STATUTORY INSTRUMENTS

1961 No. 2152

ROYAL AIR FORCE

Rules of Procedure (Air Force) (Amendment) Rules, 1961

Made - - - -	*2nd November,* 1961
Laid before Parliament	*20th November,* 1961
Coming into Operation	*1st January,* 1962

The Secretary of State for Air, in exercise of the powers conferred upon him by sections 103, 104, 105 and 106 of the Air Force Act, 1955(a), and of all other powers enabling him in that behalf, hereby makes the following Rules :—

Citation and Commencement

1.—(1) These Rules may be cited as the Rules of Procedure (Air Force) (Amendment) Rules, 1961.

(2) These Rules shall come into operation on the first day of January, 1962.

Interpretation

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

Amendments to the Principal Rules

3.—(1) The Rules of Procedure (Air Force), 1956(c), shall be amended in accordance with the provisions of the following paragraphs of this Rule.

(2) In paragraph (2) of Rule 12 the words from "with a direction that" to the end of the paragraph shall be omitted.

(3) In sub-paragraph (*b*) of paragraph (1) of Rule 71 after the words "during his service" shall be inserted the words "and which is recorded in the service books relating to the accused".

(4) In paragraph (3) of Rule 91:—

"(*a*)" shall be inserted after (3) and the words from "and at the" to the end of the paragraph shall be omitted ; and the following sub-paragraph shall be added to the paragraph :—

"(*b*) At the time of service of the summons there shall be paid or tendered any expenses which by Queen's Regulations are payable to a witness in respect of his journey to, attendance at and return from the taking of the summary of evidence or the trial, as the case may be:

Provided that for the purposes of this paragraph:

(i) the tender of a warrant or voucher entitling the witness to travel free of charge shall be deemed to constitute tender of his expenses in respect of any travelling authorised by the warrant or voucher; and

(ii) the tender of a written undertaking on behalf of the Air Council to defray at the taking of the summary of evidence or the trial, as the case may be, any other expenses payable under such regulations in respect of the witness's attendance shall be deemed to constitute tender of these expenses".

(a) 3 & 4 Eliz. 2. c. 19. (b) 52 & 53 Vict. c. 63. (c) S.I. 1956/163 (1956 II, p. 2020).

(5) In the Third Schedule in paragraph 5 the words "*If he intends to award*" down to "*stoppages*" shall be deleted and the following words substituted —

"*If he intends to award the punishment of forfeiture of seniority of rank, forfeiture of a sum from pay or stoppages*".

(6) In Part (1) of the Fourth Schedule (Convening Orders) the words "The judge advocate has been appointed by the (Judge Advocate General) (Deputy Judge Advocate General at.....) where these words twice occur shall be deleted and there shall be substituted therefor the words "The judge advocate has been appointed by or on behalf of the Judge Advocate General of the Forces".

(7) In Part (6) of the Fourth Schedule (Findings) there shall be added before the entry "*Where the accused is unfit to stand his trial by reason of insanity*" an item worded as follows:—

"*No finding on alternative charge*"

"Guilty of the . . . charge; the court record no finding on the . . . (alternative) charge."

(8) There shall be substituted for Part (8) of the Fourth Schedule (Service record of accused) the form set out in the Schedule to these Rules.

(9) In Part (1) of the Fifth Schedule (sentences) there shall be added:

(*a*) Under the heading "OFFICERS" immediately below the heading "Forfeiture of seniority of rank":—

"To forfeit £ . . . from his pay. Forfeiture of a sum from pay."

(*b*) Under the heading "WARRANT OFFICERS AND NON-COMMISSIONED OFFICERS" the item "Forfeiture of pay" shall be deleted and there shall be added immediately below the item "Forfeiture of service."

"To forfeit days' pay (*on active service only*) Forfeiture of pay"

"To forfeit £ . . . from his pay. Forfeiture of a sum from pay."

(*c*) Under the heading "AIRMEN" there shall be added immediately after the words "To forfeit . . . . days' pay" the words (*on active service only*)" and there shall be added immediately below the item "Forfeiture of pay"

"To forfeit £ . . . from his pay. Forfeiture of a sum from pay"

Dated this second day of November, 1961.

Julian Amery,
One of Her Majesty's Principal Secretaries of State.

THE SCHEDULE

SERVICE RECORD OF ACCUSED

(not applicable to officers)

No. ..... Rank .....

Name .....

Unit ..... Trade .....

1. The date of his enlistment is .....

2. He is serving on a .....
(*Insert nature and length of engagement*)

3. His present age is .....

4. He is (married) and has ..... children under
(unmarried)
(divorced)
(widowed)

the age of 16 years.

5. His gross basic rate of pay (including additional pay payable on a continuous basis)

is ..... but he is (*insert forfeitures, deductions and allotments affecting his pay*)

.....

.....

.....

6. The service which he is allowed to reckon towards discharge or transfer to reserve is .....

7. He is entitled to reckon ..... service for the purpose of determining his pension and/or gratuity, etc.

8. He is entitled to the following decorations or awards

.....

and ..... acts of gallantry or distinguished conduct by him are recorded in his conduct sheets.

9. He holds the substantive rank of ..... with seniority from ..... He has continuously since ..... held the acting rank of .....

.....

10. The highest aircraftman rank for which he is qualified is .....

.....

11. He has been awaiting his trial for ..... days of which

..... days were spent in civil custody.

..... days were spent in close arrest.

and ..... days were spent in open arrest.

12. He is not under sentence at the present time.

OR

At the present time he is under sentence of .....
beginning on the ..... day of 19

but suspended on the ..... day of 19

and (not yet put into operation again.) .....day of .....19.....
(put into operation again on the)

13. According to his conduct sheets he has been found guilty by his commanding officer, or by the commandant of a military or air force establishment, of the following offences:

Offence	In last 12 months	Since Enlistment
	times	times
	times	times
	times	times

OR

There are no entries in his conduct sheets.

14. Schedule of offences of which he has been convicted by a court-martial, of or which he has been found guilty during his service by a civil court, offences taken into consideration by such courts, offences of which he has been found guilty by an appropriate superior authority and of dispensations with trial under Section 81 of the Air Force Act, 1955, are set out below:—

Description of court, appropriate superior authority or of officer dispensing with trial.	Date and place of trial or summary award by appropriate superior authority or of order dispensing with trial.	Charges upon which found guilty or in respect of which trial was dispensed with and offences taken into consideration.	Sentence of the court, award of appropriate superior authority or order of the authority dispensing with trial.	Punishment remitted (this should not include punishment automatically remitted for good conduct under the Imprisonment and Detention Rules).

I HEREBY CERTIFY that the particulars in this schedule are true extracts from the service books in my custody.

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

Signature.....

Name, Rank and appointment.

EXPLANATORY NOTE

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

These Rules, which are made under section 103 of the Air Force Act, 1955, amend the Rules of Procedure (Air Force), 1956;

(*a*) consequent upon the amendments to the Air Force Act, 1955, by the Army and Air Force Act, 1961(a);

(*b*) by making provision for a witness who is summoned to attend a court-martial, etc., being given a warrant instead of conduct money;

(*c*) by revising certain of the forms in the Schedules to bring them more into line with modern practice.

(a) 9 & 10 Eliz. 2. c. 52.