STATUTORY INSTRUMENTS

1967 No. 1466

DEFENCE

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

Made - - -	8*th September* 1967
Laid before Parliament	12*th October* 1967
Coming into Operation	1*st November* 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. These Rules may be cited as the Rules of Procedure (Air Force) (Second Amendment) Rules 1967 and shall come into operation on 1st November 1967.

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 Rules of Procedure (Air Force) 1956(**c**)*

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

(2) Rule 12 shall be omitted.

(3) Rule 13 shall be re-numbered as 13(1) and there shall be added and shall stand as paragraph (2):

"(2) After a commanding officer has referred a charge to higher authority in accordance with paragraph (1) of this Rule he shall not dismiss it unless it has been referred back to him."

(4) For Rule 39 there shall be substituted:

"39. Where two or more accused are charged jointly or are charged in the same charge-sheet with offences alleged to have been committed by them separately, any one of the accused may, before pleading to the charge or charges, apply to the court to be tried separately on the ground that he would be prejudiced in his defence if he were not tried separately. If the accused makes such an application the prosecutor may address the court in answer thereto and the accused may reply to the prosecutor's address. If the court are of the opinion that the interests of justice so require they shall allow the

(**a**) 1955 c. 19. (**b**) 1889 c. 63. (**c**) S.I. 1956/163 (1956 II, p. 2020).
(**d**) The relevant amending instrument is S.I. 1961/2152 (1961 III, p. 3884).

application and try separately the accused who made it."

(5) In the Second Schedule Part (2) (STATEMENTS OF OFFENCES) for the detail under "AUXILIARY FORCES ACT, 1953. SECTION 27" there shall be substituted:

"(1) Desertion Absence without leave	}	contrary to section 27(1) of the Auxiliary Forces Act 1953."

Roy Jenkins,
One of Her Majesty's Principal Secretaries of State.

8th September 1967.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

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

(*a*) by revoking Rule 12(1) which does not add anything to the powers contained in section 77(4) of the Air Force Act 1955 (Rule 3(2)):

(*b*) by replacing the former Rule 12(2) by Rule 13(2), this being a more appropriate position (Rule 3(3)):

(*c*) by allowing an accused who has been charged with others in one charge sheet either jointly or separately to apply to the court to be tried separately (Rule 3(4)):

(*d*) by amending the statement of offences under section 27(1) of the Auxiliary Forces Act, 1953 in the Second Schedule to reflect the amendment of that section by Schedule 1 of the Reserve Forces Act 1966 (Rule 3(5)).