1967 No. 62

DEFENCE

The Rules of Procedure (Air Force) (Amendment) Rules 1967

Made - - - -	19*th January* 1967
Laid before Parliament	24*th January* 1967
Coming into Operation	1*st February* 1967

The Secretary of State 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 1967 and these Rules and the Rules of Procedure (Air Force) 1956(b) (hereinafter referred to as the "Principal Rules") and other Rules amending the Principal Rules (c) shall be construed as one and may be cited together as the "Rules of Procedure (Air Force) 1956-1967".

(2) These Rules shall come into operation on the 1st February 1967.

Interpretation

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

(2) A Rule or Schedule referred to by number in these Rules means the Rule or Schedule so numbered in the Principal Rules.

Amendments to the Principal Rules

3.—(1) The Principal Rules shall be amended in accordance with the provisions of the following paragraphs of this Rule.

(2) Rule 16 shall be deleted and there shall be substituted the following Rule:—

"16.—(1) Any number of accused may be charged in the same charge sheet with offences alleged to have been committed by them separately, if the acts on which the charges are founded are so connected that it is in the interests of justice that they be tried together.

(2)(*a*) Any number of accused may be charged jointly in one charge for an offence committed by them jointly.

(*b*) Where so charged any one or more of such accused may at the same time be charged in the same charge sheet with any other offence alleged to have been committed by him or them individually or jointly, provided that such charges could, if the accused to whom they relate had been tried separately, have been included under Rule 14(1) in the same charge sheet as the other charges against him.".

(a) 1955 c. 19. (b) S.I. 1956/163 (1956 II, p. 2020).
(c) The relevant amending instruments are S.I. 1961/2152, 1964/1282 (1961 III, p. 3884, 1964 II, p. 2955). (d) 1889 c. 63.

(3) In the First Schedule the form numbered (4) shall be deleted and there shall be substituted:—

"(4) CERTIFICATE TO BE ATTACHED TO ABSTRACT OF EVIDENCE

Certified that I.....

.....

on the.....day of..... 19..... handed to the accused

.....

a copy of the abstract of evidence relating to him dated the..... day of..... 19..... and duly cautioned him in accordance with Rule of Procedure 10(2) and that [on the.....day of..... 19..... he elected to make and sign the statement which is marked..... and attached to this certificate] [he did not make a statement].

Dated.....19..... .....

(Signature of certifying officer).".

(4) In the Second Schedule under the cross heading (2) (STATEMENTS OF OFFENCES):—

(i) There shall be deleted the reference to "SECTION 59" and the detail thereunder.

(ii) There shall be substituted for the detail under "SECTION 65" the following:—

(*a*) { striking / ill-treating } { an officer of inferior rank or less seniority / a warrant officer / a non-commissioned officer / an airman } contrary to section 65(*a*) of the Air Force Act 1955.

(*b*) { striking / ill-treating } { a warrant officer / a non-commissioned officer / an airman } { of inferior rank or less seniority } contrary to section 65(*b*) of the Air Force Act 1955.

(5) In the Fifth Schedule under the cross heading (1) (SENTENCES):—

(i) The sentences enumerated under the heading "OFFICERS" shall be amended as follows:—

For the words "To forfeit £..... from his pay." shall be substituted the words "To be fined £....." and for the words "Forfeiture of sum from pay." in the margin opposite thereto shall be substituted the word "Fine.".

(ii) The sentences enumerated under the heading "WARRANT OFFICERS AND NON-COMMISSIONED OFFICERS" shall be amended as follows:—

(*a*) The words "To be discharged with ignominy from Her Majesty's service." and the words "Discharge with ignominy." opposite thereto in the margin shall be deleted.

(*b*) At the end of the words "To be dismissed with disgrace" shall be added the words "from Her Majesty's service." and the italicised words "(*attached naval personnel only*)." appearing immediately thereunder shall be deleted.

(*c*) The italicised words "(*warrant officers only*)." shall be deleted.

(*d*) For the words "To forfeit £..... from his pay." shall be substituted the words "To be fined £....." and for the words "Forfeiture of a sum from pay." in the margin opposite thereto shall be substituted the word "Fine.".

(*e*) The words "To be fined....." and the word "Fine." opposite thereto in the margin shall be deleted.

(iii) The sentences enumerated under the heading "AIRMEN" shall be amended as follows:—

(*a*) The words "To be discharged with ignominy from Her Majesty's service." and the words "Discharge with ignominy." opposite thereto in the margin shall be deleted.

(*b*) At the end of the words "To be dismissed with disgrace" shall be added the words "from Her Majesty's service." and the italicised words "(*attached naval personnel only*)." shall be deleted.

(*c*) Immediately under the sentence "To be dismissed with disgrace from Her Majesty's service." shall be added a new sentence "To be dismissed from Her Majesty's service." and in the margin opposite thereto shall be added the word "Dismissal.".

(*d*) The words "To forfeit £..... from his pay." and the words "Forfeiture of a sum from pay." in the margin opposite thereto shall be deleted.

Denis Healey,

One of Her Majesty's Principal Secretaries of State.

19th January 1967.

EXPLANATORY NOTE

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

These Rules amend the Rules of Procedure (Air Force) 1956:—

(*a*) by allowing any number of accused to be charged in one charge sheet with offences alleged to have been committed by them separately provided that the charges are connected (Rule 3(2));

(*b*) by substituting a new certificate, which is attached to an abstract of evidence, in terms which make it clear that an accused must receive a copy of the abstract of evidence and that he may make a statement on a day later than that on which he is handed the copy of the abstract (Rule 3(3));

(*c*) by setting out more fully the statement of offence under section 65 of the Air Force Act 1955 (Rule 3(4));

(*d*) consequent upon the amendments made to the Air Force Act 1955 by sections 21 (substitution of fine by way of punishment for forfeiture of sums from pay), 22 (extension of power to award sentence of dismissal from service and renaming of "discharge with ignominy") and 37(2) (repeal of section 59) of the Armed Forces Act 1966 (Rule 3(4) and (5)).