased was taken ill, when the medical officer was first informed of the illness, the nature of the disability, the time death occurred and an account of the appearance after death, together with any other relevant remarks;

(*o*) inform the commanding officer if he considers that the state of health of a man under sentence is such that he should be sent to hospital, in order that the necessary arrangements may be made for the man's removal to and his safe custody in hospital, as well as his return to the detention quarters if he should be fit to return during the period of his sentence;

(*p*) take under his special observation any man giving any grounds for suspicion that his mental state is becoming impaired and, should there be good reason to believe that these are signs of incipient mental disorder, inform the commanding officer and take any other appropriate action.

Duties of other officers and members of the staff

103. Officers and members of the staff of naval detention quarters shall:

(*a*) ensure that they are fully acquainted with these Rules, the standing orders of the detention quarters, and the orders of the commanding officer, and that they carry out their duties in accordance with these Rules and orders;

(*b*) in relation to men under sentence, preserve an attitude of firmness tempered with understanding, and avoid any form of harsh treatment; set an example of integrity and fairness and endeavour to instil manly and moral principles in the mind of every man under sentence, and to bring out the best in them;

(*c*) direct the attention of the commanding officer or of the officer deputed by him to any man 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, or who desires to see the commanding officer, medical officer, chaplain, instructor officer, the monthly visitor, the board of naval visitors, or the Independent Board of Visitors.

(*d*) watch the men under sentence in their charge throughout the day and be vigilant to prevent any unauthorised communication between them and to preserve silence and decorum throughout the night;

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

(*f*) guard against the clothes of workmen or others being left in places accessible to men under sentence, and report immediately any suspicious circumstances of this kind or the loitering of any person in the detention quarters;

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

(*h*) take the utmost care to guard against accidents by fire; report immediately any apparent danger of such an accident; thoroughly extinguish any unprotected fire before leaving it unattended; extinguish any unnecessary lights and fires; and not carry any naked light about within

the detention quarters;

(*i*) call attention to any defects in the drainage, ventilation or sanitation of the detention quarters which may come to their notice;

(*j*) on being relieved from any particular duty or on being transferred to another part of the detention quarters, explain to their successor any special characteristics of the men in their charge, and any direction received regarding any particular man;

(*k*) when entrusted with keys, keep them in their own possession and not leave them lying about or lend them to any person on any pretext whatever, and

(*l*) return all official keys in their possession to the appointed place before leaving the detention quarters;

(*m*) when on night duty;

(i) satisfy themselves as to the correctness of the number of men under sentence in their charge, and that the rooms are securely locked for the night;

(ii) patrol the detention quarters during their period of duty as laid down in the commanding officers' standing orders;

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

(*o*) seize all prohibited articles and deliver them forthwith to the commanding officer;

(*p*) when on gate duty:

(i) maintain the books for which they are responsible under standing orders and present them for inspection as directed;

(ii) record details of every person passing through the gate, with the exception of the commanding officer, his officers and staff;

(iii) examine all articles brought in or taken out of the detention quarters 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 detention quarters;

(*q*) not strike a man under sentence unless compelled to do so in self-defence, or swear or use improper language when addressing a man under sentence;

(*r*) not, by himself, enter a room in which a man under sentence is confined, or between 2000 and 0600 unlock the door of such a room unless accompanied by another member of the staff, and then only in case of sickness or other emergency.

PART XIII

Naval Detention Quarters Abroad

104. These Rules shall apply to all naval detention quarters in the United Kingdom, and elsewhere subject, in the case of detention quarters on a foreign station on which persons subject to the Naval Discipline Act 1957 are on active service, to any modifications required by the exigencies of the Service and

authorised by the commander-in-chief.

Dated this 20th day of February 1973.

Carrington,
One of Her Majesty's Principal
Secretaries of State.

FIRST SCHEDULE (See Rule 3)

The Naval Detention Quarters Rules 1959 (S.I. 1959/61) (1959 II p. 2436)
The Naval Detention Quarters (Amendment) Rules 1962 (S.I. 1962/1242) (1962 II p. 1359)
The Naval Detention Quarters (Amendment) Rules 1970 (S.I. 1970/56) (1970 I p. 345)

SECOND SCHEDULE (See Rule 82)

FORM OF ORDER FOR MEN UNDER SENTENCE TO BE PLACED UNDER RESTRAINT

To the Member of Staff Date.....

in charge of.....
(state duty)

Name and official Number
of man under sentence .....

* Insert whether in front of or behind the body They are in any case to be placed in front during meals and bedtime.

.....
is to be restrained in handcuffs by the wrists*

.....

from this hour ..... to .....

Signature .....
Commanding Officer of Detention Quarters

The completion of the remainder of this form will be the responsibility of the Member of Staff concerned.

Handcuffs as above ordered were placed on the man under sentence:

Name ..... Official No. .....

at ..... (time) and removed at..... (time)

on the ..... day of .....

Signed.....(Member of Staff)

in charge of..... (state duty)

THIRD SCHEDULE (See Rule 94)

Sections 39, 40, 41 and 42 of the Prison Act 1952 as modified to apply in relation to naval detention quarters and persons under sentence therein by virtue of subsection (3) of section 82 of the Naval Discipline Act 1957.

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

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

41. Any person who contrary to the Naval Detention Quarters Rules conveys or attempts to convey any letter or any other thing into or out of the naval detention quarters or to a man under sentence or places it anywhere outside the naval detention quarters with intent that it shall come into the possession of a man 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.

42. The commanding officer of the naval detention quarters shall cause to be affixed in a conspicuous place outside every naval detention quarters a notice of the penalties to which persons committing offences under the three last preceding sections are liable.

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 unlaw-

fully 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*) 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.

EXPLANATORY NOTE

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

These Rules, which are made under the Naval Discipline Act 1957 and the Courts-Martial (Appeals) Act 1968, are revised to reflect changes in the administration of naval detention quarters and in the training and treatment of men under sentence there. The Rules make provision with respect to the following matters:

Part I Preliminary.

Part II concerns the aim of the naval detention quarters.

Part III relates to the administration and inspection of naval detention quarters, being places where persons under naval sentences of imprisonment or detention may serve their sentences.

Part IV relates to the admission to, and removal and release from, naval detention quarters of persons under sentence; it also contains the rules relating to remission of sentences.

Part V relates to complaints, petitions and appeals by men under sentence.

Part VI contains a code for the treatment and employment of men under sentence, and includes safeguards as to the size and type of accommodation used for their confinement; provisions as to rations, smoking, visits, letters and stages.

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

Part VIII concerns the control of men under sentence and the use of handcuffs as mechanical restraints.

Part IX concerns the punishment of offences against the Rules.

Part X sets out the procedure to be followed when a man under sentence dies in naval detention quarters.

Part XI sets out certain Rules with reference to naval detention quarters which must be observed, not only by men 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 naval detention quarters.

Part XII contains Rules to be observed by commanding officers, and staffs of naval detention quarters.

Part XIII relates to naval detention quarters abroad.

These Rules supersede the Naval Detention Quarters Rules 1959 (S.I. 1959/61) as amended, which are revoked.

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