STATUTORY INSTRUMENTS

1964 No. 1854

DEFENCE

ROYAL AIR FORCE

The Rules of Procedure (Air Force) (Second Amendment) Rules 1964

Made - - - -	*23rd November* 1964
Laid before Parliament	*27th November* 1964
Coming into Operation	*28th November* 1964

The Secretary of State in exercise of the powers conferred on 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 makes the following Rules:—

Citation and Commencement

1.—(1) These Rules may be cited as the Rules of Procedure (Air Force) (Second Amendment) Rules 1964 and these Rules and the Rules of Procedure (Air Force) 1956(b) (hereinafter referred to as " the Principal Rules ") and other Rules(c) amending the Principal Rules shall be construed as one and may be cited together as the " Rules of Procedure (Air Force) 1956 ".

(2) These Rules shall come into operation on the 28th November 1964.

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 these Rules.

(2) In Rule 2(1)(*b*) for the words " is guilty but insane " there shall be substituted the words " is not guilty by reason of insanity ".

(3) In Rule 89:—

(*a*) for the heading " INSANITY " there shall be substituted the heading " UNFITNESS TO STAND TRIAL AND INSANITY ";

(a) 3 & 4 Eliz. 2. c. 19.
(b) S.I. 1956/163 (1956 II, p. 2020).
(c) S.I. 1961/2152, 1964/1282 (1961 III, p. 3884; 1964 II, p. 2955).
(d) 52 & 53 Vict. c. 63.

(*b*) for paragraphs (1) and (2) there shall be substituted the following:

(1) Where on the trial of a person the question of his fitness to be tried falls to be determined in accordance with the provisions of subsection (4A) of section 116 of the Act, the court shall take evidence as to his condition. If after considering the evidence they are of the opinion that the accused is fit to stand his trial, they shall proceed with the trial; but if they are of the opinion that the accused is unfit to stand his trial they shall so find and their finding shall be announced in open court forthwith and as being subject to confirmation.

(2) If a court, in the course of their deliberation on their finding on a charge find pursuant to subsection (2) of section 116 of the Act that the accused was not guilty of the offence by reason of insanity their finding shall be announced in open court forthwith and as being subject to confirmation.

(4) In paragraph (3)(*b*)(ii) of Rule 91 for the words "Air Council" there shall be substituted the words "Defence Council".

(5) In paragraphs (1), (2) and (3) of Rule 101 after the words "court-martial" there shall be inserted the words "or who has been found by a court-martial to be unfit to stand his trial or to be not guilty by reason of insanity".

(6) In part (6) of the Fourth Schedule (Findings) for the words "*where the accused is unfit to stand his trial by reason of insanity*" to the words "guilty but insane" there shall be substituted the words:

"*Where the accused is unfit to stand his trial*

unfit to stand his trial

Acquittal by reason of insanity

not guilty by reason of insanity."

Denis Healey,
One of Her Majesty's Principal Secretaries of State.

Dated 23rd November 1964.

EXPLANATORY NOTE

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

These amendments to the Rules of Procedure (Air Force) 1956 introduce into Royal Air Force Law changes recently introduced into civil law by the Criminal Procedure (Insanity) Act 1964. The Rules are also amended to take into account the transfer of functions from the former Air Council to the Defence Council under the provisions of the Defence (Transfer of Functions) Act 1964.