

1974 No. 761

## DEFENCE

**The Rules of Procedure (Army) (Amendment) Rules 1974**

<i>Made</i>	- - -	30th April 1974
<i>Laid before Parliament</i>		8th May 1974
<i>Coming into Operation</i>		29th May 1974

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) (Amendment) Rules 1974 and shall come into operation on the 29th day of May 1974.

*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) 1972(c)*

3.—(1) The Rules of Procedure (Army) 1972 shall be amended in accordance with the following provisions of this Rule.

(2) In Part (2) of the Second Schedule (Statements of Offences), for the Statement of Offence relating to Section 65(b) there shall be substituted:—

$\left\{ \begin{array}{l} \text{Striking} \\ \text{Ill-} \\ \text{treating} \end{array} \right\}$	$\left\{ \begin{array}{l} \text{a warrant officer} \\ \text{a non-commissioned} \\ \text{officer} \\ \text{a soldier} \end{array} \right\}$	$\left\{ \begin{array}{l} \text{of inferior rank} \\ \text{of less seniority} \end{array} \right\}$		

contrary to Section 65(b) of the Army Act 1955

(3) In paragraph 4 of Form (9) in the Fourth Schedule (Service Record of Accused), for the words “under the age of 16 years” there shall be substituted the words “dependent upon him”.

(4) In Part (2) of the Sixth Schedule (Oaths At Courts-Martial), in the Oath for Shorthand Writer, for the words “take down” there shall be substituted the word “record”.

*Roy Mason.*  
One of Her Majesty's Principal  
Secretaries of State.

Dated 30th April 1974.

(a) 1955 c. 18.

(b) 1889 c. 63.

(c) S.I. 1972/316 (1972 I, p. 965).

**EXPLANATORY NOTE**

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

These Rules amend the Rules of Procedure (Army) 1972 so that reference to the accused's family commitments in the service record of the accused considered by a Court Martial before deliberation on sentence will now include a reference to all children dependent upon him rather than only to children under the age of 16 years. They further amend the principal Rules by making a technical correction in the form of Statement of Offence provided in respect of Section 65(b) of Army Act 1955. A further amendment changes the form of oath to be administered to the shorthand writer to enable electronic or mechanical means of recording to be used.

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