STATUTORY INSTRUMENTS

1967 No. 46

DEFENCE

The Rules of Procedure (Army) (Amendment) Rules 1967

Made - - - -	*17th January* 1967
Laid before Parliament -	*23rd January* 1967
Coming into Operation—	
Rules 3(6)(*i*), (ii)(*a*), (*b*), (*c*) *and* (*e*), (*iii*)(*a*), (*b*) and (*d*)	*1st February* 1967
Remainder - - -	*1st April* 1967

The Secretary of State in exercise of the powers conferred upon him by sections 103, 104, 105 and 106 of the Army 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 (Army) (Amendment) Rules 1967 and these Rules and the Rules of Procedure (Army) 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 (Army) 1956–1967 ".

(2) These Rules shall come into operation as to 3(6)(i), (ii)(*a*), (*b*), (*c*) and (*e*), (iii)(*a*), (*b*) and (*d*) on 1st February 1967 and as to the remainder, 1st April 1967.

Interpretation

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

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

Amendment to the Principal Rules

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

(a) 1955 c. 18. (b) S.I. 1956/162 (1956 I, p. 213).
(c) The relevant amending instruments are S.I. 1961/2223, 1964/1006 (1961 III, p. 3903; 1964 II, p. 2256). (d) 1889 c. 63.

(2) Part (4) of the First Schedule shall be deleted and there shall be substituted the following:—

"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)"

(3) In Part (1) of the Second Schedule (COMMENCEMENT OF CHARGE-SHEETS) there shall be substituted for the detail under "ARMY ACT, 1955 SECTION 205(1)(*h*)" the following:—

"(1) (*h*) The accused..... (*number, rank, name and unit*) { a warrant officer / a non-commissioned officer / a man } of the Territorial and Army Volunteer Reserve { when called out for permanent service / when called out for home defence service / undergoing training / attending a { drill / parade } / serving on the permanent staff of the Territorial and Army Volunteer Reserve } is charged with:—"

(4) In Part (2) of the Second Schedule (STATEMENTS OF OFFENCES):—

(i) There shall be deleted the reference to "ARMY ACT, 1955 SECTION 59" and detail.

(ii) There shall be substituted for the detail under "ARMY ACT 1955 SECTION 65" the following:—

"(*a*) { Striking / Ill-treating } { an officer of inferior rank or less seniority / a warrant officer / a non-commissioned officer / a soldier } contrary to section 65(*a*) of the Army Act 1955.

(*b*) { Striking / Ill-treating } { a warrant officer / a non-commissioned officer / a soldier } { of inferior rank or less seniority } contrary to section 65(*b*) of the Army Act 1955."

(5) In Part (3) of the Second Schedule (ILLUSTRATIONS OF CHARGE-SHEETS) there shall be deleted in the second illustration the words:—

" Territorial Army when embodied "

and there shall be substituted the words:—

" Territorial and Army Volunteer Reserve when called out for permanent service "

(6) In Part (1) of the Fifth Schedule (SENTENCES):—

(i) Under the heading " OFFICERS " there shall be deleted the words:—

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

and there shall be substituted the words:—

"Fine	To be fined..... "

(ii) Under the heading " WARRANT OFFICERS AND NON-COMMISSIONED OFFICERS ":

(*a*) There shall be deleted the words:—

"Discharge with ignominy	To be discharged with ignominy from Her Majesty's service "

(*b*) there shall be deleted the words:—

" To be dismissed with disgrace (*attached naval personnel only*) "

and there shall be substituted the words:—

" To be dismissed with disgrace from Her Majesty's service "

(*c*) there shall be deleted the words:—

" To be dismissed from Her Majesty's service (*warrant officers only*) "

and there shall be substituted the words:—

" To be dismissed from Her Majesty's service "

(*d*) there shall be deleted the words:—

"Dismissal from the Territorial Army	To be dismissed from the Territorial Army (*non-commissioned officers of the Territorial Army only*) "

and there shall be substituted the words:—

"Dismissal from the Territorial and Army Volunteer Reserve	To be dismissed from the Territorial and Army Volunteer Reserve (*non-commissioned officers of the Territorial and Army Volunteer Reserve only*) "

(*e*) there shall be deleted the words:—

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

and there shall be substituted, instead of appearing in their present position in the said Schedule, the words:—

"Fine	To be fined..... "

(iii) Under the heading " SOLDIERS ":

(*a*) there shall be deleted the words:—

"Discharge with ignominy	To be discharged with ignominy from Her Majesty's service "

and there shall be substituted the words:—

"Dismissal with disgrace	To be dismissed with disgrace from Her Majesty's service "

(*b*) there shall be deleted the words:—

"Dismissal with disgrace	To be dismissed with disgrace (*attached naval personnel only*)"

and there shall be substituted the words:—

"Dismissal	To be dismissed from Her Majesty's service"

(*c*) there shall be deleted the words:—

"Dismissal from the Territorial Army	To be dismissed from the Territorial Army (*men of the Territorial Army only*)"

and there shall be substituted the words:—

"Dismissal from the Territorial and Army Volunteer Reserve	To be dismissed from the Territorial and Army Volunteer Reserve (*men of Territorial and Army Volunteer Reserve only*)"

(*d*) there shall be deleted the words:—

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

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

Dated 17th January 1967.

EXPLANATORY NOTE

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

These Rules amend the Rules of Procedure (Army) 1956:—

(*a*) 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(2));

(*b*) consequent upon the renaming of the Territorial Army as the Territorial and Army Volunteer Reserve on 1st April 1967 effected by section 1 of the Reserve Forces Act 1966 (Rule 3(3), 3(5) and 3(6));

(*c*) by setting out more fully the Statement of Offence under section 65 of the Army Act 1955 (Rule 3(4));

(*d*) consequent upon the amendments made to the Army 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 3(6)).