STATUTORY INSTRUMENTS

1967 No. 1469

DEFENCE

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

Made - - - -	*8th September* 1967
Laid before Parliament	*12th October* 1967
Coming into Operation	*1st November* 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. These Rules may be cited as the Rules of Procedure (Army) (Third 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 an Act of Parliament.

Amendment to the Rules of Procedure (Army) 1956(c)

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

(2) For paragraph (3) of Rule 2 there shall be substituted:

"(3) Any reference in these Rules to an enactment contained in the Act, being an enactment amended by another enactment or by an instrument having effect under an enactment, whether passed or made before or after the coming into effect of this paragraph, shall, unless the contrary intention appears, be construed as referring to that enactment as so amended".

(3) Rule 12 shall be omitted.

(4) 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".

(5) In Part (2) of the Second Schedule (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.

(a) 1955 c. 18. (b) 1889 c. 63. (c) S.I. 1956/162 (1956 I p. 213).
(d) The relevant amending instrument is S.I. 1961/2223 (1961 III p. 3903).

EXPLANATORY NOTE

(This Note is not part of the Rules.)

The revised Rule 2(3) provides for amendments made to the Army Act 1955 by other enactments, past and future, including the Armed Forces Act 1966.

The former Rule 12(1) is revoked, as it added nothing to the power contained in section 77(4) of the Army Act 1955.

The former Rule 12(2) is replaced by the new Rule 13(2) in what is now a more appropriate position.

In the Second Schedule the statement of offence under section 27(1) of the Auxiliary Forces Act 1953 is amended to reflect the amendment of that section by Schedule 1 of the Reserve Forces Act 1966.